



Australian Government

**Department of Climate Change, Energy,
the Environment and Water**

Request for Expression of Interest

Reference Number: ATM_2024_2749

Restoring Our Rivers 2024 Expression of Interest 1: Remaining
Southern Connected Basin Catchments

30 September 2024

Table of Contents

1	Request for Expression of Interest details	4
2	General conditions	6
2.1	Expression of interest approach to market	6
2.2	Invitation to submit a response	6
2.3	EOI scope	7
2.4	Respondent's responsibilities	9
2.5	Indicative EOI timetable	10
2.6	Guidance and support materials	10
2.7	EOI questions	10
2.8	Addenda.....	11
2.9	Complaints	11
2.10	No contract or undertaking	11
3	Lodgement of responses	13
3.1	Selling to the Australian Government	13
3.2	Respondents to inform themselves	13
3.3	Response preparation	13
3.4	Joint responses.....	13
3.5	Offering multiple water rights	13
3.6	Electronic lodgement of responses	13
3.7	Lodgement by any other means not accepted	14
3.8	Late lodgement policy	14
3.9	Illegibility	14
3.10	Unintentional errors, ambiguities, or omissions.....	14
3.11	The department's rights	14
4	Evaluation of responses	16
4.1	Evaluation process	16
4.2	EOI minimum requirements	16
4.3	Other content specifications	17
4.4	Evaluation criteria and methodology	17
4.5	Debriefing.....	19
5	Policy and law	20
5.1	Application of law and Commonwealth policy	20
5.2	Department's confidential information	20
5.3	Respondent's confidential information.....	20
5.4	Use of response documents	21
5.5	Public statements	21
5.6	Ethical dealing	21
5.7	Conflicts of interest	22
6	Attachments.....	23

Schedule 1 – Expression of Interest Response Form 24
Schedule 2 – Additional Requirements - Commonwealth Procurement Policy and Law 25
Schedule 3 – Eligibility 2024 Selected Catchments Open Tender 27
Schedule 4 – Glossary..... 28

CONDITIONS OF REQUEST FOR EXPRESSION OF INTEREST

1 Request for Expression of Interest details

Table 1: Request for Expression of Interest (EOI) information and details

Item	EOI Information	EOI Details	
1.	EOI Reference Number	ATM_2024_2749	
2.	EOI Description	<p>The Australian Government represented by the Department of Climate Change, Energy, the Environment and Water (the department) is inviting expressions of interest from eligible water right owners in the Southern Connected Basin indicating their willingness to sell some or all of those water rights to the Australian Government in 2025. Southern Connected Basin includes the following catchments:</p> <ul style="list-style-type: none"> • New South Wales – Murrumbidgee, New South Wales Murray and Lower Darling • South Australia – South Australian Murray • Victoria – Campaspe, Goulburn-Broken, Kiewa, Victorian Murray, Loddon, Ovens, King, and Mitta Mitta. <p>This EOI is the first stage of a multi-stage procurement process. Responses received under this EOI will help guide subsequent approaches to market in 2025 aimed towards delivering the Murray–Darling <i>Basin Plan 2012</i> (the Basin Plan) in full, in accordance with the Restoring Our Rivers Framework.</p> <p>Further details about the scope of this EOI are set out in clauses 2.2 and 2.3. of this EOI.</p>	
3.	Contact Officer	Attention	Water Tenders Office
		Email	watertenders@dcceew.gov.au
4.	Closing Time	12:00 pm local time in the Australian Capital Territory on 27 November 2024	
5.	Deadline for Submission of Respondent's Questions	4:00 pm local time in the Australian Capital Territory 10 Business Days before the Closing Time (14 November 2024)	
6.	Guidance and Support Materials	<p>Respondents may call the department's Contact Centre hotline on 1800 920 528 if they have questions about how to participate in this EOI. Contact Centre operators will assist respondents by providing general information. However, in some cases they may need to forward a respondent's query to the Contact Officer for further consideration.</p> <p>The department will be issuing guidance and support material to assist respondents on/or after the release of this EOI. Further information is provided under clause 2.6 of this EOI.</p>	

Item	EOI Information	EOI Details
7.	Offer Period	Not applicable EOI - respondents are only requested to submit expressions of interest and not binding offers to sell their water rights.
8.	Public Interest Certificate	Not applicable

2 General conditions

2.1 Expression of interest approach to market

- a) In accordance with this EOI, the Commonwealth of Australia as represented by the department invites expressions of interest from owners of eligible surface water rights in the Southern Connected Basin to indicate their interest in selling water rights through the voluntary water purchase program under the Restoring Our Rivers Framework.
- b) This EOI comprises:
 - i. these Conditions of the EOI including attachments and documents incorporated by reference.
 - ii. Schedule 1 – Expression of Interest Response Form.
 - iii. Schedule 2 – Additional Requirements - Commonwealth Procurement Policy and Law
 - iv. Schedule 3 – Eligibility under the 2024 Selected Catchments Open Tender; and
 - v. Schedule 4 – Glossary.
- c) If there is inconsistency between any part of this EOI, a document higher in the following list prevails over a document lower in the list to the extent of the inconsistency:
 - i. these Conditions of the EOI including attachments and documents incorporated by reference.
 - ii. Schedule 1 – Expression of Interest Response Form.
 - vi. Schedule 2 – Additional Requirements - Commonwealth Procurement Policy and Law
 - vii. Schedule 3 – Eligibility under the 2024 Selected Catchments Open Tender; and
 - iii. Schedule 4 – Glossary

2.2 Invitation to submit a response

- a) This is an invitation, issued by the Australian Government acting through the department to owners of eligible surface water rights (**respondents**) across the Southern Connected Basin in New South Wales, Victoria, and South Australia, to express their interest in selling eligible surface water rights to the Commonwealth.
- b) This EOI process is part of the staged approach to voluntary water purchasing set out in the [Restoring Our Rivers Framework](#) for delivering the 450 GL of additional environmental water under the Basin Plan, and the associated [Restoring Our Rivers Trading Strategy \(the Trading Strategy\)](#). The Trading Strategy outlines a measured approach to water purchasing over three years, which includes running EOI processes in the first year to gather information about willingness to sell eligible surface water rights. This will help inform the design of Year 2 of the Purchase Program in 2025. (For more information visit [Voluntary Water Purchase Program for the 450 GL \(Restoring Our Rivers\) - DCCEEW](#)).
- c) This invitation to submit a response is the first part of a multi-stage procurement process. The multi-stage procurement process involves this initial approach to market seeking expressions of interest to sell eligible surface water rights. This first stage may be followed by subsequent requests for tender using either open or limited processes depending on which may be the most suitable for achieving the objectives of the water recovery program and delivering value for money. The department reserves the right to engage directly with respondents following this EOI dependant on the type of submissions we receive (for example, if an EOI appears to offer value for money).
- d) **Only** respondents that submit a response in this first stage of the multi-stage procurement process are eligible and may be invited to participate in any subsequent requests for tender in 2025 arising from this EOI.
- e) There is no target volume being sought from any particular state, catchment, or water right type among those eligible under this EOI.
- f) The department will use responses from this EOI together with other information, such as the progress of other water recovery activities, to inform the design of the next stage of this multi-stage procurement process. The flexibility of the multi-stage procurement process enables the department to apply an adaptive approach to water recovery and achieve a balanced approach across the Restoring our Rivers water purchasing

programs, while maintaining robust and transparent processes in accordance with the Commonwealth Procurement Rules (CPRs).

