



Australian Government

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

Schedule 1 – Expression of Interest Response Form

Reference Number: ATM_2024_2749

Restoring Our Rivers 2024 Expression of Interest 1: Remaining Southern
Connected Basin Catchments (ATM_2024_2749)

Part 1: Contact Details

Respondent details

The respondent is the water right owner(s) and is legally authorised to deal with the water right. See clause 2.4 (a) of the Request for Expression of interest (EOI) for more details.

Is the respondent:

Title:

Given Name(s)

Family Name

Business/Company name (if applicable)

Business relationship to water right owner

Address

Suburb/City/Town

Postcode

Mobile phone

Email

Contact person details (if different from the respondent above)

A primary contact person must be nominated for this response. This will be the person that the department will contact about the response. The contact person does not need to be the (or one of the) water right owner(s).

The contact person must be a natural person and cannot be a company. If the (or one of the) water right owners is a natural person then the contact person may be that person. If the water right owner is a company, the contact person can be an officer or employee of that company. If an officer or an employee of a corporate water right owner is nominated, that person is not required to sign the Agent's Declaration at Part 4b.

The respondent may nominate a third-party agent (such as a broker or solicitor or other third party representative) as the primary point of contact. If a third-party agent is nominated, that person must complete and sign the Agent's Declaration at Part 4b.

Is the contact person:

Title:

Given Name(s)

Family Name

Business/Company name (if applicable)

Business relationship to water right owner

Address

Suburb/City/Town

Postcode

Mobile phone

Email

Part 2: Water Right Details (NSW)

The response must specify the water right and price being proposed in response to this EOI on a dollar per megalitre basis (\$/ML). If you wish to express an interest in selling several different volumes from the same water right, or volumes from more than one water right, you must submit a separate response for each expression of interest to sell a water right.

Each response must include a copy of a record which evidences the ownership of the water right, the volume available on the water right and details of the water right location and type, which confirm the details described below.

This evidence can be a copy of your current Water Access Licence Certificate of Title or an equivalent document provided that it contains the relevant details e.g. a water register search record. Please consult with WaterNSW or NSW Land Registry Services or a legal advisor if you are uncertain about the nature of your water right.

Clauses 2.2 and 2.3 of the EOI provides details of the water rights that are eligible for this EOI.

Under this EOI, the department is seeking responses for permanent water rights (in whole or in part), not seasonal water allocations.

a) Water Right Reference WAL

Water Right Number or Identifier:

b) Location of Water Right

Water Source:

c) Water Right Type

Water Entitlement Type

Extraction/Trading Zone

d) Proposed Volume

Indicative Volume in megalitres

Note: This amount should be equal to or greater than 10 megalitres (nominal value)

e) Proposed Price

Price per megalitre (GST exclusive) (\$/ML)

\$

f) Is this water right currently under lease?

No

Yes

If yes, please indicate the type of lease

If other,
please specify:

If yes, please indicate the duration of lease

Part 2: Water Right Details (VIC)

The response must specify the water right and price being proposed in response to this EOI on a dollar per megalitre basis (\$/ML). If you wish to express an interest in selling several different volumes from the same water right, or volumes from more than one water right, you must submit a separate response for each expression of interest to sell a water right.

Each response must include a copy of a record which evidences the ownership of the water right, the volume available on the water right and details of the water right location and type, which confirm the details described below.

This evidence can be a copy of the record of your current water share or equivalent document provided that it contains the relevant details. Please consult with the Victorian Water Register or your legal advisor if you are uncertain about the nature of your water right.

Clauses 2.2 and 2.3 of the EOI provide details of the water rights that are eligible for this EOI.

Under this EOI, the department is seeking to purchase permanent water rights (in whole or in part), not seasonal water allocations.

a) **Water Right Reference WEE**
Water Right number or identifier

b) **Location of Water Right**
Water Source & Type:

c) **Water Right Type**
Reliability Class

Extraction/Trading Zone

d) **Proposed volume**
Propose volume in megalitres

Note: This amount should be equal to or greater than 10 megalitres (nominal value)

e) **Proposed Price**
Price per megalitre (GST exclusive) (\$/ML)

\$

g) **Is this water right currently or intended to be leased in the future?**

No

Yes

If yes, please indicate the type of lease

If other,
please specify:

If yes, please indicate the duration of lease

Part 2: Water Right Details (SA)

The response must specify the water right and price being proposed in response to this EOI on a dollar per megalitre basis (\$/ML). If you wish to express an interest in selling several different volumes from the same water right, or volumes from more than one water right, you must submit a separate response for each expression of interest to sell a water right.

