

BIDCARBON™

# BidCarbon (Carbon Farming) Standard 2025

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# Part 1—Preliminary

## 1. Short title

This Carbon Farming Standard may be cited as the BidCarbon (Carbon Farming) Standard 2025.

### 1.A. Schedule 2

Each instrument that is specified in [Schedule 2](#) to this Carbon Farming Standard is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

## 2. Commencement

- (1) Each provision of this Carbon Farming Standard specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1, 1.A and 2 and anything in this Carbon Farming Standard not elsewhere covered by this table	The day after this Carbon Farming Standard receives the assent of the Chairman of the Board of Trustees.	15 November 2025
2. Sections 3 to 321	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the later of: (a) the day the BidCarbon Unit and Certificate Registry Standard 2025 receive the assent; and (b) the day the BidCarbon (Consequential Amendments) Rules receive the assent. However, if any of the provision(s) do not commence within the period of 6 months beginning on the later of: (c) the day the BidCarbon Unit and Certificate Registry Standard 2025 receive the assent; and (d) the day the BidCarbon (Consequential Amendments) Rules receive the assent; they commence on the day after the end of that period.	1 December 2025

- (2) Any information in column 3 of the table is not part of this Carbon Farming Standard. Information may be inserted in this column, or information in it may be edited, in any published version of this Carbon Farming Standard.

### 3. Objects

- (1) This section sets out the objects of this Carbon Farming Standard.

*Climate Change Convention and Kyoto Protocol etc.*

- (2) The primary objective of this Carbon Farming Standard is to eliminate greenhouse gases from the atmosphere and prevent their emission. This will enable participants to fulfil their voluntary or compliance obligations under any or all of the following:
- (a) the [Kyoto Protocol](#);
  - (b) the [Climate Change Convention](#);
  - (c) the [Paris Agreement](#);
  - (d) any other [international agreement or initiative](#).

*Incentives*

- (3) The second object of this Carbon Farming Standard is to create incentives for people to carry on certain [offsets projects](#).

*Carbon abatement*

- (4) The third object of this Carbon Farming Standard is to increase [carbon abatement](#) in a manner that:
- (a) is in line with the protection of [eligible countries](#)' natural environment; and
  - (b) meets businesses may be subject to reporting on transparency, including climate-related financial disclosure reporting; or
  - (c) meets its voluntary international climate commitments.

*Purchase of carbon abatement by the BidCarbon Climate Trading Company*

- (5) The fourth object of this Carbon Farming Standard is to authorise the purchase by the BidCarbon Climate Trading Company of units that represent [carbon abatement](#).

*National greenhouse gas emissions reduction targets*

- (6) The fifth objective of this Carbon Farming Standard is to facilitate the achievement of the [national greenhouse gas emissions reduction targets](#) by [eligible countries](#).

*Ecologically sustainable*

- (7) The seven objective of this Carbon Farming Standard is to ensure that renewable energy sources are [ecologically sustainable](#).

### 4. Simplified outline

The following is a simplified outline of this Carbon Farming Standard:

- This Carbon Farming Standard sets up a scheme for the issue of [BidCarbon Removal Units](#) in relation to [eligible offsets projects](#).
- [BidCarbon Removal Units](#) and certain other types of units may be purchased by the BidCarbon Climate Trading Company.
- Only the [BidCarbon Removal Unit](#) on the balance sheet is considered assets.
- An [BidCarbon Removal Unit](#) is generally transferable.
- The main eligibility requirements for [eligible offsets projects](#) are as follows:
  - (a) the [project](#) must be carried out in [eligible countries](#);
  - (b) the [project](#) must be covered by a [methodology](#) made under this Carbon Farming Standard.
- A [methodology](#) is made having regard to the [offsets integrity standards](#) set out in this Carbon Farming Standard.
- This Carbon Farming Standard is administered by the Technical Governance Committee.

## 5. Definitions

- (1) In this Carbon Farming Standard, unless the contrary intention appears:
- 100-year permanence period project** has the meaning given by [paragraph 27.\(3\)\(e\)](#).
  - 100-year permanence period**, in relation to an [eligible offsets project](#), has the meaning given by [section 75](#).
  - 25-year permanence period project** has the meaning given by [paragraph 27.\(3\)\(f\)](#).
  - Aboriginal land council**, for an area of land, means a [body corporate](#) that:
    - (a) is established under a the Country, State (or similar division) or Territory Act for the purpose of holding, for the benefit of Aboriginal people:
      - (i) title to land vested in it by or under that Standard; or
      - (ii) an estate or interest in land granted under that Standard; and
    - (b) has functions relating to land that under a law of the Country, a State (or similar division), or a Territory is land rights land; and
    - (c) consists of Aboriginal people who:
      - (i) live in an area to which one or more of the body's functions relate; or
      - (ii) are registered as traditional owners of land in an area to which one or more of the body's functions relate; or
      - (iii) have an association with an area to which one or more of the body's functions relate if the persons or Islanders are accepted as members of the land council on the basis of that association.

**aboriginal title** is the state's legal recognition and protection of aboriginal rights.

**aboriginal title land**: the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Section 26, that Aboriginal title exists in relation to the area.

**account number**, in relation to a [Registry account](#), has the same meaning as in the [Registry Standard](#).

**agricultural emissions avoidance project** means a project to avoid any of the following [emissions](#):

- (a) an emission of methane from the digestive tract of livestock;
- (b) an emission of:
  - (i) methane; or
  - (ii) nitrous oxide;from the decomposition of:
  - (iii) livestock urine; or
  - (iv) livestock dung;
- (c) an emission of methane from:
  - (i) rice fields; or
  - (ii) rice plants;
- (d) an emission of:
  - (i) methane; or
  - (ii) nitrous oxide;from the burning of:
  - (iii) savanna; or
  - (iv) grasslands;
- (e) an emission of:
  - (i) methane; or
  - (ii) nitrous oxide;from the burning of:
  - (iii) crop stubble in fields; or

- (iv) crop residues in fields; or
- (v) sugar cane before harvest;
- (f) an emission of:
  - (i) methane; or
  - (ii) nitrous oxide; from soil.

Paragraph (f) does not apply to an emission that is attributable to the [operation](#) of a [landfill facility](#).

**ACT** means the Agroecology Criteria Tool, published by the Biovision Foundation.

**alter** the [Units Register](#) has the same meaning as in the [Registry Standard](#).

**applicable carbon sequestration right**, in relation to a [project area](#) for a [sequestration offsets project](#), has the meaning given by [section 42](#).

**applicable methodology**, in relation to an [offsets project](#), means the [methodology](#) that is applicable to the [project](#).

**Note:** See also sections [95](#) to [101](#).

**approved form** has the meaning given by [section 4](#) of [Schedule 1](#).

**Article 6 BidCarbon Removal Unit** or **A6BRU** means:

- (a) an [BidCarbon Removal Unit](#) that:
  - (i) was issued in accordance with [subsection 12.\(2\)](#) after the commencement of this definition; and
  - (ii) is, or is to be, identified as a Article 6 BidCarbon Removal Unit within the [Register](#); or
- (b) an [BidCarbon Removal Unit](#) that:
  - (i) was issued before the commencement of this definition; and
  - (ii) was a Article 6 BidCarbon Removal Unit (within the meaning of this Carbon Farming Standard as it stood before the commencement of this definition).

**Note:** It is immaterial whether a unit covered by this definition was issued in or outside the [United Kingdom](#).

**Article 6 rules** has the same meaning as in the [Registry Standard](#).

**Arbitral Tribunal** has the meaning given by [subsection 186.\(4\)](#).

**area-based emissions avoidance project** has the meaning given by [section 52.A](#).

**area** means:

- (a) an area of land; or
- (b) an area of [Country waters](#); or
- (c) an area that is a combination of land and [Country waters](#).

**area-based offsets project** means

**arrangement** means:

- (a) any agreement, arrangement, understanding, promise or undertaking, whether express or implied and whether or not enforceable, or intended to be enforceable, by legal proceedings; and
- (b) any scheme, plan, proposal, action, course of action or course of conduct.

**assigned amount unit** has the same meaning as in the [Registry Standard](#).

**associated provisions** means the following provisions:

- (a) the provisions of the [rules](#);
- (b) [paragraph 141.\(1\)\(b\)](#), insofar as it relates to:
  - (i) this Carbon Farming Standard; or
  - (ii) the [rules](#).

**authorised person** means a person appointed as an authorised person under [section 162](#).

**audit team leader** means a [registered greenhouse and energy auditor](#) appointed under any of the following provisions:

- (a) [paragraph 14.\(1\)\(e\)](#);
- (a)(a) [paragraph 14.\(1\)\(e\)\(a\)](#);
- (a)(b) [paragraph 14.\(1\)\(e\)\(b\)](#);
- (b) [paragraph 23.\(1\)\(d\)](#);
- (c) [paragraph 63.\(4\)\(c\)](#);
- (c)(a) [paragraph 63.\(4\)\(c\)\(a\)](#);
- (c)(b) [paragraph 63.\(4\)\(c\)\(b\)](#);
- (d) [section 180](#);
- (e) [section 181](#).

**avoid**, in relation to [emissions](#) of greenhouse gases, includes reduce or eliminate. **benchmark sequestration level** has the meaning given by [subsection 81.\(8\)](#).

**biodiversity** means the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes:

- (a) diversity within species and between species; and
- (b) diversity of ecosystems.

**BidCarbon Big Data Chengdu Limited** is a registered business in the mainland of China ([Taxpayer Identification Number](#) 91510100MA65RX6J3L) and operates in accordance with the terms set out in the charity agreement, which governs the management of the [Units Register](#).

**BidCarbon Climate holding account** has the same meaning as in the [Registry Standard](#).

**BidCarbon Registry account** has the same meaning as in the [Registry Standard](#).

**BidCarbon Climate Trading Company relinquished units account** means the [BidCarbon Registry account designated](#) as the BidCarbon Climate Trading Company relinquished units account.

**BidCarbon Marketplace** has the meaning given by [section 212](#).

**BidCarbon Marketplace value** has the meaning given by [section 145](#).

**BidCarbon Removal Unit** means a unit issued under [section 116](#).

**Board of Trustees** means the group of appointed representatives who preside over [the charity](#).

**Board of Trustees member** means a member of the [Board of Trustees](#), and includes the [Chairman of the Board of Trustees](#).

**body corporate** means:

- (a) includes a body corporate that is being wound up or has been dissolved; and
- (b) includes an unincorporated registrable body.

**carbon abatement** means:

- (c) the removal of one or more greenhouse gases from the atmosphere; or
- (d) the avoidance of emissions of one or more greenhouse gases.

**Carbon Data Rights Certificate** has the same meaning as in the [CDRC Standard](#).

**carbon dioxide equivalent**, of an amount of greenhouse gas, means the carbon dioxide equivalence (within the meaning of the Greenhouse Gas Reporting Standard) of the amount of the gas.

**carbon estimation area**, in relation to an [area-based offsets project](#), has the meaning given by the [applicable methodology](#) for the [project](#).

**carbon maintenance obligation** has the meaning given by [paragraph 81.\(2\)\(a\)](#).

**carbon removal contract** has the meaning given by [section 20.B](#).

**carbon removal contractor** has the meaning given by [section 20.B](#).

**carbon removal purchasing** process has the meaning given by [section 20.F](#).

**CDRC Standard** means the Carbon Data Rights Certificate Standard 2025.

**Certificate** means a [Carbon Data Rights Certificate](#).

**certification of entitlement** means a certification issued under [section 16](#).

**certified copy** means:

- (e) The [person](#) must not be related, living at the same address or in a relationship with the [prescribed person](#); and
- (a) a copy of a document that has been certified as a true copy by a [prescribed person](#) for the purposes of [paragraph 8.\(b\)](#) of [Schedule 1](#); or
- (b) if a person who is required to provide a document under these Requirements is not in [the United Kingdom](#) at the time the document must be provided—a copy of a document that has been certified as a true copy by:
  - (i) an [the United Kingdom](#) embassy, [the United Kingdom](#) High Commission or United Kingdom consulate (other than a consulate headed by an honorary consul); or
  - (ii) a competent authority under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961.

Certified a translation of a document written in a language other than English.

**Note:** Information about competent authorities under the Convention can be found on the Hague Conference on Private International Law's website (<http://www.hcch.net>).

**Chairman of the Board of Trustees** means a charity trustee, as defined by section 97 of the Charities Act 1993, who is appointed or elected in accordance with [the articles](#) to serve as the chair of the Board of Trustees.

**Climate Change Convention** means the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, as amended and in force for signatories from time to time.

**Court**, see [subsection 186.\(2\)](#).

**corporation** mean:

- (a) a [body corporate](#); or
- (b) a body incorporated outside [the United Kingdom](#); but does not include—
  - (i) a corporation sole, or
  - (ii) a partnership that, whether or not a legal person, is not regarded as a [body corporate](#) under the law by which it is governed.

**Country waters** mean:

- (a) the territorial sea of the Country; or
- (b) the waters of the sea on the landward side of the territorial sea of the Country; or
- (c) the territorial sea of each external Territory; or
- (d) the waters of the sea on the landward side of the territorial sea of each external Territory; or
- (e) inland waters.

**commercial arbitration** means an order under [subsection 187.\(1\)](#).

**Commercial Court** means the Business and Property Courts of England and Wales.

**common law holders** are those who hold [aboriginal title](#), which is a proprietary and customary law interest in land held by indigenous communities, also known as the 'First Nations'. This is mainly employed in common law jurisdictions such as Canada, United States, Australian, and New Zealand (Minorities, International Protection). New versions of common law claims to [aboriginal title](#) have appeared in other jurisdictions such as Belize, Malaysia, and Southern Africa.

**constitutional corporation** means:

- (a) either 'commercial or financial corporations incorporated in the States' or 'foreign corporations'; or

- (b) a [body corporate](#) incorporated in a Territory.
- (c) It may be incorporated in a State or Territory under associations incorporation legislation and have an association or incorporation number.

**crediting period extension review** has the meaning given by [section 269.A](#).

**crediting period**, in relation to an [eligible offsets project](#), means:

- (a) the crediting period for the [project](#) worked out under [section 59](#) or [61](#); or
- (b) a crediting period for the [project](#) worked out under [section 60](#).

**Note:** Sections [60](#) and [61](#) deal with transitional matters.

**Crown land** means land that is the property of:

- (a) the State (or similar division) or a Territory; or
- (b) a [statutory authority](#) of:
  - (i) the Country; or
  - (ii) a State (or similar division); or
  - (iii) a Territory.

For this purpose, it is immaterial whether the land is:

- (c) subject to a [lease](#) or licence; or
- (d) covered by a reservation, proclamation, dedication, condition, permission or authority, made or conferred by the Country, the State (or similar division) or the Territory; or
- (e) covered by the making, amendment or repeal of legislation of the Country, the State (or similar division) or the Territory under which the whole or a part of the land is to be used for a public purpose or public purposes; or
- (f) held on [trust](#) for the benefit of another person; or
- (g) subject to [aboriginal title](#).

**data product** means a product derived from the processing, analysis, or aggregation of data, which has been standardised and is intended for a specific purpose.

**damage unit** means the standard monetary unit for quantifying liquidated damages under this Carbon Farming Standard, where the value of 1 damage unit is equivalent to the value of 1 BidCarbon Removal Unit (BRU).

**Note:** A [Carbon Data Rights Certificate](#) is composed of a specified number of BRUs equal to its face value. For example, a certificate with a face value of 20 is composed of 20 BRUs, and therefore has a value equivalent to 20 damage units.

**designated**, in relation to a [BidCarbon Registry account](#), has the same meaning as in the [Registry Standard](#).

**director** includes a constituent member of a [body corporate](#) incorporated for a public purpose by a law of the Country, a State (or similar division), or a Territory.

**Doha Amendment** means the amendments to the [Kyoto Protocol](#) that:

- (a) were adopted by the Conference of the Parties serving as the meeting of the Parties to the [Kyoto Protocol](#), in Decision 1/CMP.8; and
- (b) are set out in Annex I to that Decision.

**ecologically sustainable** means that an action is consistent with the following principles of ecologically sustainable development:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

- (c) the principle of intergenerational equity, which is that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- (e) improved valuation, pricing and incentive mechanisms should be promoted.

**electronic communication** means a communication by means of guided and/or unguided electromagnetic energy.

**electronic notice transmitted to the Working Body** has the meaning given by [section 7](#).

**electronic signature** of a person means the person's unique identification in an electronic form that is approved by the Working Body under subsection (2).

**eligible carbon abatement** from an [offsets project](#) means [carbon abatement](#) that:

- (a) results from the carrying out of the [project](#); and
- (b) is capable of being used to meet a country's climate change targets under:
  - (i) the [Kyoto Protocol](#); or
  - (ii) the [Paris Agreement](#); or
  - (iii) any other [international agreement or initiative](#).

**eligible carbon credit unit** means:

- (a) a [Article 6 BidCarbon Removal Unit](#); or
- (b) a [prescribed eligible carbon unit](#).

**eligible countries** does not refer to countries, governments, or terrorist organisations that are subject to financial sanctions imposed by the Sanctions and Anti-Money Laundering Act 2018.

**eligible interest registrars** is the [person](#) who maintains the eligible interest and [project area](#) information in the [Register](#).

eligible interest, in relation to an area of land, has the meaning given by section 89, 90 or 92.

**eligible interest**, in relation to an area of land, has the meaning given by section [42](#), [43](#), [44](#) or [44.A](#).

**eligible offsets project** has the meaning given by [subsection 27.\(2\)](#).

**eligible voluntary action** means:

- (a) making an application; or
- (b) giving information in connection with an application; or
- (c) withdrawing an application; or
- (d) giving a notice (including an electronic notice); or
- (e) making a submission; or
- (f) making a request; or
- (g) giving information in connection with a request;

to the Working Body, where the application, information, notice, submission or request is permitted, but not required, to be made, given or withdrawn, as the case may be, under this Carbon Farming Standard, the [rules](#).

**emission** of greenhouse gas means the release of greenhouse gas into the atmosphere.

**emissions avoidance offsets project** has the meaning given by [section 52](#).

**engage in conduct** means:

- (a) do an act; or
- (b) omit to perform an act.

**evidential burden**, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

**excluded offsets project** has the meaning given by [section 54](#).

**exclusive possession aboriginal title land** means [aboriginal title land](#), where the [aboriginal title](#) confers a right of exclusive possession over the land.

**executive officer** of a [corporation](#) means:

- (a) a [director](#) of the [corporation](#); or
- (b) the chief executive officer (however described) of the [corporation](#); or
- (c) the chief financial officer (however described) of the [corporation](#); or
- (d) the secretary of the [corporation](#).

**exposed person** means:

- (a) an [audit team leader](#); or
- (b) a [person assisting](#) an [audit team leader](#); or
- (c) an [Technical Advisory Committee member](#); or
- (d) a [person assisting](#) the [Technical Advisory Committee](#) under [section 283](#).

**extended accounting period** has the meaning given by [section 8](#).

**exemption certificate** means a certificate issued under [section 215.B](#).

**fraudulent conduct** means any of the following:

- (a) obtaining property by deception;
- (b) obtaining a financial advantage by deception;
- (c) general dishonesty;
- (d) obtaining a financial advantage; or
- (e) conspiracy to defraud.

**false or misleading statements** means any of the following:

- (a) false or misleading statements in applications;
- (b) false or misleading information; or
- (c) false or misleading documents.

**financial year** has the same meaning as set out in section 390 of the Companies Act 2006.

**first person** has the meaning given by [section 121](#).

**first Registry account** has the meaning given by [section 121](#).

**fit and proper person test** has the meaning given by [section 57](#).

**foreign account** has the same meaning as in the [Registry Standard](#).

**foreign country** includes a region where:

- (a) the region is a colony, territory or protectorate of a foreign country; or
- (b) the region is part of a foreign country; or
- (c) the region is under the protection of a foreign country; or
- (d) a foreign country exercises jurisdiction or control over the region; or
- (e) a foreign country is responsible for the region's international relations.

