Eligible interest-holder consent

under section 18 and section 21 of the *Nature Repair Act 2023.*

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| FORM |
| CER-NR-EIH-007 |
| V1.1 24/01/2025 |

# Purpose of this form

This form is for project proponent(s) to obtain consent from a person (that is, an individual or organisation) with an eligible interest (an ‘eligible interest-holder’) in a project area on which a biodiversity project is to be carried out under the *Nature Repair Act 2023* (the Act).

An eligible interest-holder is an individual or organisation that has a specific and recognised legal interest in the project area that is defined by the Act under sections 89–92. This includes individuals or organisations listed on land titles as having an interest in the project area, such as a financial institution that hold a mortgage over the land, Aboriginal land council or the relevant State or Territory Crown land Minister. Details on the full range of eligible interests held is provided below in additional information section.

This form can be used by project proponent(s):

* at **project registration** to demonstrate you have obtained consent from all relevant eligible interest-holders to the making of the application
* If you do not supply all eligible interest-holder consents with your application to register a biodiversity project, then your project will be subject to a condition that a biodiversity certificate is not to be issued with respect to the project until written consent of each relevant interest-holder to the registration is obtained.

***OR***

* to accompany your application to **vary your conditional registration** of a biodiversity project.
* If your project is subject to a condition that a biodiversity certificate is not to be issued with respect to the project until written consent of each relevant interest-holder to the registration is obtained, you will need to obtain consent using this form and apply to the Clean Energy Regulator to vary your conditional registration.

Consent may also be set out in a registered indigenous land use agreement.

If consent from all eligible interest-holders has not been obtained within 5 years of the project being conditionally registered, the Clean Energy Regulator may cancel the project’s registration.

If the biodiversity project includes a native title area and there is a registered native title body corporate, there is another [consent form](https://cer.gov.au/schemes/nature-repair-market/how-to-participate-nature-repair-market-scheme/apply-to-participate-nature-repair-market-scheme/right-to-carry-out-your-biodiversity-project) on the Clean Energy Regulator’s website for proponents to use.

# Instructions for completing this form

Before signing this consent form, it’s recommended that all eligible interest-holders understand:

* the details of the biodiversity project associated with this form, as set out in an application to register a biodiversity project, or if the project is conditionally registered, the notice of approval of a registered biodiversity project, including its specific objectives and activities to be carried or being carried out
* the requirements associated with carrying out a biodiversity project and the obligations placed on project proponents under the *Nature Repair Act 2023* and subordinate legislation
* the obligations to maintain the biodiversity outcome for the permanence period of the project, which has long term implications for the area on which biodiversity projects is carried out.

Where necessary, eligible interest-holders should obtain independent legal advice in relation to providing consent.

A person applying to register a project under the Act is required to be the project proponent, or one of the project proponents, for the project.

You can choose to complete this form by:

* printing the form and filling it in by hand
* saving the form and filling in an electronic copy.

Note that if you choose the second option, there may be times when you will need to print certain sections to sign them or complete multiple entries for a single set of questions. These sections may be submitted electronically with the rest of the form.

You must complete and submit:

* **Part A: Applicant details**
* **Part B: Project details**
* **Part C: Eligible interest-holder details**
* **Part D: Declaration of eligible interest-holder**

|  |  |
| --- | --- |
| Pen colours | Please use a **black** or **blue** pen to write on the form. |
| Check boxes | Mark boxes like this £ with a ✔ or ✘. When an instruction asks you to ‘tick’ the box, you can still use either ✔ or ✘. |
| Go to | Where you see an instruction like this - **£** Go to **question 5** - mark the relevant box with a ✔ or ✘and then skip to the question number shown. You do not need to answer the question(s) in between.  Where an instruction has a black double arrow (8), go to the next indicated part/section. Where an instruction has a black single arrow (4), go to the next question. Where an instruction has a black single arrow pointing down (6), fill in the field(s) directly below. |
| Mandatory questions | If all fields in a question are mandatory and must be completed, **(required)** is added to the end of the question label text. If a field in a question is mandatory only IF a condition is met, **(required if any)** is added to the end of the question label text. |
| 4 | This symbol indicates an instruction on what to do next. |
| i | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| 4 | This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section. |
| ë | This symbol advises that additional documentation to support a claim may need to be attached to the application. |

Help filling in this form

If you require assistance or have any questions regarding this application process, please contact the Clean Energy Regulator general enquiries line on **1300 553 542** or email [enquiries@cer.gov.au](mailto:enquiries@cleanenergyregulator.gov.au).

