

# Appropriate person to hold a permit or licence

## What this form is for

The completed form will be used by the Northern Territory Department of Industry, Tourism and Trade (DITT) to assess the suitability of an applicant, and any associated entity of the applicant, for the grant, renewal or transfer of an exploration permit, retention licence or production licence, having regard to the requirements of section 15A of the *Petroleum Act 1984*.

This information is also required to be provided as additional information to support an application for the grant, renewal or transfer of a permit or licence under the *Geothermal Energy Act 2009*, *Energy Pipelines Act 1981*, *Petroleum (Submerged Lands) Act 1981* and *Petroleum (Prospecting and Mining) Act*.

## Before you complete this form

1. This form must be completed by a person that is authorised to do so.
2. If there is insufficient space to answer a question, attach additional pages with the applicant's name and the relevant section number.
3. An associated entity is defined in section 50AAA of the *Corporations Act 2001*.
4. A probity check is required for the purpose of determining the applicant's, and any associated entities, suitability for the grant, renewal or transfer of a permit or licence. As part of this application, please purchase a Comprehensive Report from illion Express <https://express.illion.com.au/about> for the applicant and each associated entity. At the report checkout, enter [EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au) as the contact email address. The report will be sent directly to DITT. A copy of the report will be provided to you on request.

Reports not received directly from illion Express will not be accepted. You will be required to purchase another report/s, entering the [EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au) email address at the report checkout.

5. The reasons why the applicant, and any associated entity, is or is not determined to be an appropriate person to hold a permit or licence, will be published on the DITT website for applicants under the *Petroleum Act 1984*.
6. You may be asked to provide additional information to support your application.
7. All information provided will be held in-confidence.

Section 1 – Applicant details			
Company/individual name			
Principal address			
Postal address (if different to above)			
ACN		Contact number	
Email			

<b>Section 2 - Associated entity - attach a separate sheet showing the below details, if multiple entities</b>			
<b>Company/individual name</b>			
<b>Principal address</b>			
<b>Postal address (if different to above)</b>			
<b>ACN</b>		<b>Contact number</b>	
<b>Email</b>			
<b>Section 3 - Land release being applied for, or affected title – complete whichever is relevant</b>			
<b>Land release</b>			
<b>Permit/s or Licence/s</b>			
<b>Section 4 - Appropriate person statement</b>			
Prescribed legislation and prescribed environmental legislation is listed in sections 6 and 7 below.			
Provide a statement that addresses each of the following, and include attachments where necessary, clearly identifying the section of this form that the attachment relates to.			
<b>4.1</b>	Provide details about the applicant or entity's record of compliance with the prescribed legislation listed below.		
<b>4.2</b>	Advise if the applicant or entity has contravened any of the prescribed legislation, and if so, provide details about the: <ul style="list-style-type: none"> <li>• seriousness of the contraventions</li> <li>• length of time since the contraventions occurred.</li> </ul>		
<b>4.3</b>	Provide a list of licences, or other authorities, that the applicant or entity has held under the prescribed legislation, and advise if any have been suspended or revoked. Include details about the suspension or revocation.		
<b>4.4</b>	Provide details about why the applicant or entity is of good repute, having regard to character, honesty and integrity.		
<b>4.5</b>	Advise if the applicant or entity has been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty, in the last 10 years, and if so, provide details.		

4.6	<p>Advise if, within the last three years, the applicant or entity:</p> <ul style="list-style-type: none"> <li>was an undischarged bankrupt</li> <li>applied to take the benefit of any law for the relief of bankrupt or insolvent debtors</li> <li>entered into an arrangement with the applicant or entity's creditors or made an assignment of the applicant or entity's remuneration for their benefit.</li> </ul> <p>If so, provide details.</p>
4.7	<p>Advise if the applicant or entity is or was a director of a body corporate that is the subject of a winding-up order or for which a controller or administrator has been appointed in the last three years, and if so, provide details.</p>
4.8	<p>Advise if the applicant or entity is in partnership, in connection with the action that is the subject of the permit or licence, with a person whom the Minister does not consider to be an appropriate person having regard to the matters listed in this form.</p>
<p>Complete this part if the applicant or entity is a body corporate, and include attachments where necessary, clearly identifying the section of this form that the attachment relates to. A reference to a director of a body corporate includes reference to a person concerned in the management of the body corporate.</p>	
4.9	<p>Advise if a director of the body corporate has contravened any of the prescribed legislation, and if so, provide details.</p>
4.10	<p>Provide a list of licences, or other authorities, that the director of the body corporate has held under the prescribed legislation, and advise if any have been suspended or revoked. Include the reasons for the suspension or revocation.</p>
4.11	<p>Advise if a director of the body corporate is or has been the director of another body corporate that has contravened the prescribed legislation, and if so, provide details.</p>
4.12	<p>Advise if the director of the body corporate is or has been the director of another body corporate that has held a licence or other authority under the prescribed legislation, and advise if any have been suspended or revoked. Include the reasons for the suspension or revocation.</p>

<p><b>4.13</b></p>	<p>In the case of a body corporate that is the subsidiary of another body or company (the parent company), advise if the parent company or a director of the parent company has:</p> <ul style="list-style-type: none"> <li>• contravened the prescribed legislation, or</li> <li>• has held a licence or other authority under the prescribed legislation that has been suspended or revoked.</li> </ul> <p>If so, provide details.</p>
<p><b>4.14</b></p>	<p>In the case of a body corporate that is the subsidiary of another body or company (the parent company), advise if the director of the parent company is or has been the director of another body corporate that has:</p> <ul style="list-style-type: none"> <li>• contravened the prescribed legislation, or</li> <li>• has held a licence or other authority under the prescribed legislation that has been suspended or revoked.</li> </ul> <p>If so, provide details.</p>
<p><b>4.15</b></p>	<p>Provide details about the record of compliance with the prescribed environmental legislation for any director of the body corporate.</p>
<p><b>4.16</b></p>	<p>Provide details about why a director of the body corporate is of good repute, having regard to character, honesty and integrity.</p>
<p><b>4.17</b></p>	<p>Advise if a director of the body corporate has been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty, in the last 10 years. If so, provide details.</p>
<p><b>4.18</b></p>	<p>Advise if the body corporate is the subject of a winding up order or has had a controller or administrator appointed in the last three years, and if so, provide details.</p>