Each response must include a copy of a record which evidences the ownership of the water right, the volume available on the water right and details of the water right location and type, which confirm the details described below.

This evidence can be a copy of your Water Licence, recent invoice or equivalent document provided that it contains the relevant details. Please consult with the SA Department for Environment and Water or your legal advisor if you are uncertain about the nature of your water right.

Clauses 2.2 and 2.3 of the EOI provide details of the water rights that are eligible for this EOI.

Under this EOI, the department is seeking to purchase permanent water rights (in whole or in part), not seasonal water allocations.

a) **Water Right Reference**
Water Licence or Account Number

Name of IIO

b) **Location of Water Right**
Prescribed Area:

c) **Water Right Type (where relevant)**
Share Class

Extraction/Trading Zone

d) **Proposed volume**
Indicative volume in megalitres

Note: This amount should be equal to or greater than 10 megalitres (nominal value)

e) **Proposed price**
Price per megalitre (GST exclusive) (\$/ML) \$

h) **Is this water right currently under lease?**

No Yes

If yes, please indicate the type of lease

If other, please specify

If yes, please indicate the duration of lease

Part 3: Other Details

Part 3 of this Expression of Interest Response Form asks the respondent to provide further information in relation to their response on matters that may be relevant to the department.

Conflict of Interest

Please confirm that the respondent has/have made reasonable enquiries regarding conflicts of interest that may arise in respect to the sale of the water right pursuant to a subsequent stage of the multi-stage procurement process.

Please tick one box below and provide additional detail if required:

No conflict of interest exists

Yes - A conflict of interest does or may exist

Nature of conflict:

Multiple Submissions

Has/have any of the respondent/s submitted another tender or expression of interest to sell this water right in response to any other Commonwealth procurement program?

No

Yes – if yes, please provide details (program name, ATM number, date)

Details:

Leaseback

Would the respondent be interested in a leaseback arrangement, whereby a respondent sells their water rights to the Commonwealth on a permanent basis, but leases back the water right at market price to the Commonwealth for a period of time commencing at the point of sale/transfer?

No

Yes

If yes, what length lease would the respondent be interested in?

(Note: This question is being asked to gauge interest. Consideration of factors including the type and length of leases, volumes under lease and administration costs will inform the approach that may be taken in subsequent stages of the multi-stage procurement process.)

Part 4: Declarations

Part 4a - Respondent's Declaration

Part 4a requires the respondent to declare that they have the legal right to submit a response and have met the requirements of the EOI.

The respondent's Declaration may be signed by:

- an individual as a sole water right owner or their legal representative (i.e. holder of power of attorney).
- an individual with legal authority to make this declaration on behalf of the water right owner, where that water right owner is a company or other legal entity.
- an individual with legal authority to make this declaration on behalf of all relevant water right owners if there are multiple owners.

Evidence of the relevant legal authority is required. See EOI clause 2.4(c)(iii).

The Respondent's Declaration only needs to be completed and signed by one person. A response might not be evaluated by the department if the Respondent's Declaration is not completed and signed.

The Respondent's Declaration cannot be signed by an agent, where an agent is nominated as the contact person. If the water right owner has appointed an agent, both the Respondent's Declaration and the Agent's Declaration must be completed, signed and submitted.

I, as or on behalf of the water right owner(s) and with the authority of the water right owner(s), confirm, acknowledge and agree that:

1. I am authorised, and where applicable have the agreement of other water right owners, to submit this response for the relevant water right for the purpose of this expression of interest (as specified in the EOI).
2. I have read and understood the EOI, and this response is submitted in accordance with it.
3. The relevant water right owners have authorised me to act for and on their behalf in relation to any aspect of this response and I have provided the relevant water right owners with a copy of the EOI and this response.
4. I understand this EOI is not binding, but that the department will use the information provided when considering invitations to participate in any subsequent tender approaches.
5. If a third-party agent has been nominated in Part 1 of this Expression of Interest Response Form, that person has the authority of the water right owners to represent the water right owners in connection with the response.
6. I am aware that de-identified information about the responses to this EOI may be shared with third parties such as other Commonwealth agencies, state governments and Irrigation Infrastructure Operators to inform consultations regarding the design of subsequent tender approaches, and it may also be used to inform the Minister for the Environment and Water's consideration of the social and economic impacts of the purchase program before proceeding to subsequent stages of this multi-stage procurement process, as required by section 86ADB of the *Water Act 2007* (Cth).
7. The department may perform necessary security, probity, ownership, encumbrance, and other checks, or financial investigations it considers necessary in relation to relevant water right owners, and the officers, employees, partners, associated entities, advisors or contractors of the water right owners.
8. This response has been prepared without the improper assistance of any current or former departmental officer, employee, contractor or agent and without the use of information obtained unlawfully or in breach of an obligation of confidentiality owed to the department.