Submitting this form

Eligible interest-holders who complete this form should keep a signed copy of this form for their records.

### Lodging this consent form with the Clean Energy Regulator

Project proponent(s) will need to either obtain eligible interest-holder consent:

* at project registration by attaching this form in your [Online Services](https://onlineservices.cer.gov.au/) application to register a biodiversity project, or
* to accompany your application to vary your conditional registration of a biodiversity project. See the Clean Energy Regulator’s website for guidance on how to submit a variation application.

1. Applicant details

Complete this part to identify the project proponent, or proposed project proponent, of the project identified in Part B of this form.

* If there is more than one project proponent, please list the details of each project proponent for the project and if necessary photocopy or print this part.

1. Project proponent (required)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Project proponent |  | | | | | | | | | |
| Date of birth  (individuals only) | Day (dd) | | | Month (mm) | | | | Year (yyyy) | | |
|  | | |  | | | |  | | |
| Organisation identifier (organisations only) | ABN |  | ACN | |  | ARBN |  | | ICN |  |
|  | | | | | | | | | |

1. Multiple project proponents **(if required)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Project proponent |  | | | | | | | | | |
| Date of birth  (individuals only) | Day (dd) | | | Month (mm) | | | | Year (yyyy) | | |
|  | | |  | | | |  | | |
| Organisation identifier (organisations only) | ABN |  | ACN | |  | ARBN |  | | ICN |  |
|  | | | | | | | | | |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Project proponent |  | | | | | | | | | |
| Date of birth  (individuals only) | Day (dd) | | | Month (mm) | | | | Year (yyyy) | | |
|  | | |  | | | |  | | |
| Organisation identifier (organisations only) | ABN |  | ACN | |  | ARBN |  | | ICN |  |
|  | | | | | | | | | |

1. Project details

This section must be completed by the person or organisation that is applying to be the project proponent of a biodiversity project or is the project proponent of a registered biodiversity project. If there is more than one project proponent, this section can be completed by the nominee.

For new projects, provide the ‘register a project’ application number found in Online Services. For registered projects, provide the Project ID issued to the project (for example, NR011012).

1. Project details (required)

|  |  |
| --- | --- |
| Project or application number |  |
| Project name |  |

1. List the land title reference(s) and location(s) of the project area(s) for the project named in question 3 (required)

* The land title reference number(s), or identifiers in relation to Australian waters including, where applicable, the state/territory, block number, section number, volume, folio and edition.
* If the project area covers a number of land titles and address, please list the details for the project by photocopy or print this part.

|  |  |
| --- | --- |
| Address / location | Land title reference / other (as appropriate) |
|  |  |
|  |  |
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|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

If your project is not listed on Torrens system land, provide information here to describe the project area:

|  |
| --- |
|  |

1. What is the duration of the permanence period for the project? (required)

* The permanence period is nominated by the project proponent during the project registration. The permanence period is the period of time beginning when the approval of project registration takes effect in which the project proponent(s) has obligations under the Nature Repair Act 2023 to monitor and maintain biodiversity outcomes achieved by the project.
* The Clean Energy Regulator may extend the permanence period in some certain circumstances upon application by the project proponent (s34 of the Act).
* Provide the permanence period of the project.

|  |  |
| --- | --- |
| Permanence period for the project | years |

Part C: Eligible interest-holder details

This section should be completed by the individual or organisation that has an eligible interest in the land. The eligible interest-holder should:

* read the **‘Additional information’** section of this form
* understand the **objectives and activities associated with the biodiversity project**
* view the details in the **application to register** a biodiversity project, or if the project is conditionally registered, the **notice of approval** of a biodiversity project
* understand the **obligations** placed on project proponents under the *Nature Repair Act 2023* and subordinate legislation, including **obligations to maintain biodiversity outcomes for the permanence** period of the project
* confirm that the information provided in relation to the project has been completed correctly in this form
* where necessary, obtain independent advice on providing consent as an eligible interest-holder.

