Nomination of a project nominee

under section 37 or section 38 of the *Nature Repair Act 2023*

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| FORM |
| CER-NR-NNF-002 |
| V1.1 24/01/2025 |

# Purpose of this form

This form must be used under s37 or s38 of the *Nature Repair Act 2023* (the Act) to nominate a project nominee when there is more than one project proponent for a biodiversity project. If your project has multiple project proponents, this form must:

* accompany an application that is made for the **registration of a biodiversity** **project** with multiple proposed proponents; or
* be used to **vary the project proponent**(s) of a registered biodiversity project that requires a nominee. For example, when adding a new project proponent where previously there was only one, or where the nominee among existing multiple proponents is being removed.

If the accompanying application is granted, the nomination will take effect when the project is registered or when the variation takes effect (as applicable).

This form must also be used when notifying the Clean Energy Regulator of a **new** project nominee for a project. This includes when the nominee ceases to be one of the project proponents. If no new nominee is nominated, the Clean Energy Regulator may give notice to cancel the project’s registration from 90 days after the cessation.

The nomination, in this case, takes effect when that notification is given to the Clean Energy Regulator.

When a nomination is in force for a registered project, the nominee can undertake eligible voluntary actions, such as the making of an application, giving information in connection with an application and withdrawing

an application on behalf of the multiple proponents. Any documents provided by the Clean Energy Regulator to the nominee in relation to the project is considered to have been provided to all the project proponents.

The nominee will be the primary point of contact for the Clean Energy Regulator unless another contact, such as an agent, is appointed for the project. This form is still required to nominate a project nominee even if there is an agent appointed.

# Instructions for completing this form

Please read each part of the form carefully, fully answer all the questions, sign where indicated and attach the required documentation. The declaration in Part C needs to be photocopied as needed to be signed by each project proponent or proposed project proponent.

You must complete and submit:

* **Part A: Applicant details**
* **Part B: Project and nominee details**
* **Part C**: **Declaration and signature**

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| --- | --- |
| Pen colours | Please use a **black** or **blue** pen to write on the form. |
| Check boxes | Mark boxes like this £ 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 - **£** 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 (8), go to the next indicated part/section. Where an instruction has a black single arrow (4), go to the next question. Where an instruction has a black single arrow pointing down (6), 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. |
| 4 | This symbol indicates an instruction on what to do next. |
| i | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| 4 | 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. |
| ë | This symbol advises that additional documentation to support a claim may need to be attached to the application. |

Submitting this form

You can choose to complete this form by:

* printing the form and filling it in by hand, or
* saving the form and filling in an electronic copy.

Note that if you choose the second option, there may be times when you will need to print certain sections in order to sign them or to complete multiple entries for a single set of questions. These sections may be scanned back into the computer and submitted electronically with the rest of the form.

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

### Online Services

For new biodiversity projects, this form can be submitted with the application to register a biodiversity project in [Online Services](https://onlineservices.cer.gov.au/).

You can also submit this form with an application to vary the project proponent(s) or to notify the Clean Energy Regulator of a new project nominee. See the Clean Energy Regulator’s website for guidance on how to submit a variation application or notification.

1. Applicant details
* Complete this part to identify details of the applicant submitting this form to nominate a project nominee. This does not need to be the nominee but the contact person for the Clean Energy Regulator in relation to this application.
1. Applicant details (required)

|  |  |
| --- | --- |
| Applicant name |       |
| Primary contact number |       |
| Alternative contact number |       |
| Email address |       |

1. Project and nominee details
2. Project details (required)
* Provide details of the biodiversity project this application relates to
* For new biodiversity projects, provide the ‘register a project’ application number found in Online Services (i.e. SUB-24-Y7B000123). For registered biodiversity projects, provide the Project ID issued to the project (i.e. NR012345).

|  |  |
| --- | --- |
| Project identification number |       |
| Project name |       |

1. Nominee details (required)
* Provide details of the project proponent, or proposed project proponent, that is being nominated as the nominee for the biodiversity project.

|  |  |
| --- | --- |
| Nominee name  |       |
| Date of birth(individuals only) | Day (dd) | Month (mm) | Year (yyyy) |
|    |    |      |
| Organisation identifier(organisations only) | ABN | [ ]  | ACN | [ ]  | ARBN | [ ]  | ICN | [ ]  |
|       |

1. Declaration and signature

This part must be completed and signed by **each** project proponent, or proposed project proponent, for the biodiversity project identified in Part B.

