DEPARTMENT OF PLANNING AND ENVIRONMENT
Biodiversity Offsets Scheme – change of designated contact person or authorised representative for public register

# Purpose of this form

This form is to be used to update details of a designated contact or authorised representative of a Biodiversity Offsets Scheme (BOS) credit holder (credit owner).

The person listed as a designated contact on the public register must be the credit holder or someone who is authorised to act on behalf of a credit holder (the agent) to take enquiries in relation to your biodiversity credits and credit transactions. The details of this person are displayed on a public register – the BOS credit supply register. The authority of the agent may be granted for example by a power of attorney or by a delegation.

Use this form if:

1. you want to change your designated contact or update their details on the public register of biodiversity credits
2. You are a corporation, local council, public authority, partnership or other organisation and would like to change or update the details of your authorised representative or designated contact details on the public register of biodiversity credits.

# Who can use this form?

1. Only the credit holder can authorise a change of designated contact. By signing this form, the credit holder authorises the Department of Planning and Environment to change the name of the person who can be contacted for enquiries about your credits. This will be displayed on the credit supply register and registered with the credit holding until such time as all the credits from the credit holding are transferred or until it is removed by a new nomination by the credit holder.
2. It does not replace the authority of the credit holder in regard to biodiversity credit transactions.
3. The designated contact must also provide their consent to appearing on the public register of biodiversity credits. The designated contact may request to remove their name from the public register of biodiversity credits at any time.

# Instructions for completing this form

* Please read each part of the application carefully, fully answer all the questions, sign where indicated, and attach the required documentation.
* In this form:
	+ credit holder means a person or persons or legal entity or legal entities who are the owners of the credits
	+ an authorised person is the person who is legally authorised to sign this form on behalf of a credit holder, such as an agent of the credit holder or, where the credit holder is a corporation, local council, public authority, partnership or other organisation, an appropriately authorised representative of the credit holder.
* The form must be completed and signed in Part C by the current credit holder. Please note that the consent of every person who is a credit holder of the credits must be provided to complete the change of designated contact.
* The form must be signed by the designated contact at Part B.
* Execution of the application by the credit holders must be witnessed in accordance with standard witnessing procedures. Witnesses must:
	+ be over 18 years of age
	+ have known the person whose signature they are witnessing or have taken reasonable steps to ensure the identity of that person
	+ be of sound mind
	+ not be a party to the application or have any financial interest in it.
* A legally authorised person must provide evidence of their authority to sign the application.
* All persons signing this form need to complete using their full legal name and prove their identity. This may be done using the services of a Justice of the Peace or via the Australia Post witnessing service.
* If insufficient space is provided for details of the credit holder or designated contact, please print a copy of the relevant page, complete the details and attach the page to the final application.
* The new designated contact may not be registered within the Biodiversity Offsets and Agreement Management System (BOAMS). If you are not already registered in that system, the department will create an account for you after a completed application is submitted to boscredits@environment.nsw.gov.au If creating an account please use your full legal name.
* Please read Part D for information on how the department manages your privacy in relation to this application.
* We may not update the contact details if:
	+ information contained in this form is incomplete or we believe it to be incorrect
	+ we believe false or misleading information has been supplied in this application.
* Please be aware there are penalties for the provision of false or misleading information (see Part I for more information).
* For any questions of for assistance completing this form, please email boscredits@environment.nsw.gov.au or call 131 555.

# Part A: Credit details

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| --- | --- |
| A1 Credit details |  |
| Biodiversity stewardship ID (if applicable) | Click or tap here to enter text. |
| Credit holding ID (BOAMS) | Click or tap here to enter text. |
| Credit ID (BOAMS) | Click or tap here to enter text. |

## Part B: New designated contact person

|  |  |
| --- | --- |
| B1 New credit contact |  |
| Person, company, public authority or other incorporated body you are authorised to act for | Click or tap here to enter text. |
| Relationship to credit holder  | Click or tap here to enter text. |
| Full name  | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Authorised capacity | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Email | Click or tap here to enter text. |
| Street address | Click or tap here to enter text. |
| Postal address | Click or tap here to enter text. |
| BOAMS customer number (if applicable) | Click or tap here to enter text. |
| If you are not already registered in BOAMS, the department will create an account for you after a completed application is submitted. |

Attach **one** of either the following:

|  |  |
| --- | --- |
| 1. B1.1 Identification certified by Justice of the Peace
 | 1. [ ]  Attached[ ]  Not applicable
 |
| 1. B1.2 Identification certified by Australia Post Witnessing Service
 | 1. [ ]  Attached[ ]  Not applicable
 |

1. Attach relevant documentation:

|  |  |
| --- | --- |
| 1. B1.3 Proof of legal authority to act on behalf of the credit holder if the designated contact person is not named as the credit holder e.g. power of attorney, current company extract.
 | 1. [ ]  Attached[ ]  Not applicable
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|  |  |
| --- | --- |
| B2 Signature of new credit contact |  |
| Name of contact | Click or tap here to enter text. |
| Signature of contact | Click or tap here to enter text. |
| Date |  |

# Part C: Signature of credit holder

This application must be completed and signed by the credit holder of the biodiversity credits that the contact person represents. The options for signing the form according to the credit holder category are set out in the table below.

