# Form 9: Body Corporate (Company) Declaration form - disclosures and experience

Forms are to be submitted to NOPTA via email legislativeforms@nopta.gov.au or post GPO Box 7871, WA 6850

For information about how NOPTA collects, uses and discloses personal information, please refer to <https://www.nopta.gov.au/privacy.html>.

**Details**

**Body Corporate NAME:**

**Body Corporate ACN (if applicable):**

|  |  |
| --- | --- |
| 1. In an attachment to this application a document that sets out:
	1. The named body corporate’s experience in:
	* petroleum exploration or recovery, if the application is for a title relating to petroleum exploration or recovery; or
	* the injection or storage of greenhouse gas substances, if the application is for a title relating to the injection or storage of greenhouse gas substances; or
	* the management of petroleum or greenhouse gas projects.
 | [ ]  Yes |
| 1. Details of the named body corporate’s corporate governance arrangements (including a link to website material or the most recent published annual report where applicable).
 | [ ]  Yes |
| 1. Has the named body corporate 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 Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act), including any regulations made under the OPGGS 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 OPGGS Act, including any regulations made under the OPGGS Act, or an Act or legislative instrument prescribed by the regulations.
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate contravened the OPGGS Act, including any regulations made under the OPGGS Act, or an Act or legislative instrument referred to in the above disclosure.
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate, in any criminal or civil proceedings against the applicant, or in any action against the applicant by an agency of the Commonwealth or a State or Territory, been found to have engaged in conduct involving fraud or dishonesty?
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate contravened a direction given under Chapters 2, 3 or 6 or Parts 7.1 or 8.1 of the OPGGS Act?
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate had an application for any of the following titles refused?
	1. a petroleum production licence;
	2. an infrastructure licence;
	3. a pipeline licence;
	4. a greenhouse gas injection licence.
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate been the registered holder of any of the following titles under the OPGGS Act and the title was cancelled or partly cancelled?
	1. petroleum exploration permit;
	2. a petroleum retention lease;
	3. a petroleum production licence;
	4. an infrastructure licence;
	5. a pipeline licence;
	6. a greenhouse gas assessment permit;
	7. a greenhouse gas holding lease;
	8. a greenhouse gas injection licence.
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate:
	1. made a false or misleading statement in an application under the OPGGS Act, including any regulations made under the OPGGS Act; or
	2. given false or misleading information or documents to the Joint Authority for an offshore area, the responsible Commonwealth Minister, the Titles Administrator, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), or the Cross-boundary Authority
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Is there any debt due and payable by the named body corporate to the Commonwealth under the OPGGS Act, the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, the *Offshore Petroleum (Royalty) Act 2006* or any other Act prescribed by the regulations?
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |
| 1. Has the named body corporate been a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*) or an insolvent under administration?
 | [ ]  No[ ]  Yes, details provided in an attachment to this declaration |

**Signatures**

***Note:*** *If multiple signatories please attach additional pages.*

1. **I am/ We are signing this form as either: \* #**

[ ]  The Directors/Director and Secretary of an Australian registered company.

[ ]  The Attorney appointed under a Power of Attorney of an Australian registered company.

[ ]  The person/s authorised to sign to legally bind a Foreign registered company (including foreign companies registered with ASIC). ∞

[ ]  The Attorney appointed under a Power of Attorney of a Foreign registered company. ∞

\* *Mark the applicable box.*

**#** *If an applicant is a Government entity, they should contact NOPTA prior to signing to discuss requirements*

*∞ See the* [*NOPTA signature fact sheet*](https://www.nopta.gov.au/_documents/fact-sheets/fact-sheet-signatures-execution-of-NOPTA-forms-by-companies.pdf) *for information on required evidence of signing authority/powers of attorney for foreign registered companies.*

1. **I / We confirm that the information provided in this form is true and correct.** *Please note that giving false or misleading information is an offence under Part 7.4 of the Criminal Code Act 1995 (see in particular sections 136.1 and 137.1 of the Criminal Code).*

