



Guidance

Application to:

- open an account in the Australian National Registry of Emissions Units;
- become a recognised offsets entity under the Carbon Farming Initiative; and/or
- vary authorised representatives for an account in the Australian National Registry of Emissions Units

For help in filling out this application form,
please contact the Clean Energy Regulator:

registry-contact@cleanenergyregulator.gov.au

or

Phone 02 6159 3434

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1. About the Australian National Registry of Emissions Units

The Australian National Registry of Emissions Units (ANREU) is a secure electronic system designed to accurately track the location and ownership of emissions units issued under the Kyoto Protocol, Australian carbon credit units issued under the *Carbon Credits (Carbon Farming Initiative) 2011 Act* (CFI Act) and carbon units issued under the *Clean Energy Act 2011*.

Opening an ANREU account enables participation in the Australian Government's carbon pricing mechanism and Carbon Farming Initiative, as well as emissions trading under the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

The *Australian National Registry of Emissions Units Act 2011* and the Australian National Registry of Emissions Units Regulations 2011 provide the legislative support for the administration of the ANREU and are consistent with the Kyoto Protocol rules.

Who needs to open an account in the Australian National Registry of Emissions Units?

You will need to open an ANREU account if any of the following apply to you:

- You wish to acquire and surrender eligible emissions units to avoid a shortfall charge under the *Clean Energy Act 2011*.
- You operate an emissions-intensive trade-exposed activity and are eligible to receive free carbon units under the Jobs and Competitiveness Program.
- You have been recognised as an offsets entity under the Carbon Farming Initiative and are eligible to receive Australian carbon credit units generated through an eligible offset project.
- You wish to own eligible units.

What is an ANREU authorised representative?

An authorised representative is an individual nominated to operate your ANREU account.

Authorised representatives have the ability to perform all unit management functions, including transferring units from the applicant's account to other ANREU accounts or transferring eligible international units to registries in other countries.

The Clean Energy Regulator must be satisfied that a person is fit and proper before approving them as an authorised representative. (See section 3 for additional information on this matter)

It is expected that individuals and sole traders will not require an authorised representative, as they are likely to operate their own accounts themselves. However, individuals and sole traders are permitted to nominate an authorised representative if they wish.

All other ANREU account holders, such as companies, trusts or local councils, require **at least one** authorised representative. Where additional authorised representatives are nominated, one authorised representative must be nominated as the 'primary' representative and the other nominated representatives are then known as 'secondary' representatives. The role of the primary authorised representative is to be the main contact for any ANREU account administrative matters, such as receiving notices, information or requests from the Clean Energy Regulator. Authorised representatives may also request that the Clean Energy Regulator add or remove other authorised representatives.

The Clean Energy Regulator recommends that an ANREU account holder appoints at least two authorised representatives and specifies that one authorised representative may initiate a transaction

(the transaction initiator) and another authorised representative may approve the transaction (**the transaction approver**).

This reduces the risk of a mistake being made when making a transaction, as well as reducing the risk of fraud. Where there is only one authorised representative nominated for the account these actions can be performed by that one person (but you will need to authorise them for both functions). You can nominate authorised representatives as either an initiator only, approver only, or both initiator and approver by checking the relevant boxes in the application form.

Further information about initiator and approver functions can be found on the Clean Energy Regulator's website at <http://www.cleanenergyregulator.gov.au/ANREU/Pages/default.aspx>.

2. About the Carbon Farming Initiative

The Carbon Farming Initiative (CFI) is a voluntary carbon offsets scheme that provides new economic opportunities for farmers and land managers who take steps to reduce carbon pollution or increase carbon storage on the land. Eligible offsets projects generate Australian carbon credit units that can be sold to other individuals and businesses wanting to offset their own greenhouse gas emissions. Credits for abatement recognised under Australia's Kyoto accounts can be sold to companies with liabilities under the carbon pricing mechanism.

