

Department of Climate Change,
Energy, the Environment and Water

Carbon on Country partnerships



Expression of interest guidelines
for NSW Aboriginal organisations

September 2024



Acknowledgment of Country



The Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

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Ranger Shane on Wiradjuri Country

1. Introduction

1.1 Carbon on Country

Carbon on Country is an initiative of the Primary Industries Productivity and Abatement program (PIPAP). This program forms part of the NSW Government's Net Zero Plan and focuses on supporting landholders across the state to reduce their emissions and participate in carbon farming activities that deliver multiple benefits. Carbon on Country seeks to support Aboriginal landholders to identify opportunities that deliver carbon abatement while also bringing benefits for environment and community. These benefits can include ongoing protection of Country, preservation of cultural heritage and economic returns. The Carbon on Country initiative is delivered by the Net Zero Land team in the NSW Department of Climate Change, Energy, the Environment and Water (the department).

1.2 Purpose of these guidelines

These guidelines provide an overview of funding and support available for Aboriginal organisations in NSW interested in implementing a carbon project on Aboriginal owned and managed land. The guidelines outline the process for accessing this support, as well as expectations in applying for and receiving funding.

The guidelines cover:

- eligibility and merit criteria
- assessment process
- how funding will be awarded and managed by the department.

These guidelines should be read alongside the Carbon for Aboriginal landholders resources and frequently asked questions available at: energy.nsw.gov.au/carbononcountry.

Please see Appendix A: Terms and definitions for key terms used in these guidelines.



Farm dam, Kamilaroi Country. Photo credit: Luc Farago.



Scar tree, Marrambidya Wetland, Wiradjuri Country. Photo credit: Ava Kirkby.

2. About Carbon on Country partnerships

2.1 Partnership objectives

The Carbon on Country partnerships will build a network of Aboriginal owned and managed carbon projects across NSW that showcase cultural, environmental, economic and social outcomes alongside carbon abatement.

The partnerships will be between the department and Aboriginal organisations aiming to implement a carbon project that meets the requirements of the Environmental Plantings Pilot method¹ under the Australian Carbon Credit Unit (ACCU) Scheme. Resources including funding and technical expertise will be made available to support participating Aboriginal organisations to design, implement and manage their own environmental plantings projects to restore Country and create carbon credits. Both the carbon project and resulting ACCUs generated will be the property of the partnering Aboriginal organisation.



Ranger Shane on Wiradjuri Country

The Carbon on Country partnerships initiative aims to:

- support NSW Aboriginal organisations to successfully own and manage culturally meaningful environmental planting projects under the ACCU Scheme
- deliver carbon abatement alongside co-benefits including cultural, environmental, economic and social outcomes
- use a co-design process to ensure projects align with community needs and aspirations
- provide financial, legal, governance and technical support to enable informed decision-making
- ensure the principles of Free Prior and Informed Consent and rights to Indigenous Cultural and Intellectual Property are upheld
- create a NSW Aboriginal-led Community of Practice that addresses risks, challenges, benefits and support required for successful participation in the ACCU Scheme
- develop information products such as fact sheets, case studies and online information sessions to share knowledge
- inform future carbon focused initiatives for Aboriginal landholders across NSW and identify support for broader Aboriginal participation in Australian carbon markets.

1. Refer to Section 2.4 for more information about Environmental Plantings projects.

2.2 Funding availability

The Primary Industries Productivity and Abatement program has allocated \$2.5 million to support the implementation of carbon projects through the Carbon on Country partnerships. The department will fund up to 90% of your carbon project implementation costs, up to \$250,000 per applicant. In addition to the implementation funding, Carbon on Country partners will receive support to access subsidised independent financial, legal, and technical advice to help design and deliver their carbon projects.

Total project funding	Minimum funding amount	Maximum funding amount	Maximum duration of project funding
\$2.5 million	N/A	\$250,000	2 years

Table 1: Funding available for Carbon on Country partnerships

2.3 Application timeframe

Application open and close dates can be found at energy.nsw.gov.au/carbononcountry.

2.4 What is an Environmental Plantings Pilot project?

The Environmental Plantings Pilot method is a carbon abatement method under the Australian Carbon Credit Unit (ACCU) Scheme which can be used to generate carbon credits². An Environmental Plantings Pilot project is a tree planting project which is established by planting mixed native tree and shrub species to establish new and permanent forest cover. The planting must be 200 hectares or less in size, on land that has been clear of forest cover for at least 5 years. The project must be maintained for 25 or 100 years.

Environmental planting projects reduce carbon emissions by sequestering or storing carbon from the atmosphere in plants. One ACCU is issued for each equivalent tonne of carbon stored as a result of the planting project. Not all areas of NSW are suitable for Environmental Plantings Pilot projects due to a range of factors including ecosystem type and rainfall.

The existing Environmental Plantings Pilot method expires on 30 September 2024. The Commonwealth Government is currently prioritising a remake of this method, with an expectation that the new method will be made available in 2024. Applicants should prepare their EOI based on the requirements of the existing method, based on the assumption that the new planting method will be largely the same as the current method.

The department will work with Carbon on Country partners who are successful in the EOI phase to ensure that their proposed projects comply with the new Environmental Plantings 2024 method, while ensuring the carbon abatement and co-benefits expected from the project remain in place. See [Draft Reforestation by Environmental Plantings method 2024](#) for more information.