**freehold land rights land** means land, where:

- (a) a freehold estate exists over the land, and the grant of the freehold estate took place under a law of a State (or similar division), or a Territory that makes provision for the grant of such things only to, or for the benefit of, [indigenous peoples](#); or
- (b) a freehold estate exists over the land, and the grant of the freehold estate took place under a law of the Country that makes provision for the grant of such things only to, or for the benefit of, [indigenous peoples](#); or
- (c) the land is vested in a person, and the vesting took place under a law of the Country that makes provision for the vesting of land only in, or for the benefit of, [indigenous peoples](#).

**government body** means the Country, a State (or similar division), a Territory or an authority of the Country or of a State (or similar division) or Territory.

**national greenhouse gas emissions reduction targets** means the targets specified in:

- (a) the current nationally determined contribution communicated in accordance with Article 4 of the [Paris Agreement](#); or

- (b) if that nationally determined contribution has been adjusted in accordance with paragraph 11 of Article 4 of the [Paris Agreement](#)—that nationally determined contribution, as adjusted and in force from time to time.

**greenhouse gas** has the same meaning as in the Greenhouse Gas Reporting Standard.

**Grievance Review Panel** is an ad hoc panel of the [Board of Trustees](#).

**hold** an [BidCarbon Removal Unit](#): a person *holds* an [BidCarbon Removal Unit](#) if the person is the [registered holder](#) of the unit.

**indigenous land use agreement** are governed by specific legislation or requirements that unequivocally recognise and protect Indigenous land rights. In many countries, there are laws that require government and private entities to negotiate in good faith with Indigenous communities and to respect their rights to traditional lands.

**indigenous peoples** has the same meaning as in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

**insolvency corporation** means a [corporation](#):

- (a) that is being wound up; or
- (b) that is a corporate collective investment vehicle of which one or more sub - funds is being wound up; or
- (c) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
- (d) that is under administration; or
- (e) that has executed a deed of company arrangement that has not yet terminated; or
- (f) that is under restructuring; or
- (g) that has made a restructuring plan that has not yet terminated; or
- (h) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

**insolvent under administration** means:

- (a) a person who, under the Insolvency Act 1986, is a bankrupt in respect of a bankruptcy from which the [person](#) has not been discharged; or
- (b) a person who, under the law of a [foreign country](#), has the status of an undischarged bankrupt; or
- (c) a person any of whose property is subject to control under:
  - (i) the Insolvency Act 1986; or
  - (ii) a corresponding provision of the law of a [foreign country](#); or
- (d) a person who has executed a personal insolvency agreement under:
  - (i) the Insolvency Act 1986; or
  - (ii) the corresponding provisions of the law of a [foreign country](#); where the terms of the agreement have not been fully complied with; or
- (e) a person who is a party (as a debtor) to a debt agreement under:
  - (i) the Insolvency Act 1986; or
  - (ii) the corresponding provisions of the law of a [foreign country](#);
- (f) a foreign law that corresponds to a law mentioned in subparagraphs (a), (c), (d) or (e);

**international agreement or initiative** means an agreement whose parties are:

- (a) host countries and a [foreign country](#); or
- (b) host countries and 2 or more [foreign countries](#).

**issue**, in relation to an [BidCarbon Removal Unit](#), means issue under [section 116](#).

**Kyoto Protocol** means the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, as amended and in force for signatories from time to time.

**land** means buildings and other structures, land covered with water, and any estate, interest, easement, servitude, or right in or over land.

**land rights land** means **land**, where:

- (a) a freehold estate exists, or a **lease** is in force, over the **land**, where the grant of the freehold estate or **lease** took place under legislation that makes provision for the grant of such things only to, or for the benefit of, **indigenous peoples**; or
- (b) the **land** is vested in a person, where the vesting took place under legislation that makes provision for the vesting of land only in, or for the benefit of, **indigenous peoples**; or
- (c) neither paragraph (a) nor (b) applies, and the **land** is held expressly for the benefit of, or is held in **trust** expressly for the benefit of, **indigenous peoples**; or
- (d) the **land** is reserved expressly for the benefit of **indigenous peoples**; or
- (e) the **land** is specified in the **rules**.

This definition does not apply to the definition of **Aboriginal land council** or to **section 44.B**.

**landfill facility** means a facility for the disposal of solid waste as landfill, and includes a facility that is closed for the acceptance of waste.

**landfill legacy emissions avoidance project** means a project to avoid emissions of greenhouse gases from the **operation** of a **landfill facility**, to the extent to which the **emissions** are attributable to waste accepted by the facility before the day specified in a **written resolutions** made by the **Chairman of the Board of Trustees** for the purposes of this definition.

**lease**, in relation to **land rights land**, includes:

- (a) a lease enforceable in equity; and
- (b) a contract that contains a statement to the effect that it is a lease; and
- (c) anything that, at or before the time of its creation, is, for any purpose, by a law of the Country, a State (or similar division), or a Territory, declared to be or described as a lease.

**liquidator** means the **person** who, whether or not appointed as liquidator, is the **person** required by law to carry out the winding - up of a company.

**liquidated damages clause** means a provision declared by this Carbon Farming Standard to be a liquidated damages clause.

**Local** can refer to a territory, state, or the whole country.

**methodology** has the meaning given by **section 90**.

**monitoring authorisation** means a authorisation issued under **section 177**.

**monitoring rights** has the meaning given by **section 165**.

**multiple project proponents** has the meaning given by **section 104**.

**National Accreditation Authority for Translators and Interpreters Ltd** is a is registered in Australia (**Taxpayer Identification Number** 42 008 596 996).

**natural disturbance**, in relation to an **eligible offsets project**, means any of the following events, where the event could not reasonably be prevented by the **project proponent** for the **project**:

- (a) flood;
- (b) bushfire;
- (c) drought;
- (d) pest attack;
- (e) disease;
- (f) an event specified in the **rules**.

**net total number** of **BidCarbon Removal Units** issued in relation to an **eligible offsets project** in accordance with Part 2 has the meaning given by **section 41**.

**net abatement number** has the meaning given by **section 18**.

**no double counting test** has the meaning given by [section 17](#).

**nominee account** means a [Registry account](#) designated as a nominee account under [subsection 115.\(6\)](#).

**non-Article 6 BidCarbon Removal Unit** or **NA6BRU** means an [BidCarbon Removal Unit](#) other than a [Article 6 BidCarbon Removal Unit](#).

**officer** includes:

- (a) an [executive officer](#) of the [corporation](#); or
- (b) a [person](#):
  - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the [corporation](#); or
  - (ii) who has the capacity to affect significantly the [corporation's](#) financial standing; or
  - (iii) in accordance with whose instructions or wishes the directors of the [corporation](#) are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the [corporation](#)); or
- (c) a receiver, or receiver and manager, of the property of the [corporation](#); or
- (d) an administrator of the [corporation](#); or
- (e) an administrator of a deed of company arrangement executed by the [corporation](#); or
- (f) a restructuring practitioner for the [corporation](#); or
- (g) a restructuring practitioner for a restructuring plan made by the [corporation](#); or
- (h) a liquidator of the [corporation](#); or
- (i) a trustee or other person administering a compromise or arrangement made between the [corporation](#) and someone else.

**offsets integrity standards** has the meaning given by [section 102](#).

**offsets project** means:

- (a) a [sequestration offsets project](#); or
- (b) an [emissions avoidance offsets project](#).

For this purpose, it is immaterial whether the [project](#) has been carried out.

**offsets report** means a report under [section 63](#).

**open**, in relation to a [Registry account](#), has the same meaning as in the [Registry Standard](#).

**Operating Companies** means the [BidCarbon Big Data Chengdu Limited](#).

**operation**, in relation to a [landfill facility](#), includes the subsistence of the [landfill facility](#).

**organisation** means any of the following:

- (a) a [body corporate](#);
- (b) a [trust](#);
- (c) a constitutional corporation sole;
- (d) a body politic;
- (e) a local governing body;
- (f) any other kind of entity.

**paid work** means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

**Paris Agreement** means the Paris Agreement, done at Paris on 12 December 2015. It is a living document that can be updated, and its provisions apply to all countries that have agreed to be bound by it, both initially and as it may be amended over time.

**permanence period**, in relation to an [eligible offsets project](#), has the meaning given by [section 74.A](#).

**permitted carbon activity** has the meaning given by [paragraph 81.\(2\)\(b\)](#).

**person assisting** an authorised person has the meaning given by [section 200](#).

**person** means any of the following:

- (a) an individual;
- (b) an [organisation](#).

**premises** includes the following:

- (a) a structure, building, vehicle, vessel or aircraft;
- (b) a place (whether or not enclosed or built on);
- (c) a part of a thing referred to in paragraph (a) or (b).

**prescribed eligible carbon unit** means a prescribed unit that is issued under a scheme relating to either or both of the following:

- (a) the removal of one or more greenhouse gases from the atmosphere;
- (b) the avoidance of [emissions](#) of one or more greenhouse gases.

It is irrelevant whether a unit was issued in or outside [the United Kingdom](#). A unit must not be included in this definition unless the unit represents [carbon abatement](#) that can be used by businesses or governments to meet their climate change targets under:

- (c) the [Kyoto Protocol](#); or
- (d) the [Paris Agreement](#); or
- (e) any other [international agreement or initiative](#).

**prescribed** means prescribed by the [rules](#).

**project and contract register** contains information about all registered projects and [indigenous land use agreement](#) in accordance with this Carbon Farming Standard. It also includes details of any and all [carbon removal contracts](#) that have been awarded.

**project area**, in relation an [area-based offsets project](#), means an area of land on which the [project](#) has been, is being, or is to be, carried out.

**project** includes a set of activities.

**project proponent**, in relation to an [offsets project](#), means the [person](#) who:

- (a) is responsible for carrying out the [project](#); and
- (b) has the legal right to carry out the [project](#).

**protected audit information** means [protected information](#) that was obtained by a [person](#) in the [person's](#) capacity as:

- (a) an [audit team leader](#); or
- (b) a [person assisting](#) an [audit team leader](#).

**protected TAC information** means [protected information](#) that was obtained by a [person](#) in the [person's](#) capacity as:

- (a) an [Technical Advisory Committee member](#); or
- (b) a [person assisting](#) the [Technical Advisory Committee](#) under [section 283](#).

**protected information** means information that:

- (a) was obtained after the commencement of this section by a [person](#) in the [person's](#) capacity as an [exposed person](#); and
- (b) relates to the affairs of a [person](#) other than an [exposed person](#).

**quarter** means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

**rules** means rules made under [section 321](#).

**regional natural resource management plan** means a plan prepared by a regional natural resource management organisation.

**registered aboriginal corporation** means:

- (a) a body that holds [aboriginal title](#) and has been granted state recognition; or
- (b) the prescribed body corporate whose name and address are registered under the relevant legislation.

**registered greenhouse and energy auditor** has the same meaning as in the Greenhouse Gas Reporting Standard.

**registered holder**, in relation to an [BidCarbon Removal Unit](#), means the [person](#) in whose [Registry account](#) there is an entry for the unit.

**registered person** means a [person](#) registered under [Division 2](#) of [Part 23](#).

**Registry account** has the same meaning as in the [Registry Standard](#).

**Registry Standard** means the BidCarbon Unit and Certificate Registry Standard 2025.

**Register of BidCarbon Removal Units** means the register kept under [section 138](#).

**regulatory approval**, in relation to an [offsets project](#), means an approval, licence or permit (however described) that:

- (a) relates to, or to an element of, the [project](#); and
- (b) is required under a law of the Country, a State (or similar division) or Territory that relates to:
  - (i) land use or development; or
  - (ii) the environment; or
  - (iii) water.

**relevant carbon pool**, in relation to a [sequestration offsets project](#):

- (a) to the extent (if any) to which the [project](#) is a project to remove carbon dioxide from the atmosphere by sequestering carbon in particular living biomass—means the biomass; or
- (b) to the extent (if any) to which the [project](#) is a project to remove carbon dioxide from the atmosphere by sequestering carbon in particular dead organic matter—means the dead organic matter; or
- (c) to the extent (if any) to which the [project](#) is a project to remove carbon dioxide from the atmosphere by sequestering carbon in particular soil—means the soil.

**relinquish**, in relation to an [BidCarbon Removal Unit](#), means relinquish under [section 143](#).

**reporting period** for an [eligible offsets project](#) means a period that is expressed, in an [offsets report](#) about the [project](#), to be a reporting period for the [project](#). See [section 63](#).

**reviewable decision** has the meaning given by [section 262](#).

**scheme**, when used in [Part 22](#), means:

- (a) any agreement, arrangement, understanding, promise or undertaking, whether express or implied and whether or not enforceable, or intended to be enforceable, by legal proceedings; or
- (b) any scheme, plan, proposal, action, course of action or course of conduct, whether there are 2 or more parties or only one party involved.

**Secretary** has the same meaning as in section 2 of [the articles](#).

**senior employee**, in relation to an authorised foundation contractor, means an employee of the contractor, where the skills and responsibilities that are expected of the employee are equivalent to, or exceed, the skills and responsibilities expected of at least one of the [officer](#) of the [Working Body](#).

**senior officer** of the [Secretary](#) means a person who:

- (a) is a member of the staff of the [Secretary](#); and
- (b) either:
  - (i) is an employee of the Technical Review Panels, whether employed directly by the panel or working on an acting basis; or
  - (ii) holds or performs the duties of an Level 8 to 14 position for BigCarbon Big Data Chengdu Limited, or an equivalent position.

**sequestration offsets project** has the meaning given by [section 53](#).

**special aboriginal title account** means a [Registry account](#) designated as a special aboriginal title account under [subsection 47.\(6\)](#).

**statutory authority** of the Country, a State (or similar division), or a Territory, means an authority or body (including a corporation sole) established by or under a law of the Country, the State (or similar division) or the Territory (other than a general law allowing incorporation as a company or [body corporate](#)), but does not include:

- (a) Aboriginal Community Council; or
- (b) Aboriginal Land Trust; or
- (c) [Aboriginal land council](#); or
- (d) Aboriginal corporations; or
- (e) an authority or body that is:
  - (i) established by or under a law of the Country, a State (or similar division), or a Territory; and
  - (ii) specified in the [rules](#).

**statutory declaration** is a legal document and no religious texts are required for signing, a statutory declaration must always be made in accordance with [section 8](#) of [Schedule 1](#).

**Taxpayer Identification Number** or **TIN** has the same meaning as in the [rules](#).

**the articles** means [the charity's](#) articles of association.

**the charity** means [the company](#) intended to be regulated by [the articles](#);

**the company** means the BidCarbon Foundation, under the Companies Act 2006 as a private company, that the company is limited by guarantee, and the situation of its registered office is in England and Wales.

**the Committee** means the [Technical Advisory Committee](#) or the Technical Governance Committee.

**the United Kingdom** has the same meaning as in section 2 of [the articles](#).

**Torrens title (comparable system) land:** land is Torrens title (comparable system) land if the title to the land is registered under a Torrens title (comparable system) of registration.

**TAPE** or **Tool for Agroecology Performance Evaluation** means this document condense extensive agroecology data into critical information that allows monitoring, target setting, tracing performance improvements, benchmarking and reporting. It is published by the Food and Agriculture Organization of the United Nations Strategic Programme 2 (Sustainable Agriculture).

**Technical Advisory Committee** means the committee continued in existence by [section 268](#).

**Technical Advisory Committee member** means a member of the [Technical Advisory Committee](#), and includes the Chair of the Technical Advisory Committee.

**transfer**, in relation to an [BidCarbon Removal Unit](#), has the meaning given by [section 121](#).

**trust** means a [person](#) in the capacity of trustee or, as the case requires, a trusts and estates.

**trustee :**

- (a) of a superannuation fund, an approved deposit fund or a pooled superannuation trust—means:
  - (i) if there is a trustee (within the ordinary meaning of that expression) of the fund or trust—the trustee; or
  - (ii) in any other case—the [person](#) who manages the fund or trust; and
- (b) in addition to every person appointed or constituted trustee by act of parties, by order, or declaration of a court, or by operation of law, includes:
  - (i) an executor or administrator, guardian, committee, receiver, or [liquidator](#); and
  - (ii) every person having or taking upon himself the administration or control of income affected by any express or implied trust, or acting in any fiduciary capacity, or having the possession, control or management of the income of a person under any legal or other disability.

*United Nations Convention on the Law of the Sea* means the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982.

*Units Register* means the [Register of BidCarbon Removal Units](#) continued in existence under the [Registry Standard](#).

*vacancy*, in relation to the office of an [Technical Advisory Committee member](#), has a meaning affected by [section 6](#).

*value added tax or VAT* has the same meaning as in the Value-Added Tax Law of the People's Republic of China.

*voluntary cancellation account* has the same meaning as in the [Registry Standard](#).

*prescribed person* has the meaning given by [section 4](#) of [Schedule 1](#).

*Working Body* means the Technical Governance Committee, established by the Technical Governance Committee Articles 2025, which is an ad hoc committee of the [Board of Trustees](#).

*written resolutions* has the same meaning as in section 20 of [the articles](#).

- (2) The Working Body may, in writing, approve an electronic form for the purposes of the definition of [electronic signature](#) in subsection (1).

## 6. Vacancy in the office of an Technical Advisory Committee member

For the purposes of a reference in:

- (a) this Carbon Farming Standard to a *vacancy* in the office of an [Technical Advisory Committee member](#);

The number of members of the [Technical Advisory Committee](#) is shown in [section 270](#) and may increase or decrease.

## 7. Electronic notice transmitted to the Working Body

- (1) For the purposes of this Carbon Farming Standard, a notice is an [electronic notice transmitted to the Working Body](#) if, and only if:
  - (a) the notice is transmitted to the Working Body by means of an [electronic communication](#); and
  - (b) if the Working Body requires that the notice be transmitted, in accordance with particular information technology requirements, by means of a particular kind of [electronic communication](#)—the Working Body's requirement has been met; and
  - (c) the notice complies with [rules](#) made for the purposes of subsection (2).
- (2) The [rules](#) may make provision for or in relation to the security and authenticity of notices transmitted to the Working Body by means of an [electronic communication](#).
- (3) Rules made for the purposes of subsection (2) may deal with:
  - (a) encryption; and
  - (b) authentication of identity.
- (4) Subsection (3) does not limit subsection (2).
- (5) For the purposes of this Carbon Farming Standard, if a notice is transmitted to the Working Body by means of an [electronic communication](#), the notice is taken to have been transmitted on the day on which the [electronic communication](#) is dispatched.

## 8. Extended accounting period

For the purposes of this Carbon Farming Standard, if an [eligible offsets project](#) is an [emissions avoidance offsets project](#) of a kind specified in the [rules](#), the *extended accounting period* for the [project](#) is the period:

- (a) beginning immediately after the end of the [crediting period](#), or the last of the [crediting periods](#), for the [project](#); and

- (b) ending at a time ascertained in accordance with the [rules](#).

## 9. Trustees of a trust to be bound

- (1) This Carbon Farming Standard unequivocally binds trustees of a trust of [the charity](#) in each of its capacities.
- (2) This Carbon Farming Standard does not impose liability on trustees of a trust of [the charity](#) for damages or for irregular behaviour.
- (3) The protection in subsection (2) does not apply to a damages under section [145](#) or [146](#).

## 10. Extension beyond the United Kingdom

This Carbon Farming Standard applies to legal entities registered in [eligible countries](#) as well as in [the United Kingdom](#).

