# Natural Person Suitability Disclosure

Disclosures are to be submitted to the Offshore Infrastructure Registrar (the Registrar) via email offshoreelectricity@nopta.gov.au

**Privacy Collection Statement**

Pursuant to Chapter 7 of the *Offshore Electricity Infrastructure Act 2021* (the OEI Act), the Registrar may collect your personal and/or sensitive information through this form. Information which may be collected includes but is not limited to your name, criminal record and other information relevant to whether a person is deemed suitable to hold a licence and/or whether an existing licence meets the merit criteria defined under the OEI Act.

The Registrar collects this information in order to perform its functions and exercise its powers under the OEI Act. This includes but is not limited to assessing applications, making decisions under the OEI Act, affording procedural fairness to applicants and advising and making recommendations to the relevant decision-maker under the OEI Act.

Information may be disclosed where the Registrar is authorised or required to so do by law, including to relevant decision-makers under the OEI Act. Without this information, the decision-maker may be unable to make decisions relating to your application.

For more information about the Registrar’s privacy practices, including how to access or correct your personal information or make a complaint, please see the Registrar’s [privacy page](https://www.nopta.gov.au/privacy.html).

By submitting this disclosure, you consent to your sensitive information being collected and used by the Registrar in accordance with its powers and functions under the OEI Act.

**Notes**

1. All references to ‘person’ or ‘you’ in this disclosure are to a natural person, including a key officer of a body corporate or foreign company and any of the entities in its corporate structure that it is relying on.
2. The Registrar considers the following key officers (or their equivalent positions) are required to complete this disclosure: Company Directors, Company Secretaries, Chief Executive Officer, Managing Director, Chief Operating Officer, Chief Financial Officer, and holders of a Power of Attorney relevant to the OEI Act.
3. A disclosure is required to be completed for each body corporate or foreign company you are a key officer for. This includes the key officers of the applicant body corporate and key officers in any of the entities in its corporate structure that it is relying on.
4. If a natural person is making this disclosure for more than one body corporate or foreign company it is an officer, each company, number and position **must** be clearly identified in the form below.
5. A disclosure is required to be submitted if you are an officer of an applicant body corporate under the OEI Act and you have not previously made a disclosure.
6. If **all** of the information in the previously submitted disclosure remains true and correct, this previously submitted disclosure can be referenced in future dealings with the Registrar.
7. If **not** all of the information in your original disclosure remains true and correct, a new disclosure must be completed and submitted to the Registrar, as soon as the information becomes outdated.
8. Further guidance for completing each question in the disclosure can be found at **Appendix A**.

**Details**

*Please separate multiple positions, company names and numbers by using a semi-colon*

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| **Natural Person’s Full Name:** |  |
| **Body Corporate or Foreign Company Positions:**  |  |
| **Body Corporate or Foreign Company Names** |  |
| **Australian Company Numbers (ACN), Foreign Company Australian Registered Body Numbers (ARBN) or registration numbers in country of registration.** |  |
| 1. Have you been refused a renewable energy infrastructure or electricity transmitting infrastructure related licence or authorisation, or had a licence restricted, cancelled, or revoked within Australia or internationally?
 | [ ]  No [ ]  Yes, and I have provided details in an attachment to this disclosure |
| 1. Have you been convicted of an offence against, or ordered to pay a pecuniary or monetary penalty for the contravention of a civil penalty provision of, any of the following laws:
	1. the *Offshore Electricity Infrastructure Act 2021* (the OEI Act), including any regulations made under the OEI Act;
	2. any other Act or legislative instrument prescribed by the regulations (if any); or
	3. the *Criminal Code Act 1995* and the *Crimes Act 1914*, to the extent that these Acts relate to the OEI Act, including any regulations made under the OEI Act, or an Act or legislative instrument prescribed by the regulations.
 | [ ]  No [ ]  Yes, and I have provided details in an attachment to this disclosure |
| 1. Is there any debt due and payable by you to the Commonwealth under the OEI Act, the *Offshore Electricity (Regulatory Levies) Act 2021* or any other law prescribed by the regulations?
 | [ ]  No[ ]  Yes, and I have provided details in an attachment to this disclosure |
| 1. Have you been involved in any material breaches of obligations regulated by the Registrar, the Offshore Infrastructure Regulator, as defined under the OEI Act, or any other regulator who is involved in the regulation of renewable energy resources or infrastructure? If yes, provide details:
 | ☐ No ☐ Yes and I have provided details in an attachment to this disclosure |
| 1. Have you, either in Australia or internationally
	1. been declared bankrupt,
	2. been disqualified from managing a company,
	3. been subject to debt judgements, or
	4. had any insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?
 | [ ]  No [ ]  Yes, and I have provided details in an attachment to this disclosure |

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| 1. Have you had any enforcement action taken against you under any Commonwealth, state, territory government, or foreign legislation (including but not limited to the *Competition and Consumer Act 2010* (Cth), *Corporations Act 2001* (Cth), or the *Australian Securities and Investments Commission Act 2001* (Cth))?
 | [ ]  No [ ]  Yes, and I have provided details in an attachment to this disclosure  |
| 1. Have you been found to have engaged in conduct involving fraud or dishonesty in:
2. any criminal or civil proceedings brought against your or any company you have managed by an agency of the Commonwealth or a State or Territory government?
3. any action brought against you or any company you have managed by any foreign government?
 | [ ]  No [ ]  Yes, and I have provided details in an attachment to this disclosure  |

I [Insert your full name], understand that providing false or misleading information is an offence under Part 7.4 of the *Criminal Code Act 1995* and section 75 of the OEI Act, and I declare that the above disclosures are complete and factually accurate and able to be relied upon by the Commonwealth.