To establish a project under the CFI a person must be a recognised offsets entity. A person (who may be an individual, a body corporate, a trust, a corporation sole, a body politic or a local governing body) can only be recognised as an offsets entity if the person meets the criteria set out in the *Carbon Credits (Carbon Farming Initiative) Act 2011* and Carbon Credits (Carbon Farming Initiative) Regulations 2011. Following recognition, a recognised offsets entity can make an application to have their project declared eligible, which can generate Australian carbon credit units. Recognised offsets entities will need an account in the ANREU in order to receive Australian carbon credit units generated through their offsets projects and sell them to other account holders.

Applicants applying to become a recognised offsets entity can apply for an ANREU account using:

- the combined application form available for companies, incorporated association and other types of incorporated bodies, or
- the Application for Recognition as an Offsets Entity form, available for individuals and non-incorporated entities.

What is a CFI agent?

A CFI agent is an individual or company who is authorised by the applicant to act on their behalf. The agent is the contact person for the Carbon Farming Initiative project and would be responsible for matters such as submitting the application, giving information in connection with an application, withdrawing an application, giving a report, giving a notice, making a submission, making a request or giving information in connection with a request. It is not mandatory to nominate a CFI agent. Where an agent is an individual, the applicant may also nominate that individual to act as an authorised representative for their ANREU account.

Further information on the Carbon Farming Initiative can be found on the Clean Energy Regulator's website at

<http://www.cleanenergyregulator.gov.au/Carbon-Farming-Initiative/Pages/default.aspx>.

3. Fit and proper person declarations

A person must be fit and proper to hold an ANREU account, be recognised as an offsets entity or operate an ANREU account as an authorised representative. The fit and proper criteria are set out in section 64 of the *Carbon Credits (Carbon Farming Initiative) Act 2011* and Regulation 4.11 of the *Carbon Credits (Carbon Farming Initiative) Regulations 2011*. This requirement is one of a number of features designed to reduce the risk of fraud, deceptive or unfair conduct and non-compliance.

Applicants must disclose any relevant convictions as part of the fit and proper person declaration. Relevant convictions include convictions relating to dishonest conduct and convictions in relation to the conduct of a business. The Clean Energy Regulator will take into account the type, severity and frequency of any conviction(s) and other matters set out in the fit and proper person criteria in determining whether an applicant is a fit and proper person. A conviction may not disqualify an applicant. However, a failure to disclose relevant convictions may be an offence under the *Criminal Code Act 1995* and may adversely impact the assessment of an application.

Foreign applicants must disclose relevant convictions, including convictions against corresponding laws in a foreign jurisdiction. Relevant convictions include convictions relating to dishonest conduct and convictions in relation to the conduct of a business. It may be appropriate to provide additional information regarding any convictions to assist the Clean Energy Regulator to assess the relevance and seriousness of the offence. If you are unsure whether you need to disclose a conviction, please contact the Clean Energy Regulator on tel. +61-2-6159 3434 or email registry-contact@cleanenergyregulator.gov.au.

An applicant should also disclose any orders that have been made against them in relation to the *Competition and Consumer Act 2010* by a court or tribunal. If you are unsure whether you need to disclose an order or breach, please contact the Clean Energy Regulator on 02 6159 3434 or email registry-contact@cleanenergyregulator.gov.au.

What ‘conduct of a business’ offences are relevant?

Applicants must disclose, amongst other matters, convictions recorded against the applicant, the applicant’s executive officer(s) and, where applicable, the applicant’s authorised representative(s) relating to the conduct of a business activity.

Examples of these convictions include, but are not limited to, convictions under Australian taxation laws, consumer protection laws, anti-discrimination laws, environmental laws, animal protection laws, commercial laws, corporations law, workplace health and safety laws or anti-trust or competitive laws, and any corresponding laws in foreign countries.

What does ‘externally administered’ mean?

A company is an externally administered body corporate if:

- it is being wound up or is under administration
- a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting in respect of the property of the company
- the company has executed a deed of company arrangement that has not yet terminated, or
- has entered into a compromise or arrangement with another person the administration of which has not been concluded.

What does ‘insolvent under administration’ mean?

