



SIGNATURES

TRANSFERS AND DEALING DOCUMENTS

The purpose of this fact sheet is to provide guidance on how NOPTA expects documents relating to transfers and dealings to be executed. For other information in relation to transfers and dealings refer to the [Transfers and Dealings Guideline](#).

The documents relating to transfers and dealings include:

- approval of transfer of title application form;
- prescribed instrument of transfer (schedule 7 of the *Offshore Petroleum Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*); and
- approval for a dealing application form.

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 transfer and dealing forms or prescribed instruments of transfers 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 - at the time of signing this has not been revoked; and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 This will not be published.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), the transfer or dealing forms 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. This may result in delays in approval and registration.

Further information or questions

Please monitor the NOPTA website or contact titles@nopta.gov.au.