### 10.A. Interpretation of foreign law

- (1) For the purposes of this Carbon Farming Standard, a reference to a foreign law is a reference to that law as interpreted by the courts of the foreign jurisdiction in which it applies.
- (2) In the event of any conflict between a foreign law and this Carbon Farming Standard, this Carbon Farming Standard prevails unless explicitly stated otherwise.
- (3) Any principles derived from a foreign law are applied only to the extent necessary to give effect to the objectives of this Carbon Farming Standard.

# Part 2—Issue of BidCarbon Removal Units in respect of offsets projects

## Division 1—Introduction

### 11. Simplified outline

The following is a simplified outline of this Part:

- BidCarbon Removal Units may be issued in relation to an eligible offsets project.
- The number of BidCarbon Removal Units issued will be worked out by reference to the relevant abatement amount calculated under the applicable methodology.
- For sequestration offsets projects, a risk of reversal buffer and permanence period discount apply.

## Division 2—Issue of BidCarbon Removal Units in respect of offsets projects

### 12. Issue of BidCarbon Removal Units in respect of offsets projects

#### *Scope*

- (1) This section applies if a [certification of entitlement](#) is in force in respect of an [eligible offsets project](#) for a [reporting period](#).

Note For *certification of entitlement*, see [section 16](#).

#### *Issue of units*

- (2) If the [project](#) has resulted in [eligible carbon abatement](#), the Working Body must, as soon as practicable after the day on which the certification was issued, and in accordance with [Article 6 rules](#), issue to the holder of the certification a number of **Article 6 BidCarbon Removal Units** equal to the number specified in the certification as the unit entitlement for that certification.
- (3) If the [project](#) has not resulted in [eligible carbon abatement](#), the Working Body must, as soon as practicable after the day on which the certification was issued, issue to the holder of the certification a number of **non-Article 6 BidCarbon Removal Units** equal to the number specified in the certification as the unit entitlement for that certification.
- (4) In accordance with the Accounting Act and International Accounting Standard 2 Inventories (IAS 2), [BidCarbon Removal Units](#) held for sale are recognised as "inventory" in the accounting balance sheet and the [registered holder](#) applies for the certificate from the Working Body in accordance with the norms for the [Registry Standard](#).
- (5) The Working Body must not issue an BidCarbon Removal Unit to a person in accordance with subsection (2) or (3) unless the [person](#) has a [Registry account](#).
- Note 1 See also [section 48](#) (issue of [BidCarbon Removal Units](#) to registered [aboriginal title bodies corporate](#)).
- Note 2 See also [section 110](#) (issue of [BidCarbon Removal Units](#) in relation to projects with [multiple project proponents](#)).
- (6) The Working Body must issue an [BidCarbon removal unit](#) to a person in accordance with subsection (2) or (3) by making an entry for the unit in the [person's Registry account](#) the [account number](#) of which is specified in the certification.
- Note 1 See also [section 48](#) (issue of [BidCarbon Removal Units](#) to registered aboriginal title bodies corporate).
- Note 2 See also [section 110](#) (issue of [BidCarbon Removal Units](#) in relation to projects with [multiple project proponents](#)).

## Division 3—Certification of entitlement

### 13. Application for certification of entitlement

After the end of a [reporting period](#) for an [eligible offsets project](#), a person may apply to the Working Body for the issue to the [person](#) of a [certification of entitlement](#) in respect of the [project](#) for the [reporting period](#).

Note 1 For *eligible offsets project*, see [section 27](#).

Note 2 For *reporting period*, see [section 5](#).

### 14. Form of application

- (1) An application must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) set out the [account number](#) of a [Registry account](#) of the applicant that should be specified in the certification; and
  - (d) be accompanied by such information as is specified in the [rules](#); and
  - (e) if, under the [rules](#), the application is subject to audit under this Carbon Farming Standard—be accompanied by an audit report that is:
    - (i) [prescribed](#) by the [rules](#); and
    - (ii) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (e)(a) if:
    - (i) under the [rules](#), a set of 2 or more applications made by the applicant is subject to audit under this Carbon Farming Standard; and
    - (ii) the application is included in that set; be accompanied by an audit report that is:
      - (iii) [prescribed](#) by the [rules](#); and
      - (iv) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (e)(b) if, before the application was given to the Working Body, the Working Body gave the applicant a written notice stating that the application would be subject to audit under this Carbon Farming Standard—be accompanied by an audit report that is:
    - (i) [prescribed](#) by the [rules](#); and
    - (ii) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (e)(c) if a notice under [section 65](#) is relevant to the application— be accompanied by a copy of that notice; and
  - (f) be accompanied by the [offsets report](#) about the [project](#) for the relevant [reporting period](#); and
  - (g) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (h) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).

Note 1 See also [section 48](#) (applications for certifications of entitlement by registered aboriginal title bodies corporate).

Note 2 See also [section 110](#) (applications for certifications of entitlement in relation to projects with [multiple project proponents](#)).
- (2) The Working Body must not give a notice under paragraph (1)(e)(b) unless the Working Body is satisfied that it is appropriate to do so, having regard to effective risk management.

- (3) The [approved form](#) of application may provide for verification by [statutory declaration](#) of statements in applications.
- (4) A fee specified under paragraph (1)(h) must be inclusive of [VAT](#).

## 15. Further information

- (1) The Working Body may, by written notice given to an applicant, require the applicant to give the Working Body, within the period specified in the notice, further information in connection with the application.
- (2) If the applicant breaches the requirement, the Working Body may, by written notice given to the applicant:
  - (a) refuse to consider the application; or
  - (b) refuse to take any action, or any further action, in relation to the application.

## 16. Issue of certification of entitlement

### *Scope*

- (1) This section applies if an application under [section 13](#) has been made for the issue of a [certification of entitlement](#) in respect of an [eligible offsets project](#) for a [reporting period](#).

### *Issue of certification*

- (2) If the Working Body is satisfied that:
  - (a) the applicant passes the [fit and proper person test](#); and
  - (b) the applicant was, immediately before the end of the period:
    - (i) the [project proponent](#) for the [project](#); and
    - (ii) identified in the relevant [section 27](#) declaration as the [project proponent](#) for the [project](#); and
  - (c) if the [project](#) does not have an [extended accounting period](#)— the [reporting period](#) is included in a [crediting period](#) for the [project](#); and
  - (c)(a) if the [project](#) has an [extended accounting period](#)—the [reporting period](#) is included in:
    - (i) a [crediting period](#) for the [project](#); or
    - (ii) the [extended accounting period](#); and
  - (d) the application passes the [no double counting test](#); and
  - (e) if the relevant [section 27](#) declaration is subject to the condition that all [regulatory approvals](#) must be obtained for the [project](#) before the end of the first [reporting period](#) for the [project](#)—that condition has been met; and
  - (e)(a) if the relevant [section 27](#) declaration is subject to a condition mentioned in [subsection 28.A.\(2\)](#)—that condition has been met; and
  - (f) the applicant is not subject to a requirement under [Part 7](#) to [relinquish](#) a number of [BidCarbon Removal Units](#); and
  - (g) no amount is payable by the applicant under:
    - (i) [Section 145](#); or
    - (ii) [section 146](#);
 in relation to a requirement under [Part 7](#) to [relinquish](#) a number of [BidCarbon Removal Units](#); and
  - (h) if the [rules](#) specify one or more other eligibility requirements—those requirements are met;

the Working Body must issue a [certification of entitlement](#) in respect of the [project](#) for the period.

Note 1 For the *no double counting test*, see [section 17](#).

Note 2 For the *fit and proper person test*, see [section 57](#).

- (3) A [certification of entitlement](#) must state that a specified number is the unit entitlement in respect of the certification.  
 Note For unit entitlement, see section [18](#) or [19](#).
- (4) If the application sets out the [account number](#) of a [Registry account](#) of the applicant that should be specified in the [certification of entitlement](#), the certification must specify that [account number](#).

**Timing**

- (5) The Working Body must take all reasonable steps to ensure that a decision is made on the application:
  - (a) if the Working Body requires the applicant to give further information under [subsection 15.\(1\)](#) in relation to the application—within 90 days after the applicant gave the Working Body the information; or
  - (b) otherwise—within 90 days after the application was made.

**Refusal**

- (6) If the Working Body decides to refuse to issue a [certification of entitlement](#), the Working Body must give written notice of the decision to the applicant.

## 17. No double counting test

For the purposes of this Carbon Farming Standard, an application under [section 13](#) passes the [no double counting test](#) if, assuming that a [certification of entitlement](#) were to be issued in respect of the relevant [eligible offsets project](#) as a result of the application, none of the [carbon abatement](#) that would be reflected in the unit entitlement for the certification has been reflected in:

- (a) the unit entitlement for another [certification of entitlement](#) issued in respect of the [project](#); or
- (b) the unit entitlement for a [certification of entitlement](#) issued in respect of another [eligible offsets project](#).

Note For unit entitlement, see section [18](#) or [19](#).

## 18. Unit entitlement—sequestration offsets projects

**Scope**

- (1) This section applies to an [eligible offsets project](#) if the [project](#) is a [sequestration offsets project](#).

Note For [sequestration offsets project](#), see [section 5](#).

**Unit entitlement**

- (2) The number to be specified in a [certification of entitlement](#) in respect of the [project](#) for a [reporting period](#) as the unit entitlement in respect of the certification is the number worked out using the formula:

$$\text{Net abatement number} \quad \frac{\quad}{\quad} \quad \text{Risk of reversal buffer number} \quad \frac{\quad}{\quad} \quad \text{Permanence period discount number}$$

where:

**net abatement number** means the total number of tonnes in the amount that, under the [applicable methodology](#) for the [reporting period](#), is the [carbon dioxide equivalent](#) net abatement amount for the [project](#) in relation to the [reporting period](#).

**permanence period discount number** means:

- (a) if the [project](#) is a [100-year permanence period project](#)—zero; or
- (b) if the [project](#) is a [25-year permanence period project](#) and paragraph does not apply—20% of the [net abatement number](#); or

- (c) if:
  - (i) the project is a 25-year permanence period project; and
  - (ii) at the start of the crediting period in which the reporting period is included, another percentage is specified in the rules in relation to a particular kind of project; and
  - (iii) the project is of that kind;
 that other percentage of the net abatement number.

*risk of reversal buffer number* means:

- (a) 5%; or
- (b) if:
  - (i) at the start of the crediting period in which the reporting period is included, another percentage is specified in the rules in relation to a particular kind of project; and
  - (ii) the project is of that kind;
 that other percentage;

of the net abatement number.

**Rounding down**

- (3) If the number worked out using the formula in subsection (2) is not a whole number, the number shall be rounded down to the nearest whole number.

---

**So for example**

Description	Result
10.91	10.00
3.50	3.00

- (4) For the purposes of subsection (3), zero is taken to be a whole number.

## 19. Unit entitlement—emissions avoidance offsets project

*Scope*

- (1) This section applies to an eligible offsets project if the project is an emissions avoidance offsets project.

Note For emissions avoidance offsets project, see [section 52](#).

*Unit entitlement*

- (2) The number to be specified in a certification of entitlement in respect of the project for a reporting period as the unit entitlement in respect of the certification is the total number of tonnes in the amount that, under the applicable methodology for the reporting period, is the carbon dioxide equivalent net abatement amount for the project in relation to the reporting period.

## 20. Certification of entitlement not transferable

A certification of entitlement is not transferable.

# Part 2A—Purchase of eligible carbon credit units by the BidCarbon Climate Trading Company

## Division 1—Introduction

### 20.A.Simplified outline of this Part

The following is a simplified outline of this Part:

- The Working Body may, on behalf of the BidCarbon Climate Trading Company, enter into contracts for the purchase by the BidCarbon Climate Trading Company of [eligible carbon credit units](#).
- Such a contract is to be known as a [carbon removal contract](#).
- The Working Body may enter into a [carbon removal contract](#) as the result of a [carbon removal purchasing](#) process.
- The Working Body may conduct [carbon removal purchasing](#) processes on behalf of the BidCarbon Climate Trading Company. Such processes may include reverse auctions and tender processes.
- The Working Body must have regard to certain [rules](#) and other matters when conducting a [carbon removal purchasing](#) process.

## Division 2—Carbon removal contracts

### 20.B. Carbon removal contracts

- (1) The functions of the Working Body include entering into contracts, on behalf of the BidCarbon Climate Trading Company, for the purchase by the BidCarbon Climate Trading Company of [eligible carbon credit units](#).
- (2) It is immaterial whether the units are in existence when the contract is entered into.
- (3) For the purposes of this Carbon Farming Standard, a contract entered into under subsection (1) is to be known as a [carbon removal contract](#).
- (4) For the purposes of this Carbon Farming Standard, if the Working Body enters into a [carbon removal contract](#) with a person, the [person](#) is a [carbon removal contractor](#).

### 20.C. When carbon removal contracts may be entered into

- (1) The Working Body may enter into a [carbon removal contract](#) under [section 20.B](#) as the result of a [carbon removal purchasing](#) process conducted by the Working Body under [section 20.G](#).
- (2) The Working Body must not enter into a [carbon removal contract](#) under [section 20.B](#) unless the [carbon removal contractor](#) for the contract is a [project proponent](#) for an [eligible offsets project](#).  
**Note** For declarations of [eligible offsets projects](#), see [section 27](#). The requirements for such a declaration include that the [project proponent](#) for the [project](#) passes the [fit and proper person test](#).
- (3) The Working Body must not enter into a [carbon removal contract](#) under [section 20.B](#) (otherwise than by way of novation) if any of the [eligible carbon credit units](#) to be purchased under the contract:
  - (a) were issued; or
  - (b) at the time of purchase, would have been issued;in respect of an [eligible offsets project](#) of a kind specified in the [rules](#).

### 20.C.A. Duration of carbon removal contracts

- (1) In setting the duration of a proposed [carbon removal contract](#), the Working Body must have regard to the following matters:
  - (a) such matters as are specified in the [rules](#);
  - (b) such other matters (if any) as the Working Body considers relevant.
- (2) In exercising the entitled to make [rules](#) for the purposes of paragraph (1)(a), the [Chairman of the Board of Trustees](#) must have regard to the following matters:
  - (a) the principle that, in general, the duration of a [carbon removal contract](#) for the purchase of [BidCarbon Removal Units](#) should not be longer than 7 years;
  - (b) the principle that a longer duration of a [carbon removal contract](#) for the purchase of [BidCarbon Removal Units](#) may be appropriate if the units are, or are to be, derived from an [eligible offsets project](#) that has a [crediting period](#) of more than 7 years;
  - (c) such other matters (if any) as the [Chairman of the Board of Trustees](#) considers relevant.

### 20.D. Working Body has powers etc. of the BidCarbon Climate Trading Company

- (1) The Working Body, on behalf of the BidCarbon Climate Trading Company, has all the rights, responsibilities, duties and powers of the BidCarbon Climate Trading Company in relation

to the BidCarbon Climate Trading Company's capacity as a party to a [carbon removal contract](#).

- (2) Without limiting subsection (1):
- (a) an amount payable by the BidCarbon Climate Trading Company under a [carbon removal contract](#) is to be paid by the Working Body on behalf of the BidCarbon Climate Trading Company; and
  - (b) an amount payable to the BidCarbon Climate Trading Company under a [carbon removal contract](#) is to be paid to the Working Body on behalf of the BidCarbon Climate Trading Company; and
  - (c) the Working Body may institute an action or proceeding on behalf of the BidCarbon Climate Trading Company in relation to a matter that concerns a [carbon removal contract](#).

## **20.E. Conferral of powers on the Working Body**

The Working Body may exercise a power conferred on the Working Body by a [carbon removal contract](#).

## Division 3—Carbon removal purchasing processes

### 20.F. Carbon removal purchasing process

For the purposes of this Carbon Farming Standard, a [carbon removal purchasing](#) process means any of the following processes:

- (a) a reverse auction;
- (b) a tender process;
- (c) any other process;

for the purchase by the BidCarbon Climate Trading Company of [eligible carbon credit units](#). (It is immaterial whether the units are in existence when the process is conducted.)

### 20.G. Conduct of carbon removal purchasing processes

- (1) The Working Body may, on behalf of the BidCarbon Climate Trading Company, conduct one or more [carbon removal purchasing](#) processes.
- (2) In exercising the entitlement conferred by subsection (1), the Working Body must have regard to:
  - (a) the [rules](#) set out in subsection (3); and
  - (b) such other matters (if any) as are specified in the [rules](#).
- (2)(a) Without limiting paragraph (2)(b), the [rules](#) may provide that the Working Body must exclude from one or more [carbon removal purchasing](#) processes [carbon abatement](#) that results, or is to result, from the carrying out of an offsets project of a specified kind.  
[rules](#) for conduct of [carbon removal purchasing](#) processes
- (3) The [rules](#) for conducting a [carbon removal purchasing](#) process are that the process should:
  - (a) facilitate the BidCarbon Climate Trading Company purchasing [carbon abatement](#) at the least cost; and
  - (b) maximise the amount of [carbon abatement](#) that the BidCarbon Climate Trading Company can purchase; and
  - (c) be conducted in a manner that ensures that administrative costs are reasonable; and
  - (d) be conducted in a manner that ensures the integrity of the process; and
  - (e) encourage competition; and
  - (f) provide for fair and ethical treatment of all participants in the process.
- (4) To avoid doubt, the mere fact that a [person](#) is a project proponent for an [eligible offsets project](#) does not automatically entitle the [person](#) to participate in a [carbon removal purchasing](#) process.

## Division 4—Miscellaneous

### 20.H. Rules may provide for certain matters relating to purchased eligible carbon credit units etc.

- (1) The [rules](#) may make provision for and in relation to any or all of the following matters in respect of [eligible carbon credit units](#) purchased by the BidCarbon Climate Trading Company under [carbon removal contracts](#):
  - (a) transferring purchased units to or from a specified [BidCarbon Registry account](#);
  - (b) selling units held in such an account;
  - (c) prohibiting or restricting the transfer of units from such an account;
  - (d) cancelling units for which there are entries in such an account.

**Note** For designation of [BidCarbon Registry accounts](#), see section 12 of the [Registry Standard](#).

#### *Restoration of units that were transferred by mistake*

- (2) If:
  - (a) one or more [eligible carbon credit units](#) were transferred from a [Registry account](#) kept by a [person](#) to a [BidCarbon Registry account](#) specified in [rules](#) made for the purposes of paragraph (1)(a); and
  - (b) the units have been cancelled; and
  - (c) the Working Body is satisfied that the units were transferred by mistake;then:
  - (d) the Working Body must, by written notice given to the [person](#), determine that the units that were transferred are *restored units* for the purposes of this section; and
  - (e) a restored unit is taken never to have been cancelled; and
  - (f) the Working Body must make an entry for a restored unit in a [Registry account](#) kept by the [person](#).
- (3) Subsection (2) does not affect the validity of the removal of the entry of a restored unit from the [BidCarbon Registry account](#).
- (4) A determination made under paragraph (2)(d) is not a [written resolutions](#).

### 20.I. Certain instruments relating to BidCarbon Climate Trading Company procurement are not applicable

An instrument made under the Procurement Policy does not apply in relation to the functions and powers of the Working Body under section [20.B](#) or [20.G](#) of this Carbon Farming Standard.

**Note** the Procurement Policy provides for the making of instruments relating to procurement.

### 20.J. Carbon removal contracts are not instruments made under this Carbon Farming Standard

To avoid doubt, a [carbon removal contract](#) is taken not to be an instrument made under this Carbon Farming Standard.

# Part 3—Eligible offsets projects

## Division 1—Introduction

### 21. Simplified outline

The following is a simplified outline of this Part:

- The Working Body may declare an [offsets project](#) to be an [eligible offsets project](#).
- The Working Body may vary or revoke a declaration of an [eligible offsets project](#).

## Division 2—Declaration of eligible offsets project

### 22. Application for declaration of eligible offsets project

A [person](#) may apply to the Working Body for the declaration of an [offsets project](#) as an [eligible offsets project](#).