|  |  |
| --- | --- |
| Credit holder category | Application is signed and certified by |

|  |  |  |
| --- | --- | --- |
| C1 | [ ]  Individuals | All the individuals who are credit holders of the biodiversity credits  |
| C2 | [ ]  A corporation | * two directors
* a director and a company secretary
* the director, if a proprietary company that has a sole director who is also the sole company secretary.
 |
| C3 | [ ]  A council | The general manager in accordance with s.377 of the *Local Government Act 1993* (LG Act) |
| C4 | [ ]  A public authority other than a council | The Chief Executive officer of the public authority. |
| C5 | [ ]  A trust | The trustee**Note:** trustees that are individuals should sign and certify this application as individuals. If the trustee is a corporation the application should be signed and certified by the relevant person(s) listed at C2. |
| C6 | [ ]  A partnership | All partners **Note:** partners that are individuals should sign and certify this application as individuals. If a partner is a corporation, council or public authority other than a council, the application should be signed and certified by the relevant person(s) listed at C2, C3 or C4. |

|  |  |
| --- | --- |
| C1 | Declaration by credit holder  |

I/We, the undersigned credit holders (owners) of the biodiversity credits, acknowledge and agree:

1. That I/We own the credits as described in this application.
2. That this application will be determined in accordance with the *Biodiversity Conservation Act 2016* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions.
3. That the Crown in right of the State of New South Wales, including its officers, employees, agents and successors (‘the State’), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law.
4. That all information contained in this application is accurate, true and complete and that the State will rely on such information.
5. That the provision of false or misleading information in, or in connection with, this application is an offence under section 13.10 of the *Biodiversity Conservation Act 2016* and section 307A of the *Crimes Act 1900*.
6. That the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently.
7. I/We hereby give consent for the above person to be the published designated contact for all of the biodiversity credits attached to the Credit holding ID identified above

|  |  |
| --- | --- |
| C2 | For change of contact request made by individuals  |

Photocopy and attach extra pages to include details for more than two credit holders.

|  |  |
| --- | --- |
| Name | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

|  |  |
| --- | --- |
| Name | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

|  |  |
| --- | --- |
| C3 | For change of contact request made by corporation |

Executed for and on behalf of the credit holder in accordance with section 127 of the *Corporations Act 2001* (Cth) (if a company) or by a duly authorised officer (for other types of corporation).

|  |  |
| --- | --- |
| Name of corporation  | Click or tap here to enter text. |
| Name (1) | Click or tap here to enter text. |
| Position (1) | Click or tap here to enter text. |
| Signature (1) |  |
| Date | Click or tap to enter a date. |
|  |  |
| Name of corporation | Click or tap here to enter text. |
| Name (2) | Click or tap here to enter text. |
| Position (2) | Click or tap here to enter text. |
| Signature (2) |  |
| Date | Click or tap to enter a date. |

|  |  |
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| C4 | For change of contact request made by council |

The general manager in accordance with section 377 of the *Local Government Act 1993* (LG Act).

|  |  |
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| Name | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

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| C5 | For change of contact request made by public authority other than a council |

The chief executive officer

|  |  |
| --- | --- |
| Name | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

|  |  |
| --- | --- |
| C6 | Witness |
| Name of witness | Click or tap here to enter text. |
| Signature of witness |  |
| Date | Click or tap to enter a date. |

Execution of the application by the credit holders must be witnessed in accordance with standard witnessing procedures. Witnesses must:

* be over 18 years of age
* have known the person whose signature they are witnessing for more than 12 months or have taken reasonable steps to ensure the identity of that person
* be of sound mind
* not be a party to the application or have any financial interest in it.

# Part D: Privacy Note

The department is subject to the *Privacy and Personal Information Protection Act 1988* in managing your personal information. The department’s [Privacy Management Plan](https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/privacy-management-plan-2017.pdf?la=en) describes how it meets these obligations.

When you submit this application, you will provide your personal information to the department. This includes your name yet may also include other information. You may also provide other personal information when you complete this form. Personal information means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

The department is collecting your personal information for the purpose of administering the Biodiversity Offsets Scheme. The department may only use your personal information in a way which is consistent with this purpose, which could include contacting you in relation to this application.

The provision of personal information is voluntary, yet for the purpose of verifying the identity of the designated contact person for the biodiversity credits, if you do not provide it, we may not be able to process your application.

Details (including personal information) about any biodiversity credits arising out of this application will be recorded in the publicly available Register pursuant to the *Biodiversity Conservation Act 2016* and clause 9.4 of the *Biodiversity Conservation Regulation 2017*.

We will not disclose your personal information to anybody else, unless you have given consent, or we are required to do so by law.

Your information will be held securely by the department at 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150, where applications are received. The information will be secured in an encrypted database.

You have a right to access your personal information. You also can request that your personal information be updated and corrected. If you wish to do so, please telephone the department’s Privacy Officer on 9860 1400 or email patiunit@planning.nsw.gov.au.

# Part E: Offences for misleading information

It is an offence, under section 13.10 of the *Biodiversity Conservation Act 2016*, to make a statement that you know to be false or misleading in a material particular in, or in connection with, this application. A corporation found guilty of an offence against section 13.10 is liable to a penalty not exceeding $1.65 million. An individual found guilty of an offence against section 13.10 is liable to a penalty not exceeding $330,000. Providing false or misleading information is also an offence under section 307A of the *Crimes Act 1900*.

# Part F: Submitting this form

Please submit signed scanned copies of this form and accompanying information to: boscredits@environment.nsw.gov.au.

Original copies may be provided to:

BOS Credits Transactions
Ecosystem Programs, Environment Energy and Science
Department of Planning and Environment

Locked bag 5022

Parramatta NSW 2124