

# Guidance for creating accounts and case parties in BOAMS

This is an interim guidance document prepared in response to changes deployed in BOAMS in July 2020. These changes improve the way accounts are created and linked to cases in BOAMS. Additional functionality in BOAMS continues to be developed.

## Introduction

It is important that people and businesses involved in the Biodiversity Offsets Scheme (BOS) are correctly identified at the onset in BOAMS. It is also important that people and businesses do not have duplicate accounts in BOAMS. That account should then be linked to the relevant cases.

Information in BOAMS about credit owners and those with a credit obligation is sensitive and important information. Information about someone with a legal right to act on behalf of those entities is also sensitive and important. Accurate identification will help reduce potential time delays and any complexities in processing future applications for credit transfer and retirement. How people are linked to credit holdings or obligations ultimately governs management of information associated with their assets or obligations.

In this document, an application to transfer or retire biodiversity credits created under the Biodiversity Assessment Method (BAM) is referred to as a **credit transaction**.

The three key areas of governance of information regarding BAM credits and credit transactions are:

### 1. Proof of identity.

This happens outside of the BAM-C and BOAMS system.

EES will require proof of identity to be provided in relation to credit transactions. Anyone who is a party to a credit transaction will be required to provide evidence of their proof of identity. Please refer to the [Authority to sign and proof of identity practice guideline](#) for more information.

### 2. Right to deal

This is the legal entitlement of a person to be a party to a transaction. This would be the owner or buyer of a BAM credit or any entity legally authorised to act on their behalf.

All parties involved in a credit transaction must be accurately identified in BOAMS and associated documentation. This means that all landholders must be entered, for example, as they appear on the title of the land or their identity document.

For privacy reasons, each individual entity requires their own email address to ensure only they receive notifications related to their accounts and credit holdings or obligations.

### 3. Legal authority

This is the legal authority of someone to execute a credit transaction on behalf of a credit owner or credit buyer.

The full legal name of the person who is representing another individual or a business must be entered into BOAMS as it appears on their identity document and any legal authority to act (for example, a Power of Attorney).

Evidence of legal authority is provided outside of BOAMS for credit transactions. Please refer to the [Authority to sign and proof of identity practice guideline](#) for more information.

## **Establishing accounts, identifying authority type and linking case parties**

An account must be created for any person or organisation whether they are a landholder, a credit buyer, an authorised person. To create an account, select the appropriate account type from “New Person Account” or “New Business Account” from the right-hand side of the home page.

Once an account is created, that person or business can be linked to a case as a case party.

# Case party types in BOAMS

**Individual landholder:** the owner of the subject land that is an individual person. For example, the owner of the land proposed for a Biodiversity Stewardship Agreement or the owner of the subject land proposed for development, an activity, vegetation clearing or biodiversity certification. See below on adding information on individuals.

**Corporation landholder:** the owner of the subject land that is a corporation. For example, the corporation that owns the land proposed for a Biodiversity Stewardship Agreement or the corporation that owns the subject land proposed for development, an activity, vegetation clearing or biodiversity certification. See below on adding information on individuals. used to add a corporation landholder to a BSA case or to BDAR.

**Authorised person:** the person who has legal authority to act on behalf of another party. This would include for example, a company director. See below for more information on authorised persons.

**Assessor:** accredited assessors are able to create cases in BOAMS. Accredited assessors must not enter themselves as authorised persons unless they hold the appropriate legal authority identified (e.g. a valid power of attorney) to act as the authorised person.

**Consent authority member:** Determining authority for activities assessed under Part 5 *Environmental Planning and Assessment Act 1979* (EP&A Act) and for EES Regional Branches reviewing BARs.

**Council member:** Local councils, being the consent authority under Part 4 EP&A Act reviewing BDARs.

**Contact person:** The contact person is the public contact for phone enquiries and for listing of information on the public registers. A contact person does not have to have legal authority to act however ideally the contact person is also an authorised person.