- g) De-identified information provided by respondents under this EOI may be used by the department to inform consultations regarding the design of subsequent approaches to market. Consultations may occur with third parties such as other Commonwealth agencies, state governments and Irrigation Infrastructure Operators (IIOs).
- h) De-identified information about the EOI outcomes will also be used to inform the Minister for the Environment and Water’s (the Minister’s) consideration of the social and economic impacts of the water purchase program before proceeding to the next stage of this multi-stage procurement process, as required by section 86ADB of the *Water Act 2007* (Cth).
- i) Whilst individual responses and information about individuals will not be shared, respondents should be aware that de-identified information about the responses may be shared with the third parties mentioned above and may be published on the department’s website.
- j) Any response under this EOI is non-binding and considered to be an expression of interest only. Offers made or agreed to under any subsequent request for tender approaches may be binding in nature as specified in the respective request for tender.
- k) The department may decide to not proceed with any subsequent request for tender approaches, for any catchment or water type, and may inform respondents of any such decision, at any point in the multi-stage procurement process.

2.3 EOI scope

- a) The Australian Government (represented by the department) is inviting owners of eligible water rights in the catchments listed below, including unregulated entitlements and section 51 licences, to express their interest stating the proposed price at which they want to sell their permanent water rights to the department. This includes water rights in areas with a high concentration of IIOs giving effect to the commitments in the Restoring Our Rivers Framework.
- b) The department is only seeking responses for specific water rights within the relevant catchments identified in this EOI — see Table 2 for a list of eligible water rights in the catchments shown in Figure 1.
- c) The catchments (represented in Figure 1) are:
 - New South Wales – NSW Murray, Murrumbidgee and Lower Darling
 - Victoria – Victorian Murray, Goulburn, Broken, Campaspe, Loddon, Kiewa, Ovens and King, Mitta Mitta
 - South Australia – SA Murray
- d) All water rights that were within the scope of the Approach to Market for the 2024 Selected Catchments Open Tender (ATM_2024_2454), are excluded from the scope of this EOI.

Table 2 - In scope surface water rights under EOI 1

State	Catchment	Water Entitlement/reliability/class/category
VIC	Goulburn	All water shares and reliabilities including section 51 licences
	Broken	All water shares and reliabilities including section 51 licences
	Kiewa	All water shares and reliabilities including section 51 licences
	Campaspe	All water shares and reliabilities including section 51 licences
	Mitta Mitta	All water shares and reliabilities including section 51 licences
	Loddon	All water shares and reliabilities including section 51 licences
	Murray	All water shares and reliabilities including section 51 licences*
	Ovens and King	All water shares and reliabilities including section 51 licences*
SA	Murray	All water licences, all classes*
NSW	Murray	All water entitlements and categories*
	Murrumbidgee	All water entitlements and categories*
	Lower Darling	All water entitlements and categories

* Excluding eligible water rights under Selected Catchments Open Tender (ATM_2024_2454)

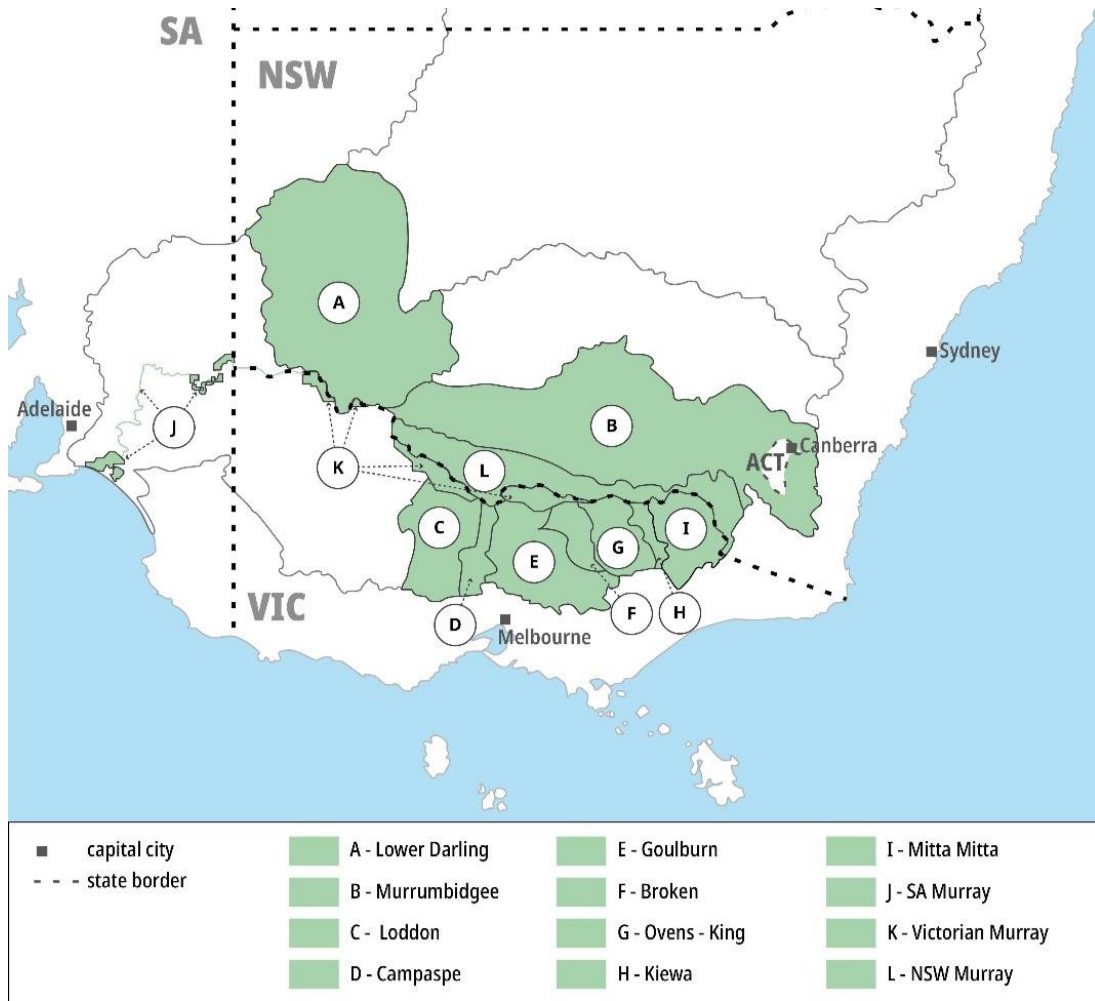


Figure 1 - Expression of Interest 1: Remaining Southern Connected Basin Catchments

- d) The department will not consider water rights outside of those listed in Table 2, either at the EOI stage or in any subsequent tender approaches arising from this EOI. Water Right types that were in scope under ATM_2024_2454 (see schedule 3) **are not** in scope for this EOI.
- e) The water rights must be able to contribute to the 450 GL target of 'additional Held Environmental Water' and the department will consider whether offered water rights are capable of meeting the requirements for 'additional Held Environmental Water (HEW)' as per section 7.08B of the Basin Plan.
- f) Respondents will submit their EOI to sell permanent water right/s (in whole or in part) with the volume of water offered being part or all of the nominal volume on their water right/s. The nominal volume is the share of a water right as stated on the Water Access Licence, Water Share or Water Licence.
- g) Pursuant to this EOI, the department is seeking responses for permanent water rights only, not seasonal water allocations.
- h) The department is seeking responses which meet the following requirements:
 - i. One response form per water right.
 - ii. On the day the response is lodged in AusTender the water right must have sufficient volume to meet the proposed transfer volume.
 - iii. The proposed transfer volume is 10 megalitres or more (nominal volume).
 - iv. Any mortgages must be capable of being released or discharged at or before the point of any potential transfer.
- i) The department may consider proposals for it to buy water rights encumbered by an existing lease provided that the requirements of the Basin Plan and the Water Act 2007 (Cth) can be met. Factors such as the type and length of lease, volume under lease and administration of the lease will inform these considerations and the approach to leasing in subsequent stages of this multi-stage procurement.

