|  |
| --- |
| FORM |
| CER-ACCU-EIH001 |
| V4.0 29/07/2025 |

Eligible interest-holder consent

under the *Carbon Credits (Carbon Farming Initiative) Act 2011*

# Purpose of this form

This form is used to seek consent from person(s) with an eligible interest (‘eligible interest-holder’) in an area of land on which an Australian Carbon Credit Unit (‘ACCU’) Scheme project is to be, is being or has been implemented by the project proponent (the ‘proponent’). This consent is required for any project or proposed project that involves eligible interest on an area of land.

The Clean Energy Regulator recommends that the application form for the project to be registered under the ACCU Scheme as an eligible offsets project (the ‘project’) be accompanied by an eligible interest-holder consent form completed by each eligible interest-holder of the project land.

If this is not done, when registering the project, the Clean Energy Regulator will specify in the declaration of the registration of the project that the declaration is subject to the condition that the written consent of each relevant eligible interest-holder to the existence of the declaration must be obtained before the end of the first reporting period for the project.

This form is also required to seek the consent of:

* if a proponent wants to add an area of land that is not part of a sequestration project to an existing sequestration project, or transfer an area of land from a conditionally declared sequestration project to another sequestration project – each eligible interest-holder (other than the proponent) of the area of land to be added or transferred
* if a proponent wants to vary a project area which would transfer an area of land from a 25-year permanence period project to a 100 year-permanence period project – each eligible interest-holder (other than the proponent) of the area of land being moved
* for any linked applications to (a) revoke a declaration for or remove a project area from a savanna emissions avoidance project and (b) declare a new savanna sequestration project on the previous project’s or the removed land – each eligible interest-holder for the new savanna sequestration project.

A copy of the completed consent form for all relevant eligible interest-holders must be submitted with the application to vary the project area or the linked applications relating to a new savanna sequestration project.

This consent form is not required where consent is set out in a registered indigenous land use agreement.

Please use the relevant consent form published on the Clean Energy Regulator website if eligible interest-holder consent is sought:

* for a project under the blue carbon method
* from the Crown Lands Minister of Western Australia for a project under the human-induced regeneration method or savanna fire management method.

# Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions, sign where indicated, and attach the required documentation.

You must complete and submit:

* **Part A: Proponent details**
* **Part B: Project details**
* **Part C: Eligible interest-holder details**
* **Part D: Declaration**
* **Application checklist**

The completed form should be returned to the proponent for submission to the Clean Energy Regulator.

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 to complete multiple entries for a single set of questions. These sections may be scanned back into the computer and submitted electronically with the rest of the form.

## Before signing this consent form

It is strongly recommended that all eligible interest-holders read and understand the project proposal and, where necessary, obtain independent legal advice in relation to providing consent.

In particular, eligible interest-holders for sequestration offsets projects should understand the implications of permanence obligations and carbon maintenance obligations. These obligations have long term implications for the land on which sequestration projects take place. See the further information provided below on these obligations.

Once consent has been provided and the project has been declared unconditionally or the project declaration has been varied to vary the project area or remove the consent condition (as applicable), we cannot revoke the project or vary the declaration if you later withdraw your consent.

If the project is a sequestration project, the applicable carbon sequestration right is an eligible interest that may be held by the proponent.

Under the ACCU Scheme, the proponent is required to have the legal right to carry out the project.

|  |  |
| --- | --- |
| 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 more 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 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. |
| Duplex printing | This form is designed to be duplex printed to save on paper.  |

Help filling in this form

Guidance for filling in this form is available under [eligible interest-holder consent](https://cer.gov.au/schemes/australian-carbon-credit-unit-scheme/how-to-participate-accu-scheme/apply-to-participate-accu-scheme/eligible-interest-holder-consent)[[1]](#footnote-2).

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@cleanenergyregulator.gov.au.

Submitting this form

Eligible interest-holders who complete this form should keep a copy for their records before returning it to the proponent. Proponents should also keep a copy of this form for their records.

ACCU Scheme proponents can submit this form to the Clean Energy Regulator using [online services](https://onlineservices.cer.gov.au/)[[2]](#footnote-3).

