



Nomination of operational control for a facility

FORM

CER-NGER-014

V2.0 01/08/2018

Under section 11B of the *National Greenhouse and Energy Reporting Act 2007* (NGER Act)

Purpose of this form

This form is to be used by persons who pass the eligible nomination test in section 11B of the *National Greenhouse and Energy Reporting Act 2007* (NGER Act). Where the eligible nomination test is passed, relevant persons can jointly nominate one of them to be the person with operational control over the facility for the purposes of the NGER Act.

Eligibility

Relevant persons may jointly make a nomination of operational control if the facility passes the eligible nomination test. The eligible nomination test is set out in section 11B of the NGER Act.

A facility will pass the eligible nomination test at a particular time if:

- two or more persons can introduce and implement any or all of the operating policies, health and safety and environmental policies in relation to the facility in an eligible financial year; and
- no particular person has the greatest authority to introduce and implement operating and environmental policies in relation to a facility in an eligible financial year; and
- there is no declaration made under section 55 or 55A of the NGER Act in relation to the facility.

Who should complete this form?

This form is for body corporates (eg corporations) only.

If you are an individual, trust, corporation sole, body politic, or local governing body, please contact the Clean Energy Regulator on **1300 553 542** or email reporting@cleanenergyregulator.gov.au

Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions in those parts of the notification that the nominee/relevant person is required to submit, and sign where indicated.

The following must be completed and submitted:

- [Part A: Nominee details](#)
- [Part B: Relevant person \(other than the nominee\) details for each relevant person \(who is not the nominee\)](#)

- [Part C: Facility details](#)
- [Part D: Eligible nomination criteria and test under section 11B](#)
- [Part E: Nominee declaration](#)
- [Part F: Relevant person\(s\) \(other than the nominee\) declaration](#)

Pen colours	Please use a black or blue pen to write on the form.
Check boxes	Mark boxes like this <input type="checkbox"/> with a ✓ or ✗. When an instruction asks you to ‘tick’ the box, you can still use either ✓ or ✗.
Go to	Where you see an instruction like this - <input type="checkbox"/> Go to question 5 - mark the relevant box with a ✓ or ✗ and then skip to the question number shown. You do not need to answer the question(s) in between. Where an instruction has a black double arrow (▶▶), go to the next indicated part/section. Where an instruction has a black single arrow (▶), go to the next question. Where an instruction has a black single arrow pointing down (▼), fill in the field(s) directly below.
Mandatory questions	If all fields in a question are mandatory and must be completed, (required) is added to the end of the question label text. If a field in a question is mandatory only IF a condition is met, (required if any) is added to the end of the question label text.
▶	This symbol indicates an instruction on what to do next.
①	This symbol indicates additional useful guidance to filling in the adjacent field or section.
📄	This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section.
📎	This symbol advises that additional documentation to support a claim may need to be attached to the application.
Duplex printing	This form is designed to be duplex printed to save on paper. All new sections start on the right-hand side of a page spread.

Help filling in this form

Guidance for filling in this form is available on the [Clean Energy Regulator website](#).

If you require assistance or have any questions regarding this application process, please contact the Clean Energy Regulator general enquiries line on **1300 553 542** or email reporting@cleanenergyregulator.gov.au.

Effect of nomination of operational control

The nominated corporation has operational control over the facility under the NGER Act for the period of the nomination.

This means that the controlling corporation (if any) of the nominated corporation will be required to submit a report under section 19 of the NGER Act relating to the greenhouse gas emissions, energy production and energy consumption from the operation of the facility.

Submitting this form

A signed copy of this form should be kept for your records.

By post

Post your completed application with any accompanying documentation to:

Clean Energy Applications
Clean Energy Regulator
GPO Box 621
Canberra ACT 2601

By email

Alternatively, email your scanned, completed application to the Clean Energy Regulator at reporting@cleanenergyregulator.gov.au.

If the email and its attachments (the application and supporting documents) are larger than 10MB, they must be sent using multiple emails that are clearly marked (ie by including an identifier in the subject line, eg '1 of 3', '2 of 3', '3 of 3'). The signed application form must be saved as a single scanned file and not split into parts. Files may be zipped to reduce their size.