² [Environmental plantings pilot method | Clean Energy Regulator \(cer.gov.au\)](#)

Environmental planting location suitability

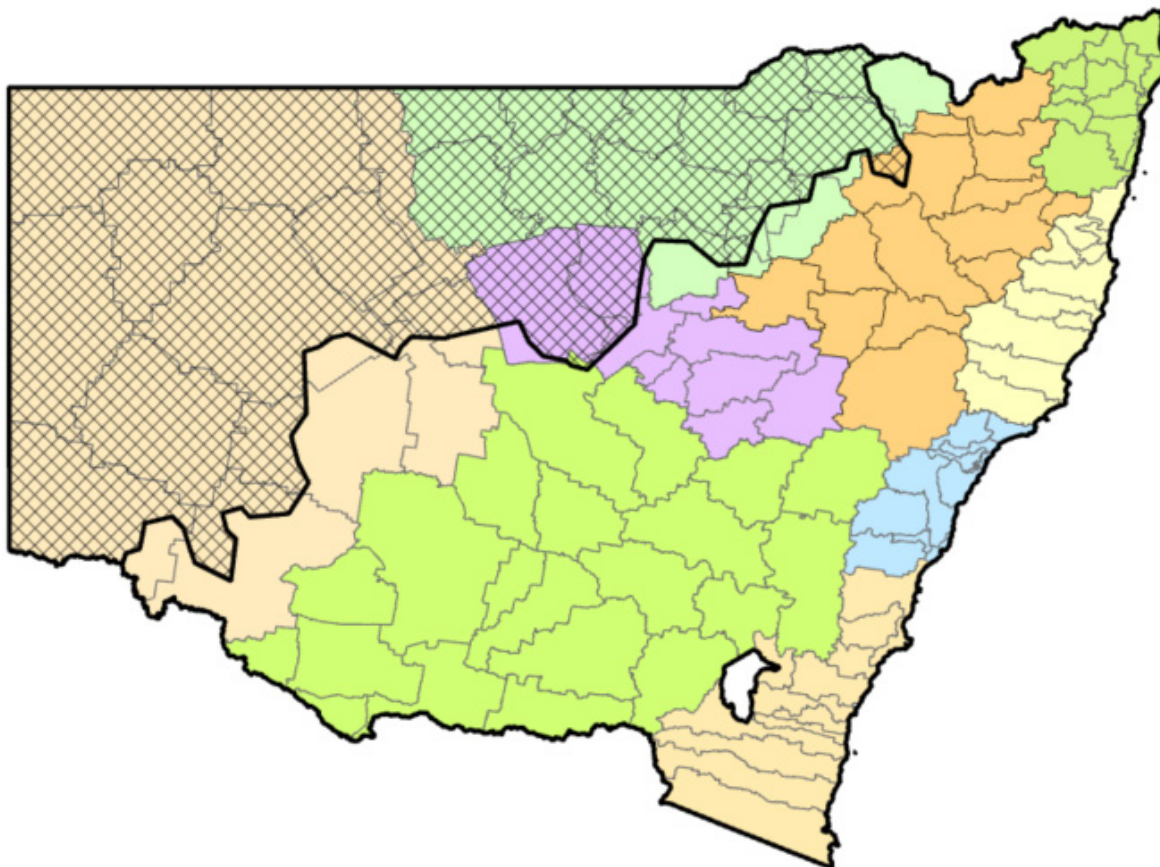


Figure 1: Eligible areas for Environmental Plantings projects in NSW. Environmental plantings are best suited to the areas of the map that are not cross-hatched. The cross-hatched areas are unsuitable due to ecosystem type and climate factors. Boundaries of Local Aboriginal Land Councils are shown in grey and coloured by NSWALC region. Use the online LOOC-C carbon estimation tool to determine suitability of your land for an Environmental Plantings Pilot project or contact the Net Zero Land team for assistance.



Yarkuwa Indigenous River Ranger, Pandylil Farm, Wamba Wamba Perrepa Perrepa Country

2.5 Participation process – from expression of interest (EOI) to implementing a carbon project

This initiative aims to ensure Aboriginal organisations and their members have the right information and support to properly plan and implement an Environmental Plantings project that meets the needs of community and Country.

Carbon on Country partnerships have 3 key phases (see Table 2 below):

- competitive EOI
- co-design of carbon project
- implementation of carbon project.

If you are successful in the competitive EOI phase, you will be invited to join the Carbon on Country partnerships as a partner. As a Carbon on Country partner, you will design and develop your project with input from the department through a fully supported co-design phase. This process will provide you with access to independent financial and legal advice, technical expertise and community engagement support, if required.

The co-design phase will ensure your project is developed in line with the principles of Free, Prior and Informed Consent and meets the needs of your community, organisation and Country. During the co-design phase Carbon on Country partners will be invited to participate in a Community of Practice. The Community of Practice will bring together all Carbon on Country partners in a regular monthly forum to share learnings, access expertise, and explore challenges and opportunities.

Carbon projects that are registered with the Clean Energy Regulator during the co-design phase will become eligible for implementation funding as soon as registration is approved. The department will continue to work with partners for up to 2 years once implementation funding commences. Ownership of the carbon project and associated Australian Carbon Credit Units will remain the sole property of the ACCO for the lifetime of the carbon project.

