



# SIGNATURES

## NOTIFICATION AND NOMINATION

The purpose of this fact sheet is to provide guidance on how NOPTA expects Notification and Nomination forms, which include Forms 2 to 7 and NEATS nominations, to be executed.

A titleholder is required to provide NOPTA and the National Offshore Petroleum, Safety and Environmental Management Authority (NOPSEMA) with a number of notifications under section 286A of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act), including:

- becoming a registered holder
- change of contact details

Multiple titleholders may provide:

- NOPTA and NOPSEMA with a nomination of a single registered holder for service of documents under subregulation 11A.04(2) of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*; and/or
- NOPTA with a nomination of a single registered holder to take eligible voluntary action under section 775B of the Act.

### What is needed?

In order to avoid any doubt that the person signing the above forms is authorised to bind a corporate titleholder NOPTA will require the above documents to be executed –

For a Registered Australian Company:

- in accordance with [section 127](#) of the *Corporations Act 2001* (the Corporations Act); or
- by a person holding a legal power of attorney executed by the company in accordance with section 127 of the Corporations Act.

For a Foreign Company:

- in accordance with the law of the country of incorporation of the foreign company.

### Why is this needed?

Using the method outlined above allows NOPTA to be confident that the person(s) signing the form have the ability to bind the company, without the need for further enquiries/investigation.

### Power of Attorney (for a Registered Australian Company)

If forms are signed by a person holding a legal power of attorney:

- the name of the attorney is to be written in full;
- the attorney must declare that:
  - they hold the power to execute the form on behalf of the company, and;
  - at the time of signing this has not been revoked; and
- the signature of the attorney on the form must be witnessed, with the signature and full name of the witness provided on the form.

Unless already provided, a copy of the power of attorney document must also be provided to NOPTA for our records. This will not be published.

### Foreign Companies

For a Foreign Company (whether registered as a foreign company with ASIC, or not), forms 2 to 7 should also be accompanied by a formal legal opinion from:

- an Australian law firm;
- a reputable law firm based in the company's place of incorporation; or
- an in-house lawyer in the foreign registered corporation –

stating that the company is a foreign registered company and that it has executed the forms in a way that is binding on the Foreign Company under the law of the place of incorporation of the Foreign Company.

If documents have not been signed in accordance with the above requirements, NOPTA will request that the applicant re-sign these documents.

### Further information or questions

The forms on NOPTA's website will be updated to reflect these requirement in due course.

Please monitor the NOPTA website or contact [titles@nopta.gov.au](mailto:titles@nopta.gov.au).