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Part A: Nominee details

Nominee's details

1. Name (required)

 If the nominee has an entry in the Australian Business Register, this is the name that appears in that register.

Name

2. Trading name (required if any)

Trading name

3. Head office postal address (required)

Address

Suburb/city

State/territory

Postcode

Country

4. Australian agent (required)

- ▶ If the nominee is a foreign person, please add the name of any Australian agent through which the person conducts business.

Agent name

5. Identifying details (required)

- ▶ You must provide one of the following for the nominee in order of precedence: ABN, ACN, ARBN or trading name and street address.

ABN

- ▶ If the nominee does not have an ABN, please provide the nominee's ACN.

ACN

- ▶ If the nominee does not have an ABN or an ACN, please provide the nominee's ARBN.

ARBN

- ▶ If the nominee does not have an ABN, ACN or an ARBN, please provide the nominee’s trading name and street address.
- ▶ Are the trading name and street address the same as the trading name and head office postal address provided above?

Yes

Go to question 6. ▶

No

Please provide the trading name and street address below. ▼

Trading name	
Street address	
Suburb/city	
State/territory	
Postcode	
Country	


6. Externally administered body corporate (required)

- ▶ By ticking a box below, the nominee makes the statement next to that box.

<input type="checkbox"/>	The nominee is an externally-administered body corporate
<input type="checkbox"/>	The nominee is not an externally-administered body corporate

Executive officer's details

- ▶ Please provide details of the executive officer of the nominee, who will sign the declaration in **Part E: Nominee declaration**.

 If you choose to provide details for more than one executive officer, please photocopy or print this section, complete a copy for each executive officer and attach the copies to this notification.

7. Position (required)

Position	
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8. Name (required)

- ▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other. Please specify below. ▼

- ▶ Add full name details below:

Given name	
Middle name(s) (optional)	
Family name	

9. Postal address (required)

- ▶ Is the postal address the same as the nominee's head office postal address provided in **question 3**?

Yes

Go to question 10. ▶

No

Please provide the address below. ▼

Address	
Suburb/city	
State/territory	
Postcode	
Country	

10. Contact details (required)

Phone number		<i>Include area code (if applicable).</i>
Email address		

Contact person's details

- ▶ Provide details about the person who will be acting as the contact officer between the nominee and the Clean Energy Regulator.

11. Is the contact person the same as the executive officer noted above? (required)

- Yes Go to Part B: Relevant person(s) (other than the nominee) details. ▶▶
- No Go to question 12. ▶

12. Position (required)

Position	
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13. Name (required)

- ▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other. Please specify below. ▼

- ▶ Add full name details below.

Given name	
Middle name(s) (optional)	
Family name	

14. Postal address (required)

- ▶ Is the postal address the same as the nominee's head office postal address provided in **question 3**?

- Yes Go to question 15. ▶
- No Please provide the address below. ▼

Address	
Suburb/city	
State/territory	
Postcode	
Country	

15. Contact details (required)

Phone number	<input type="text"/>	<i>Include area code (if applicable).</i>
Email address	<input type="text"/>	


[Go to Part B: Relevant persons\(s\) \(other than the nominee\), page 11. ►►](#)


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Part B: Relevant person(s) (other than the nominee) details


Relevant person (other than the nominee) details

- ▶ Include details of the relevant person or persons, who could satisfy the requirements of paragraph 11(1) (a) of the NGER Act in relation to the facility, but who is not the nominee.

 *The nominee does not complete Part B as the nominee's details are provided in Part A.*

 *If there is more than one relevant person, please photocopy or print this section, complete for each relevant person and attach to this application.*

16. Name (required)

 *If the relevant person has an entry in the Australian Business Register, this is the name that appears in that register.*

Name

17. Trading name (required if any)

Trading name

18. Head office postal address (required)

Address

Suburb/city

State/territory

Postcode

Country

19. Australian agent (required)

- ▶ If the relevant person is a foreign corporation, please add the name of any Australian agent through which the corporation conducts business.

Australian agent

20. Identifying details (required)

- ▶ You must provide one of the following for the relevant person in order of precedence: ABN, ACN, ARBN or trading name and street address.

ABN

- ▶ If the relevant person does not have an ABN, please provide their ACN.

ACN

- ▶ If the relevant person does not have an ABN or an ACN, please provide their ARBN.