- j) The department is not seeking responses involving any land acquisitions.
- k) Pursuant to this EOI, the department is also seeking to understand levels of interest in leaseback arrangements, whereby a water right owner sells their water rights to the Commonwealth on a permanent basis, but leases back the water right for a period commencing from the point of transfer. Considerations around the type and length of leases, volumes under lease and administration costs will inform any approach that may be taken in subsequent stages of this multi-stage procurement.
- l) The timing of settlement of sale agreements will be considered at the contract negotiation stage on a case-by-case basis during any subsequent tender approaches arising from this EOI.
- m) The scope and conditions of participation for subsequent tender approaches arising from this EOI will be determined following the consideration of responses received through this EOI process.

2.4 Respondent's responsibilities

- a) The respondent is the water right owner, or where there are multiple owners all of the water right owners, who are legally authorised to deal with that water right.
- b) An agent representing a/the water right owner(s) (e.g., a solicitor, water broker or other third-party representative of the water right owner) is not the respondent. Respondents are not required to use an agent to submit their response but may choose to do so at their discretion.
- c) Respondents are responsible for and must:
 - i. ensure that the total volume of the water right which is the subject of the EOI does not exceed the total nominal volume of that water right.
 - ii. where applicable, provide any legal instrument recognised in legislation and acceptable to the Department, that gives legal authority for a person to sign on behalf of the owner(s) of the water right, such as a power of attorney.
 - iii. ensure the completeness and accuracy of their response, including submission of all required material (if a respondent is unsure of any information related to their water right, they should confirm relevant details with their water authority or legal advisors).
 - iv. ensure that they examine this EOI including its attachments, and any other information made available or referenced by the department in connection with this EOI.
 - v. comply with the ethical requirements of this EOI as per clause 5.6c.
 - vi. satisfy themselves that their response, including volume and price, is accurate, complete, and not misleading at the time of submission (noting this is a non-binding EOI, and there will be an opportunity to confirm these details should they proceed to a subsequent tender process, however the department will take into account any changes to these details and the justifications provided for such changes in any subsequent tender process).
 - vii. inform themselves of the evaluation criteria set out in this EOI and the relevant value for money considerations that will be applied by the department in evaluating responses and determining approaches for the next stages of the procurement.
 - viii. obtain all necessary advice in respect of their participation in this EOI process.
 - ix. accept the conditions set out in this EOI.
- d) In preparing their responses, respondents must not rely on any representation of the department as adding to or amending this EOI, other than amendments made via addendum uploaded to AusTender in accordance with clause 2.8 of this EOI. In the event of uncertainty, respondents are to refer to detail provided in this EOI or are recommended to consult with the Contact Officer.
- e) Prices should be exclusive of GST (as defined in section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth)) as GST is not applicable to water right purchases.
- f) However, prices should:
 - i. be inclusive of all costs of complying with this EOI and any subsequent request for tender process; and
 - ii. consider relevant market data regarding recent trades and sale prices.

- g) Respondents acknowledge that responses to this EOI, including proposed price and other data, will be used to inform subsequent tender processes arising from this EOI.
- h) Respondents will be given the opportunity to confirm or revise their responses, including proposed prices, should they proceed to a subsequent tender process as part of this multi-stage procurement. Note that the department will consider any changes to the details provided in the responses to this EOI and the responses submitted in any subsequent tender process and the justifications provided for such changes in any subsequent tender process. Further guidance will be provided by the department accordingly in any subsequent request for tender process.
- i) Respondents are informed that the department generally expects that details including pricing indicated in this EOI process will remain consistent with market conditions in subsequent tenders. Where offers for the same water right are significantly changed in subsequent approaches, the department may seek reasons for this change. The department reserves the right to revise its tendering approach based on this information and market activity.

2.5 Indicative EOI timetable

- a) This EOI is intended to be conducted in accordance with the indicative timetable in Table 3.
- b) The timeframes for subsequent approaches to market (such as invitations to tender) under this multi-stage procurement will be advised in 2025.
- c) The inclusion of a time or date in this EOI does not create an obligation on the part of the department to take any action or exercise any right established in this EOI or otherwise.

Table 2 - EOI activity and indicative dates

No.	Activity	Indicative Date
1.	EOI release to market	30 September 2024
2.	Closing Time	12:00 pm local time in the Australian Capital Territory on 27 November 2024
3.	Consideration of responses and planning for subsequent approaches to market	28 November 2024 to March 2025

2.6 Guidance and support materials

- a) The department will offer respondents guidance and support material to assist them in developing their responses.
- b) Respondents are encouraged to visit:
 - i. the department’s water recovery website which includes relevant Trading Strategy and Complementary information - [Voluntary Water Purchase Program for the 450 GL \(Restoring Our Rivers\) - DCCEEW](#)
 - ii. the MDBA website for more information about the Murray–Darling Basin Plan - [Basin Plan | Murray–Darling Basin Authority \(mdba.gov.au\)](#) .
 - iii. the MDBA website for the Southern Connected Basin showing Interstate water trading zones in New South Wales, Victoria and South Australia - [Interstate water trade | Murray–Darling Basin Authority \(mdba.gov.au\)](#)
 - iv. the Bureau of Meteorology website that provides information about water markets and historical prices [Water Information Dashboard: Water Information: Bureau of Meteorology \(bom.gov.au\)](#)
- c) Respondents should only use any guidance and support material referred to by the department in this EOI or on its website as background information. Nothing in the guidance and support materials, or advice received through a phone call, override or amend this EOI or the Expression of Interest Response Form unless the department confirms an amendment via an addendum uploaded to AusTender.

2.7 EOI questions

- a) Respondents may call the department's Contact Centre hotline on 1800 920 528 if they have questions about how to participate in the EOI. The Contact Centre operates 9:00 am to 5:00 pm Australian Capital Territory (ACT) local time, Monday to Friday (excluding ACT and national public holidays). Contact Centre operators may provide an answer over the telephone or refer the respondent to the Contact Officer for further consideration.
- b) Respondents should direct any questions regarding this EOI that are not addressed by the Contact Centre, to the Contact Officer in writing using the email address as listed in EOI details (Table 1 in this document).
- c) Respondents may submit written questions to the Contact Officer by email up until the Deadline for Submission of Respondents' Questions specified in the EOI details (Table 1 in this document).
- d) Any questions submitted by respondents in writing are provided on the basis that the department may circulate these questions, and the department's response, to all other respondents, without disclosing:
 - i. the source of the question.
 - ii. any confidential information; or
 - iii. the substance of a proposed response.
- e) Respondents should identify in their question what, if any, information in the question is confidential.
- f) Respondents must not approach, directly or indirectly, other officers, employees, or agents of the department (i.e. other than the Contact Officer and Contact Centre operators for general enquiries) for the purpose of obtaining information in respect of this EOI.
- g) If a respondent believes they have found a discrepancy, error, ambiguity, inconsistency or omission in this EOI or any other information given or made available by the department in connection with this EOI, the respondent should promptly notify the Contact Officer by email setting out the error in sufficient detail so that the department may take the corrective action, if any, it considers appropriate.