**Note** The Working Body has a function of providing advice and assistance in relation to the making of applications: see [section 298](#).

### 23. Form of application

- (1) An application must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) be accompanied by such information as is specified in the [rules](#); and
  - (d) if the [project](#) is of a kind specified in the [rules](#)—be accompanied by a [prescribed audit report](#) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (e) if an [indigenous land use agreement](#) is relevant to the Working Body's decision on the application—be accompanied by a copy of the agreement; and
  - (f) if the [project](#) is a [sequestration offsets project](#)—include either:
    - (i) a request that the [project](#) be treated as a [100-year permanence period project](#); or
    - (ii) a request that the [project](#) be treated as a [25-year permanence period project](#); and
  - (f)(a) if:
    - (i) the [project](#) is an [area-based offsets project](#); and
    - (ii) the [project area](#), or any of the [project areas](#), for the [project](#) is covered by a [regional natural resource management plan](#);  
be accompanied by a statement about whether the [project](#) is consistent with the plan; and
  - (g) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (h) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (2) The [approved form](#) of application may provide for verification by [statutory declaration](#) of statements in applications.
- (3) A fee specified under paragraph (1)(h) must be inclusive of [VAT](#).

### 24. Further information

- (1) The Working Body may, by written notice given to an applicant, require the applicant to give the Working Body, within the period specified in the notice, further information in connection with the application.
- (2) If the applicant breaches the requirement, the Working Body may, by written notice given to the applicant:
  - (a) refuse to consider the application; or
  - (b) refuse to take any action, or any further action, in relation to the application.

### 25. Withdrawal of application

- (1) An applicant may withdraw the application at any time before the Working Body makes a decision on the application.

- (2) This Carbon Farming Standard does not prevent the applicant from making a fresh application.
- (3) If:
  - (a) the applicant withdraws the application; and
  - (b) the applicant has paid a fee in relation to the application;the application fee shall be refunded by the Working Body.

## 26. Application may be split

### *Scope*

- (1) This section applies if:
  - (a) an application under [section 22](#) has been made, or purportedly made, for a declaration of an [offsets project](#) as an [eligible offsets project](#); and
  - (b) the Working Body is satisfied that the application relates to 2 or more [offsets projects](#).

### *Application may be split*

- (2) The Working Body may, by written notice given to the applicant, determine that this Carbon Farming Standard has effect as if the applicant had made a separate application under [section 22](#) in relation to each of the [offsets projects](#) referred to in paragraph (1)(b) of this section.

## 27. Declaration of eligible offsets project

### *Scope*

- (1) This section applies if an application under [section 22](#) has been made for a declaration of an [offsets project](#) as an [eligible offsets project](#).

### *Declaration*

- (2) After considering the application, the Working Body may, by writing, declare that the [offsets project](#) is an [eligible offsets project](#) for the purposes of this Carbon Farming Standard.
- (3) A declaration under subsection (2) must:
  - (a) identify the name of the [project](#); and
  - (b) if the [project](#) is an [area-based offsets project](#)—identify, in accordance with the [rules](#), the [project area](#) or [project areas](#); and
  - (c) identify the [project proponent](#) for the [project](#); and
    - identify the [applicable methodology](#) for the [project](#); and
    - identify the [crediting period](#) or periods for the [project](#); and
  - (d) identify such attributes of the [project](#) as are specified in the [rules](#); and
  - (e) if:
    - (i) the [project](#) is a [sequestration offsets project](#); and
    - (ii) the application included a request that the [project](#) be treated as a [100-year permanence period project](#);declare that the [project](#) is a [100-year permanence period project](#); and
  - (f) if:
    - (i) the [project](#) is a [sequestration offsets project](#); and
    - (ii) the application included a request that the [project](#) be treated as a [25-year permanence period project](#);declare that the [project](#) is a [25-year permanence period project](#).

### *Criteria for declaration*

- (4) The Working Body must not declare that the [offsets project](#) is an [eligible offsets project](#) unless the Working Body is satisfied that:

- (a) the [project](#) is, or is to be, carried on in [eligible countries](#); and
- (b) the [project](#) is covered by a [methodology](#); and
- (c) the [project](#) meets such requirements as are set out in the [methodology](#) in accordance with [paragraph 90.\(1\)\(b\)](#); and
- (d) the [project](#) meets the additionality requirements set out in subsection (4)(A) of this section; and
- (e) the applicant is the [project proponent](#) for the [project](#); and
- (f) the applicant passes the [fit and proper person test](#); and
- (g) if the [project](#) is a [sequestration offsets project](#)—the [project area](#), or each [project area](#), meets the requirements set out in subsection (5) of this section; and
- (h) the [project](#) meets the eligibility requirements (if any) specified in the [rules](#); and
- (i) the [project](#) is not an [excluded offsets project](#).

**Note 1:** [Methodology](#) are made under [section 90](#).

**Note 2:** For the [fit and proper person test](#), see [section 57](#).

**Note 3:** For [excluded offsets project](#), see [section 54](#).

(4)(A) The additionality requirements mentioned in paragraph (4)(d) are:

- (a) either:
  - (i) the requirement (the *newness requirement*) that the [project](#) has not begun to be implemented; or
  - (ii) if the [methodology](#) that covers the [project](#) specifies, for the purposes of this subparagraph, one or more requirements that are expressed to be in lieu of the newness requirement—those requirements; and
- (b) either:
  - (i) the requirement (the *regulatory additionality requirement*) that the [project](#) is not required to be carried out by or under a law of the Country, a State (or similar division), or a Territory; or
  - (ii) if the [methodology](#) that covers the [project](#) specifies, for the purposes of this subparagraph, one or more requirements that are expressed to be in lieu of the regulatory additionality requirement—those requirements; and
- (c) either:
  - (i) the requirement (the *government program requirement*) that the [project](#) would be unlikely to be carried out under another Country, a State (or similar division) or Territory government program or scheme in the absence of a declaration of the [project](#) as an [eligible offsets project](#); or
  - (ii) if the [rules](#) specify, for the purposes of this subparagraph, one or more requirements that are expressed to be in lieu of the government program requirement—those requirements.

(4)(B) For the purposes of subparagraph (4)(A)(a)(i), in determining whether the [project](#) has begun to be implemented, disregard any of the following activities that have been, or are being, undertaken in relation to the [project](#):

- (a) conducting a feasibility study for the [project](#);
- (b) planning or designing the [project](#);
- (c) obtaining [regulatory approvals](#) for the [project](#);
- (d) obtaining consents relating to the [project](#);
- (e) obtaining advice relating to the [project](#);
- (f) conducting negotiations relating to the [project](#);
- (g) sampling to establish a baseline for the [project](#);
- (h) an activity specified in the [rules](#);
- (i) an activity that is ancillary or incidental to any of the above activities.

- (4)(C) For the purposes of subparagraph (4)(A)(a)(i), the following are examples of when a project has begun to be implemented:
- (a) making a final investment decision in relation to the [project](#);
  - (b) acquiring or leasing a tangible asset (other than land) that is for use wholly or mainly for the purposes of the [project](#);
  - (c) commencing construction work for the purposes of the [project](#);
  - (d) in the case of a [sequestration offsets project](#)—preparing soil for seeding or planting that is for the purposes of the [project](#);
  - (e) in the case of a [sequestration offsets project](#)—seeding, planting or fertilising plants that are for the purposes of the [project](#);
  - (f) in the case of a [sequestration offsets project](#)—installing an irrigation or drainage system for the purposes of the [project](#).
- (4)(D) For the purposes of paragraph (4)(C)(a), **final investment decision** has the meaning generally accepted within the corporate finance community.
- (4)(E) For the purposes of paragraph (4)(C)(b), disregard an asset that is a minor asset.
- (5) The requirements mentioned in paragraph (4)(g) are:
- (a) the [project area](#) is [Torrens title \(comparable system\) land](#) or [Crown land](#); and
  - (b) the [project area](#) is not specified in the [rules](#).
- (6) The Working Body must not make a declaration under subsection (2) if:
- (a) the [project](#) is an [area-based offsets project](#); and
  - (b) the [project area](#) is, or any of the [project areas](#) are, to any extent subject to a [carbon maintenance obligation](#).
- (7) The Working Body must not make a declaration under subsection (2) in relation to a project (the **new project**) if:
- (a) a notice was given under section [76](#), [77](#), [78](#) or [79](#) in relation to a project (the **prior project**) that is or was:
    - (i) an [eligible offsets project](#); and
    - (ii) a [sequestration offsets project](#); and
  - (a)(a) the new project is an [area-based offsets project](#); and
  - (b) the [project area](#), or any of the [project areas](#), for the new project was or were identified in the relevant [section 27](#) declaration as the [project area](#) or [project areas](#) for the prior project; and
  - (c) the notice required a person to [relinquish](#) a particular number of [BidCarbon Removal Units](#); and
  - (d) the [person](#) did not comply with the requirement within 90 days after the notice was given; and
  - (e) the liquidated damages payable under [section 145](#) in respect of the violation with the requirement (including any late payment liquidated damages payable under [section 146](#) in relation to the [Section 145](#) damages) has not been paid in full.

**Timing**

- (8) The Working Body must take all reasonable steps to ensure that a decision is made on the application:
- (a) if the Working Body requires the applicant to give further information under [subsection 24.\(1\)](#) in relation to the application—within 90 days after the applicant gave the Working Body the information; or
  - (b) otherwise—within 90 days after the application was made.

**When a declaration takes effect**

- (9) A declaration under subsection (2) takes effect when it is made.

**Notification of declaration**

- (10) As soon as practicable after making a declaration under subsection (2), the Working Body must give a copy of the declaration to:
- (a) the applicant; and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

***Refusal***

- (11) If the Working Body decides to refuse to declare the [offsets project](#) as an [eligible offsets project](#), the Working Body must give written notice of the decision to the applicant.

***Declaration is not written resolutions***

- (12) A declaration made under subsection (2) is not a [written resolutions](#).

## **27.A.Suspension of processing of applications for declarations of eligible offsets projects**

***Order***

- (1) The [Technical Advisory Committee](#) may, by [written resolutions](#), order that, if:
- (a) an application is made under [section 22](#) during a specified period; and
  - (b) the application relates to an [offsets project](#) that is covered by a specified [methodology](#);
- the Working Body must not:
- (c) consider the application during that period; or
  - (d) make a decision on the application during that period.
- (2) A period specified in an order under subsection (1):
- (a) must start at the commencement of the order; and
  - (b) must not be longer than 12 months.
- (3) The [Technical Advisory Committee](#) must not make an order under subsection (1) that relates to a [methodology](#) unless the Committee is satisfied that there is reasonable evidence that the [methodology](#) does not comply with one or more of the [offsets integrity standards](#).
- (4) Before making an order under subsection (1), the [Board of Trustees](#) must inform the [Chairman of the Board of Trustees](#)' proposal to make the order.

***Compliance with order***

- (5) The Working Body must comply with an order under subsection (1).
- Timing of decision on application
- (6) If an application made under [section 22](#) is or was covered by an order under subsection (1) of this section, sub [subsection 27.\(8\)](#) does not apply to the application.

Note: [Subsection 27.\(8\)](#) deals with the timing of decisions on applications.

## **28. Declaration may be subject to condition about obtaining regulatory approvals**

***Scope***

- (1) This section applies if:
- (a) an application under [section 22](#) has been made for a declaration of an [offsets project](#) as an [eligible offsets project](#); and
  - (b) the Working Body makes a declaration under [section 27](#) in relation to the [project](#); and
  - (c) the Working Body is not satisfied that all [regulatory approvals](#) have been obtained for the [project](#).

***Condition***

- (2) The Working Body must specify in the declaration that the declaration is subject to the condition that all [regulatory approvals](#) must be obtained for the [project](#) before the end of the first [reporting period](#) for the [project](#).

## **28.A. Declaration may be subject to condition about obtaining consents from eligible interest holders**

### ***Scope***

- (1) This section applies if:
  - (a) an application under [section 22](#) has been made for a declaration of an [offsets project](#) as an [eligible offsets project](#); and
  - (b) the Working Body makes a declaration under [section 27](#) in relation to the [project](#); and
  - (c) the Working Body is satisfied that there are one or more persons (the relevant interest-holders) who:
    - (i) hold an [eligible interest](#) in the [project area](#), or any of the [project areas](#), for the [project](#); and
    - (ii) have not consented, in writing, to the making of the application.

### ***Condition***

- (2) The Working Body must specify in the declaration that the declaration is subject to the condition that the written consent of each relevant interest-holder to the existence of the declaration must be obtained before the end of the first [reporting period](#) for the [project](#).

### ***Consents***

- (3) A consent mentioned in subparagraph (1)(c)(ii) or subsection (2) must be in a form approved, in writing, by the Working Body.
- (4) A consent mentioned in subparagraph (1)(c)(ii) or subsection (2) may be set out in a [project and contract register](#).
- (5) Subsection (3) does not apply to a consent mentioned in subparagraph (1)(c)(ii) or subsection (2) if the consent is set out in a [project and contract register](#).

### ***Project and contract register***

- (6) If:
  - (a) the declaration is in force; and
  - (b) a consent mentioned in subparagraph (1)(c)(ii) or subsection (2) of this section was set out in a [project and contract register](#);the agreement must remain on the [project and contract register](#) without exception. It may only be removed with the written consent of the Working Body.

## Division 3—Variation of declaration of eligible offsets project

### 29. Voluntary variation of declaration of eligible offsets project in relation to the project area or project areas

#### *Rules*

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to vary a declaration under [section 27](#) in relation to an [area-based offsets project](#) so far as the declaration identifies the [project area](#) or [project areas](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to vary a declaration unless the [project proponent](#) for the [project](#) applies to the Working Body for the variation of the declaration.
- (3) Rules made for the purposes of subsection (1) may make provision for or in relation to any or all of the following matters:
  - (a) applications for variations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application;
  - (c) information that must accompany such an application;
  - (d) documents that must accompany such an application;
  - (e) verification by [statutory declaration](#) of statements in such an application;
  - (f) consents that must be obtained for the making of such an application;
  - (g) authorising a person to issue a certification in relation to such an application;
  - (h) the fee that must accompany such an application;
  - (i) the withdrawal of such an application;
  - (j) empowering the Working Body:
    - (i) to require an applicant to give the Working Body further information in connection with such an application; and
    - (ii) if the applicant breaches the requirement—to refuse to consider the application, or to refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) does not limit subsection (1).
- (5) A fee specified under paragraph (3)(h) must be inclusive of [VAT](#).
- (6) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is varied in accordance with those rules, as the case may be, the Working Body must give a copy of the variation to:
  - (a) the applicant for the variation; and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).
- (7) Rules made for the purposes of subsection (1) must provide that, if the Working Body decides to refuse to vary a declaration of an [eligible offsets project](#) in accordance with an application for variation under those rules, as the case may be, the Working Body must give written notice of the decision to the applicant for the variation.

#### *Project and contract register*

- (8) If:
  - (a) a declaration of an [eligible offsets project](#) is varied in accordance with [rules](#) made for the purposes of subsection (1); and
  - (b) a consent to the making of the application for the variation was set out in a [project and contract register](#);

The agreement must remain on the [project and contract register](#) without exception. It may only be removed with the written consent of the Working Body.

*References to eligible offsets project*

- (9) If a declaration of an [eligible offsets project](#) is varied in accordance with rules made for the purposes of subsection (1), a reference in this Carbon Farming Standard, the [rules](#) to the [eligible offsets project](#) is a reference to the [eligible offsets project](#) as varied.

### 30. Voluntary variation of declaration of eligible offsets project in relation to the project proponent

*Rules*

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to vary a declaration under [section 27](#) in relation to an [offsets project](#) so far as the declaration identifies the [project proponent](#) for the [project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to vary a declaration unless the [project proponent](#) for the [project](#) applies to the Working Body for the variation of the declaration.
- (3) Rules made for the purposes of subsection (1) may make provision for or in relation to any or all of the following matters:
- (a) applications for variations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application;
  - (c) information that must accompany such an application;
  - (d) documents that must accompany such an application;
  - (e) verification by [statutory declaration](#) of statements in such an application;
  - (f) the fee that must accompany such an application;
  - (g) the withdrawal of such an application;
  - (h) empowering the Working Body:
    - (i) to require an applicant to give the Working Body further information in connection with such an application; and
    - (ii) if the applicant breaches the requirement—to refuse to consider the application, or to refuse to take any action, or any further action, in relation to the application;
  - (i) empowering the Working Body to require the applicant to give security to the BidCarbon Foundation in relation to the fulfilment by the applicant of any requirements to [relinquish BidCarbon Removal Units](#) that may be imposed on the applicant under this Part in relation to the [project](#).
- (4) Subsection (3) does not limit subsection (1).
- (5) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is varied in accordance with those requirements or rules, as the case may be, the Working Body must give a copy of the variation to:
- (a) the applicant for the variation; and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).
- (6) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is varied in accordance with those rules, as the case may be, the variation takes effect:
- (a) when it is made; or
  - (b) if:
    - (i) the Working Body makes a written determination specifying an earlier day; and

- (ii) the applicant for the variation has consented to the determination of the earlier day;  
on the day so determined.
- (7) A determination made under subparagraph (6)(b)(i) is not a [written resolutions](#).
- (8) Rules made for the purposes of subsection (1) must provide that, if the Working Body decides to refuse to vary a declaration of an [eligible offsets project](#) in accordance with an application for variation under those rules, as the case may be, the Working Body must give written notice of the decision to the applicant for the variation.

***References to eligible offsets project***

- (9) If a declaration of an [eligible offsets project](#) is varied in accordance with rules made for the purposes of subsection (1), a reference in this Carbon Farming Standard, the [rules](#) to the [eligible offsets project](#) is a reference to the [eligible offsets project](#) as varied.

## **31. Voluntary variation of conditional declaration of eligible offsets project—condition of declaration has been met**

***Scope***

- (1) This section applies to a declaration under [section 27](#) in relation to an [offsets project](#) if the declaration is subject to a condition mentioned in subsection [28\(2\)](#) or [28.A\(2\)](#).

***Rules***

- (2) The [rules](#) may make provision for and in relation to empowering the Working Body to vary such a declaration by removing such a condition.
- (3) Rules made for the purposes of subsection (2) must not empower the Working Body to vary a declaration unless:
  - (a) the [project proponent](#) for the [project](#) applies to the Working Body for the variation of the declaration; and
  - (b) the Working Body is satisfied that the condition has been met.
- (4) Rules made for the purposes of subsection (2) may make provision for or in relation to any or all of the following matters:
  - (a) applications for variations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application;
  - (c) information that must accompany such an application;
  - (d) documents that must accompany such an application;
  - (e) verification by [statutory declaration](#) of statements in such an application;
  - (f) the fee that must accompany such an application;
  - (g) the withdrawal of such an application;
  - (h) empowering the Working Body:
    - (i) to require an applicant to give the Working Body further information in connection with such an application; and
    - (ii) if the applicant breaches the requirement—to refuse to consider the application, or to refuse to take any action, or any further action, in relation to the application.
- (5) Subsection (4) does not limit subsection (2).
- (6) A fee specified under paragraph (4)(f) must be inclusive of [VAT](#).
- (7) Rules made for the purposes of subsection (2) must provide that, if a declaration of an [eligible offsets project](#) is varied in accordance with those rules, as the case may be, the Working Body must give a copy of the variation to:
  - (a) the applicant for the variation; and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

- (8) Rules made for the purposes of subsection (2) must provide that, if the Working Body decides to refuse to vary a declaration of an [eligible offsets project](#) in accordance with an application for variation under those [rules](#), as the case may be, the Working Body must give written notice of the decision to the applicant for the variation.

*References to eligible offsets project*

- (9) If a declaration of an [eligible offsets project](#) is varied in accordance with rules made for the purposes of subsection (2), a reference in this Carbon Farming Standard, the [rules](#) to the [eligible offsets project](#) is a reference to the [eligible offsets project](#) as varied.

