



# **Carbon Credits (Carbon Farming Initiative) Amendment (Information Requirements) Rules 2023**

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I, Chris Bowen, Minister for Climate Change and Energy, make the following rules.

Dated 14 April 2023

Chris Bowen  
Minister for Climate Change and Energy

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## 1 Name

This instrument is the *Carbon Credits (Carbon Farming Initiative) Amendment (Information Requirements) Rules 2023*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	27 April 2023

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Carbon Credits (Carbon Farming Initiative) Rule 2015*

#### **1 Subsection 4(1) (paragraphs (a) and (b) of the definition of *certified copy*)**

Repeal the paragraphs, substitute:

- (a) a person prescribed for the purposes of paragraph 8(b) of the *Statutory Declarations Act 1959*; or

#### **2 Subsection 4(1)**

Insert:

*digital identity* of an individual means a distinct electronic representation of the individual that enables the individual to be sufficiently distinguished when interacting online with services.

*document verification service* means the service known as the Australian Government Document Verification Service, or that service continuing in existence with a different name.

*identity evidence*, for a person, means:

- (a) if the person's identity is to be verified by means of digital identity—the person's digital identity; or
- (b) in any other case—the documents required to be given to the Regulator under section 16 for that kind of person, and any document identifiers given in place of such documents.

*identity service provider* means an accredited participant in the system known as the Australian Government Digital Identity System, or that system continuing in existence with a different name, that provides a service that generates, manages, maintains or verifies information relating to the identity of an individual.

#### **3 Section 15**

Repeal the section, substitute:

#### **15 Information to accompany application**

An application for the declaration of an offsets project as an eligible offsets project must be accompanied by the following information:

- (a) the applicant's full name, address and contact details;
- (b) the applicant's business name or trading name, if different from the full name;
- (c) the address of the applicant's principal place of business;
- (d) the applicant's ABN, ACN, ARBN, GST registration number, Indigenous corporation number or other unique number;
- (e) the applicant's status as one of the following:
  - (i) an individual, including an individual who is a sole trader;
  - (ii) a body corporate;
  - (iii) a corporation sole;

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- (iv) a body politic;
  - (v) a local governing body;
  - (vi) a trust;
  - (f) if the applicant is an individual (including an individual who is a sole trader)—the following:
    - (i) the individual's date of birth and residential address;
    - (ii) any other name by which the individual is known;
    - (iii) in the case that the individual is a sole trader—each jurisdiction in which the sole trader operates as a sole trader;
  - (g) if the applicant is a body corporate—the following:
    - (i) the full name and date of birth of each executive officer of the body;
    - (ii) a description of the form in which the body has been incorporated;
    - (iii) each jurisdiction in which the body operates;
    - (iv) in the case that the body is a foreign person—the full name, address and contact details of any Australian agent through which the body conducts business;
  - (h) if the applicant is a trust—the following:
    - (i) the full name and address of each trustee of the trust;
    - (ii) a description of the type of trust the trust is;
    - (iii) each jurisdiction in which the trust operates;
    - (iv) for each trustee that is an individual—the information mentioned in paragraph (f);
    - (v) for each trustee that is a body corporate—the information mentioned in paragraphs (d) and (g);
  - (i) if the applicant is a trust (other than a trust that is a government superannuation fund established by legislation or a trust registered and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a trust)—the following:
    - (i) details of any class of beneficiaries identified by the terms of the trust;
    - (ii) the full name and date of birth of each beneficiary of the trust who is an individual (except an individual who is a beneficiary only because the individual is a member of a class mentioned in subparagraph (i));
    - (iii) the name (and any business name or trading name, if different) of each beneficiary of the trust who is not an individual (except a person who is a beneficiary only because the person is a member of a class mentioned in subparagraph (i));
  - (j) if the applicant is a corporation sole—the full name and address of the individual constituting the corporation sole;
  - (k) if the applicant is an incorporated association, or a registered cooperative, that does not have a registered address or principal place of business—the full name and address of a public officer, secretary, president or treasurer of the body;
  - (l) if the applicant is a proprietary or private company (other than a company that is a publicly listed company in Australia or a wholly owned subsidiary of such a company or a company that is licensed and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a company)—the full name and address of any individual who owns, through one or more shareholdings, over 25% of the issued capital in the company.
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#### 4 Section 16 (heading)

Repeal the heading, substitute:

### 16 Identity evidence to accompany application

#### 5 Subsection 16(1)

Repeal the subsection, substitute:

- (1) An application for the declaration of an offsets project as an eligible offsets project must be accompanied by the following:
  - (a) if the applicant is an individual, or is a kind of applicant mentioned in an item of the table in subsection (1A)—identity evidence for the applicant;
  - (b) if the applicant is a body corporate that does not have an ABN—identity evidence for the following:
    - (i) in the case that the applicant is either a foreign person that is a public company or a body that has no more than one executive officer—one executive officer of the applicant;
    - (ii) otherwise—2 executive officers of the applicant;
  - (c) if the applicant is a trust, and at least one trustee of the trust is an individual—identity evidence for each trustee who is an individual;
  - (d) if the applicant is a trust, and at least one trustee is a body corporate that does not have an ABN, identity evidence in respect of each such body corporate for the following:
    - (i) in the case that the body corporate is either a foreign person that is a public company or a body that has no more than one executive officer—one executive officer of the body corporate;
    - (ii) otherwise—2 executive officers of the body corporate.
- (1A) For subsection (1), an application is accompanied by identity evidence for a person if:
  - (a) in the case of a person that is a kind of applicant mentioned in an item of the following table—certified copies of each document set out in the item are provided to the Regulator with the application; or
  - (b) in the case of a person that is an individual:
    - (i) the person consents to the transfer of the person’s digital identity from an identity service provider to the Regulator and the Regulator is able to accept that digital identity from that provider; or
    - (ii) certified copies of the documents mentioned in each paragraph in subsection (1B) that applies to the person are provided to the Regulator with the application.