2.8 Addenda

- a) If the department elects to vary or supplement this EOI, it will inform respondents by issuing an addendum on AusTender. All addenda will be made available via AusTender.
- b) Respondents that have registered and downloaded this EOI documentation from AusTender will be notified by AusTender via email of any addendum that is issued by the department. It is the responsibility of respondents to ensure they have correctly recorded their contact details in AusTender prior to downloading the EOI documentation. If a respondent has not recorded its details correctly, the respondent should amend its contact details in AusTender and download this EOI documentation again.
- c) Respondents are required to log in to AusTender and access addenda as notified.
- d) The department (and the Australian Government in any other capacity) will not accept any responsibility if a respondent fails to become aware of any addenda which would have been apparent from viewing the AusTender page for this EOI.
- e) Respondents acknowledge that they will have no claim against the department (or the Australian Government in any other capacity) if they fail to become aware of any alteration, correction or notice that was available to view on AusTender.

2.9 Complaints

- a) Any complaints relating to this EOI are to be directed to the Director of Procurement at procurementfeedback@dcceew.gov.au.
- b) This EOI is not a 'covered procurement' for the purposes of the *Government Procurement (Judicial Review) Act 2018* (Cth).

2.10 No contract or undertaking

- a) This EOI is an invitation to eligible water right owners to express an interest in selling their water rights to the department. Nothing in this EOI should be construed as giving rise to any contractual legal or equitable obligations of the department to any respondent. No contractual obligations or liabilities are intended to arise as a consequence of this EOI.

- b) The department is not liable to any respondent on the basis of any contract or other understanding (including any form of contractual, quasi contractual, restitutionary or promissory estoppel rights, implied obligations or rights based on similar legal or equitable grounds) whatsoever, or in negligence, as a consequence of any matter relating or incidental to this EOI, the procurement or a respondent's participation in this EOI process, including instances when:
- i. a respondent is not invited to participate in any subsequent process as part of or following completion of this EOI process;
 - ii. the department varies the EOI process;
 - iii. the department decides to terminate the EOI process; or
 - iv. the department exercises or fails to exercise any of its other rights under or in relation to this EOI.
- c) Clause 2.10(a) of this EOI does not apply to:
- i. any confidentiality agreement executed by a respondent; or
 - ii. any other deed or contractual arrangement entered into by a respondent, as required by the department from time to time.
- d) Respondents participate in this EOI at their own risk. The department will not be responsible for any costs or expenses incurred by respondents as a result of participating in this EOI or subsequent tender activities arising from their participation in this EOI.

3 Lodgement of responses

3.1 Selling to the Australian Government

- a) Commonwealth entities, such as the department, must follow some specific rules to ensure any procurement is open, honest, fair and provides value for money.
- b) An understanding of the buying behaviour of the Australian Government, the rules it must follow, and the responsibilities it has during each stage of the buying process may assist respondents in preparing their response.
- c) For additional guidance, please refer to the Department of Finance website, [Selling to the Australian Government](#).

3.2 Respondents to inform themselves

- a) The department makes no representations, guarantees, or warranties that the information in this EOI or any information provided to respondents during this EOI is, or will be, accurate, current, or complete.
- b) Respondents are responsible for considering and abiding with the responsibilities for respondents listed in clause 2.4 of this EOI.

3.3 Response preparation

- a) Respondents should complete and provide the information in the manner requested in the Expression of Interest Response Form set out at Schedule 1.

3.4 Joint responses

- a) The department will consider responses submitted by joint owners or part owners of the same water right (provided that all water right owners agree to submit the response).

3.5 Offering multiple water rights

- b) A separate Expression of Interest Response Form and relevant documentation must be submitted for each water right.

3.6 Electronic lodgement of responses

- a) AusTender is the Australian Government's procurement information system. Access to and use of AusTender is subject to terms and conditions. In participating in this EOI, respondents are to comply with those terms and conditions and any applicable instructions, processes, procedures and recommendations as advised on AusTender at <https://www.tenders.gov.au/?event=public.termsOfUse>.
- b) Responses are to be lodged electronically via AusTender (<https://www.tenders.gov.au/>) before the Closing Time in accordance with the response lodgement procedures set out in this EOI and on AusTender.
- c) All queries and requests for technical or operational support should be directed to:
AusTender Help Desk
Telephone: 1300 651 698
International: +61 2 6215 1558
Email: tenders@finance.gov.au
- d) The AusTender Help Desk is available between 9am and 5pm Australian Capital Territory local time, Monday to Friday (excluding Australian Capital Territory and national public holidays).
- e) Schedule 1 (Expression of Interest Response Form) should be completed and returned via AusTender along with a copy of the relevant water right documentation in accordance with the AusTender requirements referred to in clause 3.5(b) above.
 - i. Schedule 1 is an editable PDF and should be completed digitally. This PDF allows the respondent to populate relevant fields and choose options from drop down menus to complete the form. The

respondent may also digitally sign the PDF to indicate their agreement to the respondent's declaration. Once content is entered into the PDF, the respondent may save the PDF containing their information to their computer/tablet and then upload it to AusTender. Schedule 1 should be submitted via AusTender as a PDF file.

- f) The file name of each document forming part of a response should:
 - i. include the respondent's name; and
 - ii. if the response comprises multiple files, include a description reflecting the parts of the response that the file represents.
- g) The total combined size of all response files should not exceed 50 megabytes.
- h) Responses should be completely self-contained. No hyperlinked or other material should be included by reference.

3.7 Lodgement by any other means not accepted

- a) Except as provided for in clause 3.5 of this EOI, lodgement of responses by any other means to any department location or by any other means will not be accepted.

3.8 Late lodgement policy

- a) The time displayed on AusTender is deemed correct and will be how the department will determine whether a response has been lodged before the Closing Time.
- b) Any attempt to lodge a response electronically after the Closing Time will not be permitted by AusTender.
- c) If a response consists of multiple uploads, due to the number of files or file size, all files must be lodged before the Closing Time.
- d) The department will not accept any late responses unless the response was received late due solely to mishandling by the department.
- e) If lodgement of a response has commenced prior to the Closing Time (and in the case of a response consisting of multiple uploads, all uploads have commenced prior to the Closing Time) but concluded after the Closing Time, and upload of the response file/s has completed successfully, as confirmed by AusTender system logs, the response will not be deemed to be a late response.

3.9 Illegibility

- a) The department may exclude from further consideration any responses containing information that is not clear and legible.

3.10 Unintentional errors, ambiguities, or omissions

- a) If the department considers that there are unintentional errors, ambiguities or omissions in a response, the department may request the respondent to correct or clarify their response but will not permit any material change to the response.