# Part A: Proponent details

* Under the ACCU Scheme, the proponent is required to have the legal right to carry out the project.
* Complete this part to identify the proponent(s) of the project for which consent of each eligible interest-holder is sought.
1. Proponent details (required)
* This form allows for two proponent details. If there is only one proponent, please mark the second field as ‘not applicable’. If there are more than two proponents, please photocopy or print this part, complete a copy for each other proponent and attach the copies to this form.

|  |  |
| --- | --- |
| Proponent name |       |
| Date of birth(individual only) | Y | Y | Y | Y | M | M | D | D |
| Organisation identifier | ABN | [ ]  | ACN | [ ]  | ARBN | [ ]  | ICN | [ ]  |
|       |

|  |  |
| --- | --- |
| Proponent name |       |
| Date of birth(individual only) | Y | Y | Y | Y | M | M | D | D |
| Organisation identifier | ABN | [ ]  | ACN | [ ]  | ARBN | [ ]  | ICN | [ ]  |
|       |

# Part B: Project details

1. Project details (required)
* For a consent accompanying an application to register a new project, provide the ‘register a project’ submission number found in Online Services. For eligible offsets projects, provide the Project ID issued to the project (i.e. ERFxxxxxx).

|  |  |
| --- | --- |
| Project identification number |       |
| Project name |       |

1. Land title reference(s) and location of 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.
* Provide the land title reference number(s)

|  |  |
| --- | --- |
| Land title reference(s) |       |

* Provide the location, including street address where applicable

|  |  |
| --- | --- |
| Location |       |

1. What is the nature of your eligible interest in the area of land specified in question 3? (required)
* For the definition of eligible interest, please refer to sections 43, 44, 45A of the CFI Act.
* Describe the nature of the eligible interest held by you

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

1. What is the duration of the permanence period of the project? (required if the project is a sequestration offsets project)
* The permanence period must be same as requested by the proponent during the project registration, i.e. for the project to be treated as a 100-year permanence period project or a 25-year permanence period project.
* Provide the intended permanence period of the project.

|  |  |
| --- | --- |
| Project’s permanence period |       years |
| N/A | [ ]  |

# Part C: Eligible interest-holder details

Each eligible interest holder named in this Part C must receive the completed project registration form, the declaration of the eligible offsets project or the completed application to vary a project area (as applicable).

It is strongly recommended that each eligible interest-holder:

* read the ‘Additional information’ section of this form
* read and understand the project proposal and where necessary obtain independent advice in relation to providing consent as an eligible interest-holder
* confirm that the project details of this form or the completed project registration have been completed and are correct.
1. Name and contact details of the eligible interest-holder (required)
* This form allows for one eligible interest-holder details. If the eligible interest described in question 4 of Part B of this form is held by more than one person, please photocopy or print this part, complete a copy for each other eligible interest-holder and attach the copies to this form.

**Eligible interest-holder – Individual (required if any)**

* Provide the eligible interest-holder’s details

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Title  | Mr | [ ]  | Mrs | [ ]  | Miss | [ ]  | Ms | [ ]  | Other |      |
| Given name |       |
| Other given name(s) |       |
| Family name |       |
| Date of birth  | Y | Y | Y | Y | M | M | D | D |

* Provide the eligible interest-holder’s contact details

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

* Provide the eligible interest-holder’s address

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

Eligible interest-holder details – Company (required if any)

* Provide the company’s details

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

* Provide the company’s contact details

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

* Provide the company’s address

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

# Part D: Declaration

If the eligible interest-holder agrees to provide consent, the eligible interest-holder must complete and sign this declaration. For a non-individual eligible interest-holder (for example, a company or body corporate), this declaration must be completed and signed by a person who is authorised to bind the eligible interest-holder.

* This form allows for one eligible interest-holder details. If the eligible interest described in question 4 of Part B of this form is held by more than one person, please photocopy or print this part, have a copy completed and signed by or on behalf of each other eligible interest-holder, and attach the copies to this form.

Under the *Criminal Code 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.

* Complete and sign the declaration

By signing this request, 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):
	+ the eligible interest-holder consents to the proponent(s) named in question 1 of Part A making an application to the Clean Energy Regulator for the registration of the project named in question 2 of Part B as an ACCU Scheme project being carried out or to be carried out on the area of land specified in question 3 of that Part. The eligible interest-holder acknowledges that they have sighted a completed copy of that application;
	+ the eligible interest-holder acknowledges and consents to the existence of the declaration of the project named in question 2 of Part B on the area of land specified in question 3 of Part B issued to the proponent(s) named in question 1 of Part A. The eligible interest-holder acknowledges that they have sighted a copy of that declaration; or
	+ the eligible interest-holder consents to the proponent(s) named in question 1 of Part A making an application to the Clean Energy Regulator to vary the project area in the project named in question 2 of Part B. The eligible interest-holder acknowledges that they have sighted a completed copy of that application;
* 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 *Carbon Credits (Carbon Farming Initiative) Act 2011* 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 to the applicant;
* the eligible interest-holder named below consents to the Clean Energy Regulator sharing any information in relation to it or its 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 eligible interest-holder named below understands that where the project involves sequestration, the permanence period of the project has the duration stated in question 5 of Part B of this form and that the permanence obligations under the ACCU Scheme in relation to the project will last for that period, if not terminated earlier under the provisions of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; and
* the eligible interest-holder named below understands that where the project involves sequestration, a carbon maintenance obligation may be placed over the project area in which it 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 | Y | Y | Y | Y | M | M | D | D |