### **31.A.No variation of declaration of eligible offsets project as a 100-year or 25-year permanence period project**

*Scope*

- (1) This section applies to a declaration under [section 27](#) in relation to an [offsets project](#) if the declaration:
- (a) declares that the [project](#) is a [100-year permanence period project](#); or
  - (b) declares that the [project](#) is a [25-year permanence period project](#).

*Working Body must not vary permanence period*

- (2) The Working Body must not:
- (a) if paragraph (1)(a) applies—vary the declaration to declare that the [project](#) is a [25-year permanence period project](#); or
  - (b) if paragraph (1)(b) applies—vary the declaration to declare that the [project](#) is a [100-year permanence period project](#).

## Division 4—Revocation of declaration of eligible offsets project

### Subdivision A—Voluntary revocation of declaration of eligible offsets project

#### 32. Voluntary revocation of declaration of eligible offsets project—units issued

##### *Rules*

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) one or more [BidCarbon Removal Units](#) have been issued in relation to the [project](#) in accordance with [Part 2](#); and
  - (b) the [project proponent](#) for the project applies to the Working Body for the revocation of the declaration; and
  - (c) if the [project](#) is a [sequestration offsets project](#):
    - (i) before the application was made, the applicant voluntarily relinquished a number of [BidCarbon Removal Units](#) in order to satisfy a condition for the revocation of the declaration; and
    - (ii) the number of relinquished units equals the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#).
- (3) Rules made for the purposes of subsection (1) may make provision for or in relation to either or both of the following matters:
  - (a) applications for revocations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application.
- (4) Subsection (3) does not limit subsection (1).
- (5) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the applicant for the revocation; and
  - (b) if the declaration relates to a [sequestration offsets project](#) — the [eligible interest registrars](#).

#### 33. Voluntary revocation of declaration of eligible offsets project—no units issued

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) no [BidCarbon Removal Units](#) have been issued in relation to the [project](#) in accordance with [Part 2](#); and
  - (b) the [project proponent](#) for the [project](#) applies to the Working Body for the revocation of the declaration.

- (3) Rules made for the purposes of subsection (1) may make provision for or in relation to either or both of the following matters:
  - (a) applications for revocations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application.
- (4) Subsection (3) does not limit subsection (1).
- (5) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the applicant for the revocation; and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

## Subdivision B—Unilateral revocation of declaration of eligible offsets project

### 34. Unilateral revocation of declaration of eligible offsets project—condition of declaration has not been met

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) the declaration is subject to a condition mentioned in subsection [28.\(2\)](#) or [28.A.\(2\)](#); and
  - (b) the Working Body is satisfied that the condition has not been met.
- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [project proponent](#) for the [project](#) before deciding to revoke a declaration.
- (4) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the [project proponent](#); and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

### 35. Unilateral revocation of declaration of eligible offsets project—eligibility requirements not met etc.

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless the Working Body is satisfied that the [project](#) does not meet a requirement that is:
  - (a) set out in [subsection 27.\(4\)](#); and
  - (b) specified in rules made for the purposes of this paragraph.
- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [project proponent](#) for the [project](#) before deciding to revoke a declaration.
- (4) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:

- (a) the [project proponent](#); and
- (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

### 36. Unilateral revocation of declaration of eligible offsets project— project proponent ceases to pass the fit and proper person test

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) the [project proponent](#) for the [project](#) ceases to pass the [fit and proper person test](#); and
  - (b) 90 days pass after the cessation, and the [person](#) who, at the end of that 90-day period, is the [project proponent](#) for the [project](#) does not pass the [fit and proper person test](#).

Note For the *fit and proper person test*, see [section 57](#).

- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [project proponent](#) for the [project](#) before deciding to revoke a declaration.
- (4) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the [project proponent](#); and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

### 37. Unilateral revocation of declaration of eligible offsets project— person responsible for carrying out project ceases to be the project proponent

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) the [person](#) who is responsible for carrying out the [project](#) ceases to be the [project proponent](#) for the [project](#); and
  - (b) 90 days pass after the cessation, and the [person](#) who, at the end of that 90-day period, is responsible for carrying out the [project](#) is not:
    - (i) the [project proponent](#) for the [project](#); and
    - (ii) a person who passes the [fit and proper person test](#).

Note For the *fit and proper person test*, see [section 57](#).

- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [project proponent](#) for the [project](#) before deciding to revoke a declaration.
- (4) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the [person](#) who is responsible for carrying out the [project](#); and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

### 38. Unilateral revocation of declaration of eligible offsets project—false or misleading information

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) information was given by a person to the Working Body in connection with the [project](#); and
  - (b) the information was:
    - (i) contained in an application under this Carbon Farming Standard, the [rules](#); or
    - (ii) given in connection with an application under this Carbon Farming Standard, the [rules](#); or
    - (iii) contained in an [offsets report](#); or
    - (iv) contained in a notification under [Part 6](#); and
  - (c) the information was false or misleading in a material particular.
- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [project proponent](#) for the [project](#) before deciding to revoke a declaration.
- (4) Rules made for the purposes of subsection (1) must provide that, if a declaration of an [eligible offsets project](#) is revoked in accordance with those rules, as the case may be, the Working Body must give a copy of the revocation to:
  - (a) the [project proponent](#); and
  - (b) if the declaration relates to a [sequestration offsets project](#)— the [eligible interest registrars](#).

## Division 5—Entries in title registers

### 39. Entries in title registers—general

#### *Scope*

- (1) This section applies to an [eligible offsets project](#).

#### *Entries*

- (2) The [eligible interest registrars](#) may make such entries or notations in or on registers or other documents kept by the supervisor (in electronic form or otherwise) as the supervisor thinks appropriate for the purposes of drawing the attention of persons to:
  - (a) the existence of the [eligible offsets project](#); and
  - (b) the fact that requirements may arise under this Carbon Farming Standard in relation to the [project](#); and
  - (c) such other matters (if any) relating to this Carbon Farming Standard as the supervisor considers appropriate.

### 40. Entries in title registers—land subject to carbon maintenance obligation

#### *Scope*

- (1) This section applies to one or more areas of land if those areas of land are subject to a [carbon maintenance obligation](#).

#### *Entries*

- (2) The [eligible interest registrars](#) may make such entries or notations in or on registers or other documents kept by the supervisor (in electronic form or otherwise) as the supervisor thinks appropriate for the purposes of drawing the attention of persons to the obligation.

## Division 7—Net total number of BidCarbon Removal Units issued in relation to an eligible offsets project

### 41. Net total number of BidCarbon Removal Units issued in relation to an eligible offsets project

For the purposes of this Carbon Farming Standard, the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to an [eligible offsets project](#) in accordance with [Part 2](#) is the number worked out using the following formula:

$$\begin{array}{r} \text{Total number of BidCarbon Removal Units} \\ \text{issued in relation to the project in} \\ \text{accordance with Part 2} \end{array} \quad - \quad \begin{array}{r} \text{Total number of BidCarbon Removal Units} \\ \text{relinquished in order to comply with a} \\ \text{requirement under Part 7 in relation to the} \\ \text{project} \end{array}$$



## Division 8—Eligible interest in an area of land

### 42. Eligible interest in an area of land—applicable carbon sequestration right

#### *Eligible interest*

- (1) For the purposes of this Carbon Farming Standard, if a person holds the [applicable carbon sequestration right](#) in relation to a [project area](#) of a [sequestration offsets project](#), the [applicable carbon sequestration right](#) is an *eligible interest* held by the [person](#) in the [project area](#).

#### *Torrens title (comparable system) land*

- (2) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
- an area of land is a [project area](#) for the [project](#); and
  - the area of land is [Torrens title \(comparable system\) land](#); and
  - a person holds a legal estate or interest in the area of land; and
  - the estate or interest is registered under a Torrens title (comparable system) of registration; and
  - as a result of holding the estate or interest, the [person](#) has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land;

the estate or interest is the *applicable carbon sequestration right* held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

- (3) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
- an area of land is a [project area](#) for the [project](#); and
  - the area of land is [Torrens title \(comparable system\) land](#); and
  - a person has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land; and
  - the right is registered under a Torrens title (comparable system) of registration; and
  - under a law of a the Country, a State (or similar division) or Territory, the right is, or is taken to be, an estate or interest in land;

the exclusive right is the *applicable carbon sequestration right* held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

- (4) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
- an area of land is a [project area](#) for the [project](#); and
  - the area of land is [Torrens title \(comparable system\) land](#); and
  - a person has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land; and
  - either:
    - the right is registered under a Torrens title (comparable system) of registration; or

- (ii) the area of land is [Torrens title \(comparable system\) land](#), and the right is noted on the relevant certification of title; and
- (e) under a law of a the Country, a State (or similar division) or Territory, the right runs with the relevant land;

the exclusive right is the **applicable carbon sequestration right** held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

*Crown land that is not Torrens title (comparable system) land*

- (5) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
  - (a) an area of land is a [project area](#) for the [project](#); and
  - (b) the area of land is [Crown land](#) in a the Country, a State (or similar division) or Territory; and
  - (c) the area of land is not [Torrens title \(comparable system\) land](#); and
  - (d) a person (other than the Country, the State, the Territory or a [statutory authority](#) of the Country, the State or the Territory) holds a legal estate or interest in the area of land; and
  - (e) as a result of holding the estate or interest, the [person](#) has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land;

the estate or interest is the **applicable carbon sequestration right** held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

- (6) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
  - (a) an area of land is a [project area](#) for the [project](#); and
  - (b) the area of land is [Crown land](#) in a the Country, a State (or similar division) or Territory; and
  - (c) the area of land is not [Torrens title \(comparable system\) land](#); and
  - (d) a person (other than the Country, the State (or similar division), the Territory or a [statutory authority](#) of the Country, the State (or similar division) or the Territory) has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land; and
  - (e) under a law of the Country, a State (or similar division) or Territory, the right is, or is taken to be, an estate or interest in land;

the exclusive right is the **applicable carbon sequestration right** held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

- (7) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:
  - (a) an area of land is a [project area](#) for the [project](#); and
  - (b) the area of land is [Crown land](#) in a the Country, a State (or similar division) or Territory; and
  - (c) the area of land is not [Torrens title \(comparable system\) land](#); and
  - (d) a person (other than the Country, the State (or similar division), the Territory or a [statutory authority](#) of the Country, the State (or similar division) or the Territory) has

the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land; and

(e) under a law of the Country, a State (or similar division) or Territory, the right runs with the relevant land; and

(f) it is not the case that under a law of the Country, a State (or similar division) or Territory, the right is, or is taken to be, an estate or interest in land;

the exclusive right is the ***applicable carbon sequestration right*** held by the [person](#) in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

(8) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:

- (a) an area of land is a [project area](#) for the [project](#); and
- (b) the area of land is [Crown land](#); and
- (c) the area of land is not [Torrens title \(comparable system\) land](#); and
- (d) as a result of the area being [Crown land](#).

has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon dioxide by trees on the area of land;

the exclusive right is the ***applicable carbon sequestration right*** held in relation to the [project area](#).

Note See subsections (10) and (11), which deal with certain [aboriginal title land](#).

(9) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:

- (a) an area of land is a [project area](#) for the [project](#); and
- (b) the area of land is [Crown land](#) in a the Country, a State (or similar division) or Territory; and
- (c) the area of land is not [Torrens title \(comparable system\) land](#); and
- (d) as a result of the area of land being [Crown land](#).

has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in the [relevant carbon pool](#) on the area of land;

the exclusive right is the ***applicable carbon sequestration right*** held by the State, Territory or [statutory authority](#), as the case may be, in relation to the [project area](#).

Note: See subsections (10) and (11), which deal with certain [aboriginal title land](#).

***Aboriginal title land***

(10) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:

- (a) an area of land is a [project area](#) for the [project](#); and
- (b) the area of land is [aboriginal title land](#); and
- (c) there is a [registered aboriginal corporation](#) for the area of land; and
- (d) as a result of holding the [aboriginal title](#), the [aboriginal title](#) holder has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon dioxide in the [relevant carbon pool](#) on the area of land;

then:

- (e) subsections (2), (3), (4), (5), (6), (7), (8) and (9) do not apply in relation to the area of land; and
- (f) the [aboriginal title](#) is the ***applicable carbon sequestration right*** held by the [aboriginal title](#) holder in relation to the [project area](#).

(11) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:

- (a) an area of land is a [project area](#) for the [project](#); and
- (b) the area of land is [aboriginal title land](#); and
- (c) as a result of holding the [aboriginal title](#), the [aboriginal title](#) holder has the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon dioxide in the [relevant carbon pool](#) on the area of land; and
- (d) the exclusive right can be exercised by another person under a [project and contract register](#) that is:
  - (i) with the [registered aboriginal corporation](#) in relation to the area of land; and
  - (ii) other kinds of [indigenous land use agreements](#).

then:

- (e) subsections (2), (3), (4), (5), (6), (7), (8) and (9) do not apply in relation to the area of land; and
- (f) the exclusive right is the *applicable carbon sequestration right* held by the other person in relation to the [project area](#).

**Rules**

(12) For the purposes of the application of this Carbon Farming Standard to a [sequestration offsets project](#), if:

- (a) an area of land is a [project area](#) for the [project](#); and
- (b) a person has:
  - (i) a [prescribed](#) right in relation to the area of land; or
  - (ii) a [prescribed](#) estate in the area of land; or
  - (iii) a [prescribed](#) interest in the area of land;

the prescribed right, prescribed estate or prescribed interest, as the case may be, is the *applicable carbon sequestration right* held by the [person](#) in relation to the [project area](#).

## 43. Eligible interest in an area of land—Torrens title (comparable system) land

**Scope**

(1) This section applies to an area of land if the area is [Torrens title \(comparable system\) land](#).

**Eligible interest**

(2) For the purposes of this Carbon Farming Standard, if:

- (a) a person holds an estate in fee simple, or any other legal estate or interest, in the whole or a part of the area of land; and
- (b) the estate or interest is registered under a Torrens title (comparable system) of registration;

the estate or interest is an *eligible interest* held by the [person](#) in the area of land.

(3) For the purposes of this Carbon Farming Standard, if:

- (a) under subsection (2), a person holds an [eligible interest](#) in the area of land; and
- (b) another person:
  - (i) is a mortgagee of the [eligible interest](#), where the mortgage is registered under a Torrens title (comparable system) of registration; or
  - (ii) a chargee of the [eligible interest](#), where the charge is registered under a Torrens title (comparable system) of registration;

the mortgage or charge is an *eligible interest* held by the other person in the area of land.

(4) For the purposes of this Carbon Farming Standard, if the area of land is [Crown land](#), the legal representative of the Crown of the Country, State (or similar division) or Territory has an *eligible interest* in the area of land.

- (5) The requirements may provide that, for the purposes of this Carbon Farming Standard, a person specified in, or ascertained in accordance with, the requirements holds an *eligible interest* in the area of land.
- (5)(A) The **rules** may provide that, for the purposes of this Carbon Farming Standard, a person specified in, or ascertained in accordance with, the **rules** holds an *eligible interest* in the area of land.
- (6) For the purposes of this Carbon Farming Standard, if:
  - (a) the area of land is **land rights land**; and
  - (b) any of the following subparagraphs applies to the area of land:
    - (i) a **lease** is in force over the land, and the grant of the **lease** was made in accordance with the laws of the Country, a State (or similar division) or Territory that make provision for the grant of such things only to, or for the benefit of, **indigenous peoples**;
    - (ii) subparagraph (i) does not apply, and the land is held by the Country, a State (or similar division), or a Territory;
    - (iii) subparagraph (i) does not apply, and the land is held by a **statutory authority** of the Country, a State (or similar division), or a Territory;
 then:
  - (c) if subparagraph (b)(i) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land; or
  - (d) if subparagraph (b)(ii) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land; or
  - (e) if subparagraph (b)(iii) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land.
- (7) For the purposes of this Carbon Farming Standard, if:
  - (a) the area of land is **land rights land** in a the Country, a State (or similar division) or Territory; and
  - (b) the area of land is not covered by subsection (6); and
  - (c) the area of land is not **freehold land rights land**;

#### 44. Eligible interest in an area of land—Crown land that is not Torrens title (comparable system) land

##### *Scope*

- (1) This section applies to an area of land in a the Country, a State (or similar division) or Territory if the area of land:
  - (a) is **Crown land**; and
  - (b) is not **Torrens title (comparable system) land**.

##### *Eligible interest*

- (2) For the purposes of this Carbon Farming Standard, if the area of land is neither:
  - (a) **exclusive possession aboriginal title land**; nor
  - (b) **land rights land**;
- (3) For the purposes of this Carbon Farming Standard, if:
  - (a) a person holds a legal estate or interest (the relevant estate or interest) in the whole or a part of the area of land; and
  - (b) any of the following conditions are satisfied:
    - (i) the relevant estate or interest came into existence as a result of a grant by the Crown in any capacity;
    - (ii) the relevant estate or interest was derived from an estate or interest that came into existence as a result of a grant by the Crown in any capacity;

- (iii) the relevant estate or interest was created by or under a law of the Country, a State (or similar division), or a Territory;
  - (iv) the relevant estate or interest was derived from an estate or interest that was created by or under a law of the Country, a State (or similar division), or a Territory;
- the relevant estate or interest is an *eligible interest* held by the [person](#) in the area of land.
- (4) For the purposes of this Carbon Farming Standard, if:
    - (a) under subsection (3), a person holds an *eligible interest* in the area of land; and
    - (b) another person:
      - (i) is a mortgagee of the *eligible interest*; or
      - (ii) is a chargee of the *eligible interest*;
 the mortgage or charge is an *eligible interest* held by the other person in the area of land.
  - (5) The requirements may provide that, for the purposes of this Carbon Farming Standard, a person specified in, or ascertained in accordance with, the requirements holds an *eligible interest* in the area of land.
  - (5)(A) The [rules](#) may provide that, for the purposes of this Carbon Farming Standard, a person specified in, or ascertained in accordance with, the [rules](#) holds an *eligible interest* in the area of land.
  - (6) For the purposes of this Carbon Farming Standard, if:
    - (a) the area of land is [land rights land](#); and
    - (b) any of the following subparagraphs applies to the area of land:
      - (i) a [lease](#) is in force over the land, and the grant of the [lease](#) took place under a law of the Country, a State (or similar division), or a Territory that makes provision for the grant of such things only to, or for the benefit of, [indigenous peoples](#);
      - (ii) subparagraph (i) does not apply, and the land is held by the Country, a State (or similar division), or a Territory;
      - (iii) subparagraph (i) does not apply, and the land is held by a [statutory authority](#) of the Country, a State (or similar division), or a Territory;

then:

    - (c) if subparagraph (b)(i) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land; or
    - (d) if subparagraph (b)(ii) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land; or
    - (e) if subparagraph (b)(iii) applies—the legal representative who administers the law mentioned in that subparagraph holds an *eligible interest* in the area of land.
  - (7) For the purposes of this Carbon Farming Standard, if:
    - (a) the area of land is [land rights land](#) in a the Country, a State (or similar division) or Territory; and
    - (b) the area of land is not covered by subsection (6); and
    - (c) the area of land is not [freehold land rights land](#);

#### 44.A. Eligible interest in an area of land— aboriginal title land

##### *Scope*

- (1) This section applies to an area of land if:
  - (a) the area of land is [aboriginal title land](#); and
  - (b) there is a *registered aboriginal corporation* for the area of land.

##### *Eligible interest*

- (2) For the purposes of this Carbon Farming Standard, the [registered aboriginal corporation](#) holds an *eligible interest* in the area of land.