ARBN

- ▶ If the relevant person does not have an ABN, ACN or an ARBN, please provide their trading name and street address.
- ▶ Are the trading name and street address the same as the trading name and head office postal address provided above?

Yes

Go to question 21. ▶

No

Please provide the trading name and street address below. ▼

Trading name

Street address

Suburb/city


State/territory

Postcode

Country

Executive officer's details

- ▶ Please provide details of the executive officer of the relevant person who will sign the Declaration at **Part F** of this form.

 *If you wish to provide details of more than one executive officer, please photocopy and complete this section for each executive officer.*

21. Position (required)

Position	
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22. Name (required)

- ▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other. Please specify below. ▼

- ▶ Add full name details below:

b) Given name	
c) Middle name(s) (optional)	
d) Family name	

23. Postal address (required)

- ▶ Is the postal address the same as the relevant person's head office postal address provided in **question 19**?

Yes


Go to question 24. ▶

No

Please provide the address below. ▼

Address	
Suburb/city	
State/territory	
Postcode	
Country	

24. Contact details (required)

Phone number	<input type="text"/>	 <i>Include area code (if applicable).</i>
Email address	<input type="text"/>	

Contact person's details

- ▶ Provide details about the person who will be acting as the contact officer between the relevant person and the Clean Energy Regulator.

25. Is the contact person the same as the executive officer of the relevant person noted above? (required)

- Yes [Go to Part C: Facility details. ▶▶](#)
- No [Go to question 26. ▶](#)

26. Position (required)

Position	<input type="text"/>
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27. Name (required)

- ▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/>	Mr
	<input type="checkbox"/>	Mrs
	<input type="checkbox"/>	Miss
	<input type="checkbox"/>	Ms
	<input type="checkbox"/>	Other. Please specify below. ▼
<input type="text"/>		

- ▶ Add full name details below:

Given name	<input type="text"/>
Middle name(s) (optional)	<input type="text"/>
Family name	<input type="text"/>

28. Postal address (required)


- ▶ Is the postal address the same as the relevant person's head office postal address provided in **question 19**?

- Yes [Go to question 29. ▶](#)
- No [Please provide the address below. ▼](#)

Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Suburb/city	<input type="text"/>
State/territory	<input type="text"/>
Postcode	<input type="text"/>

Country	
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29. Contact details (required)

Phone number		 <i>Include area code (if applicable).</i>
Email address		

Consent to nomination**30. Consent to nomination (required)**

- ▶ By ticking the box below, the relevant person makes the statement next to that box.

The relevant person consents to the nomination of the nominee.

[Go to Part C: Facility details, page 17. ▶▶](#)

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Part C: Facility details

- ▶ Provide details for the facility or facilities over which the nominee will have operational control if the nomination is accepted.



If you are making a nominating in relation to more than one facility, please photocopy or print this part and complete for each facility.

31. Name of facility (required)

Facility name

32. Industry sector (required)



This is the industry sector to which the activities constituting the facility are attributable. Refer to Schedule 2 of the NGER Regulations for relevant code and classification.

	ANZSIC code (3 digit)	Classification
ANZSIC	<input type="text"/>	<input type="text"/>

33. Street address of the facility (required if any)

Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Suburb/city	<input type="text"/>
State/territory	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

34. State or territory (required)

- ▶ If the facility is NOT a network or pipeline facility, specify the state or territory to which the activities constituting the facility are attributable, OR
- ▶ If the facility IS a network or pipeline facility, specify the state or territory in which the facility is located. Note that a network or pipeline facility may be located in more than one state or territory, so list all applicable.

State/territory

35. Type of facility (required)

▶ By ticking the appropriate box, indicate which of the following applies to the facility:

<input type="checkbox"/>	Transport facility that is not a single site facility and does not have a street address. Complete question 35a only.
<input type="checkbox"/>	Network or pipeline facility that is not a single site facility and does not have a street address. Complete question 35a only.
<input type="checkbox"/>	Other facility. Complete question 35b only.

a. Facility description

▶ Provide a brief description of the location of the facility and a brief description of the activities constituting the facility below.

Description of location of facility	
Activities constituting the facility	

b. Coordinates of the facility

▶ Please provide the facility location in latitude and longitude to three decimal places.