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#### Documents required to establish applicant’s identity

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Item	Applicant	Documents
1	An applicant that is a body corporate	The following: <ol style="list-style-type: none"> <li>(a) the certificate of the body’s incorporation (if any);</li> <li>(b) the certificate of the body’s registration (if any) with the Australian Securities Investment Commission;</li> <li>(c) if the body is not registered in Australia—the certificate of the body’s registration (if any) with a registry</li> </ol>

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<b>Documents required to establish applicant's identity</b>		
<b>Item</b>	<b>Applicant</b>	<b>Documents</b>
		established under a law of a foreign country; (d) if there is no certificate of the body's incorporation—a document with similar effect; (e) if there is no certificate of the body's registration—a document with similar effect.
2	An applicant that is an incorporated association or a registered cooperative	Other documentary evidence that the body exists (for example, an annual report or the body's constitution).
3	An applicant that is a trust	The following: (a) if there is a trust deed—the deed, or an extract of the deed, that identifies the trustees and beneficiaries (or classes of beneficiary); (b) if there is no trust deed—either: (i) a document with similar effect to a trust deed; or (ii) the certificate of registration as a trust (if any); (c) for each trustee that is a body corporate—the documents mentioned in items 1 and 2 (as applicable).

(1B) For subparagraph (1A)(b)(ii), the documents are the following:

- (a) if the individual is an Australian citizen or is ordinarily resident in Australia—3 documents identifying the individual, of a kind set out in Part 1 of Schedule 1, at least one of which must be a category A document;
- (b) if the individual is a foreign person—3 documents identifying the individual, of a kind set out in Part 2 of Schedule 1, at least one of which must be a category A document;
- (c) if the individual's name has changed—a document that shows the change of name.

Note: Examples for paragraph (1B)(c) include a marriage certificate, a deed poll and a certificate issued by a government authority that recognises the change of name.

(1C) A person may provide a document identifier for a document in place of a document mentioned in subsection (1B) if the Regulator is able to verify the document by providing the document identifier to the document verification service.

## **6 Subsection 16(2)**

Omit “a certified copy of a document under subsection (1)”, substitute “identity evidence for a person”.

## **7 Paragraph 16(2)(b)**

Omit “document (or a certified copy of the document)”, substitute “identity evidence”.

## **8 Paragraph 16(2)(c)**

Omit “document”, insert “identity evidence”.

**9 Subsection 16(3)**

Omit “a certified copy of a document under subsection (1)”, substitute “identity evidence for a person”.

**10 Paragraph 16(3)(b)**

Omit “document (or a certified copy of the document)”, substitute “identity evidence”.

**11 Paragraph 16(3)(c)**

Omit “document”, insert “identity evidence”.

**12 Subsection 16(4)**

Omit “a certified copy of a document under subsection (1)”, substitute “identity evidence for a person”.

**13 Paragraph 16(4)(b)**

Omit “document (or a certified copy of the document)”, substitute “identity evidence”.

**14 Subsection 17(1)**

Omit “If a certified copy of a document must, under section 16, accompany an application”, substitute “If an applicant provides a certified copy of a document, under section 16, with an application”.

**15 Paragraphs 18(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) an application for the declaration of an offsets project as an eligible offsets project must be accompanied by identity evidence in respect of an individual; and
- (b) the individual is an Aboriginal person or a Torres Strait Islander who does not have that identity evidence, or all of that evidence.

**16 In the appropriate position in Part 29**

Insert:

**Division 3—Application provisions relating to the Carbon Credits (Carbon Farming Initiative) Amendment (Information Requirements) Rules 2023**

**127 Application of amendments**

- (1) The amendments of this instrument made by Schedule 1 to the *Carbon Credits (Carbon Farming Initiative) Amendment (Information Requirements) Rules 2023* (the **amending rules**) apply in relation to an application under section 22 of the Act made after the commencement of the amending rules.
- (2) A reference to identity evidence for a person in paragraphs 16(2)(b) and (c), 16(3)(b) and (c) and 16(4)(b) of this instrument, as amended by the amending rules, includes a reference to documents the person was required to give to the

Regulator under section 16 of this instrument before the commencement of the amending rules.

**17 Schedule 1 (heading)**

Omit “**required to establish**”, substitute “**for establishing**”.

**18 Schedule 1 (note to Schedule heading)**

Repeal the note, substitute:

Note: See the definitions of *category A document* and *category B document*, and paragraphs 16(1B)(a) and (b).