# 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 ACCU Scheme

The ACCU Scheme is a voluntary carbon offsets scheme that provides new economic opportunities for a wide range of proponents who take steps to reduce carbon pollution or increase carbon storage on the land. ACCU Scheme eligible offsets projects generate Australian carbon credit units (ACCUs) that can be sold to other individuals and businesses wanting to offset their own greenhouse gas emissions.

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 (but are not limited to) the persons and bodies set out below. Please refer to Division 8 of Part 3 of the CFI Act and Division 2C of Part 3 of the CFI Rule for a complete definition of who is an eligible interest-holder.

|  |  |
| --- | --- |
| Non-Crown Land  | * holder of a registered legal estate or interest in Torrens system land
* holder of a registered mortgage or charge over any registered legal estate or interest in Torrens system land
* Registered Native Title Body Corporate for any native title land.
 |
| Crown Land  | * Crown lands Minister (except in relation to exclusive possession native title land or freehold land rights land)
* holder of a legal estate or interest, 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)
* holder of a mortgage or charge over any such legal estate or interest
* Registered Native Title Body Corporate for any native title land.
 |
| Land Rights Land  | * if land rights land, the Aboriginal land council
* if lease in force (and lease granted under special legislation for the benefit of Aboriginal people or Torres Strait Islanders), the Minister who administers the legislation
* if 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, otherwise
* Crown lands Minister (except in relation to freehold land rights land)
* Registered Native Title Body Corporate for any native title land.
 |

Permanence obligations

### For the purposes of sequestration offsets projects only

The ACCU Scheme has been designed to provide consumers with confidence that each ACCU issued can genuinely offset a tonne of CO2-e emissions.

Carbon in vegetation or soils can only offset emissions if it is stored long term. If the carbon is subsequently released back into the atmosphere, for example because vegetation was cleared, it could not offset emissions. For this reason, sequestration projects are subject to permanence obligations over the permanence periods of the projects, which will have the duration of 100 years or 25 years, as chosen by the proponents of the projects. If a project’s declaration of registration has never been varied so as to add one or more project areas, the chosen permanence period of the project commences on the date on which the first ACCU is issued for the project. If a project’s declaration of registration has been varied so as to add one or more project areas, the chosen permanence period of the project commences on the date of the last occasion on which the declaration was so varied.

Proponents can choose to revoke their project at any time. If a proponent wants to revoke a sequestration project that is still within its permanence period, the proponent will first have to return any ACCUs issued to the project. If the proponent has already sold the ACCUs, the proponent must buy or obtain from another ACCU Scheme project the same number of ACCUs and return them to us. The proponent’s obligations under the ACCU Scheme in respect of their project will continue until the project is officially revoked. This includes relinquishing ACCUs.

***Example 1*** Landholder A permitted Proponent X to carry out an ACCU Scheme project on Landholder A’s land. When Proponent X submitted the application for the project to be declared eligible under the ACCU Scheme, Landholder A provided a written consent for the project to be carried out on their land. The permanence period of the project is 100 years. If Proponent X has ACCUs issued from the project, they are obligated to maintain the carbon on Landholder A’s property for 100 years. If Landholder A decides to use the land for a different purpose which would reduce the carbon stored on the land, and Proponent X has been issued with any ACCUs from the project, Proponent X will have to relinquish those ACCUs, or an equivalent number of credits, to close the project. If Proponent X fails or is considered unlikely to make the relinquishment when required, the Clean Energy Regulator may impose a carbon maintenance order on Landholder A’s property, preventing them from using the land for a different purpose if it would result in the carbon stored on the land reducing below the benchmark sequestration level.

Natural disturbances or third party conduct

### For the purposes of sequestration offsets projects only

If carbon is lost through natural disturbance (for example, drought or disease), reasonable action to manage fire (e.g. establishing a fire break) or vandalism, proponents are not required to return ACCUs, provided they have taken reasonable steps to mitigate the effects of such activity. Carbon stores may recover naturally after drought or bushfire with only modest intervention by the proponent, but in some cases active re-establishment or management may be necessary.