	Latitude	Longitude
Facility coordinates		

Part D: Eligible nomination criteria and test under section 11B

Joint statements

36. Joint statements (required)

- ▶ By ticking the box below, the nominee and the relevant persons jointly make the following statements.

The nominee and one or more of the relevant persons make a nomination under section 11B of the NGER Act.

The nominee and one or more relevant person can satisfy paragraph 11(1)(a) of the NGER Act in relation to the facility.

No particular person has the greatest authority to introduce and implement the policies mentioned in paragraph 11(1)(a) of the NGER Act.

No declaration under section 55 or 55A of the NGER Act applies in relation to a facility.

Each relevant person consents to the nomination of the nominee.

i *The statements above must be made in order to make an eligible nomination.*

37. Replacement of an existing nomination (required)

Tick the appropriate box below to state whether the nomination replaces an existing nomination.

The nomination replaces an existing nomination.

The nomination does not replace an existing nomination.

Foreign persons

38. Foreign persons (required)

Tick the appropriate box below to state whether the nominee is a foreign person.

The nominee is a foreign person.

The nominee is not a foreign person.

If the nominee is a foreign person, tick the appropriate box below to state whether all relevant persons are foreign persons.

All the relevant persons are foreign persons.

Not all the relevant persons are foreign persons.

i *A foreign person can only be nominated to have operational control over the facility if the other relevant person are also foreign persons.*

Nomination start and end dates

▶ You must provide a start and end date for the nomination.

① *The nomination start date may be later than the day the nomination is made provided that the start date occurs in the:*

- *same financial year as the day on which the nomination is made, or*
- *financial year following the financial year in which the nomination is made.*

① *A nominated end date must be provided.*

39. Please nominate a start and end date for the nomination (required)

	Day (dd)	Month (mm)	Year (yyyy)	
Proposed start date				① <i>Numbers only.</i>
Proposed end date				① <i>Numbers only.</i>

If you are the nominee, go to Part E: Nominee declaration, page 21. ▶▶

If you are not the nominee, go to Part F: Relevant person(s) (other than the nominee) declaration, page 23. ▶▶

Part E: Nominee declaration

- This part must be signed by the executive officer for whom details are provided in **Part A** of this form.

By signing below, the signatory:

- declares that the information supplied in this form is true and correct and that he/she is authorised to make this notification on behalf of the nominee; and
- acknowledges that giving false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

Name of signatory	
Title/position	
Organisation (if any)	
Signature	

	Day (dd)	Month (mm)	Year (yyyy)	
Signature date				 Numbers only.

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Part F: Relevant person(s) (other than the nominee) declaration

 For each relevant person, please photocopy and complete this part, then attach it to the notification.

This part must be signed by the executive officer for whom details are provided in **Part B** of this form

By signing below, the signatory:

- a) declares that the information supplied in this form is true and correct and that he/she is authorised to make this notification on behalf of the relevant person; and
- b) the relevant person consents to the nomination being made by the nominee and acknowledges that giving false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

Name of signatory	
Title/position	
Organisation (if any)	
Signature	

	Day (dd)	Month (mm)	Year (yyyy)	
Signature date				 Numbers only.

Application checklist

▶ Have you completed the following?

- Part A: Nominee details
- Part B: Relevant person(s) (other than the nominee)
- Part C: Facility details
- Part D: Eligible nomination criteria and test under section 11B
- Part E: Nominee declaration
- Part F: Relevant person(s) other than the nominee declaration

Additional information

Definitions

 Definitions marked with an asterisk are definitions repeated from legislation.

For the purposes of this form:

executive officer	<p>means, in relation to a body corporate:</p> <ul style="list-style-type: none"> • a director of the body corporate, or • the chief executive officer (however described) of the body corporate, or • the chief financial officer (however described) of the body corporate, or • the secretary of the body corporate.*
facility	<p>means an activity or series of activities (including ancillary activities), that involve greenhouse gas emissions, the production of energy or the consumption of energy and that:</p> <ul style="list-style-type: none"> • form a single undertaking or enterprise and meet the requirements of the regulations, or • are declared by the Clean Energy Regulator to be a facility under section 54 or 54A of the NGER Act.
foreign corporation	<p>means any of the following:</p> <ul style="list-style-type: none"> • an individual who is not ordinarily resident in Australia, or • a body corporate that: <ul style="list-style-type: none"> » is incorporated outside Australia » is an authority of a foreign country » a body politic of a foreign country, or » a trust, where the trustee or a majority of trustees, are covered by any of the above paragraphs.
NGER Act	means the National Greenhouse and Energy Reporting Act 2007.
NGER Regulations	means the National Greenhouse and Energy Reporting Regulations 2008.
nominee	means one of the relevant persons who is nominated to have operational control over the facility.
operational control	has the same meaning given by sections 11, 11A, 11B or 11C of the NGER Act.
relevant persons	means the persons able to introduce and implement any or all of the operating, health and safety and environmental policies for the facility, where none of the persons have the greatest authority to introduce and implement operating and environmental policies.

Assessment of notifications

Once a complete nomination notification has been received, the Clean Energy Regulator will assess the notification to ascertain whether it complies with the requirements of the legislation.

Provided the requirements of a nomination are met, the Clean Energy Regulator will notify the relevant persons to confirm their nomination.

To enable quick confirmation of the nomination notification, please ensure that all details provided in this notification are accurate, up to date and complete. A nomination will only be accepted if the required information is provided.

If you have any questions concerning a nomination notification please contact the Clean Energy Regulator on 1300 553 542 or email reporting@cleanenergyregulator.gov.au.

Accessibility disclaimer

While the Clean Energy Regulator has worked to ensure this document is accessible, please contact us to obtain an alternative version if you are having difficulty, or you have specific accessibility needs.

Please call 1300 553 542 or email the name of the form and your needs to enquiries@cleanenergyregulator.gov.au

Publishing of information

Under section 24 of the NGER Act, the Clean Energy Regulator must publish totals of the emissions and energy consumption data provided to the Clean Energy Regulator under the various reporting provisions in the NGER Act. The Clean Energy Regulator may also choose to publish totals of emissions and energy consumption data for each member of the controlling corporations group reported under Part 3 or part 3F of the NGER Act.

A corporation may apply to the Clean Energy Regulator under section 25 of the NGER Act to request that information provided in a report submitted under the NGER Act not be published. The corporation may request the information not be published if the information reveals or would be capable of revealing trade secrets or where the information would diminish the commercial value in connection with a facility, technology or corporate initiative if the information was disclosed.

Disclosure of information

The Clean Energy Regulator is only able to disclose information relating to this application (including personal information) in accordance with the Clean Energy Regulator Act 2011, the NGER Act, the Privacy Act 1988 or as otherwise required by law.

The circumstances in which such information may be disclosed include:

- Disclosure to other agencies, corporations or organisations to enable the verification of information contained in the application
- Disclosure to the Secretary or authorised officer of a Department for the purpose of administering a program or collecting statistics relating to greenhouse gas emissions, energy consumption or energy production
- Disclosure to certain agencies, bodies or persons where the Regulator is satisfied that disclosure will enable or assist those agencies, bodies or persons to perform or exercise their functions or powers, including the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Commissioner of Taxation
- Disclosure for the purposes of law enforcement, and
- Disclosure to States and Territories in accordance with the NGER Act.

Privacy notice

'Personal information' is defined in the Privacy Act 1988 to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

The collection of personal information relating to this application is authorised by the National Greenhouse and Energy Reporting Act 2007 (NGER Act) and the National Greenhouse and Energy Reporting Regulations 2008.

Personal information collected in relation to this application will be used for the purposes of assessing the application, auditing compliance, enforcement of relevant laws and regulations and for related purposes. We cannot process the application if we do not collect all relevant personal information.

The Clean Energy Regulator's Privacy Policy contains information about the agency's procedures for handling personal information including how a person can access their personal information held by the agency, and how to seek correction of such information. The Privacy Policy also contains information about how to complain about a breach of the Australian Privacy Principles. The Clean Energy Regulator's Privacy Policy can be found at www.cleanenergyregulator.gov.au.

Protection of information

The Clean Energy Regulator is bound by the secrecy provisions of Part 3 of the Clean Energy Regulator Act 2011 (CER Act) in regard to information it collects in relation to this application and also by the Privacy Act 1988 in regard to personal information it collects.