#### **44.B. Eligible interest in an area of land—Aboriginal land council**

For the purposes of this Carbon Farming Standard, an [Aboriginal land council](#) holds an *eligible interest* in an area of land if:

- (a) under a law of the Country, a State (or similar division), or a Territory, the [Aboriginal land council](#) makes a claim for the area of land to become land rights land (within the meaning of the law); and
- (b) the government agency who administers the law makes a decision that the land become land rights land (within the meaning of the law).

## Division 10—Aboriginal title land

### 45. Registered aboriginal title bodies corporate—deemed project proponent

#### *Exclusive possession aboriginal title land*

- (1) For the purposes of the application of this Carbon Farming Standard to an [area-based offsets project](#), if the following conditions are satisfied in relation to the [project area](#), or each of the [project areas](#), for the [offsets project](#):
  - (a) the [project area](#) is [exclusive possession aboriginal title land](#);
  - (b) there is a [registered aboriginal corporation](#) for the [project area](#);
  - (c) no person (other than a body politic, the [common law holders](#) or the [registered aboriginal corporation](#)) has the legal right to carry out the [project](#);
  - (d) no person (other than a body politic, the [common law holders](#) or the [registered aboriginal corporation](#)) holds the [applicable carbon sequestration right](#) in relation to the [project area](#);then:
  - (e) the [registered aboriginal corporation](#) for the [project area](#) is taken to be the [project proponent](#) for the [offsets project](#); and
  - (f) no other person is taken to be the [project proponent](#) for the [project](#).  
[Aboriginal title](#) holder has the legal right to carry out the [project](#) and holds the [applicable carbon sequestration right](#)
- (2) For the purposes of the application of this Carbon Farming Standard to an [area-based offsets project](#), if the following conditions are satisfied in relation to the [project area](#), or each of the [project areas](#), for the [offsets project](#):
  - (a) the [project area](#) is [aboriginal title land](#);
  - (b) there is a [registered aboriginal corporation](#) for the [project area](#);
  - (c) the [aboriginal title](#) holder has the legal right to carry out the [project](#);
  - (d) the [aboriginal title](#) holder holds the [applicable carbon sequestration right](#) in relation to the [project area](#);
  - (e) subsection (1) does not apply to the [project](#);then:
  - (f) the [registered aboriginal corporation](#) for the [project area](#) is taken to be the [project proponent](#) for the [offsets project](#); and
  - (g) no other person is taken to be the [project proponent](#) for the [project](#).

### 46. Working Body to notify the project proponent of declaration of eligible offsets project

#### *Scope*

- (1) This section applies if:
  - (a) a [registered aboriginal corporation](#) is taken, under [subsection 45\(1\)](#), to be the [project proponent](#) for an [area-based offsets project](#); and
  - (b) the [project area](#) is, or any of the [project areas](#) are, in a particular the Country, a State (or similar division) or Territory; and
  - (c) the [project area](#) is not, or the [project areas](#) are not, [Torrens title \(comparable system\) land](#); and
  - (d) the Working Body makes a declaration under [section 27](#) in relation to the [project](#).

#### *Notification*

- (2) The Working Body is required to notify the [project proponent](#) in writing as soon as is reasonably practicable after making the declaration.

## 47. Designation of special aboriginal title account

### *Scope*

- (1) This section applies if a [registered aboriginal corporation](#) is taken, under [section 45](#), to be the [project proponent](#) for an [eligible offsets project](#).

### *Request for special aboriginal title account*

- (2) The [registered aboriginal corporation](#) may:
  - (a) request the Working Body, under requirements made for the purposes of subsection 10.(1) of the [Registry Standard](#), to [open a Registry account](#) in the name of the [registered aboriginal corporation](#); and
  - (b) request the Working Body to designate that account as the [special aboriginal title account](#) for the [eligible offsets project](#).
- (3) A request under paragraph (2)(b) must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) be accompanied by such information as is specified in the [rules](#); and
  - (d) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (e) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (4) The [approved form](#) of request may provide for verification by [statutory declaration](#) of statements in requests.
- (5) A fee specified under paragraph (3)(e) must be inclusive of [VAT](#).

### *Designation of special aboriginal title account*

- (6) After considering a request under paragraph (2)(b), the Working Body may designate the [Registry account](#) as the [special aboriginal title account](#) for the [eligible offsets project](#).

## 48. Issue of BidCarbon Removal Units to special aboriginal title account

### *Scope*

- (1) This section applies if a [registered aboriginal corporation](#) is taken, under [section 45](#), to be the [project proponent](#) for an [eligible offsets project](#).

### *Application for issue of BidCarbon Removal Units*

- (2) If the [registered aboriginal corporation](#) makes an application under [section 13](#) for the issue of a [certification of entitlement](#) in respect of the [project](#) for a [reporting period](#), [paragraph 14.\(1\)\(c\)](#) does not apply to the application.

**Note:** [Paragraph 14.\(1\)\(c\)](#) requires the application to set out the [account number](#) of a Registry account.

### *Issue of BidCarbon Removal Units*

- (3) If:
  - (a) a [special aboriginal title account](#) for the [project](#) is kept in the name of the [registered aboriginal corporation](#); and
  - (b) apart from this subsection, the Working Body is required under [section 12](#) to issue one or more [BidCarbon Removal Units](#) to the [registered aboriginal corporation](#) in relation to the [eligible offsets project](#);then:
  - (c) the Working Body must comply with the requirement by issuing the units to the [registered aboriginal corporation](#) and making an entry for the units in the [special aboriginal title account](#); and

- (d) subsections [12.\(5\)](#) and [\(6\)](#) do not apply to the issue of the units.
- (4) If:
  - (a) there is not a [special aboriginal title account](#) for the [project](#); and
  - (b) apart from this subsection, the Working Body is required under [section 12](#) to issue one or more [BidCarbon Removal Units](#) to the [registered aboriginal corporation](#) in relation to the [eligible offsets project](#);the Working Body must not issue the units.

## 49. Units held in special aboriginal title account

### *Scope*

- (1) This section applies to a [Registry account](#) that has been designated as the [special aboriginal title account](#) for an [eligible offsets project](#), so long as the [project](#) is an [area-based offsets project](#).

### *Units held in account*

- (2) [BidCarbon Removal Units](#) held in the [special aboriginal title account](#) are held in [trust](#) for the [persons](#) who are, for the time being, the [common law holders](#) of the [aboriginal title](#) in relation to the [project area](#), or each of the [project areas](#), for the [project](#).

## 50. Rules about consulting common law holders etc.

- (1) The [rules](#) may make provision for a [registered aboriginal corporation](#) to consult, and act in accordance with the directions of, the [common law holders](#) in relation to anything done by the [registered aboriginal corporation](#) under, or in connection with:
  - (a) this Carbon Farming Standard, the [rules](#); or
  - (b) the [Registry Standard](#) or [rules](#) under that Standard.
- (2) The [rules](#) may make provision for a [registered aboriginal corporation](#) to be the agent of the [common law holders](#) for the purposes of giving a consent under this Carbon Farming Standard, the [rules](#).

## Division 11—Freehold land rights land

### 51. Working Body to notify the project proponent of declaration of eligible offsets project

#### *Scope*

- (1) This section applies if:
  - (a) the Working Body makes a declaration under [section 27](#) in relation to an [area-based offsets project](#); and
  - (b) the [project area](#) is, or any of the [project areas](#) are, [freehold land rights land](#) in a particular the Country, a State (or similar division) or Territory; and
  - (c) the [project area](#) is, or any of the [project areas](#) are, [Crown land](#); and
  - (d) the [project area](#) is not, or the [project areas](#) are not, [Torrens title \(comparable system\) land](#).

#### *Notification*

- (2) The Working Body is required to notify the [project proponent](#) in writing as soon as is reasonably practicable after making the declaration.

## Division 12—Types of projects

### 52. Emissions avoidance offsets projects

- (1) For the purposes of this Carbon Farming Standard, a project is an [emissions avoidance offsets project](#) if it is:
  - (a) an [agricultural emissions avoidance project](#); or
  - (b) a [landfill legacy emissions avoidance project](#); or
  - (c) any other project to [avoid emissions](#) of greenhouse gases.
- (2) Paragraphs (1)(a) and (b) do not limit paragraph (1)(c).
- (3) For the purposes of this Carbon Farming Standard, a project is not an [emissions avoidance offsets project](#) if the [project](#) is a [sequestration offsets project](#).

#### 52.A. Area-based emissions avoidance projects

For the purposes of this Carbon Farming Standard, an [emissions avoidance offsets project](#) is an [area-based emissions avoidance project](#) if it is a project of a kind specified in the [rules](#).

### 53. Sequestration offsets projects

For the purposes of this Carbon Farming Standard, a project is a *sequestration offsets project* if it is a project:

- (a) to remove carbon dioxide from the atmosphere by sequestering carbon in one or more of the following:
  - (i) living biomass;
  - (ii) dead organic matter;
  - (iii) soil; or
- (b) to remove carbon dioxide from the atmosphere by sequestering carbon in, and to [avoid emissions](#) of greenhouse gases from, one or more of the following:
  - (i) living biomass;
  - (ii) dead organic matter;
  - (iii) soil.

### 54. Excluded offsets projects

- (1) For the purposes of this Carbon Farming Standard, an [offsets project](#) is an *excluded offsets project* if it is a project of a kind specified in the [rules](#).
- (2) It is imperative that [offsets projects](#) guarantee that there will be no unintended adverse social, environmental or economic impacts. Paragraph [90.\(4\)\(c\)](#) and [91.\(2\)\(c\)](#) of this Carbon Farming Standard require the [Chairman of the Board of Trustees](#) to consider any adverse impacts of this kind when making decisions about new [methodology](#) or variation to existing method. This section allows the requirements and the rule to exclude specified projects from participation to ensure that they do not have such impacts. This section of this Carbon Farming Standard allows the [Chairman of the Board of Trustees](#) to specify in the [rules](#) that certain types of [offsets projects](#) are to be excluded if there is a material risk that [project](#) will have a material adverse impact on one or more of the following:
  - (a) the availability of water;
  - (b) the conservation of [biodiversity](#);
  - (c) employment;
  - (d) the local community;
  - (e) land access for agricultural production.

## Division 13—Restructure of eligible offsets projects

### 55. Restructure of eligible offsets projects

- (1) For the purposes of this section, if:
  - (a) as the result of the variation or revocation of a [section 27](#) declaration, an area of land (the *relevant area*) ceases to be, or ceases to be part of, the [project area](#), or any of the [project areas](#), for an [eligible offsets project](#) that is a [sequestration offsets project](#); and
  - (b) as a result of the making or variation of another [section 27](#) declaration, the relevant area becomes, or becomes part of, the [project area](#), or any of the [project areas](#), for another [eligible offsets project](#) that is a [sequestration offsets project](#);then:
  - (c) the [project](#) mentioned in paragraph (a) is the *transferor offsets project*; and
  - (d) the [project](#) mentioned in paragraph (b) is the *transferee offsets project*.

#### *Rules*

- (2) The [rules](#) may make provision for or in relation to the adjustment of any or all of the following:
  - (a) the calculation of a unit entitlement in relation to the transferee offsets project using the formula in [subsection 18.\(2\)](#);
  - (b) the calculation of a unit entitlement in relation to the transferor offsets project using the formula in [subsection 18.\(2\)](#);
  - (c) the calculation of the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the transferee offsets project in accordance with [Part 2](#);
  - (d) the calculation of the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the transferor offsets project in accordance with [Part 2](#);
  - (e) the duration of a [crediting period](#) for the transferee offsets project;
  - (f) the duration of a [reporting period](#) for the transferee offsets project.

#### *Determinations*

- (3) Rules made for the purposes of subsection (2) may empower the Working Body to determine that, whenever it is necessary to calculate a unit entitlement in relation to the transferor offsets project using the formula in [subsection 18.\(2\)](#), that subsection has effect, in relation to the transferor offsets project, as if the [net abatement number](#) were decreased by the number specified in the determination.
- (4) Rules made for the purposes of subsection (2) may empower the Working Body to determine that, whenever it is necessary to calculate a unit entitlement in relation to the transferee offsets project using the formula in [subsection 18.\(2\)](#), that subsection has effect, in relation to the transferee offsets project, as if the [net abatement number](#) were increased by the number specified in the determination.
- (5) Rules made for the purposes of subsection (2) may empower the Working Body to determine that, whenever it is necessary to work out the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the transferor offsets project, this Carbon Farming Standard has effect, in relation to the transferor offsets project, as if the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#) were decreased by the number specified in the determination.
- (6) Rules made for the purposes of subsection (2) may empower the Working Body to determine that, whenever it is necessary to work out the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the transferee offsets project, this Carbon Farming Standard has effect, in relation to the transferee offsets project, as if the [net total number](#)

of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#) were increased by the number specified in the determination.

(7) Subsections (3) to (6) do not limit subsection (2).

*Determination is not a written resolutions*

(8) A determination made under rules made for the purposes of subsection (2) is not a [written resolutions](#).

## Part 4—Fit and proper person test

### 56. Simplified outline of this Part

A person passes the [fit and proper person test](#) if:

- (a) the [person](#) is a fit and proper person; and
- (b) the [person](#) is not an [insolvent under administration](#); and
- (c) the [person](#) is not a [insolvency corporation](#).

## 57. Fit and proper person test

### *Individual*

- (1) For the purposes of this Carbon Farming Standard, an individual passes the *fit and proper person test* if:
  - (a) the individual is a fit and proper person, having regard to:
    - (i) whether any of the events specified in the [rules](#) have happened in relation to the individual; and
    - (ii) such other matters (if any) as are specified in the [rules](#); and
  - (b) the individual is not an [insolvent under administration](#).

### *Corporation*

- (2) For the purposes of this Carbon Farming Standard, a [corporation](#) passes the *fit and proper person test* if:
  - (a) the [body corporate](#) is a fit and proper person, having regard to:
    - (i) whether any of the events specified in the [rules](#) have happened in relation to the [corporation](#); and
    - (ii) whether any of the events specified in the [rules](#) have happened in relation to an [executive officer](#) of a [corporation](#); and
    - (iii) such other matters (if any) as are specified in the [rules](#); and
  - (b) the [corporation](#) is not a [insolvency corporation](#).

### *Spent convictions*

- (3) Rules made for the purposes of subparagraph (1)(a)(i) or (ii) or (2)(a)(i), (ii) or (iii) must not affect the operation of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) requirements 2017.

# Part 5—Crediting period

## 58. Simplified outline of this Part

The following is a simplified outline of this Part:

- Generally, the [crediting period](#) for an [eligible offsets project](#) is:
  - (a) 25-years for a [sequestration offsets project](#); or
  - (b) 7 years for an [emissions avoidance offsets project](#).
- However, the [applicable methodology](#) for the [project](#) may specify a different [crediting period](#).
- An [eligible offsets project](#) cannot have more than one [crediting period](#).
- However, transitional rules apply if a project was an [eligible offsets project](#) immediately before the commencement of this Part.

**Note:** Under [section 16](#), the general rule is that the Working Body may only issue a [certification of entitlement](#) to [BidCarbon Removal Units](#) in relation to a [reporting period](#) for an [eligible offsets project](#) if the [reporting period](#) is included in a [crediting period](#) for the [project](#).

## 59. Crediting period—basic rule

### *Scope*

- (1) This section applies to an [eligible offsets project](#) if the [project](#) became an [eligible offsets project](#) after the commencement of this Part.

### *Sequestration offsets project*

- (2) If the [project](#) is a [sequestration offsets project](#), then, for the purposes of this Carbon Farming Standard, the [crediting period](#) for the [project](#) is:
- (a) the period of 25-years; or
  - (b) if another period is specified in the [applicable methodology](#) for the [project](#)—that other period;
- that began at the start time worked out under subsection (4).

### *Emissions avoidance offsets project*

- (3) If the [project](#) is an [emissions avoidance offsets project](#), then, for the purposes of this Carbon Farming Standard, the [crediting period](#) for the [project](#) is:
- (a) the period of 7 years; or
  - (b) if another period is specified in the [applicable methodology](#) for the [project](#)—that other period;
- that began at the start time worked out under subsection (4).

### *Start time*

- (4) For the purposes of this section, the *start time* is:
- (a) if:
    - (i) the application for the declaration of the [project](#) under [section 27](#) included a statement to the effect that the [crediting period](#) for the [project](#) should begin at a specified time; and
    - (ii) the specified time occurs after the declaration takes effect; and
    - (iii) the specified time complies with subsection (5); and
    - (iv) the specified time was not varied under paragraph (b);the specified time; or
  - (b) if:
    - (i) the application for the declaration of the [project](#) under [section 27](#) included a statement to the effect that the [crediting period](#) for the [project](#) should begin at a specified time; and
    - (ii) after the [project](#) became an [eligible offsets project](#), the [project proponent](#), by written notice given to the Working Body, varied the specified time; and
    - (iii) the varied time complies with subsection (5); and
    - (iv) the [project proponent](#) has not previously varied the specified time; and
    - (v) the notice was given at or before the time when the [offsets report](#) for the [project](#) was given under [subsection 63.\(1\)](#);the varied time; or
  - (c) otherwise—the time when the declaration of the [project](#) under [section 27](#) took effect.

### *Limit on deferral of start of crediting period*

- (5) A time complies with this subsection if:
- (a) the time is not later than 18 months after the declaration of the [project](#) under [section 27](#) took effect; or
  - (b) if:
    - (i) another number of months is specified in the [rules](#) in relation to a particular kind of project; and
    - (ii) the [project](#) is of that kind;

the time is not later than that other number of months after the declaration of the project under [section 27](#) took effect.

*No subsequent crediting periods*

- (6) The project cannot have more than one crediting period.

*Other matters*

- (7) A notice under subparagraph (4)(b)(ii) may be included in the offsets report for the project given under [subsection 63.\(1\)](#).

## 60. Crediting period—general transitional rule

*Scope*

- (1) This section applies to an eligible offsets project if:
- (a) the project was an eligible offsets project immediately before the commencement of this Part; and
  - (b) the project is not covered by the BidCarbon (Avoided Deforestation) Methodology.

*Project has 2 crediting periods*

- (2) If the project is a sequestration offsets project, then, for the purposes of this Carbon Farming Standard, the project has 2 crediting periods, as follows:
- (a) the first crediting period for the project is the period:
    - (i) beginning when the declaration of the project under [section 27](#) took effect; and
    - (ii) ending immediately before the commencement of this Part;
  - (b) the second crediting period for the project is:
    - (i) the period of 25-years; or
    - (ii) if another period is specified in the applicable methodology for the project—that other period;that began at the commencement of this Part.
- (3) If:
- (a) the project is an emissions avoidance offsets project;
- then, for the purposes of this Carbon Farming Standard, the project has 2 crediting periods, as follows:
- (b) the first crediting period for the project is the period:
    - (i) beginning when the declaration of the project under [section 27](#) took effect; and
    - (ii) ending immediately before the commencement of this Part;
  - (c) the second crediting period for the project is:
    - (i) the period of 7 years; or
    - (ii) if another period is specified in the applicable methodology for the project—that other period;that began at the commencement of this Part.
- (4) If:
- (a) the project is an emissions avoidance offsets project;
- then, for the purposes of this Carbon Farming Standard, the project has 2 crediting periods, as follows:
- (b) the first crediting period for the project is the period:
    - (i) beginning when the declaration of the project under [section 27](#) took effect; and
    - (ii) ending immediately before 1 January next following the commencement of this Part;
  - (c) the second crediting period for the project is:

- (i) the period of 25-years; or
- (ii) if another period is specified in the [applicable methodology](#) for the [project](#)—that other period;

that began at the start of 1 January next following the commencement of this Part.

*No subsequent crediting periods*

- (5) The [project](#) cannot have more than 2 [crediting periods](#).