## Section 5 - Required attachments

### Technical capacity

- Provide the following to demonstrate that the permit or licence will be under the control of a technically competent person:
  - full name of each director of the applicant and entity
  - full name of each director and any person concerned in the management of the parent company
  - CVs for the applicant's directors and technical staff
  - the applicant or entity's latest annual report, where it contains information in relation to the technical capacity of the applicant
  - evidence of technical capacity for the applicant, entity and third parties.
- Provide the following information if there is an existing well within the permit or licence area:
  - details of the Well Integrity Management System that the applicant and any third party intend to use (if applicable)
  - details of the well control manual, processes and/or procedures that the applicant and any third party intend to use (if applicable)
  - advise how third party procedures and processes will be incorporated into the management systems, that is, through a bridging document
  - advise what change management procedures are in place should the third party change.

### Financial capacity

Provide the following to demonstrate that the applicant has the financial capacity to comply with the obligations under the permit or licence:

- a letter from a chartered accountant warranting that the applicant has the financial capacity to carry out all of its obligations and commitments, including rehabilitation, in the Northern Territory and other jurisdictions, and continue as a going concern
- a financial statement and balance sheet that:
  - has been prepared by a chartered accountant,
  - signed by a director of the company
  - audited by an independent chartered accountant
  - demonstrates that the applicant has the financial capacity to undertake:
    - the minimum work program conditions for an exploration permit, or
    - the minimum work program conditions for a retention licence, or
    - development and production activities for a production licence.

**Other**

- Include attachments where necessary.
- Purchase an million Comprehensive Report, for the applicant and each associated entity, using the [EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au) email address at the report checkout.
- Include any other relevant information that you would like the Minister to consider.

**Section 6 - Prescribed environmental legislation**

- *Environment Protection Act 2019*
- *Waste Management and Pollution Control Act 1998*
- *Water Act 1992*
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*
- *Environment Protection Act 1997 (ACT)*
- *Protection of the Environment Operations Act 1997 (NSW)*
- *Environment Protection Act 1994 (QLD)*
- *Environment Protection Act 1993 (SA)*
- *Environment Management and Pollution Control Act 1994 (TAS)*
- *Environment Protection Act 2017 (VIC)*
- *Environment Protection Act 1986 (WA)*
- An Act of another jurisdiction that is similar in nature and purpose to an Act listed above.

**Section 7 - Prescribed legislation**

- *Northern Territory Aboriginal Sacred Sites Act 1989*
- *Taxation Administration Act 2007*
- *Territory Parks and Wildlife Conservation Act 1976*
- *Work Health and Safety (National Uniform Legislation) Act 2011*
- *Work Health and Safety Act 2011 (Cth)*
- *Work Health and Safety Act 2011 (ACT)*
- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Act 2011 (QLD)*
- *Work Health and Safety Act 2012 (SA)*
- *Work Health and Safety Act 2012 (TAS)*
- *Occupational Health and Safety Act 2004 (VIC)*
- *Occupational Safety and Health Act 1984 (WA)*
- *Petroleum Act 1984*
- *Geothermal Energy Act 2009*
- *Energy Pipelines Act 1981*
- *Petroleum (Submerged Lands) Act 1981*
- *Petroleum (Prospecting and Mining) Act*
- *Offshore Petroleum and Greenhouse Storage Amendment Act 2013 (Cth)*
- *Petroleum Act 1998 (VIC)*
- *Petroleum (Onshore) Act 1991 (NSW)*

- *Petroleum and Gas (Production and Safety) Act 2004* (QLD)
- *Petroleum and Geothermal Energy Resources Act 1967* (WA)
- *Petroleum and Geothermal Energy Act 2000* (SA)
- *Mineral Resources Development Act 1995* (TAS)
- *Corporations Act 2001* (Cth)
- *Australian Securities and Commission Act 2001* (Cth)
- An Act of another jurisdiction that is similar in nature and purpose to an Act listed above.

## Section 8 - Declaration

I declare that the information I have provided in this application form is true and accurate, and that I am authorised to make this application.

I know that it is an offence to give misleading information.

I have purchased an illion Comprehensive Report, for the applicant and each associated entity, using the [EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au) email address at the report checkout.

<b>Signature</b>	
<b>Name in full</b>	
<b>Position</b>	
<b>Date</b>	

## How to submit this form

### Email to:

[EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au)

### Post to:

Energy Titles – Energy Development  
 Department of Industry, Tourism and Trade  
 GPO Box 4550  
 Darwin NT 0801

## Warning about false or misleading information

When completing this form you should be aware that it is an offence to knowingly make a false statement, to provide forged or counterfeit documentation, or to falsely personate or represent yourself as an authorised person.

Where a permit or licence is granted, renewed or transferred and it is subsequently found that there has been non-compliance with the provisions of the relevant legislation or the conditions of a permit or licence, you may be prosecuted, or the permit or licence may be cancelled.

## Further information

Please contact the Energy Titles Unit on (08) 8999 6070 or email [EnergyTitles.DITT@nt.gov.au](mailto:EnergyTitles.DITT@nt.gov.au).