Proponents will not receive credits while the carbon stores are recovering. Once carbon stores reach and exceed pre-disturbance levels, credits will start to be issued again. This provides an incentive to manage losses and to re-establish carbon stores as quickly as possible.

Proponents are required to maintain the carbon stored in the project over the permanence periods of their projects. Proponents will be required to hand back carbon credits if they cause significant reversals in carbon stored by their project during the permanence period, for example, by deliberately clearing vegetation or through mismanagement of the project.

Carbon maintenance obligations (CMOs)

### For the purposes of sequestration offsets projects only

The Clean Energy Regulator may declare that a carbon maintenance obligation applies with respect to an area or areas of land if there is an unmet obligation to relinquish ACCUs or if the Clean Energy Regulator is satisfied that the person will not comply with the requirement to relinquish ACCUs within 90 days.

Obligations to relinquish ACCUs can be triggered if:

* a project declaration is revoked. This might happen if, for example, a project is not properly transferred or a person provides false or misleading information to the Clean Energy Regulator in relation to a project
* carbon stores are deliberately reversed, or
* no steps are taken to mitigate the effects of a natural disturbance.

A carbon maintenance obligation prevents a person from engaging in conduct that results or is likely to result in a reduction in carbon stores below the benchmark sequestration level, unless the conduct relates to an activity that has been expressly permitted in the declaration. The benchmark sequestration level is the amount of carbon sequestered in the relevant area or areas at the time that the carbon maintenance declaration was made.

If a project’s declaration of registration has never been varied so as to add one or more project areas, the carbon maintenance obligation will continue to apply for 100 or 25 years (depending upon the permanence period of the project) from the date on which the first ACCUs were issued for the project. If a project’s declaration of registration has been varied so as to add one or more project areas, the carbon maintenance obligation will continue to apply for 100 or 25 years (depending upon the permanence period of the project) from the date of the last occasion on which the declaration was so varied.

A carbon maintenance obligation can be revoked once any outstanding relinquishment obligation or penalties payable in relation to the project have been paid in full. Civil penalties will apply if carbon maintenance obligations are breached.

***Example 2*** Landholder A owns a property on which a sequestration project is being carried out by Proponent X. The permanence period of the project is 100 years. If ACCUs have been issued for the project, the proponent is obligated to maintain the carbon on Landholder A’s property for 100 years. If Landholder A wishes to use the land for a different purpose, Proponent X will have to relinquish those ACCUs or an equivalent number of ACCUs, to close the project. If Proponent X fails or is considered unlikely to make the relinquishment when required, the Clean Energy Regulator may impose a carbon maintenance order on Landholder A’s property, preventing them from using the land for a different purpose if it would result in the carbon stored on the land reducing below the benchmark sequestration level.

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:

1. whether the information or opinion is true or not, and
2. 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 *Australian National Registry of Emissions Units Act 2011*, the *Australian National Registry of Emissions Units Regulations 2011*, the *Carbon Credits (Carbon Farming Initiative) Act 2011*, and the *Carbon Credits (Carbon Farming Initiative) Rule 2015.*

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, and for improving our service delivery to you.

The Clean Energy Regulator’s 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. More information about the privacy policy is available on the [Clean Energy Regulator’s privacy policy](https://cer.gov.au/about-us/our-policies/privacy-policy)[[3]](#footnote-4).

Disclosure of information

The Clean Energy Regulator and authorised staff are only able to disclose information relating to the affairs of a person (including personal information) collected in relation to this application in accordance with the *Clean Energy Regulator Act 2011* or as otherwise required by law.

Part 3 of the *Clean Energy Regulator Act 2011* prevents disclosure of relevant information except in circumstances set out in that Part. Those circumstances 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 administering a program or collecting statistics relating to greenhouse gas emissions, energy consumption or energy production
* 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 for the purposes of a climate change law or for the purposes of the performance of our functions under a climate change law.

Accessibility disclaimer

The Clean Energy Regulator has worked to ensure that this document is accessible but 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@cleanenergyregulator.gov.au.

1. https://cer.gov.au/schemes/australian-carbon-credit-unit-scheme/how-to-participate-accu-scheme/apply-to-participate-accu-scheme/eligible-interest-holder-consent [↑](#footnote-ref-2)
2. https://onlineservices.cer.gov.au/ [↑](#footnote-ref-3)
3. https://cer.gov.au/about-us/our-policies/privacy-policy [↑](#footnote-ref-4)