## 61. Crediting period—transitional rule for avoided deforestation projects

*Scope*

- (1) This section applies to an [eligible offsets project](#) if:
  - (a) either:
    - (i) the [project](#) was an [eligible offsets project](#) immediately before the commencement of this Part; or
    - (ii) the [project](#) is now an eligible offset project as a result of the commencement of this part; and
  - (b) the [project](#) is covered by the BidCarbon (Avoided Deforestation) Methodology.

*Crediting period*

- (2) Despite any other provision of this Part, the [crediting period](#) for the [project](#) is:
  - (a) the first [crediting period](#) for the [project](#) worked out under [section 59](#) as it stood immediately before the commencement of this Part; or
  - (b) if another period is specified in the [applicable methodology](#) for the [project](#)—that other period that began when the declaration of the [project](#) under [section 98](#) took effect.

*No subsequent crediting periods*

- (3) The [project](#) cannot have more than one [crediting period](#).

# Part 6—Reporting and notification requirements

## Division 1—Introduction

### 62. Simplified outline

The following is a simplified outline of this Part:

- The [project proponent](#) for an [eligible offsets project](#) must give the Working Body an [offsets report](#) for a period that is expressed to be a [reporting period](#) for the [project](#).
- The first [reporting period](#) must begin at the start of the [crediting period](#) for the [project](#).
- Each subsequent [reporting period](#) must begin immediately after the end of the previous [reporting period](#).
- A [reporting period](#) for a [sequestration offsets project](#) must not be:
  - (a) shorter than 6 months (or such lesser number of months as is specified in the [rules](#)); or
  - (b) longer than 5 years.
- A [reporting period](#) for an [emissions avoidance offsets project](#) must not be:
  - (a) shorter than 6 months (or such lesser number of months as is specified in the [rules](#)); or
  - (b) longer than 2 years.
- The Working Body must be notified of certain events relating to [eligible offsets projects](#).

## Division 2—Reporting requirements

### 63. Offsets reports

#### *Report for first reporting period*

- (1) The **project proponent** for an **eligible offsets project** must, in accordance with this section, give the Working Body a written report about the **project** for a period that:
  - (a) is expressed to be a **reporting period** for the **project**; and
  - (b) begins:
    - (i) if the **project** has a single **crediting period**—at the start of that **crediting period**; or
    - (ii) if the **project** has 2 **crediting periods**—at the start of the first **crediting period**; and
  - (c) is not shorter than:
    - (i) 6 months; or
    - (ii) if, under the **rules**, a specified lesser number of months is the minimum number of months applicable to the report—that specified lesser number of months; and
  - (d) if the **project** is a **sequestration offsets project**—is not longer than 5 years; and
  - (e) if the **project** is an **emissions avoidance offsets project**—is not longer than 2 years.

**Note:** Under [section 16](#), the general rule is that the Working Body may only issue a **certification of entitlement** to **BidCarbon Removal Units** in relation to a **reporting period** for an **eligible offsets project** if the **reporting period** is included in a **crediting period** for the **project**.

#### *Reports for subsequent reporting periods*

- (2) The **project proponent** for an **eligible offsets project** must, in accordance with this section, give the Working Body a written report about the **project** for a period that:
  - (a) is expressed to be a **reporting period** for the **project**; and
  - (b) begins immediately after the end of the previous **reporting period** for the **project**; and
  - (c) is not shorter than:
    - (i) 6 months; or
    - (ii) if, under the **rules**, a specified lesser number of months is the minimum number of months applicable to the report—that specified lesser number of months; and
  - (d) if the **project** is a **sequestration offsets project**—is not longer than 5 years; and
  - (e) if the **project** is an **emissions avoidance offsets project**—is not longer than 2 years; and
  - (f) if the **project** is an **emissions avoidance offsets project**—is included in:
    - (i) a **crediting period** for the **project**; or
    - (ii) the **extended accounting period** (if any) for the **project**.

**Note 1:** Under [section 16](#), the general rule is that the Working Body may only issue a **certification of entitlement** to **BidCarbon Removal Units** in relation to a **reporting period** for an **eligible offsets project** if the **reporting period** is included in a **crediting period** for the **project**.

**Note 2:** See also [section 64](#).

#### *Offsets report*

- (3) A report under this section is to be known as an **offsets report**.

#### *Offsets report requirements*

- (4) An **offsets report** about a project for a **reporting period** must:

- (a) be given in the manner and form [prescribed](#) by the [rules](#); and
  - (b) set out the information specified in the [rules](#); and
  - (c) if, under the [rules](#), the [offsets report](#) is subject to audit under this Carbon Farming Standard—be accompanied by an audit report that is:
    - (i) [prescribed](#) by the [rules](#); and
    - (ii) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (c)(a) if:
    - (i) under the [rules](#), a set of 2 or more [offsets reports](#) given by the [project proponent](#) is subject to audit under this Carbon Farming Standard; and
    - (ii) the [offsets report](#) is included in that set;
      - be accompanied by an audit report that is:
        - (iii) [prescribed](#) by the [rules](#); and
        - (iv) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (c)(b) if, before the [offsets report](#) was given to the Working Body, the Working Body gave the [project proponent](#) a written notice stating that the [offsets report](#) would be subject to audit under this Carbon Farming Standard—be accompanied by an audit report that is:
    - (i) [prescribed](#) by the [rules](#); and
    - (ii) prepared by a [registered greenhouse and energy auditor](#) who has been appointed as an [audit team leader](#) for the purpose; and
  - (c)(c) if a notice under [section 65](#) is relevant to the [offsets report](#)—be accompanied by a copy of that notice; and
  - (d) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (e) be given to the Working Body within:
    - (i) 6 months after the end of the [reporting period](#); or
    - (ii) if a greater number of months is specified in the [applicable methodology](#) for the [project](#)— that greater number of months after the end of the [reporting period](#).
- (5) The Working Body must not give a notice under paragraph (4)(c)(b) unless the Working Body is satisfied that it is appropriate to do so, having regard to effective risk management.
- (6) To avoid doubt, an [offsets report](#) for a period may deal with matters that occur before the start of that period.
- (7) If, under the [applicable methodology](#), the [project proponent](#) for the [project](#) is subject to a requirement to include specified information relating to the [project](#) in the [offsets report](#), the [offsets report](#) must include that information.
- (8) If the following conditions are satisfied in relation to 2 or more [eligible offsets projects](#):
- (a) the relevant [section 27](#) declarations were made as a result of applications covered by a particular [subsection 26.\(2\)](#) determination;
  - (b) a particular person is the [project proponent](#) for the [project](#); [offsets reports](#) relating to those projects may be set out in the same document.
- (9) Information specified in rules made for the purposes of paragraph (4)(b) may relate to a matter arising before, during or after the [reporting period](#).
- (10) A document specified in rules made for the purposes of paragraph (4)(d) may relate to a matter arising before, during or after the [reporting period](#).

***Ancillary breaches***

- (11) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (1); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (1); or

- (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (1); or
- (d) conspire with others to effect a breach of subsection (1).

*Liquidated damages clauses*

(12) Subsections (1), (2) and (11) are *liquidated damages clauses*.

## 64. Declaration that offsets report requirement does not apply

*Rules*

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to declare that [subsection 63.\(2\)](#) does not apply to a particular [eligible offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to make a declaration unless:
  - (a) the [project](#) is a [sequestration offsets project](#); and
  - (b) the [project proponent](#) for the [project](#) applies to the Working Body for the declaration; and
  - (c) the Working Body is satisfied that the [project](#) has reached its maximum carbon sequestration capacity.
- (3) Rules made for the purposes of subsection (1) may make provision for or in relation to any or all of the following matters:
  - (a) applications for declarations under those rules, as the case may be;
  - (b) the approval by the Working Body of a form for such an application;
  - (c) information that must accompany such an application;
  - (d) documents that must accompany such an application;
  - (e) verification by [statutory declaration](#) of statements in such an application;
  - (f) the fee that must accompany such an application;
  - (g) the withdrawal of such an application;
  - (h) empowering the Working Body:
    - (i) to require an applicant to give the Working Body further information in connection with such an application; and
    - (ii) if the applicant breaches the requirement—to refuse to consider the application, or to refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) does not limit subsection (1).
- (5) A fee specified under paragraph (3)(f) must be inclusive of [VAT](#).

*When a declaration takes effect*

- (6) A declaration under rules made for the purposes of subsection (1) takes effect:
  - (a) when it is made; or
  - (b) if a later day is specified in the declaration—on that later day.

## 65. Offsets report may be about a part of a project etc.

*Notice dividing the overall project into 2 or more parts*

- (1) The [project proponent](#) for an [eligible offsets project](#) (the overall project) may, by written notice given to the Working Body, choose to:
  - (a) divide the overall project into 2 or more specified parts, for the purposes of the application of this section to a specified period that ends after the notice is given; and
  - (b) give the Working Body:
    - (i) [offsets reports](#); and
    - (ii) applications for certifications of entitlement;

for that period as if each of those parts were an [eligible offsets project](#) in its own right.

- (2) The division of the overall project must comply with such requirements (if any) as are set out in the [applicable methodology](#) for the overall project.

*Consequences of notice*

- (3) If a notice has been given under subsection (1):
- (a) this Division has effect, in relation to an [offsets report](#) for the period specified in the notice, as if:
    - (i) each such part of the overall project was an [eligible offsets project](#) in its own right; and
    - (ii) the [project proponent](#) for each such part of the overall project was the [project proponent](#) for the overall project; and
    - (iii) each such part of the overall project was the subject of a [section 27](#) declaration that took effect when the [section 27](#) declaration of the overall project took effect; and
    - (iv) this Division did not require the giving of an [offsets report](#) for the whole of the overall project; and
  - (b) [Part 2](#) has effect, in relation to:
    - (i) a [certification of entitlement](#); and
    - (ii) an application for a [certification of entitlement](#);for the period specified in the notice, as if:
    - (iii) each such part of the overall project was an [eligible offsets project](#) in its own right; and
    - (iv) the [project proponent](#) for each such part of the overall project was the [project proponent](#) for the overall project; and
    - (v) a [crediting period](#) for each such part of the overall project was a [crediting period](#) for the overall project; and
    - (vi) each such part of the overall project was the subject of a [section 27](#) declaration that took effect when the [section 27](#) declaration of the overall project took effect, and that is subject to the same conditions (if any) as the [section 27](#) declaration of the overall project; and
    - (vii) [Part 2](#) prohibited the making of such an application for a [certification of entitlement](#) in respect of the whole of the overall project; and
  - (c) for the purposes of this Carbon Farming Standard, treat [BidCarbon Removal Units](#) issued in relation to such a part of the overall project in accordance with [Part 2](#) as if they had been issued in relation to the overall project in accordance with that Part.

## Division 3—Notification requirements

### 66. Notification requirement—ceasing to be the project proponent for an eligible offsets project otherwise than because of death

#### *Scope*

- (1) This section applies to a person if the [person](#) ceases to be the [project proponent](#) for an [eligible offsets project](#) otherwise than because of the death of the [person](#).

#### *Notification*

- (2) The [person](#) must, within 90 days after the cessation occurs, notify the Working Body, in writing, of the cessation.

#### *Ancillary breaches*

- (3) A person must not:
- (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

#### *Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

### 67. Notification requirement—death of the project proponent for an eligible offsets project

#### *Scope*

- (1) This section applies if a person who is the [project proponent](#) for an [eligible offsets project](#) dies.

#### *Notification*

- (2) The [person's](#) legal personal representative must, within 90 days after the death, notify the Working Body, in writing, of the death.

#### *Ancillary breaches*

- (3) A person must not:
- (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

#### *Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

### 68. Notification requirement—methodology

#### *Scope*

- (1) This section applies if:
- (a) there is an [eligible offsets project](#); and
  - (b) under the [applicable methodology](#), the [project proponent](#) for the [project](#) is subject to a requirement to notify the Working Body of one or more matters relating to the [project](#).

#### *Notification*

- (2) The [project proponent](#) must comply with the requirement.

#### *Ancillary breaches*

- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

*Liquidated damages clauses*

- (4) Subsections (2) and (3) are *liquidated damages clauses*.

## 69. Notification requirement—natural disturbances

*Scope*

- (1) This section applies to an [eligible offsets project](#) if the [project](#) is:
  - (a) a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere; or
  - (b) a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere and to [avoid emissions](#) of greenhouse gases.

*Notification*

- (2) The [project proponent](#) for the [project](#) must:
  - (a) notify the Working Body, in writing, of:
    - (i) a [natural disturbance](#) that causes a reversal of the removal; or
    - (ii) a [natural disturbance](#) that is likely to cause a reversal of the removal; and
  - (b) do so within 60 days after the [project proponent](#) becomes aware that the [natural disturbance](#) has happened.
- (3) Subsection (2) does not apply to a reversal unless the reversal is, under the [rules](#), taken to be a significant reversal.

*Ancillary breaches*

- (4) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

*Liquidated damages clauses*

- (5) Subsections (2) and (4) are *liquidated damages clauses*.

## 70. Notification requirement—reversal of sequestration due to conduct of another person

*Scope*

- (1) This section applies to an [eligible offsets project](#) if the [project](#) is:
  - (a) a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere; or
  - (b) a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere and to [avoid emissions](#) of greenhouse gases.

*Notification*

- (2) The [project proponent](#) for the [project](#) must:
  - (a) notify the Working Body, in writing, of conduct engaged in by a person (other than the [project proponent](#)), where the conduct:
    - (i) is not within the reasonable control of the [project proponent](#); and
    - (ii) causes a reversal of the removal; and
  - (b) do so within 60 days after the [project proponent](#) becomes aware that the conduct has been engaged in.

- (3) The **project proponent** for the project must:
  - (a) notify the Working Body, in writing, of conduct engaged in by a person (other than the **project proponent**), where the conduct:
    - (i) is not within the reasonable control of the **project proponent**; and
    - (ii) is likely to cause a reversal of the removal; and
  - (b) do so within 60 days after the **project proponent** becomes aware that the conduct has been engaged in.
- (4) Subsections (2) and (3) do not apply to a reversal unless the reversal is, under the **rules**, taken to be a significant reversal.

*Ancillary breaches*

- (5) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2) or (3); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2) or (3); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2) or (3); or
  - (d) conspire with others to effect a breach of subsection (2) or (3).

*Liquidated damages clauses*

- (6) Subsections (2), (3) and (5) are **liquidated damages clauses**.

## 71. Notification requirement—project becomes inconsistent with a regional natural resource management plan

*Scope*

- (1) This section applies if:
  - (a) there is an **eligible offsets project**; and
  - (a)(a) the **project** is an **area-based offsets project**; and
  - (b) the **project area**, or any of the **project areas**, for the **project** is covered by a **regional natural resource management plan**; and
  - (c) as a result of a change to the project, the **project** becomes inconsistent with the plan.

*Notification*

- (2) The **project proponent** for the **project** must, within 90 days after the change, notify the Working Body, in writing, of:
  - (a) the change; and
  - (b) the inconsistency.
- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

*Liquidated damages clauses*

- (4) Subsections (2) and (3) are **liquidated damages clauses**.

## 72. Notification requirement—event relevant to whether a project proponent is a fit and proper person

*Scope*

- (1) This section applies to a person if:
  - (a) the **person** is a project proponent for an **eligible offsets project**; and

- (b) in a case where the [person](#) is an individual:
  - (i) an event set out in rules made for the purposes of [subparagraph 57.\(1\)\(a\)\(i\)](#) happens in relation to the individual; or
  - (ii) the individual becomes an [insolvent under administration](#); and
- (c) in a case where the [person](#) is a [corporation](#):
  - (i) an event set out in rules made for the purposes of [subparagraph 57.\(2\)\(a\)\(i\)](#) happens in relation to the [corporation](#); or
  - (ii) the [corporation](#) becomes a [insolvency corporation](#); or
  - (iii) an event set out in rules made for the purposes of [subparagraph 57.\(2\)\(a\)\(ii\)](#) happens in relation to an [executive officer](#) of a [corporation](#).

*Notification*

- (2) The [person](#) must, within 90 days after the event, notify the Working Body, in writing, of the event.

*Ancillary breaches*

- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

*Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

## 73. Rules may impose notification requirements

*Scope*

- (1) This section applies if a person is the [project proponent](#) for an [eligible offsets project](#).

*Rules*

- (2) The [rules](#) may make provision requiring the [person](#) to notify the Working Body of a matter.
- (3) Rules made for the purposes of subsection (2) may make different provision with respect to different [project proponents](#).
- (4) A matter specified in rules made for the purposes of subsection (2) must be relevant to the operation of this Carbon Farming Standard.

*Requirement*

- (5) If a person is subject to a requirement under rules made for the purposes of subsection (2), the [person](#) must comply with that requirement.

*Ancillary breaches*

- (6) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (5); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (5); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (5); or
  - (d) conspire with others to effect a breach of subsection (5).

*Liquidated damages clauses*

- (7) Subsections (5) and (6) are [liquidated damages clauses](#).

# Part 7—Requirements to relinquish BidCarbon Removal Units

## Division 1—Introduction

### 74. Simplified outline

The following is a simplified outline of this Part:

- BidCarbon Removal Units may be required to be relinquished if:
  - (a) the issue of the units is attributable to the giving of false or misleading information; or
  - (b) the units were issued in relation to a [sequestration offsets project](#), and the declaration of the [sequestration offsets project](#) as an [eligible offsets project](#) has been revoked; or
  - (c) the units were issued in relation to a [sequestration offsets project](#), and there has been a complete or partial reversal of sequestration.

### 74.A. Permanence period

For the purposes of this Carbon Farming Standard, the *permanence period* for an [eligible offsets project](#) is:

- (a) if the [project](#) is a [100-year permanence period project](#)—the [100-year permanence period project](#) for the [project](#); or
- (b) if the [project](#) is a [25-year permanence period project](#)—25 years.

## 75. 100-year permanence period

- (1) For the purposes of this Carbon Farming Standard, the *100 year permanence period* for an [eligible offsets project](#) is:
  - (a) 100-years; or
  - (b) if, at the time when the declaration of the [project](#) as an [eligible offsets project](#) was made, a greater number of years was specified in the [rules](#)—that greater number of years.
- (2) However, if:
  - (a) the [rules](#) specify a number of years that is less than 100-years; and
  - (b) those rules, as the case may be, are made after the time when the declaration of a project as an [eligible offsets project](#) was made;then, despite subsection (1), that lesser number of years is the [100 year permanence period](#) for the [eligible offsets project](#).

## Division 2—General relinquishment requirements

### 76. Requirement to relinquish—false or misleading information

#### *Scope*

- (1) This section applies if:
  - (a) a number of [BidCarbon Removal Units](#) have been issued to a person in relation to an [eligible offsets project](#); and
  - (b) information was given by the [person](#) to the Working Body in connection with the [project](#); and
  - (c) the information was:
    - (i) contained in an application under this Carbon Farming Standard, the [rules](#); or
    - or
    - (ii) given in connection with an application under this Carbon Farming Standard, the [rules](#); or
    - (iii) contained in an [offsets report](#); or
    - (iv) contained in a notification under [Part 6](#); and
  - (d) the information was false or misleading in a material particular; and
  - (e) the issue of any or all of the units was directly or indirectly attributable to the false or misleading information.

#### *Relinquishment*

- (2) The Working Body may, by written notice given to the [person](#), require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#).
- (3) The specified number must not exceed the number of [BidCarbon Removal Units](#) the issue of which was directly or indirectly attributable to the false or misleading information.
- (4) The [person](#) must comply with the requirement within 90 days after the notice was given.