Phase	Activities required
Competitive EOI phase	<ul style="list-style-type: none"> • Applicant develops and submits EOI application: <ul style="list-style-type: none"> – Applicant describes project and why it’s important – Applicant provides map of proposed planting project – Applicant develops indicative project budget – Applicant fills out application form and uploads documents. • Department assesses EOIs. • Successful applicants chosen and invited to join as Carbon on Country partners.
Co-design phase	<ul style="list-style-type: none"> • Aboriginal organisations and the department work together to: <ul style="list-style-type: none"> – design and plan project with community – host on-Country information day – register carbon project with the Clean Energy Regulator – prepare detailed project documents, including budget, project management plan, monitoring and reporting plan – share learnings with other partners participating in the initiative through a Carbon on Country partners Community of Practice. • Department provides access to technical, legal and financial advice.
Implementation phase	<ul style="list-style-type: none"> • Aboriginal organisation and the department sign funding agreement. • Carbon project starts: <ul style="list-style-type: none"> – materials and labour are sourced – site works commence – ongoing monitoring, maintenance, reporting and management – learnings continue to be shared with other partners through the Carbon on Country partners Community of Practice • Carbon project is delivered according to the project plan. • Data and information is shared with the department.

Table 2: Summary of Carbon on Country partnership phase and activities required.

2.6 Data sharing agreement

Aboriginal organisations that participate in the Carbon on Country partnerships initiative as partners agree to share project outcomes and data related to the project with the department for evaluation, promotion and education purposes. Outcomes and data will only be shared publicly by agreement and subject to the principles of Free, Prior and Informed Consent and Indigenous Cultural and Intellectual Property protocols. Project information sharing and data management will form part of the funding agreement for each project.

Indigenous Cultural and Intellectual Property (ICIP) rights mean that information about tangible and intangible cultural heritage, traditional knowledge, cultural expression, secret and sacred material, and their documentation remain the property of Traditional Owners and can only be shared in accordance with community and cultural protocols.



Yarkuwa Indigenous River Rangers, Pandylil Farm, Wamba Wamba Perrepa Perrepa Country



Banksia. Photo credit: Ava Kirkby.

3. Submitting your expression of interest (EOI) application

Before you commence your application make sure you meet all of the eligibility criteria outlined in [Section 4](#).

Your application will take time to develop and must be endorsed by your organisation prior to submitting via SmartyGrants. An application form is available for download from our website to help you formulate your responses and get endorsement from your organisation prior to submission.

It's important you fill in each section of the form, responding to each of the merit criteria detailed in [Section 5](#). This includes information about why your project is important and the additional benefits you expect your project will deliver.

Once you have all the required information, fill out the application form in SmartyGrants³, an online grants administration and management system. You will need to upload supporting documentation and submit it for assessment before the advertised EOI close date and time.

Attachments that must be uploaded with your EOI application to SmartyGrants include:

- [LOOC-C map](#) of planting area and estimated abatement in t/C02-e
- indicative implementation budget for your carbon project.

The SmartyGrants link can be found on our website. Once you log on to SmartyGrants to complete and submit your application, you will receive an email notification with an application number to confirm it has been received. If you do not receive an email notification, please contact netzero.land@environment.nsw.gov.au.

3.1 Support available during the EOI application phase

A pre-recorded webinar is available on our website to explain the initiative and application process. Applicants can email netzero.land@environment.nsw.gov.au during the EOI phase for advice regarding plant cost estimates if needed and to get support using the [LOOC-C tool](#). An instructional video on how to use the LOOC-C tool is available at: <https://looc-c.farm/about>. Applicants can email netzero.land@environment.nsw.gov.au if there are questions not answered by the guidelines or webinar. Questions relevant to other applicants will be available on our [Frequently Asked Questions \(FAQ\) webpage](#). This will be regularly updated to ensure applicants have access to the same information.

Note that while the department can provide support regarding use of the LOOC-C tool and access to indicative plant costs, this does not in any way guarantee a successful outcome at the EOI assessment stage. This support is separate to any third party advice you choose to seek from other sources while preparing your application. You are encouraged to discuss your EOI with local knowledge holders, ecologists, agencies such as Local Land Services or other third parties who may be able to provide advice regarding plant species, costs, and/or co-benefits. You acknowledge that you take full responsibility for any EOI application preparation costs and the outcome of your application.

Applicants must review these guidelines in full, along with the [Carbon for Aboriginal landholders resources](#) and the [FAQ webpage](#) prior to contacting the team.

³ SmartyGrants is an online grants management and administration system used by the NSW Department of Climate Change, Energy, Environment and Water.



On Wiradjuri Country at Murrin Bridge. Photo credit: Mal Carnegie, Lake Cowal Foundation.

4. Eligibility criteria



To be eligible to join the Carbon on Country partnerships initiative make sure you meet all the eligibility criteria outlined below.

4.1 Eligibility criterion 1: Eligible applicant

Only Aboriginal organisations that own the land that the project will occur on can apply. You must be an Aboriginal organisation or Traditional Owner group that has the legal right to undertake an Environmental Plantings project and receive ACCUs, including Land Councils, Registered Native Title Body Corporates and/or Aboriginal Corporations or equivalent Aboriginal Community Controlled Organisations. To confirm your legal right to implement a project, review the [Legal right and native title](#) Clean Energy Regulator (CER) webpage.