9. Neither I, nor my/our agents have:
 - a) engaged in misleading or deceptive conduct in relation to the response or the EOI;
 - b) engaged in any collusive activity, anti-competitive conduct, or any other unlawful or unethical conduct with any other respondent(s), or any other person in connection with the preparation of the response or the EOI process;
 - c) otherwise acted in an unethical or improper manner or contrary to any law.
10. At the date of this declaration, I confirm my commitment in relation to any Conflicts of Interest set out in Part 3 of this Expression of Interest Response Form. I will provide further information as needed.
11. There is no current or impending legal action (either formal proceedings or notification of legal action) of which I am aware that could impact on sale of the water right.
12. I am aware that giving false or misleading information is a serious offence pursuant to section 137.1 of the *Criminal Code Act 1995* (Cth).
13. To the best of my knowledge, all details in this response are true and correct.
14. I have read and agreed to the Privacy Notice attached to the end of this Expression of Interest Response Form and have provided a copy this Privacy Notice to the relevant water right owners.

By signing this declaration I confirm, acknowledge and agree to the points listed in Part 4a above.

Signed by me on my behalf and on behalf of any other water right owners forming part of this Expression of Interest Response Form

Name of Signatory:

Date:

Electronic signature:

Ticking this box provides your consent to use an electronic signature for this form*

*By submitting this declaration, you as a water right owner will have provided an electronic signature.

Part 4b - Agent's Declaration

If the respondent nominates an agent in Part 1 as the contact person and to act on their behalf, that agent must complete the Agent's Declaration.

I, Broker, Solicitor or other party – please print name

of Company (if applicable) – please print name

am authorised by the respondent to represent them in connection with this response and (if applicable) submit this response to the department with the details as listed pursuant to that authority.

I warrant and represent that:

- I have discussed this response with the water right owner(s).
- The water right owner(s) have consented to making this response and that I submit this response on their behalf noting that in doing so the water right owner(s) agree to the terms and conditions of the EOI.
- Where applicable, I submit this response after making diligent enquiries and on the basis of my own knowledge.
- I have not engaged in any collusive activity, anti-competitive conduct, or any other unlawful or unethical conduct with any other respondent, or any other person in connection with the preparation of their response or the EOI process.

If I am a broker and/or solicitor, I warrant that I will comply with any applicable industry codes of practice and ethical requirements whilst acting in the water right owners' best interests.

I confirm that I have made reasonable enquiries regarding conflicts of interest that may arise in respect to the sale of the water right and that:

no conflict of interest exists and agree to notify the department if any conflict arises.

(OR)

a conflict of interest exists or is likely and I have attached supporting evidence.

Name of Agent:

Date:

Electronic signature:

Ticking this box provides your consent to use an electronic signature for this form*

*By submitting this declaration, you as an agent will have provided an electronic signature.

Part 5: Privacy Notice

Why we collect your personal information

Personal information collected as part of this EOI will be used for the purpose of evaluating responses received under this Expression of Interest. This may include:

- searching relevant registers and/or make enquiries with state/territory authorities to undertake security, probity, ownership, encumbrance and other checks or financial investigations where required

Any information you submit in your response will be held on the department's record management system as required under the *Archives Act 1983* (Cth).

Use and Disclosure of personal information

We may use and disclose your personal information:

- to the Minister and their office
- to legal service providers engaged by the department
- in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia
- within the department or to another Commonwealth entity, if this serves the legitimate interests of the Commonwealth

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).

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).

There are instances where the department is authorised or required by law to disclose your information including:

- if an application is made under the [Freedom of Information Act 1982](#) (Cth)
- if the department has been served with a valid search warrant
- if the department has a duty to disclose the transfer of funds under the [Anti-Money Laundering and Counter-Terrorism Financing Act 2006](#) (Cth).

For more information

The department's [privacy policy](#) contains more information about how you may:

- access and seek correction of your personal information held by the department, or
- make a privacy complaint and how the department deals with privacy complaints.