3.11 The department's rights

- a) Despite any other provision of this EOI, the department retains the right to:
 - i. amend any part of this EOI.
 - ii. suspend or restart this EOI.
 - iii. obtain and consider additional information (whether obtained through this EOI process, another EOI process or by other means) relevant to a response, when assessing a response.
 - iv. obtain and consider additional information (whether that information is obtained through other Commonwealth entities, state governments, private entities and consultants or other stakeholders) relevant to a response or multiple responses, when considering subsequent approaches to market following this EOI.

- v. share de-identified information about the outcomes of the EOI with:
 - third parties such as other Commonwealth agencies, state governments, IIOs and other stakeholders for the purpose of informing consultations regarding the design of subsequent tender approaches.
 - relevant stakeholders to inform the Minister's consideration of the social and economic impacts of the purchase program before proceeding to the next stage, in accordance with section 86ADB the *Water Act 2007* (Cth).
 - vi. publish aggregated and de-identified information about the outcomes of this EOI, including but not limited to information about the proposed catchments, volumes and prices received under this EOI.
 - vii. terminate the EOI process at any time, including if the department determines that:
 - it is in the public interest to do so.
 - no response represents value for money; or
 - no response meets the minimum content and format requirements.
 - viii. use material a respondent provides in response to one evaluation criterion to assess against another evaluation criterion.
 - ix. seek clarification from any respondent for the purposes of the evaluation process.
 - x. seek amended responses or call for new responses.
 - xi. enter into discussions with one or more respondents
 - xii. discontinue discussions with a respondent, whether or not the respondent has been notified.
 - xiii. allow another legal entity to take over a response in substitution for the original respondent.
 - xiv. allow another legal entity to take over aspects of the multi-stage procurement process on behalf of the department.
- b) The department may at any time exclude a response submitted by a respondent from further consideration if:
- i. the response is incomplete or clearly non-competitive; or
 - ii. an insolvency event occurs in relation to the respondent or any of its Related Bodies Corporate.
- c) The department will not be liable, or be in any way responsible, for any loss, cost, expense, claim, or damage incurred by a respondent because the department:
- i. exercises or fails to exercise any of the department's rights under this EOI; or
 - ii. fails to inform a respondent of its exercise or non-exercise of those rights.

4 Evaluation of responses

4.1 Evaluation process

- a) The outcomes of this EOI will be used to inform the design and consideration of Year 2 of the Voluntary Water Purchase Program in 2025.
- b) Responses will be evaluated based on their ability to contribute to Basin Plan outcomes and potential deliver value for money, in accordance with the evaluation criteria set out at clause 4.4 and the terms of this EOI. There is no fixed volume sought from any particular state, catchment, or water right type.
- c) While each response will be evaluated individually, the department will consider the results of those evaluations alongside a range of other factors to determine the approach for the next stage of the multi-stage procurement process. The flexibility of the multi-stage procurement process enables the department to apply an adaptive approach to water recovery, while still maintaining robust and transparent processes under the Commonwealth Procurement Rules (CPRs).
- d) The department will not seek to enter into negotiations with respondents during the first stage of this multi-stage procurement process.
- e) The criteria for the evaluation of tenders in any subsequent request for tender process undertaken as part of this multi-stage procurement process are not yet known but will be provided to short-listed respondents at the time they are invited to respond to the request for tenders (if any). The department may apply to tenders the same evaluation criteria around value for money, environmental utility and water market and other financial factors as outlined in clause 4.4b) ii (Preliminary Assessment) below.
- f) In subsequent tenders, a more detailed evaluation of these matters will be undertaken. The evaluation in any subsequent request for tender process might also involve consideration of:
 - i. the costs and benefits of leasing arrangements (if applicable) on value for money and environmental utility assessments; and
 - ii. any material changes in the price tendered by a respondent, compared to the price specified in their response in this first stage, considering any justification provided by the respondent in their tender, or attributable to changes in market conditions.
- g) Further information about the evaluation criteria and process to be applied in subsequent stages (if any) will be provided in any request for tender that is issued to short-listed respondents.

4.2 EOI minimum requirements

- a) The department may exclude a response from further consideration if the department considers that the response does not comply with any one or more of the following minimum requirements:
 - i. The response must be written in English.
 - ii. The response must include:
 - a completed and signed version of Schedule 1 (Expression of Interest Response Form) including:
 - a signed Respondent's Declaration; and
 - if a third-party agent (for example, a broker, solicitor or other person) is nominated as the contact person and (if applicable) submits the EOI response - a signed agent's declaration.
 - where possible, a copy of a record evidencing the existence and ownership of the water right, the volume available on the water right and the details of the water right location and type. The evidence may be a copy of the current Water Access Licence Certificate (NSW), Water Share (Victoria) or Water Licence (South Australia) or an equivalent document that provides the relevant details, such as a water register search record.

- where a response has been signed by a person who is not a (or the) water right owner, a copy of any legal instrument recognised in legislation and acceptable to the department, that gives legal authority for a person to sign on behalf of the owner(s) of the water right, such as a power of attorney
 - iii. One water right per Expression of Interest Response Form.
 - iv. Water right volume of 10 megalitres (ML) or more offered for purchase (nominal).
 - v. The water right must be eligible as defined in clauses 2.2 and 2.3 of this EOI (including regarding the scope of this EOI).
 - vi. There must be sufficient volume against the water right to meet the proposed transfer volume on the day the response is lodged in AusTender.
- b) Respondents should also ensure that Schedules 1 is properly completed in accordance with the instructions to make an expression of interest to sell the water right.
- c) Notwithstanding the use of 'must', 'shall', 'will' or other mandatory language, no other requirement in this EOI is to be treated as a 'minimum requirement'.

4.3 Other content specifications

- a) Nil

4.4 Evaluation criteria and methodology

- a) The department will register responses following the Closing Time and the responses will be evaluated in the following stages.
- b) The evaluation will inform decisions about the approach for the next stage of this multi-stage procurement. The responses will be evaluated in the following stages:
- i. **Stage 1 – Initial screening:** Responses will be screened and may be excluded if they:
 - i.i are not in scope of the EOI in accordance with clause 2.3; and
 - ii.i fail to comply with the requirements of this EOI as per clause 4.2(a).
 - ii. **Stage 2 – Preliminary assessment:** Responses which pass the stage 1 initial screening will then undergo a preliminary assessment of their potential to contribute to Basin Plan outcomes for the 450 GL and offer value for money. As part of this preliminary assessment the department may consider:
 - i.ii Water market price and other financial factors: The CPRs state that when assessing value for money, price is not the only factor and officials must consider other relevant financial costs and benefits. Relevant financial factors may include comparison against the water right's Volume Weighted Average Price (calculated as the total value of water rights traded divided by the total volume over a period of time), trends in price growth, trading and volumetric characteristics, and transaction costs.
 - ii.ii Environmental utility: This relates to aspects of the water right such as its usability, as well as how it may contribute to the balance of the overall portfolio of water rights held by the Commonwealth. For this EOI, environmental utility includes the ability of the water right to meet local and system-wide ecological objectives as well as the extent to which the water right complements and balances the current Commonwealth Environmental Water holdings.
 - iii.ii The water right's ability to achieve or contribute to achieving environmental outcomes: For the 450 GL, this includes the legislated environmental outcomes set out at section 86AA of the *Water Act 2007* (Cth) and Schedule 5 of the *Basin Plan 2012* (Cth), relating to enhanced environmental outcomes.
 - iv.ii The implications of leasing arrangements if relevant.