You must:

- Confirm you are an Aboriginal organisation that owns the land identified for the carbon project.
- Confirm you have legal right to undertake a carbon project on the land. This means you must declare if there is a mortgage, lease or other legal obligation that applies to the land identified for the project.

4.2 Eligibility criterion 2: Eligible project

You must:

- Provide the lot/DP or street address for your planting project. Only projects in NSW will be considered.
- Confirm that the total planned planting area is between 5 and 200 hectares on land that has been clear of forest for at least 5 years.
- Confirm that you are willing to apply the principles of Free, Prior and Informed Consent and acknowledge Indigenous Cultural and Intellectual Property where required.
- Confirm that your project can be delivered in accordance with the requirements of the [Environmental Plantings Pilot](#) method under the ACCU Scheme. This includes maintaining the project for a period of either 25 or 100 years.
- Confirm that your project is new and not required by law. It must meet the [eligibility criteria required to participate in the ACCU Scheme](#).

4.3 Eligibility criterion 3: Insurances and financial viability

You must confirm that you comply with all relevant insurance and financial requirements for the duration of the partnership, including:

- Public liability insurance (to a value of \$10 million or greater per claim).
- Professional indemnity insurance (to a value of \$5 million or greater per claim).
- Worker's compensation insurance as required by all relevant laws of Australia relating to worker's compensation.
- Confirmation that your organisation is not subject to any insolvency event, including the subject of an order or resolution for winding up or dissolution (other than for the purposes of reconstruction or amalgamation) or the appointment of a receiver, liquidator, administrator or similar.



Mixed species environmental planting project, Anaiwan Country. Photo credit: Luc Farago, Local Land Services.



Yarkuwa Indigenous River Rangers, Pandyl Farm, Wamba Wamba Perrepa Perrepa Country

5. Merit criteria



This section sets out merit criteria that applications will be scored against, including the weighting of each criterion and the information you need to include in your response.

5.1 Merit criterion 1: Project effectiveness

This criterion is worth 30% of the assessment score.

In this section:

- Describe your planting project and why it is important. Include information about past use and features of the land and why you want to implement an Environmental planting project.
- Provide evidence of the proposed project area and estimated carbon abatement (tCO₂-e) that will be generated by your Environmental Planting Project using the online LOOC-C tool available at <https://looc-c.farm/>
- Provide a list of priority plants you want to include and why you have chosen them.
- Explain how your project will benefit your organisation.
- Explain how the project will benefit your community. Describe the project activities your community will be involved in throughout your project.
- List the key people and their role in the design and implementation of your project.
- Provide a high-level risk assessment for the project (see Section 5.6).

5.2 Merit criterion 2: Technical and financial capabilities

This criterion is worth 10% of the assessment score.

In this section you will need to:

- Provide evidence of your organisation's track record and experience in successfully delivering projects on time and on budget. Please include any environmental restoration projects you have undertaken.

5.3 Merit criterion 3: Value for money

This criterion is worth 20% of the assessment score.

This criterion will be assessed based on the indicative project budget you submit (see [Section 5.7](#)). Value for money will be assessed based on:

- The proportion of total project funding you are seeking from the department. This must be equal to or less than 90% of total project cost.
- The amount and type of cash and/or in-kind co-investment from your organisation.
- The amount and type of cash and/or in-kind co-investment from other supporting organisations/third parties, if applicable.
- Whether the requested funding amount is appropriate for the proposed project.

5.4 Merit criterion 4: Sharing your story

This criterion is worth 10% of the assessment score.

Describe how learning from participation in the project will be shared, including how and when you plan to share learnings with other Aboriginal organisations and landholders such as gatherings, knowledge sharing materials, photos, videos and other methods.

5.5 Merit criterion 5: Delivery of co-benefits

This criterion is worth 30% of the assessment score.

Describe the different co-benefits you expect your carbon project will deliver and how they will be measured. This includes:

- benefits for Country
- social co-benefits
- cultural outcomes
- economic co-benefits.

For more information about co-benefits refer to Section 1 of [Carbon on Country – A guide for Aboriginal landholders and managers](#).

5.6 Risk

You must submit a preliminary risk assessment as part of your application. Refer to Section 4 of [Carbon on Country – A guide for Aboriginal landholders and managers](#) for more information about risks prior to completing the table in the application form.

5.7 Budget

You must include a preliminary indicative project implementation budget. This budget will be used to assess Merit Criterion 3 – Value for Money.

This budget should cover the costs of implementing the carbon project. It does not need to include costings for feasibility work, financial or legal advice prior to carbon project implementation as this support will be provided during the co-design phase; along with support to develop a detailed project budget.

A budget workbook template is available for download from our website. You must complete the budget workbook as part of your EOI Application. You must demonstrate your contribution to the project either through direct funding, or in-kind contributions, against various activities expected for the successful delivery of your project. A minimum amount of 10% co-contribution applies and funding limits have been set on some activities.

Your region's [Local Land Services Natural Resource Management plan](#) contains information regarding ecosystems and plant diversity for your Country which can be incorporated with important traditional knowledge held by members of your organisation and community.

Email netzero.land@environment.nsw.gov.au or contact your Local Land Services office to find out more about the type of plants, planting density and whether direct seeding and/or tube-stock will be most suitable for your project.