1. Name and contact details of the eligible interest-holder (required)

* This form enables consent to be provided for one eligible interest-holder. If there is more than one eligible interest-holder for the land described in Part B of this form, complete a separate form for each additional eligible interest-holder and attach each form to the application to register a biodiversity project or, for projects that are conditionally registered, an application to vary the conditions of a biodiversity project.
* Complete questions 6a for individuals or 6b for organisations as appropriate.

1. Eligible interest-holder – Individual (if required)

* Provide the eligible interest-holder’s details

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Title | Mr |  | Mrs |  | Miss |  | Ms |  | Other |  |
| Given name |  | | | | | | | | | |
| Other given name(s) |  | | | | | | | | | |
| Family name |  | | | | | | | | | |

* Provide the eligible interest-holder’s contact details
* The Clean Energy Regulator may contact you to confirm information provided in this form.

|  |  |
| --- | --- |
| Phone number | (  ) |
| Email address |  |

* Provide the eligible interest-holder’s address

|  |  |
| --- | --- |
| Address line 1 |  |
| Address line 2 |  |
| Suburb/city |  |
| State/territory |  |
| Postcode |  |
| Country |  |

**Eligible interest in the area specified in Part B of this form (required)**

* For the definition of eligible interest, please refer to sections 89, 90, 92 of the Nature Repair Act 2023. This includes individuals or organisations listed on land titles as having an interest in the property (such as landholders or leaseholders, other than the project proponent), financial institutions that hold a mortgage over the land or, in the case of Crown land, the relevant Minister. Other relevant eligible interests may be applicable.
* Describe the nature of the eligible interest held

|  |  |
| --- | --- |
| Description |  |

1. Eligible interest-holder details – Organisation (if required)

* Provide the organisation’s details

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Organisation Name |  | | | | | | | | |
| Organisation identifier | ABN |  | | ACN |  | ARBN |  | ICN |  |
|  | | | | | | | | |
| Alternative organisation identifier | Number type | |  | | | | | | |
| Number | |  | | | | | | |
| Registration body | |  | | | | | | |

* Provide the organisation’s contact details
* The Clean Energy Regulator may contact you to confirm information provided in this form.

|  |  |
| --- | --- |
| Contact officer |  |
| Email address |  |
| Phone number | (  ) |

* Provide the organisation’s address

|  |  |
| --- | --- |
| Address line 1 |  |
| Address line 2 |  |
| Address line 3 |  |
| Suburb/city |  |
| State/territory |  |
| Postcode |  |
| Country |  |

**Describe the nature of the eligible interest in the land specified in Part B of this form – organisation (if required)**

* For the definition of eligible interest, please refer to sections 89, 90, 92 of the Nature Repair Act 2023.

|  |  |
| --- | --- |
| Description |  |

Part D: Declaration

The eligible interest-holder must complete and sign this declaration.

For an eligible interest-holder that is not an individual (for example, a company or body corporate), this declaration must be completed and signed by a person who is authorised to sign on behalf of the eligible interest-holder.

* A director, company secretary, chief executive officer or chief financial officer has the authority to sign on behalf of a company.
* Where a signatory is signing on behalf of an eligible interest-holder, attach evidence of the authority of the signatory to sign the declaration on behalf of the eligible interest-holder.

Under the *Criminal Code Act 1995* it is an offence for a person to give information or documentation to a Commonwealth entity if the person providing the information or documentation knows that the information or documentation is false or misleading.

By signing this form, the signatory declares that they have the legal capacity and authority to make this application on behalf of the eligible interest-holder named below, and declares and acknowledges for and on behalf of the eligible interest-holder, that:

* the eligible interest-holder named below provides the following consent (as applicable):

*[with the project registration application]*

* + the eligible interest-holder has provided written consent to the making of the application to register the biodiversity project identified in Part B to be carried out on the area of land specified in Part B by the proposed project proponent(s) named in Part A, and the eligible interest-holder acknowledges that they have seen a completed copy of that application