**Credit buyer:** this case party type is not relevant for accredited assessors.

**Interest holders:** used by BCT to identify an individual or corporation- that has a legal interest in land subject to a proposed Biodiversity Stewardship Agreement.

# Customer Account types

## 1. Individual

Use the function “New Person Account” to create an account for an individual. This should be used to create an account for an individual landholder, authorised person or contact person. An individual account can also be created by adding that individual as a case party to a case.

When entering an individual's name **use their full legal name**. For example, include the middle name if this appears on legal documents (drivers' licence, passport or land title).

**It is preferred that each individual has their own email.** This is to meet obligations for individuals to access information in relation to their own financial matters.

## 2. Corporation or business

Use the function “New Business Account” to create an account for a corporation or business. A business account can no longer be created by adding that business as a case party to a case.

An Australian Company Number (ACN) (9-digit identifier issued by Australian Securities Investment Commission (ASIC) or an Australian Registered Business Number (ARBN) must be added in the first step to create a business account. Press validate to validate against ASIC records. If validation does not work the record may have been entered in error or the organisation may have been deregistered. It validates against the registered business address which must be an Australian address.

**Use the full legal name** as it appears on land title documentation or on ASIC company records.

Do not use a shortened business name.

Do not use a variation of the business name as this may be another company.

The postcode and country will be automatically populated but you will need to enter the remainder of the registered business address.

# Authorised persons

The legal authority of a person to represent an individual or business must be defined in BOAMS.

You must select the appropriate signatory category. This is a mandatory field.

A description of each of the signatory categories is below. Some examples are included. These descriptions do not constitute advice on the authority type that is required for a transaction, or any other matter relating to whether the authority is valid of the situation. **You should seek advice if you are not sure whether the authority is valid for the credit transaction being conducted.** For further details in relation to Aboriginal Corporations, Aboriginal Associations, The New South Wales Aboriginal Land Council, Local Aboriginal Land Council see details of relevant authority type at this [link](#).

## 1. Appointed officer in the transacting organisation

This includes, for example, the public officer of an incorporated association or such members of the association's committee as have been appointed by the committee to be authorised signatories pursuant to s36 of the *Associations Incorporation Act 2009*. Note an incorporated association has a separate legal identity to the members of that association. An example of evidence of appointed officer would be an up to date copy of the articles of association. Aboriginal associations are also included here - they do not have an ACN, but they have a registration number. Visit [NSW Fair Trading](#) for more information on identifying registered associations and information on appointed officers.

## 2. Delegate

This includes **delegated or appropriately authorised persons** within, for example, statutory authorities, major financial institutions or cooperative housing authorities who have a delegation to authorise certain events. The delegation should be appropriate to the activity (e.g. a land dealing and or a financial delegation). The delegation will either be of a particular person or an incumbent to the position. In some cases, you may need to provide a copy of the instrument of delegation or a copy of the delegation.

## 3. Registered agent

These include people operating as an attorney specified in a valid **power of attorney (POA)**. The POA should be registered on the NSW Register of Deeds if an individual is executing it. Copies of deeds that postdate it (if any) need to be checked to make sure they do not change the nature of the authority or who is authorised. A copy of the POA should be supplied and it should authorise the activity, for example, biodiversity credit transfer or biodiversity credit retirement. The Environment, Energy and Science Group within the Department of Planning, Industry and Environment will check that the POA has not been revoked.

## 4. Licensed agent

These include **solicitors and barristers**. For land dealings (e.g. when working on a Biodiversity Stewardship Agreement) it may include a licenced conveyancer. You may need to seek advice as to whether they are authorised to conduct a particular transaction.

## 5. Statutory agent

These include representatives of incapacitated persons, parent/guardian of a minor, Protective Commissioner, a Manager appointed by the Supreme Court, the Trustee for a bankrupt proprietor, an administrator, controller, liquidator, or receiver for a company, the Sheriff, a Court Officer. You may need to seek advice as to whether the person is authorised to conduct a particular transaction.