Swan Pool environmental planting project, Dunghutti Country. Photo credit: Kyles Woodbury.

5.7.1 Funding inclusions and exclusions

This section guides what we consider eligible and ineligible project expenses for funding by the department. Ineligible expenses cannot be claimed against department funding and will have to be funded by you or from other sources. We may impose limitations or include additional ineligible expenditures beyond those listed in these guidelines and your funding deed or otherwise by notice to you.

Eligible expenditure:

- Site preparation including method (e.g. ripping/augering), materials, and labour.
- Fencing materials and labour for standard stock fences.
- Seeds, tube stock, direct seeding.
- Tree protection material such as tree guards.
- Planting of tube stock, including the installation of tree protection.
- Maintenance costs for the first year, including weed management, materials or labour.
- A maximum of 5% of budget may be allocated to project management/ administration costs.
- Monitoring equipment costs including wildlife cameras specific to the project.

Non-eligible expenditure:

- Land dealing application fees, title searches.
- Any site maintenance costs beyond the funding agreement period.
- Time involved in codesign activities e.g. workshops, meetings, community engagement.
- Project management tools or time beyond the 5% maximum.
- Debt financing or investing of money in exchange for equity into start-ups.
- Expenditure on the acquisition of land for a project.
- Business-as-usual operational costs, including but not limited to:
 - rent, maintenance costs and utilities
 - marketing, communications, promotional costs and website design
 - business-as-usual staff costs such as salaries, redundancy or retirement benefits, workers compensation payments, professional fees or memberships.
- Activities carried out or committed to before your funding agreement is signed.
- Legal costs beyond the subsidised support provided by the department. This includes any legal costs associated with a consortium, disputes or funding arrangements not agreed to as part of your funding deed.
- Maintenance of equipment and materials associated with your carbon project.
- Administration or mandatory communication costs.



Yarkuwa Indigenous River Ranger planting a tree at Pandyl Farm, Wamba Wamba Perrepa Perrepa Country

6. Assessment process



Your expression of interest (EOI) application is competitive. Invitations to participate in the Carbon on Country partnerships will be based solely on assessment of your EOI application.

Applications must be completed in full and include all relevant supporting documentation. If you do not provide the specified information in the format required, we may request supplementary information or clarification from you. If this information is not provided, your application may be assessed as unsuccessful. An assessment panel made up of government and non-government experts will be established to assess EOI applications.

6.1 EOI assessment process

EOI assessment process

- Step 1.** EOI applications are assessed for eligibility
- Step 2.** Eligible EOI applications are submitted to the Assessment panel for review
- Step 3.** The assessment panel makes recommendations
- Step 4.** You receive the outcome of your EOI application

► Step 1: EOI applications are assessed for eligibility.

The program team will review your eligibility against yes/no criteria. EOI applications must meet all eligibility criteria to progress to Step 2.

The EOI includes three eligibility criteria that must be met.

- Eligibility criterion 1 specifies the type of organisations that are eligible for funding.
- Eligibility criterion 2 specifies the ACCU Scheme method and location of project that are eligible for funding under this program.
- Eligibility criterion 3 requires applicants to demonstrate that they have appropriate insurances and financial viability to complete the proposed project.
- All eligibility criteria must be met in full for your EOI application to be eligible to progress to Step 2. Only eligible applications will be considered. If you are unsure if you can meet the eligibility criteria please contact the team before progressing your application.

► Step 2: Eligible EOI applications are submitted to the Assessment panel for review.

An assessment panel of subject-matter experts will review all eligible applications against the merit criteria and recommend highly-scored applications to progress to the co-design phase. This step is expected to take 2-3 weeks, depending upon the total number of applications being assessed. Only eligible applicants will be assessed against the merit criteria.

During this step, we may ask you for more information. You will have 3 business days from the date of our written request to provide a response. The assessment panel will have the discretion to take into consideration both an application's score as well as its intended project outcomes when determining which applications to recommend. This is to ensure that outcomes from the program include a diversity of ecosystem types, co-benefits, and locations.

The assessment panel will make recommendations regarding which applications best meet the criteria and objectives of the Carbon on Country partnerships funding.

► **Step 3: The assessment panel makes recommendations to the department.**

The assessment panel provide a report and recommendations to the department for endorsement.

► **Step 4: Receive the outcome of your EOI application.**

Successful EOI applicants will receive an email invitation to join the Carbon on Country initiative as a partner and to commence participation in the supported co-design phase.

Unsuccessful applicants will be notified including reasons why the application was not successful. Feedback from the assessment panel may also be provided.

6.2 Due diligence

At any time during the assessment process, we may undertake due diligence on your application. Due diligence may include, but is not limited to:

- review of legal right to undertake project
- request for further information from you of any material reasonably required by the department in respect to the eligibility and merit criteria

You must comply with any request for information as part of these due diligence checks.

6.3 Final decision

We have the discretion to decline, refuse, or cease to assess an application at any time if we are of the view that a project is unlikely to be successful.

Our decision is final in all matters, including the:

- approval of applications to progress to the co-design phase
- amount of Carbon on Country funding awarded
- terms and conditions of funding.

You may submit only one EOI Application for a Carbon on Country partnership. Requests for re-review of applications will not be accepted unless specifically determined by the department. Notifications about your assessment outcome will be communicated in writing.