***A. Australian registered company***

|  |
| --- |
| **Executed by (insert full name of company including the ACN)** |
|  |

*As a Director/ Sole Director/ Secretary, in accordance with section 127 of the Corporations Act 2001 (Cth), by:*

|  |  |
| --- | --- |
| *Signature* | *Signature* |
| *Full name (block letters)* | *Full name (block letters)* |
| *Office held (Director/Sole Director)* | *Office held (Director/Secretary) \** |
| *Date* | *Date* |

\* Record the applicable position held by the signatory. Section 127 of the *Corporations Act 2001* provides that a company may validly execute a document with or without a common seal if the document is signed by: (i) two directors of the company; (ii) a director and the secretary of the company; or (iii) where the company is a proprietary company and has a sole director who is also the sole company secretary, that director.

***OR*** *As the holder of a Power of Attorney for an Australian Registered Company*

I declare that I have a Power of Attorney authorising me to execute this Form on behalf of the Company named above, which has not been revoked as at the date of this Form.\*

|  |
| --- |
| *Signed at (location):* |
| *Signature of holder of Power of Attorney* | *Signed in the presence of: signature of Witness* |
| *Full name of Attorney (block letters)* | *Full name of Witness (block letters)* |
| *Position*  |  |
| *Date* | *Date* |

|  |  |
| --- | --- |
| **Has a copy of the Power of Attorney document previously been provided to NOPTA? \*** | Choose an item. |
| **Date of Power of Attorney**  | Click here to enter a date. |

\* A person signing as attorney for an Australian registered company must provide NOPTA with a copy of the Power of Attorney document for our records.

***OR B. Foreign registered company***

|  |
| --- |
| **EXECUTED BY**  |
| Full name of company: |
| Country of registration: |
| Registration number in country of registration: |
| Australian Registered Body Number (ARBN): |

*As person/s who can legally bind the Foreign Company, in accordance with the laws of the company’s country of incorporation, by:*

|  |  |
| --- | --- |
| *Signature* | *Signature* |
| *Full name (block letters)* | *Full name (block letters)* |
| *Office held (Director/Other) \** | *Office held (Director/Secretary/Other) \** |
| *Date*  | *Date*  |
| (If required) Signed in the presence of: *Signature of Witness* | (If required) Signed in the presence of: *Signature of Witness* |
| *Full name and address of Witness (block letters)*  | *Full name and address of Witness (block letters)*  |

\* *See the* [*NOPTA signature fact sheet*](https://www.nopta.gov.au/_documents/fact-sheets/fact-sheet-signatures-execution-of-NOPTA-forms-by-companies.pdf) *for information on the evidence required to be provided to NOPTA of the signing authority for foreign registered companies.*

***OR*** *As the holder of a Power of Attorney for a Foreign Registered Company*

I declare that I have a Power of Attorney authorising me to execute this Form on behalf of the Foreign registered Company named above, which has not been revoked as at the date of this Form.\**∞*

|  |
| --- |
| *Signed at (location):* |
| *Signature of holder of Power of Attorney* | *Signed in the presence of: signature of Witness* |
| *Full name of Attorney (block letters)* | *Full name of Witness (block letters)* |
| *Position* |  |
| *Date* | *Date* |

|  |  |
| --- | --- |
| **Has a copy of the Power of Attorney document previously been provided to NOPTA? \*** | Choose an item. |
| **Date of Power of Attorney**  | Click here to enter a date. |

\*A person signing as attorney for a foreign registered company must provide NOPTA with a copy of the Power of Attorney document for our records.

*∞ See the* [*NOPTA signature fact sheet*](https://www.nopta.gov.au/_documents/fact-sheets/fact-sheet-signatures-execution-of-NOPTA-forms-by-companies.pdf) *for information on required form/additional information to be provided for powers of attorney for foreign registered companies.*