* Please photocopy or print this part for each project proponent, or proposed project proponent, to complete and sign the declaration.
1. Declaration to nominate the nominee (required)
* Complete and sign the declaration.

By signing below, the project proponent or proposed project proponent:

* declares that they have the legal capacity and authority to declare, acknowledge and consent to the items on this list
* acknowledges that they are nominating the nominee identified in Part B of this form to be the project nominee
* acknowledges that the nominee can undertake eligible voluntary actions on behalf of all project proponents
* acknowledges that any documents given to the nominee are considered to have been provided to all project proponents
* acknowledges the requirements associated with carrying out a biodiversity project and the obligations placed on project proponents under the *Nature Repair Act 2023* and subordinate legislation
* declares that all information provided in, and in relation to this application (including attachments and any other supporting information) is, having made all reasonable enquiries, complete, true and correct and not misleading by inclusion or omission and is not in breach of any law(s)
* acknowledges that the provision of false or misleading information or documentation to a Commonwealth entity is a serious offence and carries penalties under the *Criminal Code Act 1995* and may have consequences under the *Nature Repair Act 2023* and other laws
* acknowledges that the CER does not have any powers or role in enforcing work health and/or safety, environmental protection, or planning laws. If you are unsure of your responsibilities under these laws, you should contact the relevant local authorities
* consents to the Clean Energy Regulator sharing any information in relation to them or their projects with any Commonwealth, State or Territory government agencies for the purpose of assisting those agencies in the performance of their functions or powers relating to environmental protection and/or health and safety
* consents to any of the information provided in this application being copied, recorded, used or disclosed by the Clean Energy Regulator for the purpose of assessing and making a decision on the application, auditing compliance, enforcement of laws, regulations and legislative rule, the performance of the Clean Energy Regulator’s statutory functions and for related purposes subject to the requirements of relevant laws, in particular the *Privacy Act 1988* and Part 3 of the *Clean Energy Regulator Act 2011.*

### If applicable, do you also consent to the nominee signing, on your behalf, the application this form is accompanying (that is, to register or to vary project proponent for the project identified in Part B)?

|  |  |
| --- | --- |
| [ ]  | Yes, I do consent to the nominee signing on my behalf in the application this form is accompanying. |
| [ ]  | No, I do not consent to the nominee signing on my behalf in the application this form is accompanying. |

Signatory:

|  |  |
| --- | --- |
| Project proponent (or proposed project proponent) |       |
| Signature |       |
| Signatory name\*  |       |
| Title/position  |       |
| Phone number  | (  )       |
| Email address  |       |
| Signature date  | Day (dd)  | Month (mm)  | Year (yyyy)  |
|     |     |       |

\* Where someone is signing on behalf of an organisation, attach evidence of the authority to sign on behalf of that organisation.

Additional information

Seeking legal advice

The Clean Energy Regulator provides guidance for general information purposes only. The information in this form and supplied by the Clean Energy Regulator should not be interpreted as independent professional advice. You should not rely solely on this information and should get professional legal advice relevant to your individual circumstances.

Protection of information

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

Privacy statement

'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:

* whether the information or opinion is true or not
* 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 *Nature Repair Act 2023*, *Nature Repair Rules 2024*, the Privacy Act 1988, *Clean Energy Regulator Act 2011* and relevant legislative instruments made under those Acts.

Personal information collected in relation to this application will be used for the purposes of assessing the application, auditing compliance, enforcement of relevant laws, regulations and legislative rule, the performance of our statutory functions and for related purposes. We will also use the personal information which you provide for our administrative purposes, for example, to pre-populate other Clean Energy Regulator forms which you wish to fill out online in the future, in line with applicable climate change or biodiversity law (as defined under the *Clean Energy Regulator Act 2011*), and for improving our service delivery to you.

The Clean Energy Regulator’s [Privacy Policy](https://cer.gov.au/about-us/our-policies/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.

Disclosure of information

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

The circumstances in which such information may be used or disclosed include:

* disclosure to other agencies, persons 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 advising the minister, monitoring the operation of a climate change or biodiversity law or evaluating the effectiveness of a climate change or biodiversity law
* 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
* disclosure or use for the purposes of climate change or biodiversity law or for the purposes of the performance of our functions under a climate change or biodiversity law.

Accessibility disclaimer

Whilst 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@cer.gov.au.