Without limitation, the submission of your application is not, and does not represent, an agreement to negotiate an offer or guarantee funding by us. There is no binding agreement between the parties until the funding deed has been fully executed.



Seedlings ready for planting at Wirraminna. Environmental Education Centre, Wiradjuri Country. Photo credit: Ava Kirkby.

7. Funding agreements



You will be eligible to enter a funding agreement once your project registration has been approved by the Clean Energy Regulator (CER), at the end of the co-design phase. The funding agreement will be based on the detailed budget and project delivery plans developed with support from the department during the co-design phase. Any payment of funds is subject to the department making a funding offer and the execution of a funding agreement.

7.1 Eligibility to enter a funding agreement

Prior to being offered a funding agreement participants will need to:

- provide evidence that your carbon project has been successfully registered with the Clean Energy Regulator (CER)
- submit a project management and monitoring plan endorsed by your governing body
- submit a detailed budget endorsed by your governing body that outlines any additional funding contributions from all sources, including government entities, and how these funds will be allocated
- provide evidence of organisational and community support for your project.

7.2 Funding agreement deliverables

Deliverables under the funding agreement will include:

- a detailed budget and quarterly financial reports that show planned spend vs. actual spend, including co-funding and in-kind funding, over the lifetime of the funding agreement
- a completed planting project as per the approved planting plan
- evidence of co-benefit metrics to provide data against planned project outcomes.
- photographic evidence of the site from identified coordinates over time
- quarterly project reports
- evidence of Clean Energy Regulator (CER) approval of a year 1 report through the ACCU Scheme
- communication deliverables
- continued participation in the Carbon on Country Community of Partners.



Swan Pool environmental planting project, Dughutti Country. Photo credit: Kyles Woodbury.

8. Further information



8.1 Commencement and authority for Carbon on Country partnership guidelines.

These guidelines have been approved by the NSW Department of Climate Change, Energy, the Environment and Water. The guidelines may be amended from time to time or withdrawn. The department has the authority to award funding, execute and amend the deeds that allow the NSW Government to deliver this initiative.

8.2 Limitations

8.2.1 No representation, warranty or guarantee

The NSW Government, its Ministers, the Department of Climate Change, Energy, the Environment and Water, and each of their officers, employees and agents (the department's parties) do not give any representation, warranty or guarantee, whether express or implied, in relation to the information contained in any materials released by the department associated with the program funding, including their completeness, accuracy, currency, reliability or the process by which they were prepared. The department's parties will not give opinions regarding legal, accounting, regulatory, taxation or any other matters. Without limiting the foregoing, in relation to those matters Carbon on Country partners seeking to implement a carbon project must be satisfied by undertaking your own investigations or seeking additional advice beyond the subsidised support provided through the Carbon on Country partnership initiative at your own cost.

Note: Nothing contained in these guidelines and supporting resources is, or may be relied upon, as a promise, guarantee, representation, or warranty.

8.2.2 No obligation to update.

The information contained herein and the matters to which it relates may be amended, updated or withdrawn at any time, at the department's discretion. However, the department's parties do not accept any responsibility to update, supplement or correct the relevant materials, nor to inform you about any matter that may affect these materials. Where significant changes have been made in relation to this initiative, the department will revise the guidelines accordingly and publish the revised guidelines.

8.2.3 No liability

Each department party expressly disclaims all liability for any loss or damage incurred by any person arising from, or because of, any person's use of or reliance on any information, statement, opinion or matter (express or implied) contained in, derived from, or omitted from the materials, except for any liability which cannot be excluded as a matter of law.

8.2.4 Other limitations

The information materials are not an offer, recommendation or invitation by any department party in respect of any contract or commitment and (subject to a funding deed being fully executed) nothing in the materials will form the basis of any contract or commitment. You must rely entirely upon your own investigations, review and analysis in relation to your assessment of whether to apply to and participate in the Carbon on Country partnerships initiative.

8.3 Confidentiality and disclosure of information

Unless otherwise stated, any commercial-in-confidence information provided by you as part of, or in connection with, a registration, application or negotiation process will be treated confidentially by the department. We may disclose commercial-in-confidence information provided by you to the following parties:

- The Minister or Minister's office.
- The NSW Ombudsman and Audit Office of NSW.
- Department staff, consultants and advisers.
- Any agency or body of the NSW Government, or any other organisation or individual considered by the department to have a need or an entitlement to know that information (including any federal, state or territory agency or body), where the need or entitlement to know that information arises out of or in connection with department's assessment, verification or due diligence of any aspect of your application.
- Where authorised or required by law to be disclosed, to those parties.

If we disclose commercial-in-confidence information to any of the above parties, we will inform the party that the information is strictly confidential. We will otherwise only disclose commercial-in-confidence information provided by you with your consent.

8.4 Complaints

Complaints concerning the Carbon on Country partnerships initiative should be emailed to netzero.land@environment.nsw.gov.au. Complaints will, in the first instance, be reviewed by us. If we cannot resolve your complaint within 30 business days of receipt, we will provide details of a nominated complaints and review officer from our Complaints Team who will advise the next steps. If your complaint is still not resolved satisfactorily, the NSW Ombudsman can be reached for external review of the administrative actions of the department.

