# About this form

The *Environment Protection Act 2017* (the Act) prohibits certain persons from engaging in particular activities regulated by the Environment Protection Authority (EPA, the Authority). EPA also considers an applicant’s status as a prohibited person (PP) when it makes its determination of a fit and proper person (F&PP) assessment.

This questionnaire sets out the principal factors EPA considers to determine if a person is a prohibited person. EPA takes the definition of a prohibited person as having the same meaning as under Section 88 of the Act.

If a relevant matter is identified through this process, where one or more persons may be considered prohibited, it is strongly recommended that an applicant engages with EPA before formally submitting an application. Some of the benefits of early engagement include:

* it helps an identified prohibited person fully understand the application requirements
* avoids delays during the application assessment process
* avoids an application refusal due to insufficient evidence or information.

This form should be read in conjunction with the *Fit and proper person policy* (publication 1938).

# Who must complete this form

You are required to complete an individual copy of this form if you are **the person(s) directly responsible for the ownership, administration or management of the activity**.

Applicants should be aware EPA may require additional members of a company to complete a separate PP questionnaire or provide additional information and evidence. In these instances, EPA will inform the applicant if further information or evidence is required.

EPA relies on the applicant to nominate and make all reasonable enquiries of relevant associates. However, we may conduct verification audits of the checks you have undertaken.

It is important any person completing the questionnaire has the authority to submit on behalf of the company.

Note: EPA will consider an applicant’s status as a PP when it makes its determination of a fit and proper person assessment. This PP questionnaire must be completed and accompany the F&PP questionnaire.

# Supporting information

You may wish to submit additional justification, documents or evidence prior to EPA making its determination. Any supporting information must be current, accurate and directly relevant to informing EPA’s assessment. During the assessment, EPA may request additional information or evidence.

# More information

For more information about prohibited persons and fit and proper persons, please refer to EPA’s website (<https://www.epa.vic.gov.au/for-business/fit-and-proper-person-and-the-new-laws>) or contact EPA by email [contact@epa.vic.gov.au](mailto:contact@epa.vic.gov.au) or telephone **1300 372 842 (1300 EPA VIC)**.

# Details of person, company or other body corporate subject to the prohibited perons determination

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **APPLICANT DETAILS**   **Please provide your details as the applicant.** | | | | | | |
| Family name | Click or tap here to enter text. | | | | | |
| Given name/s | Click or tap here to enter text. | | | | | |
| Previous name/**s**  *(Provide up to two most recent names you have been known by, if applicable)* | 1. Click or tap here to enter text. | | | | | |
| 2. Click or tap here to enter text. | | | | | |
| Role title | Click or tap here to enter text. | | | | | |
| Company/business name | Click or tap here to enter text. | | | | | |
| ABN or ACN | ABN | Click or tap here to enter text. | ACN | | Click or tap here to enter text. | |
| Company/business address (registered) | Click or tap here to enter text. | | | | | |
| State | Click or tap here to enter text. | | Post code | | Click here. |
| Company/business address (postal) | Click or tap here to enter text. | | | | | |
| State | Click or tap here to enter text. | | Post code | | Click here. |
| Contact telephone | Click or tap here to enter text. | | | | | |
| Contact mobile | Click or tap here to enter text. | | | | | |
| Contact email | Click or tap here to enter text. | | | | | |
| Application made as a | **Natural person**  **Company**  **Body corporate** | | | | | |

# Officer details for applications made by a company or body corporate

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| 1. **OFFICERS IN YOUR COMPANY**   **Please identify relevant officers\* of your company.**  **\*Note: An officer has the meaning under section 9 or the *Corporations Act 2001 (Cth).***  This section does not need to be completed for accredited consigner applicants. | |
| **OFFICER 1** | |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |
| **OFFICER 2** | |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |
| **OFFICER 3** | |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |

# Prohibited person assessment

**Important:** If you answer ‘yes’ to any of the following questions, it may indicate you are considered a prohibited person by the Authority.

As a prohibited person, the Authority must not determine that you are a fit and proper person unless we are satisfied that it is not contrary to the public interest to do so.

