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| FORM |
| CER-ERF-WAEIHHIR003 |
| V3.0 12/01/2022 |

Eligible interest-holder consent – Human-Induced Regeneration

Crown lands Minister Western Australia

This form must be used for projects under the Carbon Credits (Carbon Farming Initiative) (Human Induced Regeneration of a Permanent Even Aged Native Forest 1.1) Methodology Determination 2013 as amended from time to time

# Purpose of this form

This form is used to seek consent from the Crown lands Minister of the State of Western Australia (‘Minister’) where that Minister has an eligible interest (‘eligible interest-holder’) in an area of land on which an Emissions Reduction Fund project is to be, is being or has been implemented by the scheme participant (the ‘participant’). This form is also required if an existing project area is varied so as to add land over which the Minister has an eligible interest.

The Clean Energy Regulator recommends that the application form for the project to be registered under the Emissions Reduction Fund as an eligible offsets project under the *Carbon Credits (Carbon Farming Initiative) (Human Induced Regeneration of a Permanent Even Aged Native Forest) Methodology Determination 2013* (the ‘project’) be accompanied by an eligible interest-holder consent form completed by each eligible interest-holder having an eligible interest in 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.

Before the Minister will consider giving eligible interest-holder consent to any participant:

* the project must satisfy the criteria set by the State of Western Australia from time to time; and
* the Minister will require the participant, tenure holder and carbon service provider (if relevant) to enter into a Deed of Agreement with the State of Western Australia relating to the project.

The giving of consent is at all times within the absolute discretion of the Minister.

# Instructions for completing this form

The applicant should read each part of the application carefully, fully answer all the questions and attach the required documentation before submitting this form to the Minister.

The applicant must comply with all requirements of Western Australian State law and with all lawful requirements of local government authorities and any Department within the West Australian or Commonwealth Governments in relation to the project.

The applicant must:

* **Provide the information and documents to the Minister set out in Part C: State of Western Australia Requirements**

The applicant must complete and submit:

* **Part A: Participant details**
* **Part B: Project details**
* **Part D: Declaration**

The completed form will be returned by the Minister to the applicant for submission to the Clean Energy Regulator.

The applicant and Minister may choose to complete this form by:

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

Note that if the applicant and Minister choose the second option, there may be times when they will need to print certain sections in order to sign them or in order 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.

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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 the Applicant or the Minister to ‘tick’ the box, use either ✔ or ✘. |
| Go to | Where the Applicant or the Minister see an instruction like this - **□** Go to **question 5** - mark the relevant box with a ✔ or ✘and then skip to the question number shown. The questions in between do not need to be answered. Where an instruction has a black double arrow (⏩), go to the next indicated part/section. Where an instruction has a black single arrow (⏵), go to the next question. Where an instruction has a black single arrow pointing down (⏷), 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. |
| ⏵ | This symbol indicates an instruction on what to do next. |
| 🛈 | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| 🗐 | This symbol advises that more than one entry may be required for the section and therefore the applicant or the Minister may need to photocopy or print the section or fill in a duplicate section. |
| 🖈 | 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. All new sections start on the right-hand side of a page spread. |

### Help filling in this form

Guidance for filling in this form is available on the [Clean Energy Regulator website](http://www-default.cleanenergyregulator.gov.au/)[[1]](#footnote-1) in relation to the Regulator’s requirements, and from the Department of Planning, Lands and Heritage2 website in regard to the State of Western Australia’s requirements.

If the applicant requires assistance or has 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

To the Department of Planning, Lands and Heritage:

Applicants can submit this form to the Minister in any of the following ways:

#### By post

Post the completed and signed application to:

**Proposal – Crown land enquiry**

**Department of Planning, Lands and Heritage**

**Locked Bag 2506**

**PERTH WA 6001** (or)

Hand deliver the completed and signed form to:

**Level 2**

**140 William Street**

**PERTH WA 6000**

#### By email

Email the completed and signed form to proposals@dplh.wa.gov.au.

The applicant should note that information provided in a submitted application, including supporting documentation, received by the Department of Planning, Lands and Heritage becomes a State of Western Australia record. The keeping or archiving of the records, is subject to the *State Records Act 2000* (WA) and the record keeping plan of the Department. If records provided to the Department are required by law, judicial or parliamentary body or governmental agency to be produced, then the Department shall at all times act subject to the *Freedom of Information Act 1992 (WA)* and any other relevant Commonwealth or State legislation.

To the Clean Energy Regulator (after the Minister for Lands has signed):

After the Minister for Lands has signed this form, applicants can submit it to the Clean Energy Regulator in any of the following ways:

#### By post

Post the completed application with any accompanying documentation to:

**Emissions Reduction Fund
Clean Energy Regulator**

**GPO Box 621
Canberra ACT 2601**

#### By email

Alternatively, email the scanned completed application to the Clean Energy Regulator at erf@cleanenergyregulator.gov.au.

If the email and its attachments (the application and supporting documents) are larger than 10MB, they must be sent using multiple emails that are clearly marked (i.e. by including an identifier in the subject line, e.g. '1 of 3', '2 of 3', '3 of 3'). The signed application form must be saved as a single scanned file and not split into parts. Files may be zipped to reduce their size.

If submission occurs by email, the applicant is not required to send the original hardcopy of the application by post.

1. Applicant details

The applicant must complete this part to identify the participant/appointed nominee making this application (if the participant is making this application on their own behalf) or the participant/appointed nominee on whose behalf this application is made.