8.5 Conflict of interest

You must disclose any actual, potential or perceived conflicts of interest as part of your application or, if successful, as they arise during project implementation. Conflicts of interest are any factors that could compromise the judgement, decisions, or actions of a person or group of people. Such conflicts may relate to:

- engaging consultants to assist you with the application who have advised or are currently advising the department
- procurement or employment
- direct negotiations
- sponsorships
- partnerships
- any other situations which could lead to unfavourable advantage.

You are not automatically precluded from engaging a consultant or service provider already undertaking work for the department. Factors which will be considered when determining whether a consultant or service provider can be engaged by you as a funding recipient include:

- the size of the organisation, i.e., a large consultancy is more likely to be able to use separate teams on a project)
- the nature of the work being undertaken by the consultancy, i.e., similar work increases the potential for probity risks to arise
- the extent to which individuals involved had access to confidential information about the project and whether this information is to be released to the market as part of the Primary Industries Productivity and Abatement program (PIPAP).

Such determination will be made in accordance with the department's delegations for expenditure.

If the engagement with you is permitted, the department's project team will consider seeking assurance from the consultant or service provider that they will put appropriate processes in place to manage probity risks, e.g., appropriate information barriers and separation of roles.

As part of ongoing reporting requirements (e.g., project milestone report), you are required to update any conflict of interests, where applicable. You will be asked whether any conflicts of interest have arisen during the reporting period or if any are likely to arise. Updated declarations and confirmations are required from you when new personnel join the project or at the commencement of a new project or phase within a project.

Note: You are advised to contact us if you are unsure whether something constitutes an actual, potential or perceived conflict of interest.

All program staff and assessors will undergo a conflict-of-interest process as part of any application assessment.

8.6 Evaluation

We will evaluate the Carbon on Country partnerships initiative to determine how funded projects have contributed to the PIPAP objectives. We may also interview you or ask you for more information to help us understand how participation in the Carbon on Country partnerships initiative impacted you and to evaluate how effective the funding was in achieving objectives. Without limiting any specific reporting or evaluation requirements (or similar) set out in any funding deed you execute with the department, we may contact you up to two years after completion of your project for more information to assist with this evaluation. You consent to the use of your information for this purpose by:

- The NSW Department of Climate Change, Energy, the Environment and Water.
- The Minister or Minister's office.
- The NSW Ombudsman and Audit Office of NSW.
- Department staff, consultants, and advisors.
- Any agency or body of the NSW Government, or any other organisation or individual considered by the department to have a need or an entitlement to know what information (including any federal, state, or territory agency or body), where that need or entitlement to know that information arises out of or in connection with the purpose above.

8.7 Funding acknowledgement

If you make a public statement about a project funded through the Carbon on Country partnerships initiative, you are required to acknowledge the support provided by the department.

8.8 Discretion of the NSW Department of Climate Change, Energy, the Environment and Water

Notwithstanding anything else in these guidelines, by applying, you acknowledge and agree that the department has the right (at its absolute discretion) to decline, refuse to consider or cease to assess an application at any time if it is of the view (at its absolute discretion) that an application is unlikely to be successful.

8.9 No contract or liability

Despite any part of these guidelines, or any other documentation that forms part of this process (in part or together), by applying, you must:

- Acknowledge that neither you nor the department intend to create any contract or other relationship under which the department is obliged to conduct the process in relation to the funding in any manner or at all, and that there is in fact no such contract or other relationship in existence.

- Accordingly, acknowledge that neither this document, nor any submission will create any legal or other obligation upon the department to conduct the process in any manner or at all.
- Release the department from any claim it may otherwise have been able to make or bring against the department, arising out of or in connection with the department's conduct.

Potential applicants and interested parties should refer to our [website](#) for up-to-date information.

Any questions or clarifications can be sent in writing to netzero.land@environment.nsw.gov.au.

8.10 Privacy

We use the information you supply to us for processing and assessing your application. While we do not publicly release your application as a matter of policy, we may be required to do so under the *Government Information (Public Access) Act 2009* or another lawful requirement.

The department may also disclose information you supply to us for the purpose of evaluating and/or auditing its funding programs. If you require strict commercial and/or personal confidentiality, you should address this in your application. More information on the *Government Information (Public Access) Act 2009* is available on the website.



Ngorabul and Kamilaroi Country landscape. Photo credit: Luc Farago.

Appendix



Appendix A: Terms and definitions

Terms and definitions	
Aboriginal Community Controlled Organisation (ACCO)	An independent, not-for-profit organisation, which is incorporated as an Aboriginal organisation; and is controlled and operated by Aboriginal people and governed by an Aboriginal Board elected by members of the local Aboriginal community.
ACCU	Australian Carbon Credit Unit.
ACCU Scheme	ACCU Scheme (formerly known as the Emissions Reduction Fund) is a voluntary scheme that provides incentives for organisations and individuals to adopt new practices and technologies to reduce or remove carbon emissions from the atmosphere. It is administered by the Clean Energy Regulator (CER).
Applicant	An entity referred to in these guidelines who applies for Carbon on Country partnership initiative funding.
Application	Submission of an application form and other required documentation for Carbon on Country partnership funding.
Application form	Document or documents issued under Carbon on Country partnership Project for applicants applying for funding.
Business days	A day that is not a Saturday, Sunday, public holiday or bank holiday in Sydney, New South Wales.
Carbon abatement	Either (a) the removal of one or more greenhouse gases from the atmosphere; or (b) the avoidance of emissions from one or more greenhouse gases.
Carbon on Country	The funding program being developed by the department to support indigenous landholders to implement and demonstrate carbon projects with Cultural and biodiversity benefits.
Carbon project	Verified carbon sequestration activities, registered with the ACCU Scheme, which reduce, avoid, or remove greenhouse gas emissions from the atmosphere and contribute to the mitigation of climate change.
Carbon sequestration	The removal of carbon dioxide from the atmosphere by storing it in plants, dead organic matter or soil.