- v.ii The water right's long-term diversion limit equivalent factor (LTDLE) when considering a water right's environmental utility and contribution to volumetric targets¹.
 - vi.ii An overall analysis of the responses received to provide an overarching summary of the volume, type and characteristics of water rights.
- iii. **Stage 3 – Consideration of other matters:** Following completion of the two stages outlined above the department will consider a range of additional information to develop options and inform decisions about the next stage of this multi-stage procurement. This may include considering (but is not limited to):
 - i.iii The social and economic impacts on communities of proceeding with a water purchasing program (as required under section 86ADB of the *Water Act 2007* (Cth)).
 - ii.iii The result of advice and discussions with other Commonwealth agencies, state governments, IIOs and other relevant stakeholders in relation to pathways for recovering water.
 - iii.iii The progress of other water recovery activities, including other purchasing processes and/or infrastructure programs, with a view to achieving a balanced approach to water recovery across all water recovery programs.
 - iv.iii Any market intelligence that is gathered by or available to the department.
 - v.iii Any additional information about environmental utility and outcomes that is gathered by or available to the department including options for achieving portfolio balance.
 - vi.iii Any other factors that assist the department to utilise its discretionary powers.
- iv. **Stage 4 – Recommendations for next stages:** The department will use the information obtained in the first 3 stages to develop options and recommendations to inform the next stage of this multi-stage procurement. This may include short-listing of respondents and options for inviting short-listed respondents to participate in any subsequent request for tender processes.
 - i.iv Pricing provided during the EOI stage will play a key role in the department's considerations for subsequent tender approaches. Responses demonstrating value for money will be favoured. If price offers change in subsequent tender approaches, respondents may be requested to provide justification for these changes where they are not readily attributable to changes in market conditions.
 - ii.iv The department may also choose not to proceed with subsequent stages of this multi-stage procurement process if, for example, other pathways offer better socio-economic outcomes.
- v. **Stage 5 – Notifications:** The department may notify successful respondents that they are invited to participate in any subsequent request for tender process. The department will also notify respondents who were not shortlisted at the appropriate time.
 - i.v The department may seek to engage directly with respondents whose submissions are exceptionally favourable to achieving value for money and meeting the objectives of the Australian Government.
- c) The department may at any time during the evaluation process of this EOI and any subsequent tender approaches:
 - i. exclude a response from consideration if the department considers that the response is not competitive or otherwise does not represent value for money.
 - ii. undertake due diligence investigations to confirm ownership of the water right/s and any encumbrances such as leases. This may involve validating relevant aspects of the response and

1

For example, a Water Right with a nominal volume of 100 megalitres and a long-term diversion limit equivalent factor of 0.8 has an equivalent volume of $100 \times 0.8 = 80$ megalitres.

checking for any issues that may affect the department's assessment of the response or prevent a response from proceeding to any subsequent stages.

- iii. reach the view that responses or respondents have failed to comply with the minimum content and format requirements of this EOI, or are otherwise non-compliant with this EOI, and deal with those responses as set out in this EOI.
- d) The department may perform any additional security, probity, financial investigations, and other checks it considers necessary in relation to:
 - i. respondents.
 - ii. related entities of respondents; or
 - iii. officers, employees, partners, associated entities, advisors, or contractors of respondents.
- e) Respondents must promptly provide the department with any information needed to undertake such investigations.

4.5 Debriefing

- a) All respondents will be notified of whether they have been short-listed for participation in any subsequent request for tender process and will be offered the opportunity to request a verbal debriefing from the department. Respondents may request a verbal debriefing by contacting the Contact Officer. Respondents will be debriefed against the evaluation criteria set out at clause 4.4 of this EOI.
- b) By attending the debriefs, respondents accept and agree to the department keeping a record of the debriefs and retaining notes of the discussions held during such debriefs.

5 Policy and law

5.1 Application of law and Commonwealth policy

- a) Respondents should familiarise themselves with all relevant Commonwealth legislation and policies relating to this EOI, any subsequent stages of this multi-stage procurement process and the provision of the responses including:
 - i. Division 137.1 of the *Criminal Code* which makes it an offence to knowingly provide false or misleading information to a Commonwealth entity.
 - ii. the *Freedom of Information Act 1982* (Cth) which requires Australian Government departments and agencies to provide access to certain documents in their possession.
 - iii. the *Auditor-General Act 1997* (Cth) which allows the Auditor-General to conduct a review or examination, at any time, of any aspect of the operations of Australian Government agencies.
 - iv. the *Ombudsman Act 1976* (Cth) which authorises the Ombudsman to investigate the administrative actions of Australian Government departments and agencies and to investigate the actions of certain Australian Government contractors.
 - v. the *Privacy Act 1988* (Cth) which aims to ensure that any contracted tenderers and their subcontractors (if applicable) do not engage in an act or practice that would breach an Australian Privacy Principle under the *Privacy Act 1988* (Cth) if done by the Commonwealth. The *Privacy Act 1988* (Cth) also imposes obligations directly on any contracted tenderers and subcontractors (if applicable).
 - vi. the *Work Health and Safety Act 2011* (Cth) which requires a person conducting a business or undertaking to ensure the health and safety of all workers.
 - vii. the *Public Interest Disclosure Act 2013* (Cth) which aims to promote the integrity and accountability of the Commonwealth public sector.
 - viii. The *Water Act 2007* (Cth) which aims to promote the use and management of the Basin's water resources in a way that optimises economic, social and environmental outcomes
- b) Additional Commonwealth legislation and policies relating to this EOI, and any subsequent stages of this multi-stage procurement process are listed below and in Schedule 2.

5.2 Department's confidential information

- a) Respondents and/or their representatives must not, and must ensure that their agents, officers, employees, advisors, and contractors do not divulge or communicate to any person any confidential information concerning the affairs of the department, the Commonwealth or information provided by the department and which the department indicates to respondents is confidential or which respondents know or ought reasonably to know is confidential.
- b) Without limiting clause 5.2 a) of this EOI, the department may require a respondent to execute a deed of confidentiality before obtaining some or all the information relating to this EOI, and may also require the respondent's agents, officers, employees, advisors, or contractors to also execute deeds of confidentiality.

5.3 Respondent's confidential information

- a) Subject to clause 5.3(b) of this EOI, the department will treat all responses submitted in this EOI as confidential.
- b) The department may disclose information provided by a respondent
 - i. to officers, employees, advisors, service providers or contractors of the department in relation to the EOI process.
 - ii. within the department and to another Commonwealth department or agency, if this serves the Commonwealth's legitimate interests.
 - iii. if authorised or required by law or Commonwealth policy.

- iv. if disclosure is required for the performance of the portfolio duties of the responsible minister for the department or for public accountability reasons, including following a request by Parliament or a parliamentary committee.
- v. if disclosure is authorised or required by law.
- vi. for the purpose of defending any complaint, claim or proceeding in relation to the EOI process or any resultant contract.
- vii. for the purposes of enabling the management or auditing of activities related to this EOI.
- viii. if this information is already in the public domain other than due to a breach of confidence.
- ix. as contemplated under clause 5.4(b) of this EOI.
- x. with the written consent of the respondent.