*[with the project variation application to remove a conditional registration]*

* + the eligible interest-holder has provided written consent to the registration of the project identified in Part B being carried out on the area of land specified in Part B by the projects proponent(s) named in Part A, and the eligible interest-holder acknowledges that they have sighted a copy of notice of registration approval
* all information provided in and in relation to this application (including attachments and any other supporting information) is, having made all reasonable enquiries, complete, true and correct and not misleading by inclusion or omission
* the provision of false or misleading information is a serious offence and carries penalties under the *Criminal Code 1995* and may have consequences under the *Nature Repair Act 2023* and other laws
* any of the information provided in this application may be copied, recorded, used or disclosed by the Clean Energy Regulator for the purpose of assessing and making a decision on the application, auditing compliance, enforcement of laws, regulations and legislative rule, the performance of the Clean Energy Regulator’s statutory functions and for related purposes subject to the requirements of relevant laws, in particular the *Privacy Act 1988* and Part 3 of the *Clean Energy Regulator Act 2011*
* the personal information provided in this application may also be copied, recorded, used or disclosed by the Clean Energy Regulator for its administrative purposes, for example, to pre-populate other Clean Energy Regulator forms which the applicant wishes to fill out online in the future, and for improving the Clean Energy Regulator’s service delivery
* the eligible interest holder consents to the Clean Energy Regulator sharing any information in relation to them or their projects with any Commonwealth, State or Territory government agencies for the purpose of assisting those agencies in the performance of their functions or powers relating to environmental protection and/or health and safety
* the Clean Energy Regulator does not have any powers or role in enforcing work health and/or safety, environmental protection, or planning laws. If you are unsure of your responsibilities under these laws, you should contact the relevant local authorities
* the eligible interest holder understands that, the permanence period of the project has the duration stated in Part B of this form and that the permanence obligations under the *Nature Repair Act 2023* in relation to the project will last for that period, if not terminated earlier or extended under the provisions of the *Nature Repair Act 2023*
* the eligible interest holder understands that, a biodiversity maintaince declaration may be placed over the project area in which the eligible interst holder holds an interest during the term of the permanence period of the project.

**Signed by or for and on behalf of:**

|  |  |
| --- | --- |
| Name of eligible interest-holder |  |

**By:**

|  |  |  |  |
| --- | --- | --- | --- |
| Signatory Name |  | | |
| Signature |  | | |
| Position |  | | |
| Phone number | (  ) | | |
| Email address |  | | |
| Signature date | Day (dd) | Month (mm) | Year (yyyy) |
|  |  |  |

# Application checklist

* Have you completed the following? Tick the box when you've completed the task beside it.

|  |  |  |
| --- | --- | --- |
| Tick | Task | Number attached |
|  | Completed all required fields. | N/A |
|  | Attached all necessary documents and supporting evidence, where applicable. |  |
|  | Completed and signed the declaration(s). | N/A |
|  | Where a signatory is signing on behalf of an eligible interest-holder, attached evidence of the authority of the signatory to sign the declaration on behalf of the eligible interest-holder. |  |

Additional information

About the Nature Repair Market

The Nature Repair Market, established under the *Nature Repair Act 2023*, is a voluntary market that delivers improved biodiversity outcomes. Project proponents who undertake projects that enhance or protect native species would be able to receive a tradeable certificate that will be tracked through a national register. The Nature Repair Market will make it easier for companies and businesses to voluntarily invest in nature repair projects across Australia.

Eligible Interest Holders

Numbers and kinds of eligible interest holders will vary between projects, depending on the nature of the land title and project type. Examples of eligible interest holders include:

**Torrens System Land**

* Registered legal estate or interest holders in the land (for example, holders of fee simple estates)
* Registered mortgage holders or chargees over any registered legal estate or interest in the land
* Registered easement or caveat holders in relation to the land

**Crown Land**

* The Crown Lands Minister of the State or Territory where the Crown land (Torrens system land or otherwise) does not include an exclusive possession native title area or land rights land)
* Holders (other than the State or Territory) of a legal estate or interest in Crown land (that is not Torrens system land), where the estate or interest:
  + came into existence as a result of a Crown grant or was derived from such an estate or interest, or
  + was created by, or under, legislation or, was derived from such an estate or interest
* Unregistered mortgage holders or chargees over any such legal estate or interest in the Crown land (that is not Torrens system land).