An applicant who is a prohibited person can have the Authority assess whether, or not it is contrary to the public interest that they are determined a fit and proper person to hold the permission they are applying for. This process is performed as part of the fit and proper person assessment and must be identified on the F&PP questionnaire.

A complete PP questionnaire must always accompany the F&PP questionnaire, along with any relevant information that you believe should be considered by the Authority.

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| Please respond ‘yes’, ‘no’ or ‘not applicable’ to the following questions. |
| 1. Within the preceding 10 years, have you or your company been convicted or found guilty of: |
| (a) an offence involving fraud, dishonesty or violence that was punishable by a term of imprisonment of three months or more at the time of the conviction or finding of guilt? |
| Select your answer:  **YES**  **NO** |
| (b) an indictable offence against the *Environment Protection Act 2017* or the *Environment Protection Act 1970*? |
| Select your answer:  **YES**  **NO** |
| (c) an offence that, if committed in Victoria, would constitute an offence referred to in question (1a) or (1b)? |
| Select your answer:  **YES**  **NO** |
| (d) an indictable offence against the *Dangerous Goods Act 1985*, the *Equipment (Public Safety) Act 1994*, the *Occupational Health and Safety Act 2004* or the *Planning and Environment Act 1987*? |
| Select your answer:  **YES**  **NO** |
| 2. Has EPA Victoria revoked a permission held by you or your company under section 61(1) of the *Environment Protection Act 2017*? |
| Select your answer:  **YES**  **NO** |
| 3. Has a licence or permit issued to you or your company under a law of another state or territory, that the Authority would consider to be equivalent to a permission, been revoked on a ground equivalent to one or more of the grounds set out in section 61(1)? |
| Select your answer:  **YES**  **NO** |
| 4. Are you, or your company an insolvent under administration? |
| Select your answer:  **YES**  **NO** |
| 5. Is your company an externally administered company under the Corporations Act? |
| Select your answer:  **NOT APPLICABLE**  (for applicants as natural persons)  **YES**  **NO** |

# Body corporates

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| Please answer Question 6 & 7 if the application is being made by a body corporate, or mark as ‘not applicable’. |
| 6. Would one or more officers\* of your body corporate answer ‘yes’ to any of the Questions 1 to 4 of this form? |
| Select your answer:  **NOT APPLICABLE**  **YES**  **NO** |
| 7. Is one or more officers\* in your body corporate currently or have previously been an officer\* of another body corporate that would answer ‘yes’ to any of the Questions 1 to 4 of this form? |
| Select your answer:  **NOT APPLICABLE**  **YES**  **NO** |

\*An officer has the meaning under section 9 or the *Corporations Act 2001 (Cth).*

# Declaration

**Important:** Applicants should be aware that it is an offence under the Act to intentionally or negligently provide incorrect or misleading information to EPA, or to conceal information.

Before you sign the declaration, ensure that:

you have answered every question

you have attached any required supporting documentation

all the information you have given is true and correct to the best of your knowledge

you hold or been given the necessary authorisation to sign this declaration.

|  |  |  |  |
| --- | --- | --- | --- |
| I declare to the best of my knowledge that the information provided in this form and any attachments are true and correct. | | | |
| Full Name |  | | |
| Company Position |  | | |
| Signature |  | Declared at: |  |
|  | | Date | / / |

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| --- |
| The personal information on this form and any correspondence, notice or other document issued after processing of this information will be stored and used by EPA for the purpose of administering the *Environment Protection Act 2017* and the [Environment Protection Regulations 2021](https://www.epa.vic.gov.au/about-epa/laws/new-laws/subordinate-legislation). You may access this information by contacting the EPA Privacy Information Officer. This information may be disclosed to another government organisation, tribunal or court, where required for administering or enforcing the above Act and Regulations or any other relevant laws.  You have the right to access this information by contacting Environment Protection Authority at 200 Victoria Street, Carlton VIC 3053, or by email **contact@epa.vic.gov.au**, or telephone **1300 372 842 (1300 EPA VIC)**. |