‘Insolvent under administration’ means a person who:

- a) under the *Bankruptcy Act 1966* or the law of an external territory, is bankrupt in respect of a bankruptcy from which the person has not been discharged, or
- b) under the law of an external territory or the law of a foreign country, has the status of an undischarged bankrupt;

and includes:

- c) a person any of whose property is subject to control under:
 - i section 50 or Division 2 of part X of the *Bankruptcy Act 1966*; or
 - ii a corresponding provision of the law of an external territory or the law of a foreign country; or
- d) a person who has executed a personal insolvency agreement under:
 - i. Part X of the *Bankruptcy Act 1966*; or
 - ii. the corresponding provisions of the law of an external territory or the law of a foreign country;

where the terms of the agreement have not been fully complied with.

Foreign persons must provide us with evidence that they are not currently bankrupt. Applicants who are foreign persons should contact the Clean Energy Regulator on tel. +61-2-6159 3434 or email registry-contact@cleanenergyregulator.gov.au to discuss how they may obtain insolvency checks.

National Police Checks

For Australian citizens or residents

The Clean Energy Regulator requires the consent of individuals to seek a national police check as part of the fit and proper person assessment. The Australian Federal Police national police check application form can be found on the Clean Energy Regulator's website at <http://www.cleanenergyregulator.gov.au/ANREU/opening-an-ANREU-account/Pages/default.aspx>.

You should complete this form if you are an Australian citizen or resident:

- applying as an individual, or a sole trader, to open an ANREU account
- being nominated as an ANREU authorised representative
- applying as an individual, or a sole trader, to be recognised as an offsets entity
- applying for any of the above as an individual in the capacity as trustee of a trust.

Documentary evidence of identity to support your application should be provided in accordance with

Section 4 on the next page. You do not need to provide additional identification documentation (such as certified copies of your passport or driver's licence) to accompany the Australian Federal Police national police check application form if you have already provided it as part of your application. The form should be attached to your application and not sent directly to the Australian Federal Police.

DO NOT send payment with the form. The Clean Energy Regulator will conduct these checks on your behalf.

For foreign persons

If you are:

- applying as an individual, or a sole trader, to open an ANREU account
- being nominated as an ANREU authorised representative
- applying as an individual, or a sole trader, to be recognised as an offsets entity, or
- applying for any of the above as an individual in the capacity as trustee for a trust, and

you have never lived in Australia, or have only recently arrived, an Australian National Police Check will not be relevant. In this situation, you must provide us with a criminal history check, no more than 12 months old, from the countries in which you have lived in the last 10 years.

The criminal history check must be obtained from a national government authority in the relevant country. If this is not possible, you must provide a criminal history check issued by a state or provincial authority for each state or province where you have lived over the last 10 years.

If authorities in the relevant country do not provide criminal history checks, you must provide a statutory declaration declaring that you have no criminal history and detailing the attempts you have made to obtain a criminal history check from the relevant authorities. If you are still overseas at the time you lodge your application, the statutory declaration must be notarised and registered at an Australian consulate in the country where you live.

If you are living in Australia at the time the statutory declaration is made, the declaration must be signed and witnessed by a person listed in section 5.

4. Documentary requirements to support your application

Documents for identifying Australian citizens or residents

You must attach **certified true copies** of three (3) documents from the following list for each individual who is an Australian citizen or resident and who is required to provide proof of identity with the application. At least one (1) document for each individual must be a Category A document. If an individual who is required to provide proof of identity has changed his or her name, you must also provide a certified copy of a document that shows the change of name (e.g. a marriage certificate, a deed poll, or a certificate issued by a government authority that recognises the change of name).

DO NOT send copies of credit cards or other bank cards. These will not be accepted as evidence of identity and will not be considered as part of the assessment.

Category A documents

- A full birth certificate issued by a state or territory. An extract of birth is NOT acceptable.
- A current passport issued by the Commonwealth.
- A citizenship certificate issued by the Commonwealth, or documentary evidence that the individual has been registered by the Commonwealth as an Australian citizen by descent.
- A passport or similar document issued for the purpose of international travel, that:
 - » contains a photograph and the signature of the individual in whose name the document is issued; and
 - » is issued by a foreign government, the United Nations or an agency of the United Nations; and
 - » has evidence of the individual's immigration status in Australia.