5.4 Use of response documents

- a) All responses become the property of the department upon submission and the respondent grants to the department permission to use, retain, and copy the information contained in the documents for the purposes of:
 - i. the EOI process, including the evaluation and selection of any response.
 - ii. verifying the currency, consistency and adequacy of information provided under any other EOI process conducted by the department,
 - iii. complying with any law or engaging in any legal processes, and enabling any investigation or review of any regulatory authority; and
 - iv. auditing and complying with governmental and Parliamentary reporting requests and requirements.
- b) The department may disclose response documents to a third party for the purposes of assisting the department in the conduct of the EOI process and for the purpose contained in clause 5.4(a) of this EOI.
- c) Respondents warrant that they are able to grant the permission set out in clause 5.4a).

5.5 Public statements

- a) Except with the prior written approval of the department, respondents must not make a statement or provide any other information for publication in any media concerning this EOI process including the acceptance of any response, commencement of negotiations, creation of a shortlist, or notification that a respondent may progress to a subsequent stage of this multi-stage procurement.
- b) The department may exclude a response from further consideration if the respondent does not comply with the requirement set out in clause 5.5(a) of this EOI.
- c) Participation in this EOI process does not limit a respondent's obligation to comply with any law or rule of a stock exchange.

5.6 Ethical dealing

- a) The department will not invite a respondent to participate in subsequent tender approaches under this multi-stage procurement that is:
 - i. subject to a judicial decision against it relating to unpaid employee rights (not including decisions under appeal), if the employee rights remain unpaid; or
 - ii. named in the consolidated list referred to in regulation 40 of the *Charter of United Nations (Dealing with Assets) Regulations 2008* (Cth) (accessible at <https://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-list.aspx>).
- b) Responses must be prepared without:
 - i. improper assistance of current or former officers, employees, advisors, service providers or contractors of the department; or
 - ii. using information improperly obtained through a breach of confidentiality, section 122.4 of the *Criminal Code Act 1995* (Cth) or the *Public Service Act 1999* (Cth).

- c) Respondents must not:
- i. engage in misleading or deceptive conduct.
 - ii. engage in any collusive tendering, anti-competitive conduct, or any other unlawful or unethical conduct with any other respondent or any other person.
 - iii. attempt to solicit information from or influence improperly any current or former officers, employees, advisors, service providers or contractors of the department, or violate any applicable laws (including anti-corruption or bribery legislation) or Commonwealth policies regarding the offering of inducements in connection with the EOI process.
 - iv. engage in, or procure or encourage others to engage in, activity that would result in a breach of the *Lobbying Code of Conduct* (<https://www.ag.gov.au/integrity/australian-government-register-lobbyists/lobbying-code-conduct>).
 - v. without the department's prior written consent, permit any current or former officers, employees, advisors, or contractors of the department to contribute to their response or participate in any activity relating to the EOI process, if that person was involved at any time in planning or managing the EOI process.
 - vi. otherwise act in an unethical or improper manner or contrary to any law in relation to their response or the EOI process.
- d) The department may exclude from consideration any response lodged by a respondent:
- i. that has failed to comply with the obligations set out in this clause 5.6 of this EOI; or
 - ii. if that respondent, or any person associated with the response, including directors and senior management, has ever contravened the anti-competitive provisions of the *Competition and Consumer Act 2010* (Cth) or equivalent laws in Australia or overseas.
- e) The department reserves the right to report suspected collusive or anti-competitive conduct by respondents to the appropriate regulatory authority and to provide that authority with any relevant respondent information.

5.7 Conflicts of interest

- a) Respondents should represent and declare in the Expression of Interest Response Form whether, at the time of lodging their response, a conflict of interest concerning itself or a related entity exists or might arise as a result of the response.
- b) A conflict of interest may exist if:
- i. respondents or any of their personnel have a relationship (whether professional, commercial, or personal) with the department's personnel involved in the evaluation of responses; or
 - ii. respondents have a relationship with, and owe obligations to, an organisation which would bring disrepute to or embarrass the department.
- c) If, at any time during this multi-stage procurement, an actual or potential conflict of interest concerning itself or a related entity arises or may arise for any respondent, that respondent should immediately notify the Contact Officer.
- d) If a conflict of interest arises, the department may:
- i. exclude the relevant response from further consideration.
 - ii. enter into discussions to seek to resolve the conflict of interest; or
 - iii. take any other action it considers appropriate.
- e) Respondents are to take such steps as the department requires to resolve or manage a conflict of interest.

6 Attachments

Schedule 1: Expression of Interest Response Form

Schedule 2: Additional Requirements - Commonwealth Procurement Policy and Law

Schedule 3: Eligibility under Restoring Our Rivers 2024 Selected Catchments Open Tender

Schedule 4: Glossary

Schedule 1 – Expression of Interest Response Form

(see separate document)

Schedule 2 – Additional Requirements - Commonwealth Procurement Policy and Law

This Schedule provides additional information about Commonwealth Procurement policies and laws that (without limitation) may apply to this EOI and any subsequent stages of this multi-stage procurement.

Workplace Gender Equality

- a) Commonwealth policy prevents the department from entering into agreements with potential respondents that are non-compliant under the *Workplace Gender Equality Act 2012* (Cth) (the WGE Act). More information on this policy can be found at: <https://www.wgea.gov.au/what-we-do/compliance-reporting/wgea-procurement-principles>.
- b) Short-listed respondents invited to participate in any subsequent request for tender process will be required to indicate in their tenders whether they are a 'relevant employer' under the WGE Act and, if applicable, provide a current letter of compliance as part of their tender. If selected as a preferred respondent, following the evaluation of their tender, the respondent will be required to provide a current letter of compliance upon request from the department and prior to entering into any sale agreement.
- c) In performing any sale agreement, successful respondent will be required to:
 - i. comply with their obligations, if any, under the WGE Act; and
 - ii. if requested by the department, provide a current letter of compliance on or before the date of exchange of a sale agreement.
- d) Respondents should note that if they are successful in this multi-stage procurement and between the date of exchange of a sale agreement and the date of settlement, they become non-compliant with the WGE Act, they must promptly notify the department. For further information about coverage of the WGE Act, contact WGEA on (02) 9432 7000.

Modern Slavery Act

- a) The *Modern Slavery Act 2018* (Cth) (Modern Slavery Act) requires that the Commonwealth prepare a modern slavery statement, for a reporting period, covering all noncorporate Commonwealth entities within the meaning of the *Public Governance, Performance and Accountability Act 2013* (Cth).
- b) The department may, by written request, require respondents to provide any information that is necessary to enable the Commonwealth to satisfy its obligations under the Modern Slavery Act.
- c) If such a request is made by the department, respondents must provide the required information within 10 Business Days of the request.

Shadow Economy Procurement Connected Policy

- a) The *Shadow Economy Procurement Connected Policy* applies to this EOI. More information on this policy and the process for applying for a Statement of Tax Record (STR) is provided by the Treasury and the Australian Taxation Office at <https://treasury.gov.au/publication/p2019-t369466>, [Frequently Asked Questions – Complying with the guidelines for tenderers/applicants | Treasury.gov.au](#) and https://www.ato.gov.au/Business/Bus/Statement-of-tax-record/?=redirected_STR..
- b) The respondent acknowledges that if it is a preferred respondent in any subsequent request for tender process under this multi-stage procurement, the respondent must hold a Valid and Satisfactory Statement of Tax Record and, on request by the department, must provide to the department a copy of all relevant Statements of Tax Record.
- c) The respondent acknowledges that if it is selected as a preferred respondent any subsequent request for tender process under and it does not comply with these requirements, the department may rescind acceptance of its response and not proceed to execute a sale agreement.
- d) The respondent acknowledges that individuals who are not registered as a business may be unable obtain a satisfactory STR due to their inability to satisfy the ABN and GST registration requirements. If the respondent follows the process set out on the EOIA TO website and is unable to obtain an STR, the respondent should inform the department as soon as possible. The department will consider the information provided and inform the respondent regarding paths forward.