Terms and definitions	
Clean Energy Regulator (CER)	A Government body responsible for administering legislation that will reduce carbon emissions and increase the use of clean energy.
Co-benefits	The additional benefits associated with carbon projects, for example this may include environmental benefits, such as enhanced biodiversity, economic gains from increased productivity, increased community resilience, and Aboriginal cultural co-benefits such as Caring for Country and Cultural renewal.
Co-funding	Financial support of a successful project provided by the department and a private sector entity or entities.
Commercial principles	A set of principles made available by the department which broadly represent how the department expects funding deeds to be provided and the outcomes this will achieve.
Commercial-in-confidence information	Any information that discloses your financing arrangements, cost structure, profit margins or full base case financial model; intellectual property for which you have an interest; any matter the disclosure of which would place you at a substantial commercial disadvantage.
Conflict of interest	A situation where a person decides or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or nonfinancial) or material personal associations.
Corporations Act	<i>Corporations Act 2001 (Commonwealth).</i>
The department	The NSW Department of Climate Change, Energy, the Environment and Water.
Eligibility criteria	Eligibility criteria that an EOI application must comply with, set out in the section on eligibility and merit criteria in these guidelines.
Eligible applications	An application for Carbon on Country funding that the department has determined is eligible for assessment in accordance with these guidelines.
Eligible interest holder	A person or organisation that has a legal interest in the land on which a carbon project is being, or will be, conducted. Project proponents must seek consent from eligible interest holders to run a project with the CER.

Terms and definitions	
Forward abatement estimate (FAE)	The FAE is the total estimated number of ACCUs that your project will generate over its lifetime. The purpose of the FAE is to allow the CER to assign an audit schedule for your project.
Free, prior and informed consent (FPIC)	A principle used in development projects worldwide and advocates for the right to self-determination for Indigenous people. It involves consent for projects to go ahead before they commence, being free from coercion, informed through accessible communication and collective consent from the Indigenous community.
Funding deed	An agreement between the department and a recipient under which Carbon on Country funding is provided to the recipient.
Guidelines	Approved framework for the operation and administration of Carbon on Country partnerships funding. Note: This document will be amended and updated as needed to be current and accurate.
Indigenous Cultural and Intellectual Property Rights (ICIP)	The rights Indigenous peoples have to their tangible and intangible cultural heritage. ICIP includes traditional knowledge, cultural expression, objects, secret and sacred material as well as documentation of Indigenous peoples' heritage in all forms of media.
Ineligible expenditure	Expenditure of the kind defined as ineligible in section 5.7.1 Funding inclusions and exclusions of these guidelines.
LALC	Local Aboriginal Land Council.
Merit criteria	The merit criteria that an EOI application has to comply with, set out in the sections on eligibility and merit criteria.
Minister	The Minister with responsibility for Carbon on Country funding, which at the time of publishing for these guidelines is the NSW Minister for Climate Change, Minister for Energy, Minister for the Environment, Minister for Heritage.
Net Zero Plan	NSW Government Net Zero Plan Stage 1: 2020-2030, to reduce carbon emissions in NSW by 2030.
NSW	The State of New South Wales.
NSWALC	NSW Aboriginal Land Council.
Partner	An applicant that has been offered Carbon on Country funding and has entered into a funding deed with the department to receive funding.

Terms and definitions	
PIPAP	The Primary Industries Productivity and Abatement program. PIPAP is an integral element of the Net Zero Plan focused on major opportunities to reduce emissions across the NSW primary industries and land sector.
Project	A project described in an application for funding under Carbon on Country.
Smarty Grants	NSW DCCEEW's online grant administration system provided by Our Community Pty Ltd.
Threatened Ecological Community (TEC)	An ecological community becomes listed as threatened when it becomes at risk of extinction. There are three categories of TEC: critically endangered, endangered or vulnerable.
Threatened species	A species listed as threatened locally or regionally (under a Regional Natural Resources Management Plan), state-wide (under the NSW <i>Biodiversity Conservation Act 2016</i>), nationally (under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>) or internationally (under the IUCN). This includes threatened populations of species.
Totemic species	Species which are symbols of the spiritual kinship relationship between First Nations People and Country.

Appendix B: Reference list

1. [Australian Carbon Credit Unit \(ACCU\) Scheme](#)
2. [Carbon farming resources for Aboriginal landholders](#)
3. [Clean Energy Regulator](#)
4. [Department of Climate Change, Energy, the Environment and Water \(Australian Government\)](#)
5. [Environmental Plantings Pilot Environmental plantings pilot method | Clean Energy Regulator](#)
6. [Indigenous Cultural and Intellectual Property \(ICIP\)](#)



For more information

www.energy.nsw.gov.au/carbononcountry

netzero.land@environment.nsw.gov.au