1. Applicant Details (required)

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

1. Project details
2. Project details (required)

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

1. Land title reference 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

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| --- | --- |
| Land title reference |       |

* Provide the location, including street address where applicable

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| --- | --- |
| Location |       |

1. What is the nature of the Minister for Lands’ 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.

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

1. What is the duration of the permanence period of the project?
* The Minister for Lands will not provide consent for any project that has a permanence period greater than 25 years.
* Provide the intended permanence period of the project.

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

1. State of Western Australia Requirements

The applicant must also provide the following to the Minister:

* A completed Crown Land Enquiry Form (obtained from the Department of Planning, Lands and Heritage at <https://www.dplh.wa.gov.au/getmedia/9f08bf52-d5f5-4397-816a-0a24131f1dad/FRM-CL-Crown-Land-Enquiry-Form-General-Enquiry>) and containing that information that is required by the State of Western Australia from time to time in relation to the project, and which shall as a minimum confirm:
	+ if the participant is not the tenure holder, an extract of the contract between the tenure holder and the participant evidencing that the participant has the legal right to carry out the project on the whole of the project area for the entirety of the project, including any permanence period;
	+ details of which eligible methodology activities will be carried out within the project area;
	+ the nominated start date for the crediting period for Australian Carbon Credit Units;
	+ details of other eligible interest-holder consents required by the participant under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (‘CFI Act’) and the progress of the participant in obtaining those.
* A precise map of the intended area of land over which the total project will be undertaken and within that, the depiction of the carbon estimation areas and excluded areas. This information must be provided as a Geographic Information System (GIS) Shapefile.
* Confirmation that the participant has either reached agreement with the holders of:
	+ existing mining leases, associated general purpose leases and miscellaneous licences under the *Mining Act 1978 (WA)*;
	+ existing pending mining leases, associated general purpose leases and miscellaneous licences under the *Mining Act 1978 (WA)*;
	+ < 1 block Petroleum Production Licence areas under the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*;

in the project area or has formally removed them from the project area.

The applicant should note that the Minister will require the participant, tenure holder and carbon service provider (if relevant) to enter into a Deed of Agreement with the State of Western Australia relating to the project prior to providing eligible interest-holder consent.

The Minister may also require the applicant to remove specified areas from the project prior to giving consent, including any areas subject to a State Agreement or any existing or proposed State infrastructure.

The Minister will not consider providing the eligible interest-holder consent through the completion of this form until the applicant has provided:

* all of the above information;
* the fully executed Deed of Agreement;
* formal advice of the exclusion of any specified areas (if applicable);
* any other information or requirement that the State of Western Australia may request from time to time.
1. Declaration by applicant to the Minister

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| I (print name) ………………………………………………………………………, the applicant, declare that the information that I have provided to the Minister is, to the best of my information, knowledge and belief, complete, true and correct. I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* (WA)at (place) …………………………………..On the day of 20 . |
| Signature of person making the declaration: |  | Date: |  |
| Name: |  |  |  |
| In the presence of:

|  |  |  |  |
| --- | --- | --- | --- |
| Signature of authorised witness: |  | Date: |  |
| Name: |  |  |
| Full address of witness: |  |  |  |
| Qualification of witness: |  |  |  |

print the full name, address and qualification of authorised witness in the space above |

1. Eligible interest-holder details Crown lands Minister Western Australia
2. Description and contact details

 The **State of Western Australia** acting through the Honourable John Newton Carey MLA, as the Minister who administers the *Land Administration Act 1997* (WA).

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| Phone number | (08) 6552 4417 |
| Address line 1 | Care of the Department of Planning, Lands and Heritage |
| Address line 2 | 140 William Street |
| Suburb/city | Perth |
| State/territory | Western Australia |
| Postcode | 6000 |

* Departmental contact details

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

1. Declaration

By providing this consent the Minister does not give any commitment, warranty or undertaking that the legal right of the tenure holder will remain in force for the duration of the project. By providing this eligible interest-holder consent, the Minister does not give any warranty as to the feasibility of the project.

The Minister provides the following consent (as applicable):

* To the applicant(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 Emissions Reduction Fund project being carried out or to be carried out on the area of land specified in question 3 of that Part; or
* 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 that was issued to the participant(s) named in question 1 of Part A.
* 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 Minister consents to the Clean Energy Regulator sharing any information in relation to the project 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 Minister does not provide consent for any project that has a permanence period greater than 25 years. The Minister understands that 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 Emissions Reduction Fund 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;*
* The Minister understands that where the project involves sequestration, a Carbon Maintenance Obligation (CMO) may be placed over the project area during the term of the permanence period of the project.

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| Signed for and on behalf of **THE STATE OF WESTERN AUSTRALIA** by the Minister for Lands, the **HON. JOHN NEWTON CAREY MLA** in the presence of: | ))))) |  |  |
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|  |  | **HON. JOHN NEWTON CAREY MLA** **MINISTER FOR LANDS** |  |
|  |  |  |  |
| Signature of Witness |  | Date |  |
|  |  |  |  |
| Full name of Witness (print) |  |  |  |
|  |  |  |  |
| Address of Witness |  |  |  |
|  |  |  |  |
| Occupation of Witness |  |  |  |

Application checklist

* The Applicant must complete the following. Tick the box when the applicant has completed the task beside it.

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| Tick | Task | Number attached |
| [ ]  | Completed all required fields. | N/A |
| [ ]  | Attached all necessary documents and supporting evidence, where applicable. |       |
| [ ]  | Obtained the Minister for Lands signature on the declaration(s). | N/A |

1. [http://www.cleanenergyregulator.gov.au/](http://www-default.cleanenergyregulator.gov.au/)

2 <https://www.dplh.wa.gov.au/> [↑](#footnote-ref-1)