Land interest holder consent

under section 15(6)(a)(iv) of the *Nature Repair Act 2023*

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| FORM |
| CER-NR-LIHC-005 |
| V1.1 24/01/2025 |

# Purpose of this form

This form can be used by the proposed project proponent(s) to obtain consent to carry out a registered biodiversity project on Torrens system land where another person(s) holds a legal estate or interest in the whole or part of the project area.

Land interest holder consent is required when the proposed project proponent is not the land holder (holds the estate in fee simple) on the area they plan to carry out a biodiversity project on. The land must be registered under a Torrens system of registration and defined under subsection 89(2) of the *Nature Repair Act 2023*.

If the proposed project proponent(s) does not have the exclusive right to the project area, they will be required get the relevant consent before the project can be registered. If there are multiple legal estate and interests for different parts of the project area, the project proponent(s) will be required to obtain consent from all relevant parties.

The use of this form is optional, but if consent is required, you will need to obtain this consent and provide this to the Clean Energy Regulator to meet requirements under section 15(6)(a)(iv) of the *Nature Repair Act 2023*.

# Instructions for completing this form

Before signing this form, it is recommended that the land interest holder understands:

* the requirements associated with a conducting a biodiversity project, and the obligations placed on project proponents under the *Nature Repair Act 2023* and subordinate legislation
* the obligations to maintain biodiversity outcomes for the permanence period of the project, which has long term implications for the land on which biodiversity projects take place.

Where necessary, the land interest holder should obtain independent legal advice in relation to providing consent.

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: if you choose the second option, there may be times when you will need to print certain sections to sign 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: Proponent details**
* **Part B: Project details**
* **Part C**: **Land interest holder details**
* **Part D**: **Declaration**

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| --- | --- |
| 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.

Submitting this form

### Lodging this consent with the Clean Energy Regulator

Proposed project proponent(s) required to obtain consent to the project being carried out on the land as a registered biodiversity project should attach this form with the registration application in [Online Services](https://onlineservices.cer.gov.au/).

1. Project proponent(s) details

Complete this part to identify the proposed project proponent(s) of the project identified in Part B of this form.

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

1. Proposed project proponent (required)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Proposed project proponent |  | | | | | | | |
| Organisation identifier (organisations only) | ABN |  | ACN |  | ARBN |  | ICN |  |
|  | | | | | | | |

Multiple project proponents **(if required)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Proposed project proponent |  | | | | | | | |
| Organisation identifier (organisations only) | ABN |  | ACN |  | ARBN |  | ICN |  |
|  | | | | | | | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Proposed project proponent |  | | | | | | | |
| Organisation identifier (organisations only) | ABN |  | ACN |  | ARBN |  | ICN |  |
|  | | | | | | | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Proposed project proponent |  | | | | | | | |
| 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 proposed project proponent of a biodiversity project

* For new projects, provide the ‘register a project’ submission number found in Online Services (for example, SUB-24-G9Z02213095).

1. Project details

|  |  |
| --- | --- |
| Project name (required) |  |
| Submission number  (if applicable) |  |

1. List the address/location, and the land title reference for the project area for the project named in question 2 (required)

* The land title reference number(s), 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 addresses, please list the details for additional locations for the project by photocopying this part.

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

1. Land interest holder details

* This section should be completed by an authorised representative of the legal estate or interest of the land for which a biodiversity project will be undertaken.

1. Provide details of the land interest holder (required)

|  |  |
| --- | --- |
| Name of person who hold the legal estate or interest in the land |  |
| Type of interest in the land |  |
| Contact name |  |
| Contact number | (  ) |
| Email address |  |

1. Types of evidence attached to support the application

* This section is to outline how you will demonstrate your right or interest in the land which is the subject of the biodiversity project

|  |  |
| --- | --- |
|  | Land title certificates |
|  | Business extracts |
|  | Contract/lease agreements |
|  | Other |

|  |  |
| --- | --- |
| Provide details if other evidence if selected |  |

1. Project consent

|  |  |  |
| --- | --- | --- |
| Does the land interest holder give consent to the proposed project proponent(s) to carry out the project on the land as a registered biodiversity project? | No | Yes |

Part D: Declaration

* Where an authorised representative is signing on behalf of a land interest holder, please attach evidence of the authority to sign the declaration on behalf of the land 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 the land interest holder signing this form, the authorised representative declares that the proposed project proponent has consent from the land interest holder to undertake and carry out the project on the land identified in the project application. They have the legal capacity and authority to make this application on behalf of the land interest holder named below.

The land interest holder named below provides the following consent (as applicable):

* to the carrying out of the project on the land identified in Part B consent identified in Part C regarding the project identified in Part B by the land specified in Part B by the proposed project proponent(s) named in Part A.

The land interest holder:

* declares that the land interest holder has seen a completed copy of the registration application form
* acknowledges 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 under the provisions of the *Nature Repair Act 2023*
* acknowledges that a biodiversity maintenance obligation may be placed over the project area during the term of the permanence period of the project
* declares that 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
* acknowledges that 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
* acknowledges that the Clean Energy Regulator does not have any powers or role in enforcing work health and safety, environmental protection, or planning laws. If you are unsure of your responsibilities under these laws, you should contact the relevant local authorities
* consents to the information provided in this application being copied, recorded, used or disclosed as necessary 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*
* consents to the personal information provided in this application being copied, recorded, used or disclosed as necessary 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
* 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.

**Signed on behalf of by:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name of land interest holder |  | | |
| Signature |  | | |
| Signature date | Day (dd) | Month (mm) | Year (yyyy) |
|  |  |  |

**By:**

|  |  |  |  |
| --- | --- | --- | --- |
| Authorised representative name |  | | |
| Signature |  | | |
| Position |  | | |
| Phone number | (  ) | | |
| Email address |  | | |
| Signature date | Day (dd) | Month (mm) | Year (yyyy) |
|  |  |  |

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.

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.

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 also 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@cer.gov.au).