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| *Signature* |
| *Date*  |

**Appendix A**

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| **Suitability Disclosure Question**  | **Guidance**  |
| 1. Have you been refused a renewable energy infrastructure or electricity transmitting infrastructure related licence or authorisation, or had a licence restricted, cancelled, or revoked within Australia or internationally?
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company has had any type of renewable energy infrastructure or electricity transmitting infrastructure related licence or authorisation refused, restricted (even temporarily), cancelled or revoked either within Australia or internationally, within the **past 15 years**. Renewable energy infrastructure is infrastructure (such as an onshore or offshore wind farm or solar project) for generating electricity or other forms of energy from renewable energy resources and storing or transmitting the electricity or energy.Electricity transmission infrastructure is infrastructure (such as an onshore or undersea cable and other infrastructure associated with the cable) for storing or transmitting electricity (including electricity not generated from renewable sources).If you answer yes to this question, attach information including details around the type of licence, jurisdiction, timing and reasons for refusal, cancellation or revocation of the licence or authorisation, and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence.  |
| 1. Have you been convicted of an offence against, or ordered to pay a pecuniary or monetary penalty for the contravention of a civil penalty provision of, any of the following laws:
2. the *Offshore Electricity Infrastructure Act 2021* (the OEI Act), including any regulations made under the OEI Act;
3. any other Act or legislative instrument prescribed by the regulations (if any); or
4. the *Criminal Code Act 1995* and the *Crimes Act 1914*, to the extent that these Acts relate to the OEI Act, including any regulations made under the OEI Act, or an Act or legislative instrument prescribed by the regulations.
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company has **ever** been convicted of an offence or ordered to pay a pecuniary or monetary penalty for the contravention of a civil penalty provision of Australia’s *Offshore Electricity Infrastructure Act 2021* and related legislative instruments or relevant criminal legislation. If you answer yes to this question, attach information including details around the law that was contravened, timing, licence details to which this relates, and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence.  |
| 1. Is there any debt due and payable by you to the Commonwealth under the OEI Act, the Offshore Electricity (Regulatory Levies) Act 2021 or any other law prescribed by the regulations?
 | This question is seeking to understand whether you as an officer of a body corporate or foreign company listed in this disclosure **currently** has any outstanding debts due or payable to the Australian Government in relation to the OEI Act and related legislative instruments. If you answer yes to this question, attach information relating to the debt, when it was due, and any actions you are undertaking to remedy the debt. Levies that have been invoiced but are not yet due do not need to be included.  |
| 1. Have you been involved in any material breaches of obligations regulated by the Registrar, the Offshore Infrastructure Regulator, as defined under the OEI Act, or any other regulator?
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company has **ever** been involved in any material breaches of obligations regulated by the Registrar or the Offshore Infrastructure Regulator (NOPSEMA), or by any other regulator including onshore regulators. These include the issuing of: 1. An improvement notice;
2. A direction that specifies the Regulator is satisfied on reasonable grounds that there has been a non-compliance with a particular provision of the OEI Act;
3. A successful prosecution; or
4. The cancellation of a licence

If you answer yes to this question, attach information relating to the type of material breach, when it occurred, whether the relevant direction or improvement notice is still in force (and any actions you are undertaking to remedy the breach and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence.  |
| 1. Have you, either in Australia or internationally
	1. been declared bankrupt,
	2. been disqualified from managing a company,
	3. been subject to debt judgements, or
	4. had any insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company in Australia or internationally have been declared bankrupt, had your affairs placed into administration, been disqualified from managing a company, been the subject of debt judgements or had any insolvency proceedings within the **past 10 years.** If you answer yes to this question, attach information including details around the jurisdiction, timing, details relating to the matter, and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence.  |
| 1. Have you had any enforcement action taken against you under any Commonwealth, state, territory government, or foreign legislation (including but limited to the *Competition and Consumer Act 2010* (Cth), *Corporations Act 2001* (Cth), or the *Australian Securities and Investments Commission Act 2001* (Cth))?”
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company has had any enforcement action taken under any Commonwealth, state, territory government, or foreign legislation within the **past 10 years.** If you answer yes to this question, attach information including details around the type of proceeding, jurisdiction in which the proceeding was heard, timing, outcome and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence.  |
| 1. Have you been found to have engaged in conduct involving fraud or dishonesty in:
	1. any criminal or civil proceedings brought against your or any company you have managed by an agency of the Commonwealth or a State or Territory government?
	2. any action brought against you or any company you have managed by any foreign government?
 | This question is seeking to understand whether you as an officer of **any** body corporate or foreign company has been found to have engaged in conduct involving fraud or dishonesty within the **past 10 years**. Criminal [proceeding](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca191482/s15ya.html#proceeding) means an action taken in court to bring a [criminal](https://www.collinsdictionary.com/dictionary/english/criminal) [prosecution](https://www.collinsdictionary.com/dictionary/english/prosecution) against someone. [Civil proceedings](https://www.lawinsider.com/dictionary/civil-proceedings) [means any](https://www.lawinsider.com/dictionary/civil-proceedings?cursor=Cl4SWGoVc35sYXdpbnNpZGVyY29udHJhY3RzcjoLEhpEZWZpbml0aW9uU25pcHBldEdyb3VwX3YzMyIaY2l2aWwtcHJvY2VlZGluZ3MjMDAwMDAwMGEMogECZW4YACAA) judicial proceedings in relation to civil or commercial matters. If you answer yes to this question, attach information including details around the type of proceeding, jurisdiction in which the proceeding was heard, timing and any other information which will assist the decision maker in determining if the applicant body corporate or foreign company as a whole is suitable to hold a licence. |