Commonwealth Supplier Code of Conduct

- a) The Commonwealth expects its suppliers to conduct themselves with high standards of ethics such that they consistently act with integrity and accountability.
- b) If awarded a sale agreement, the successful respondent must agree to comply with the Commonwealth Code of Conduct (Code) in accordance with the sale agreement. Respondents invited to participate in any subsequent request for tender process will be required to indicate in the relevant responses that they understand the requirements of the Code.
- c) Any sale agreement will require that the preferred respondent comply with the Code when performing its obligations and to ensure its personnel, agents, and subcontractors comply with the Code. The sale agreement will also require the preferred respondent to proactively monitor and assess compliance with the Code, and to notify the department immediately of any breach of the Code. Further information on the Code can be found at: <https://www.finance.gov.au/government/procurement/commonwealth-supplier-code-conduct>

Benefits to the Australian economy

- a) For procurements above \$1 million, the department is required by the CPRs to consider the economic benefit of the procurement to the Australian economy as part of its value for money assessment. This is in the context of relevant national and international agreements and procurement policies to which Australia is a signatory, including free trade agreements and the Australia and New Zealand Government Procurement Agreement.
- b) If this requirement of the CPRs applies to this multi-stage procurement process, the benefits to the Australian economy may be a criterion for the evaluation of tenders in any subsequent request for tender process. Further information about the evaluation criteria and process to be applied in the subsequent stages (if any) will be provided in any request for tender that is issued to short-listed respondents.

Schedule 3 – Eligibility 2024 Selected Catchments

Open Tender

The information below is from the approach to market in relation to purchasing water rights by the Australian Government to help deliver Murray–Darling Basin Plan outcomes — Restoring Our Rivers 2024 Selected Catchments Open Tender (ATM_2024_2454) (the Previous Open Tender).

Water right owners that were eligible under the Previous Open Tender are not eligible under this EOI. Respondents may use information in this Schedule 3 to assist in determining whether they were eligible under the Previous Open Tender, and subsequently to determine whether they may not be eligible for this EOI on that basis.

Under the Previous Open Tender, the Australian Government (represented by the Department) sought to purchase eligible water rights up to 70 GL of surface water across 5 catchments. These catchments (as presented in Table 1).

Table 1 – Eligible water rights

State	Catchment/Water Source	Entitlement/reliability/class	Trading/extraction zone
NSW	Murrumbidgee Regulated River	General Security	Zone 13
		High Security	
		Supplementary (Lowbidgee)	
		Supplementary	
	NSW Murray Regulated River	General Security	Zone 10 (above choke)
		High Security	
		General Security	Zone 11 (below choke)
		High Security	
SA	South Australian Murray	Class 3	Zone 12
VIC	Ovens and King Regulated	High Reliability	9A Ovens 9B King
	Victorian Murray Regulated	High Reliability	6 VIC Murray - Dart to Barmah (above choke)
		Low Reliability	
		High Reliability	7 VIC Murray - Barmah to SA (below choke)
Low Reliability			

The Previous Open Tender sought to purchase eligible water rights from water right owners outside areas of high concentration of IIOs giving effect to the commitments in the Restoring Our Rivers Framework.

- For New South Wales and South Australia water right owners, only tenderers that owned a Water Access Licence or Water Licence (respectively) were eligible to participate in the Open Tender. For example, if an entity owned a share certificate from an IIO instead of a Water Access Licence, they were not eligible to participate in the Open Tender.
- For Victoria water right owners, given the differences in water management frameworks in that jurisdiction, only those water right owners in the Victorian Murray in trading zone 6 and 7 and within the Ovens and Kings rivers were eligible to participate in the Previous Open Tender. Water right owners in other catchments e.g. the Goulburn, Broken or Loddon, were not eligible to participate in the Previous Open Tender.

Schedule 4 – Glossary

Definitions

In this EOI, unless the contrary intention appears, the following definitions have the meaning as set out below.

Table 1: EOI terms and definitions

Defined Term	Definition
EOI	Means this Approach to Market seeking Expressions of Interest. An approach to market is an invitation to potential respondents to participate in a procurement process (in this case an expression of interest [EOI]).
EOI Details	Means Table 1 in clause 1 of this EOI.
EOI Scope	Means the scope of the EOI which is specified in clause 2.3 of this EOI.
AusTender	Means the Australian Government procurement information system located at: https://www.tenders.gov.au/ .
Business Day	Means a day that is not a Saturday, Sunday or public holiday in Canberra, Australian Capital Territory.
Closing Time	Means the time set out in Item 4 of the EOI Details (Table 1).
Commonwealth Procurement Rules (CPRs)	Means the rules that Commonwealth officials must comply with when they procure goods and services. The latest CPRs can be found at Commonwealth Procurement Rules Department of Finance . Achieving value for money is the core rule of the CPRs. This requires the consideration of the financial and non-financial costs and benefits associated with procurement.
Conditions of Approach to Market	Means all clauses in this EOI (clauses 1 to 5 inclusive) and Schedules in the EOI (Schedules 1 to 4 inclusive).
Contact Officer	Means the person occupying the role set out in Item 3 of the EOI Details (Table 1).
Deadline for Submission of Respondents' Questions	Means the time set out in Item 5 of this EOI Details (Table 1).
Department	Means the Commonwealth of Australia as represented by the Department of Climate Change, Energy, the Environment and Water ABN 63 573 932 849.
Expression of Interest Response Form	Means the Expression of Interest Response Form set out in Schedule 1.
Held Environmental Water (HEW)	Means water available under a water right that can be used for environmental purposes in the Murray–Darling Basin (such as supporting ecosystems, biodiversity and the health of water resources).
Long-term Diversion Limit Equivalent (LTDLE)	Is a way of comparing nominal volume of different water right types so they can be considered on equal terms. Each water right type will have its own LTDLE.
Multi-stage Procurement	Means a procurement process involving an initial open approach to market, such as an EOI, followed by one or more subsequent approaches to market.
Nominal Volume	Means the volume share of a water right, expressed in megalitres (ML).
Privacy Notice	Means the Privacy Notice set out in Schedule 1.

Defined Term	Definition
Related Bodies Corporate	Has the same meaning as in the <i>Corporations Act 2001</i> (Cth).
Response	Means any response submitted to this EOI through the Expression of Interest Response Form and the required supporting materials.
respondent	Means the owner (or where there are multiple owners, all owners) of the water rights which are the subject of the Expression of Interest Response Form on the day the response is lodged in Austender.
Shadow Economy Procurement Connected Policy	Means the Shadow economy – increasing the integrity of government procurement: Procurement connected policy March 2019 available at Black Economy Procurement Connected Policy – Increasing the integrity of government procurement Treasury.gov.au.
Statement of Tax Record	Means a statement of tax record issued by the Australian Taxation Office following an application made in accordance with the process set out at Statement of tax record Australian Taxation Office (ato.gov.au).