Category B documents

- A driver's licence or a learner's permit, issued under a law of a state or territory, that includes:
 - » a photograph of the individual and the individual's signature; and
 - » a street address that is the same as the address stated in the application.
- A Medicare card.
- A notice issued within the previous three months to the individual by a local government body or utilities provider, which:
 - » contains the individual's name; and
 - » contains the individual's street address; and
 - » records the provision of services by the local government body or utilities provider to that address or the individual.
- An Australian firearms licence issued under a law of a state or territory that includes:
 - » the individual's signature; and
 - » a photograph of the individual; and
 - » a street address that is the same as the address stated in the application.
- A secondary school or tertiary education student identification card that:
 - » includes a photograph of the individual; and
 - » was issued by an education authority that has been accredited by the Commonwealth, a state or territory government.

Aboriginal or Torres Strait Islanders

An Aboriginal or Torres Strait Islander may not possess enough documents from the above list to prove their identity. If this is the case, the individual may provide a reference by an authorised referee to verify their identity. This referee must not be an immediate family member (i.e. parent, grandparent,

sibling, child or grandchild) and must have known the individual for 12 months or more. An authorised referee for this purpose includes a:

- ✓ Council chairperson
- ✓ Community manager
- ✓ School principal or counsellor
- ✓ Minister of religion
- ✓ Doctor
- ✓ Senior nursing sister
- ✓ Government officer of at least five years.

The referee should be able to confirm the applicant's identity from any of the following:

- ✓ personal knowledge
- ✓ organisational records
- ✓ council records
- ✓ school records
- ✓ church records
- ✓ medical records.

Documents for identifying individuals who are foreign persons

You must attach **certified true copies** of three (3) documents from the following list for each individual who is a foreign person and who is required to provide proof of identity. At least one (1) document for each individual must be a Category A document. If an individual who is required to provide proof of identity has changed his or her name, you must also provide a certified copy of a document that shows the change of name (e.g. a marriage certificate, a deed poll, or a certificate issued by a government authority that recognises the change of name).

DO NOT send copies of credit cards or other bank cards. These will not be accepted as evidence of identity and will not be considered as part of the assessment.

In the form, an individual is a foreign person if the individual is ordinarily not resident in Australia. An individual is considered to be ordinarily resident in Australia if, at a particular time:

(a) one of the following applies to the individual:

- i) the individual is in Australia and has permission to remain in Australia indefinitely;

- ii) the individual is not in Australia but has a right to re-enter Australia and, on re-entry, to be granted permission to remain in Australia indefinitely;
- iii) the individual is in Australia and has a special category visa under section 32 of the *Migration Act 1958*;
- iv) the individual is not in Australia, is a New Zealand citizen, holds a New Zealand passport and, on re-entry to Australia, would have the right to be granted a special category visa under section 32 of the *Migration Act 1958*; and

(b) the individual was in Australia for 200 or more days in the 12 months immediately preceding that time.

Category A documents

- A passport or similar document issued for the purpose of international travel, that:
 - » contains a photograph and the signature of the individual in whose name the document is issued; and
 - » is issued by a foreign government, the United Nations or an agency of the United Nations.
- A birth certificate issued by a foreign government, the United Nations or an agency of the United Nations.
- A national identity card issued for the purpose of identification, that:
 - » contains a photograph and the signature of the individual in whose name the document issued; and
 - » is issued by a foreign government, the United Nations or an agency of the United Nations.

Category B documents

- A document issued by a foreign government that identifies the individual.
- A marriage certificate issued by a foreign government (not acceptable as a Category B document if already supplied as proof of a name change).
- A driver's licence issued by a foreign government for the purpose of driving a vehicle that contains:

- » a photograph of the individual in whose name the licence is issued; and
- » a street address that is the same as the address stated in the application.

Documentary evidence of authorisation and authority to submit your application

Where the applicant is not an individual, the Clean Energy Regulator requires evidence that the person signing the application is authorised by the applicant to make the request, and has sufficient authority to act on the applicant's behalf.