**Land Rights Land**

* Where land rights land has been granted under Commonwealth, State or Territory law, the relevant Aboriginal land council.
* Where a lease is in force over Crown land that is land rights land and not an exclusive possession native title area and it is granted under special Commonwealth legislation for the benefit of Aboriginal persons or Torres Strait Islanders, the Minister who administers the legislation.
* Where land is held by the Commonwealth or a Commonwealth statutory authority, the Minister who administers the *Aboriginal Land Rights (Northern Territory) Act 1976* or the Act that establishes the statutory authority, as the case may be.
* In every other case, the relevant State or Territory Crown lands Minister (except when the land is freehold land rights land).

Seeking legal advice

The Clean Energy Regulator provides guidance for general information purposes only. The information in this form and supplied by the Clean Energy Regulator should not be interpreted as independent professional advice. You should not rely solely on this information and should get professional legal advice relevant to your individual circumstances.

Permanence period for the project

Biodiversity projects have been designed to provide confidence to market participants, investors, buyers, sellers, and organisations involved in the Nature Repair Market that an issued certificate means enhancement or protection of biodiversity in Australia. The permanence period provides confirmation that the biodiversity outcome that a project would deliver is lasting and maintained long term.

The permanence period for a registered biodiversity project is the time frame for which the project (and the biodiversity affected by the project) must be monitored and protected. Project proponents can choose whether their project has a 25-year, 100-year permanence period or a different permanence period specified under a methodology determination. The permanence period begins when the project is approved for registration.

If the biodiversity was reversed, for example because vegetation was cleared, it would not achieve the intended biodiversity outcome. For this reason, biodiversity projects are subject to permanence obligations over the duration of the permanence periods of the projects.

Protection of information

The Clean Energy Regulator is bound by the secrecy provisions of Part 3 of the *Clean Energy Regulator Act 2011* for the information it collects in relation to this application and by the *Privacy Act 1988* in regard to personal information it collects.

Privacy statement

‘Personal information' is defined in the *Privacy Act 1988* to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

* whether the information or opinion is true or not
* whether the information or opinion is recorded in a material form or not.

The collection of personal information relating to this application is authorised by the *Nature Repair Act 2023*, Nature Repair Rules 2024, the *Privacy Act 1988*, *Clean Energy Regulator Act 2011* and relevant legislative instruments made under those Acts.

Personal information collected in relation to this application will be used for the purposes of assessing the application, auditing compliance, enforcement of relevant laws, regulations and legislative rule, the performance of our statutory functions and for related purposes. We will also use the personal information which you provide for our administrative purposes, for example, to pre-populate other Clean Energy Regulator forms which you wish to fill out online in the future, in line with the *Nature Repair Act 2023*, and for improving our service delivery to you.

The Clean Energy Regulator’s [Privacy Policy](https://cer.gov.au/about-us/our-policies/privacy-policy) contains information about the agency’s procedures for handling personal information including how a person can access their personal information held by the agency, and how to seek correction of such information. The Privacy Policy also contains information about how to complain about a breach of the Australian Privacy Principles.

Disclosure of information

The Clean Energy Regulator is only able to disclose information relating to this application (including personal information) in accordance with the Clean Energy Act, the *Privacy Act 1988* or as otherwise required by law.

The circumstances in which such information may be disclosed include:

* disclosure to other agencies, persons or organisations to enable the verification of information contained in the application
* disclosure to the Secretary or authorised officer of a department for the purpose of advising the minister, monitoring the operation of a climate change or biodiversity law or evaluating the effectiveness of a climate change or biodiversity law
* disclosure to certain agencies, bodies or persons where the Regulator is satisfied that disclosure will enable or assist those agencies, bodies or persons to perform or exercise their functions or powers, including the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Commissioner of Taxation
* disclosure for the purposes of law enforcement
* disclosure or use for the purposes of climate change or biodiversity law or for the purposes of the performance of our functions under a climate change or biodiversity law.

Accessibility disclaimer

Whilst the Clean Energy Regulator has worked to ensure this document is accessible, please contact us to obtain an alternative version if you are having difficulty, or you have specific accessibility needs.

Please call **1300 553 542** or email the name of the form and your needs to [enquiries@cer.gov.au](mailto:enquiries@cleanenergyregulator.gov.au).