



Authority to sign and proof of identity practice guideline

Biodiversity Offsets Scheme – credit transfer, retirement and equivalent credits

The authority to sign and proof of identity (POI) requirements have been established by the Department of Planning, Industry and Environment (DPIE) in relation to Biodiversity Offsets Scheme (BOS) credit dealings – transfers, retirements, and assessment of reasonable biodiversity credit equivalence. These requirements are necessary to manage the risk of improper dealings and protect your identity.

Applications to transfer or retire BOS credits and for assessment of reasonable equivalence must be signed by a person/s with appropriate legal authority.

Those with legal authority to execute an application are also required to prove their identity as part of the application process.

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Legal authority to sign

The legal authority required to execute an application to transfer or retire BOS credits or for an assessment of reasonable equivalence depends on the category of credit holder or buyer.

Please see Table 1 for details on the legal authority required to execute an application.

Table 1 The legal authority required to execute an application according to the category of credit holder or buyer

Credit holder/ buyer category	Legal authority required to execute application for transfer or retirement of BOS credits	Legal authority required to execute application for assessment of reasonable equivalence of biodiversity credits
Individuals	All the individuals who are credit holders/buyers of the BOS credits	All the individuals who own the credit/s or the owners of the credits to be transferred
A corporation	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> The common seal affixed in accordance with the <i>Corporations Act 2001</i> 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
A council	The general manager in accordance with section 377 of the <i>Local Government Act 1993</i> (LG Act)	<ul style="list-style-type: none"> The general manager in accordance with section 377 of the LG Act The seal of the council being affixed in a manner authorised under the LG Act
A public authority other than a council	The chief executive officer of the public authority	The chief executive officer of the public authority

Evidence of authority to sign

Individual acting on behalf of one or more individuals

When a person is executing an application on behalf of one or more individuals identified as owners or buyers of the biodiversity credits, they will be required to provide evidence of their legal authority to execute the application.

One example of evidence of legal authority to sign on behalf of an individual is a Power of Attorney authorising execution of such applications that is registered on the NSW General Register of Deeds.

Please contact BOSCRECITS@environment.nsw.gov.au if you have questions about acceptable evidence of legal authority to sign.

Individual acting on behalf of a company, incorporated body or statutory body

When a person is executing an application on behalf of a company, incorporated body or statutory body, the person will be required to:

- represent a body whose existence is continuing at the time of execution of the application, and provide evidence of the continued existence of the body at the time of execution
- be a current officer of the body and be authorised to execute the application and provide evidence of the legal authority to execute the application
- be identified as the person signing on behalf of the body.

Examples of evidence of the legal authority to execute the application include:

- **for corporations** – a company extract dated so that it demonstrates the individual executing the application held a position of office with legal authority to do so at the time the application was signed
- **for incorporated bodies** – evidence dated so that it demonstrates the individual executing the application was authorised to do so at the time the application was signed (e.g. constituent documents; certified resolution that specifies the full names of persons and positions held by the person in the body)
- **for a statutory body** – evidence of the authority of persons to act on behalf of that body (e.g. evidence of the persons position and delegation).

Proof of identity for persons with legal authority to sign

POI is required to be provided to DPIE as part of the application process for:

- each credit holder, credit buyer and any duly authorised representative/s that has legal authority to execute an application to transfer or retire BOS credits
- the applicant and any duly authorised representative that has legal authority to execute an application for assessment of reasonable equivalence of biodiversity credits.

Acceptable proof of identity

A copy of **one** of the following identity documents that has been certified by a Justice of the Peace or via the Australia Post document certifying service must be provided with your application:

- a current NSW or interstate photo driver/rider licence;
- current NSW or interstate Photo Card, or
- a current Australian passport. Validation with the Australian Passport Office may be required for passports issued within the last two years. Passports that have been cancelled for any reason are not accepted.

Your identity document must show your photograph and signature.

To find a Justice of the Peace visit the NSW Government [Justices of the Peace webpage](#).

For further information on Australia Post document certifying service, please refer to the [Certifying documents & witnessing signatures webpage](#).

If you can't meet these requirements, please contact BOSCREDITS@environment.nsw.gov.au to discuss options for proving your identity in line with established NSW Government processes.

For examples of other proof of identity that may be accepted, see [Transport for NSW – Proving your identity](#).

Duration of proof of identity

Copies of certified identity documents for purposes of an application for credits dealings will be accepted by DPIE for **six months** from date of certification or until expiry or cancellation of the identity document, whichever is sooner.

DPIE requires that a POI is provided with each application.

The same POI can be used for multiple applications to transfer or retire BOS credits or for an assessment of reasonable equivalence for as long as it is valid.

More information

Please contact BOSCREDITS@environment.nsw.gov.au if you need more information or have any questions about the requirements in this guideline.

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