If the applicant is a company, the application may be signed by an executive officer (a director, chief executive officer, chief financial officer, or company secretary) without any additional documentation. If the person signing the application is not an executive officer, a signed letter or other document from an executive officer stating that the person signing the application has the authority to make the application and to act on behalf of the applicant must be supplied.

If the applicant is a local council, the mayor, chief executive officer (however described), or chief financial officer may sign the application without additional documentation. In other cases, a signed letter or other document providing evidence that the person signing is authorised and has the authority to act on the council's behalf must be supplied.

If the applicant is a trust, a trustee may sign the application.

Certification requirements to support your application

In accordance with the ANREU and CFI Regulations only specified persons are able to certify documents as being a true representation (copy) of the original.

These persons are:

- ✓ a bank, building society or credit union officer with five or more continuous years of service
- ✓ a commissioner of declarations
- ✓ a judge of a court

- ✓ a justice of the peace
- ✓ a legal practitioner
- ✓ a medical practitioner
- ✓ minister of religion (registered under the *Marriage Act 1961*)
- ✓ a police officer
- ✓ a sheriff or a sheriff's officer.

If a person who is required to provide a document under these Regulations is not in Australia at the time the document must be provided — a copy of a document must be certified as a true copy by:

- i) an Australian embassy, Australian High Commission or Australian consulate (other than a consulate headed by an honorary consul); or
- ii) a competent authority under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961.

Note: Information about competent authorities under the convention can be found on the Hague Conference on Private International Law's website at www.hcch.net.

Copies of identity documents may not be accepted where the certification has been carried out by a person who is not sufficiently independent of the application. Examples include copies that have been certified by a family member, or another person associated with the application, such as an executive officer or employee of the applicant company, or a person nominated to be an authorised representative or CFI agent.

How to certify a document

The document should be annotated with the following information and signed by the certifier:

I certify that this document is a true copy of the original document sighted by me.

Signature

Name

Qualification (e.g. Justice of the Peace)

State/Territory in which qualification conferred

Date

For multiple page documents, the certifier should sign or initial each page, number the pages 'page 1 of 40', 'page 2 of 40', and so on and certify the first page as above.

Certification of foreign documents

Documents issued outside of Australia will need to be certified as true copies by an appropriate signatory:

- Australian non-honorary consulate,
- Australian embassy,
- Australian High Commission, or alternatively, an Apostille Certificate can be obtained from a Hague Apostille Convention Competent Authority to authenticate a document issued overseas.

If the original document is in a language other than English, a written translation must be provided which is certified as a true and correct copy by an authorised translation service such as an appropriate embassy or a professional translation service accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

5. Privacy and Confidentiality

The Clean Energy Regulator is bound by the *Privacy Act 1988* and the secrecy provisions in the *Clean Energy Regulator Act 2011*. The Clean Energy Regulator is authorised to ask for the information in applications under the:

- *Carbon Credits (Carbon Farming Initiative) Act 2011* (CFI Act)
- Carbon Credits (Carbon Farming Initiative) Regulations 2011 (CFI Regulations)
- *Australian National Registry of Emissions Units Act 2011* (ANREU Act), and
- Australian National Registry of Emissions Units Regulations 2011 (ANREU Regulations).

This information is required to determine whether to recognise an applicant as an offsets entity, open an ANREU account for the applicant, and for the appointment of authorised representatives to operate the account.

Any information that is submitted as part of an application will be securely stored. The information may be used for the purpose of assessing and making a decision on the application, auditing compliance, enforcement of relevant laws and for related purposes. Information may be shared with other agencies, persons or organisations where necessary for these purposes and provided the disclosure is consistent with relevant laws, in particular the *Privacy Act 1988* and Part 3 of the *Clean Energy Regulator Act 2011*.

If you have any questions about privacy or secrecy issues please contact:

Privacy Contact Officer
Clean Energy Regulator
GPO Box 621
Canberra ACT 2601
Phone: +61 2 6159 3100
Website: www.cleanenergyregulator.gov.au

Information to be made public

The Clean Energy Regulator is required under the ANREU Act and the ANREU Regulations to publish on the Clean Energy Regulator's website the name and address of each person who has an ANREU account.