**Note:** [Section 145](#) provides for damages for violation with a relinquishment requirement.

## Division 3—Relinquishment requirements for sequestration offsets projects

### 77. Requirement to relinquish—revocation of declaration of eligible offsets project

#### *Scope*

- (1) This section applies if:
  - (a) an [eligible offsets project](#) is a [sequestration offsets project](#); and
  - (b) a number of [BidCarbon Removal Units](#) have been issued in relation to the [project](#); and
  - (c) the declaration of the [project](#) as an [eligible offsets project](#) is revoked under rules made for the purposes of any of the following provisions:
    - (i) [subsection 35.\(1\)](#)
    - (ii) [subsection 36.\(1\)](#);
    - (iii) [subsection 37.\(1\)](#);
    - (iv) [subsection 38.\(1\)](#);
    - (v) [subsection 108.\(1\)](#); and
  - (d) if the declaration has never been varied so as to add one or more [project areas](#)—the period that has passed since the first occasion on which an [BidCarbon Removal Unit](#) was issued in relation to the [project](#) in accordance with [Part 2](#) is shorter than the [permanence period](#) for the [project](#); and
  - (e) if the declaration has been varied so as to add one or more [project areas](#)—the period that has passed since the last occasion on which the declaration was so varied is shorter than the [permanence period](#) for the [project](#).

#### *Relinquishment*

- (2) The Working Body may, by written notice given to the [project proponent](#) for the [project](#), require the [project proponent](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#).
- (3) The specified number must not exceed the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#).
- (4) The [project proponent](#) must comply with the requirement within 90 days after the notice was given.

**Note:** [Section 145](#) provides for damages for violation with a relinquishment requirement.

### 78. Requirement to relinquish—reversal of sequestration other than due to natural disturbance or conduct etc.

#### *Scope*

- (1) This section applies if:
  - (a) an [eligible offsets project](#) is a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere; and
  - (b) a number of [BidCarbon Removal Units](#) have been issued in relation to the [project](#); and
  - (c) there has been a reversal of the removal; and
  - (d) the reversal is, under the [rules](#), taken to be a significant reversal; and
  - (e) the reversal is not attributable to:
    - (i) [natural disturbance](#); or

- (ii) reasonable actions taken to reduce the risk of bushfire; or
- (iii) conduct engaged in by a person (other than the [project proponent](#) for the [project](#)), where the conduct is not within the reasonable control of the [project proponent](#); and
- (f) if the relevant [section 27](#) declaration has never been varied so as to add one or more [project areas](#)—the period that has passed since the first occasion on which an BidCarbon Removal Unit was issued in relation to the [project](#) in accordance with [Part 2](#) is shorter than the [permanence period](#) for the [project](#); and
- (g) if the relevant [section 27](#) declaration has been varied so as to add one or more [project areas](#)—the period that has passed since the last occasion on which the declaration was so varied is shorter than the [permanence period](#) for the [project](#).

*Relinquishment*

- (2) The Working Body may, by written notice given to the [project proponent](#) for the [project](#), require the [project proponent](#) to [relinquish](#) a specified number of BidCarbon Removal Units.
- (3) The specified number must not exceed the [net total number](#) of BidCarbon Removal Units issued in relation to the [project](#) in accordance with [Part 2](#).
- (4) The [project proponent](#) must comply with the requirement within 90 days after the notice was given.

**Note:** [Section 145](#) provides for damages for violation with a relinquishment requirement.

## 79. Requirement to relinquish—reversal of sequestration due to natural disturbance or conduct and no mitigation happens

*Scope*

- (1) This section applies if:
  - (a) an [eligible offsets project](#) is a [sequestration offsets project](#) to remove carbon dioxide from the atmosphere; and
  - (b) a number of BidCarbon Removal Units have been issued in relation to the [project](#); and
  - (c) there has been a reversal of the removal; and
  - (d) the reversal is, under the [rules](#), taken to be a significant reversal; and
  - (e) the reversal is attributable to:
    - (i) [natural disturbance](#); or
    - (ii) conduct engaged in by a person (other than the [project proponent](#) for the [project](#)), where the conduct is not within the reasonable control of the [project proponent](#); and
  - (f) the Working Body is not satisfied that the [project proponent](#) has, within a reasonable period, taken reasonable steps to mitigate the effect of the [natural disturbance](#) or conduct, as the case may be, on the [project](#); and
  - (g) if the relevant [section 27](#) declaration has never been varied so as to add one or more [project areas](#)—the period that has passed since the first occasion on which an BidCarbon Removal Unit was issued in relation to the [project](#) in accordance with [Part 2](#) is shorter than the [permanence period](#) for the [project](#); and
  - (h) if the relevant [section 27](#) declaration has been varied so as to add one or more [project areas](#)—the period that has passed since the last occasion on which the declaration was so varied is shorter than the [permanence period](#) for the [project](#).

*Relinquishment*

- (2) The Working Body may, by written notice given to the [project proponent](#) for the [project](#), require the [project proponent](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#).
- (3) The specified number must not exceed the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#).
- (4) The [project proponent](#) must comply with the requirement within 90 days after the notice was given.

**Note:** [Section 145](#) provides for damages for violation with a relinquishment requirement.

# Part 8—Carbon maintenance obligation

## Division 1—Introduction

### 80. Simplified outline

The following is a simplified outline of this Part:

- A [carbon maintenance obligation](#) may be imposed in relation to an area or areas of land if a relinquishment requirement has not been complied with.

## Division 2—Carbon maintenance obligation

### 81. Carbon maintenance obligation

#### *Relevant area of land*

- (1) For the purposes of this section, each of one or more areas of land is a relevant area of land if:
- (a) the following conditions are satisfied:
    - (i) a [sequestration offsets project](#) is or was an [eligible offsets project](#);
    - (ii) a notice was given under section [76](#), [77](#), [78](#) or [79](#) in relation to the [project](#);
    - (iii) the area was, or the areas were, identified in the relevant [section 27](#) declaration as the [project area](#) or [project areas](#) for the [eligible offsets project](#);
    - (iv) the notice required a person to [relinquish](#) a particular number of [BidCarbon Removal Units](#);
    - (v) the [person](#) did not comply with the requirement within 90 days after the notice was given; or
  - (b) the following conditions are satisfied:
    - (i) a [sequestration offsets project](#) is or was an [eligible offsets project](#);
    - (ii) a notice was given under section [76](#), [77](#), [78](#) or [79](#) in relation to the [project](#);
    - (iii) the area was, or the areas were, identified in the relevant [section 27](#) declaration as the [project area](#) or [project areas](#) for the [eligible offsets project](#);
    - (iv) the notice required a person to [relinquish](#) a particular number of [BidCarbon Removal Units](#);
    - (v) the Working Body is satisfied that it is likely that the [person](#) will not comply with the requirement within 90 days after the notice was given; or
  - (c) the Working Body is satisfied that:
    - (i) a [sequestration offsets project](#) is or was an [eligible offsets project](#); and
    - (ii) it is likely that a notice will be given under section [76](#), [77](#), [78](#) or [79](#) in relation to the [project](#); and
    - (iii) the area is, or the areas are, identified in the relevant [section 27](#) declaration as the [project area](#) or [project areas](#) for the [eligible offsets project](#); and
    - (iv) the notice is likely to require a person to [relinquish](#) a particular number of [BidCarbon Removal Units](#); and
    - (v) it is likely that the [person](#) will not comply with the requirement within 90 days after the notice is given.

#### *Declaration*

- (2) The Working Body may, by writing, declare that:
- (a) a specified area, or one or more of specified areas, of land are subject to a ***carbon maintenance obligation***; and
  - (b) an activity (if any) specified in the declaration is a ***permitted carbon activity*** in relation to the area or areas of land for the purposes of this Carbon Farming Standard.

**Note:** For specification by class, see the Interpretation Act 1978.

- (2)(A) A specified area must consist of the whole or a part of a relevant area of land.
- (3) If an area or areas of land are subject to a [carbon maintenance obligation](#), the [carbon maintenance obligation](#) *relates* to the [project](#) mentioned in whichever of subparagraph (1)(a)(i), (1)(b)(i) or (1)(c)(i) applies.

- (4) An activity may be specified under paragraph (2)(b) by reference to:
  - (a) the area or areas of land on which the activity may be carried out; or
  - (b) the manner in which the activity may be carried out; or
  - (c) the time or times at which the activity may be carried out; or
  - (d) the period or periods during which the activity may be carried out; or
  - (e) the [person](#) or persons who may carry out the activity.
- (5) Subsection (4) does not limit the ways in which an activity may be specified under paragraph (2)(b).
- (6) If the Working Body makes a declaration under subsection (2), the Working Body must take all reasonable steps to ensure that a copy of the declaration is given to:
  - (a) the [project proponent](#) for the [project](#); and
  - (b) each person who holds an [eligible interest](#) in the area, or any of the areas, of land; and
  - (c) a person specified in the [rules](#); and
  - (d) the [eligible interest registrars](#).
- (7) A failure to comply with subsection (6) does not affect the validity of a declaration under subsection (2).

*Benchmark sequestration level*

- (8) If an area or areas of land are subject to a [carbon maintenance obligation](#) that relates to a [sequestration offsets project](#), the [benchmark sequestration level](#) is the number of tonnes of carbon that was sequestered in the [relevant carbon pool](#) on the area or areas when the declaration under subsection (2) was made in relation to the area or areas.

*Obligations*

- (9) If an area or areas of land are subject to a [carbon maintenance obligation](#), a person must not [engage in conduct](#) that:
  - (a) results, or is likely to result, in a reduction below the [benchmark sequestration level](#) of the sequestration of carbon in the [relevant carbon pool](#) on the area or areas; and
  - (b) is not a [permitted carbon activity](#).
- (10) If:
  - (a) an area or areas of land are subject to a [carbon maintenance obligation](#); and
  - (b) there has been a reduction below the [benchmark sequestration level](#) of the sequestration of carbon in the [relevant carbon pool](#) on the area or areas;
 the owner or occupier of the land must take all reasonable steps to ensure that the number of tonnes of carbon sequestered in the [relevant carbon pool](#) on the area or areas is not less than the [benchmark sequestration level](#).

*Ancillary breaches*

- (11) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (9) or (10); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (9) or (10); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (9) or (10); or
  - (d) conspire with others to effect a breach of subsection (9) or (10).

*Liquidated damages clauses*

- (12) Subsections (9), (10) and (11) are [liquidated damages clauses](#).

*Duration of declaration*

- (13) A declaration under subsection (2) comes into force when a copy of the declaration is given to the [project proponent](#) for the [project](#) under subsection (6).
- (14) Unless sooner revoked, a declaration under subsection (2) ceases to be in force at whichever of the following times happens first:

- (a) when the liquidated damages payable under [section 145](#) in respect of a violation of the requirement referred to in subparagraph (1)(a)(v) or (b)(v) (including any late payment liquidated damages payable under [section 146](#) in relation to the [section 145](#) damages) have been paid in full;
- (b) if:
  - (i) the notice referred to in subparagraph (1)(c)(ii) is given; and
  - (ii) the notice required a person to [relinquish](#) a particular number of [BidCarbon Removal Units](#); and
  - (iii) the [person](#) did not comply with the requirement within 90 days after the notice was given;
 when the liquidated damages payable under [section 145](#) in respect of the violation with the requirement (including any late payment liquidated damages payable under [section 146](#) in relation to the [section 145](#) damages) is paid in full;
- (c) if the relevant [section 27](#) declaration has never been varied so as to add one or more [project areas](#)—the end of the period that:
  - (i) begins on the first occasion on which an BidCarbon Removal Unit was issued in relation to the [project](#) in accordance with [Part 2](#); and
  - (ii) is of the same duration as the [permanence period](#) for the [project](#);
- (d) if the relevant [section 27](#) declaration has been varied so as to add one or more [project areas](#)—the end of the period that:
  - (i) begins on the last occasion on which the declaration was so varied; and
  - (ii) is of the same duration as the [permanence period](#) for the [project](#).

*Declaration is not a written resolutions*

- (15) A declaration made under subsection (2) is not a [written resolutions](#).

## 82. Variation or revocation of declaration of carbon maintenance obligation

*Scope*

- (1) This section applies if a declaration is in force under [subsection 81.\(2\)](#) in relation to an area or areas of land.

*Variation or revocation*

- (2) The Working Body may, by writing, vary or revoke the declaration.
- (3) The Working Body may do so:
  - (a) on the Working Body's own initiative; or
  - (b) on application made to the Working Body by a person.

*Application*

- (4) An application under paragraph (3)(b) must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (5) A fee specified under paragraph (4)(c) must be inclusive of [VAT](#).

*Notification of variation or revocation*

- (6) If the Working Body varies or revokes the declaration, the Working Body must take all reasonable steps to ensure that a copy of the variation or revocation is given to:
  - (a) the [project proponent](#) for the [project](#); and
  - (b) each person who holds an [eligible interest](#) in the area, or any of the areas, of land; and
  - (c) a person specified in the [rules](#); and
  - (d) the [eligible interest registrars](#).

- (7) A failure to comply with subsection (6) does not affect the validity of a variation or revocation.

*Refusal*

- (8) If the Working Body decides to refuse to vary or revoke the declaration, the Working Body must give written notice of the decision to the applicant.

*Variation or revocation is not a written resolutions*

- (9) A variation or revocation of the declaration is not a [written resolutions](#).

## 83. Revocation of declaration of carbon maintenance obligation—voluntary relinquishment of BidCarbon Removal Units

*Scope*

- (1) This section applies if:
- (a) an area or areas of land are subject to a [carbon maintenance obligation](#); and
  - (b) in the case of a single area—the area is not, and is not part of, a [project area](#) for an [eligible offsets project](#) that is a [sequestration offsets project](#); and
  - (c) in the case of 2 or more areas—none of the areas is, or is part of, a [project area](#) for an [eligible offsets project](#) that is a [sequestration offsets project](#); and
  - (d) a person applies to the Working Body for the revocation of the relevant [subsection 81.\(2\)](#) declaration; and
  - (e) before the application was made, the applicant or another person voluntarily relinquished a number of [BidCarbon Removal Units](#) in order to satisfy a condition for revocation of the declaration; and
  - (f) the number of relinquished units equals the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#).

*Revocation*

- (2) The Working Body must, by writing, revoke the declaration.

*Application*

- (3) An application under paragraph (1)(d) must:
- (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body.

*Notification of revocation*

- (4) If the Working Body revokes the declaration, the Working Body must take all reasonable steps to ensure that a copy of the revocation is given to:
- (a) the [project proponent](#) for the [project](#); and
  - (b) each person who holds an [eligible interest](#) in the area, or any of the areas, of land; and
  - (c) a person specified in the [rules](#); and
  - (d) the [eligible interest registrars](#).
- (5) A failure to comply with subsection (4) does not affect the validity of a variation or revocation.

*Refusal*

- (6) If the Working Body decides to refuse to revoke the declaration, the Working Body must give written notice of the decision to the applicant.

*Revocation is not a written resolutions*

- (7) A revocation of the declaration is not a [written resolutions](#).

## Division 3—Injunctions

### 84. Injunctions

#### *Performance injunctions*

- (1) If:
- (a) a person has refused or failed, or is refusing or failing, or is proposing to refuse or fail, to do an act or thing; and
  - (b) the refusal or failure was, is or would be a breach of subsection [81.\(9\)](#) or [\(10\)](#); the [Commercial Court](#) may, on the application of the Working Body, grant an injunction requiring the [person](#) to do that Standard or thing.

#### *Restraining injunctions*

- (2) If a person has engaged, is engaging or is proposing to engage, in any conduct in breach of subsection [81.\(9\)](#) or [\(10\)](#), the [Commercial Court](#) may, on the application of the Working Body, grant an injunction:
- (a) restraining the [person](#) from engaging in the conduct; and
  - (b) if, in the [Court's](#) opinion, it is desirable to do so—requiring the [person](#) to do something.

### 85. Interim injunctions

If an application is made to the [Commercial Court](#) for an injunction under [section 84](#), the [Court](#) may, before considering the application, grant an interim injunction restraining a person from engaging in conduct of a kind referred to in that section.

### 86. Discharge etc. of injunctions

The [Commercial Court](#) may discharge or vary an injunction granted under this Division.

# Part 9—Methodology

## Division 1—Introduction

### 89. Simplified outline

The following is a simplified outline of this Part:

- The [Chairman of the Board of Trustees](#) may make or vary a [methodology](#) that applies to a specified kind of offsets project.
- Before making or varying a [methodology](#), the [Chairman of the Board of Trustees](#) must request the [Board of Trustees](#) to advise on the proposed determination or variation.
- In making or varying a [methodology](#), the [Chairman of the Board of Trustees](#) must have regard to:
  - (a) advice given by the [Board of Trustees](#); and
  - (b) the [offsets integrity standards](#); and
  - (c) certain other matters.

## Division 2—Methodology

### Subdivision A—Making of methodology

#### 90. Methodology

- (1) The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), make a determination that:
  - (a) is expressed to apply to a specified kind of [offsets project](#); and
  - (b) sets out requirements that must be met for such a project to be an [eligible offsets project](#); and
  - (c) provides that, if such a project is an [eligible offsets project](#), the [carbon dioxide equivalent](#) net abatement amount for the [project](#) in relation to a [reporting period](#) for the [project](#) is taken, for the purposes of this Carbon Farming Standard, to be equal to the amount ascertained using a method specified in, or ascertained in accordance with, the determination.

**Note 1:** For declarations of [eligible offsets projects](#), see [section 27](#).

**Note 2:** See also [subsection 27.\(4\)\(A\)](#) in relation to certain additionality requirements that may be specified in a [methodology](#).

**Note 3:** See also sections [59](#), [60](#) and [61](#) in relation to specifying a [crediting period](#) in a [methodology](#).

**Note 4:** See also [paragraph 63.\(4\)\(e\)](#) in relation to specifying in a [methodology](#) the deadline for giving an [offsets report](#).

**Note 5:** See also [subsection 65.\(2\)](#) in relation to setting out in a [methodology](#) requirements relating to the division of an [offsets project](#) into 2 or more parts.
- (2) A determination under subsection (1) is to be known as a ***methodology***.
- (3) A [methodology](#) that applies to a particular kind of [offsets project](#) may provide that, if such a project is an [eligible offsets project](#), the [project proponent](#) for the [project](#) is subject to any or all of the following requirements:
  - (a) specified requirements to include specified information relating to the [project](#) in each [offsets report](#) about the [project](#);
  - (b) specified requirements to notify one or more matters relating to the [project](#) to the Working Body;
  - (c) specified record-keeping requirements relating to the [project](#);
  - (d) specified requirements to monitor the [project](#).
- (4) In deciding whether to make a [methodology](#), the [Chairman of the Board of Trustees](#) must have regard to the following:
  - (a) whether the determination complies with the [offsets integrity standards](#);
  - (b) any advice that the [Board of Trustees](#) has given to the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#) in relation to the making of the determination;
  - (c) whether any adverse environmental, economic or social impacts are likely to arise from the carrying out of the kind of project to which the determination applies;
  - (d) such other matters (if any) as the [Chairman of the Board of Trustees](#) considers relevant.
- (4)(AA) The [Chairman of the Board of Trustees](#) must not make a [methodology](#) unless the [Chairman of the Board of Trustees](#) is satisfied that the determination complies with the [offsets integrity standards](#).
- (4)(A) The [Chairman of the Board of Trustees](#) must not make a [methodology](#) unless a method specified in, or ascertained in accordance with, the determination in accordance with paragraph (1)(c) provides that [carbon abatement](#) used in ascertaining the [carbon dioxide](#)

equivalent net abatement amount for a project is eligible carbon abatement from the project.

- (4)(B) The [Chairman of the Board of Trustees](#) must not make a [methodology](#) if the [Technical Advisory Committee](#) has advised the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#) that the determination does not comply with one or more of the [offsets integrity standards](#).
- (6) A [methodology](#) may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing:
  - (a) as in force or existing at a particular time; or
  - (b) as in force or existing from time to time.
- (6)(A) A [methodology](#) may make provision in relation to a matter by conferring a power to make a decision of an administrative character on the Working Body.

*Advice given by the Technical Advisory Committee*

- (7) Before making a [methodology](#), the [Chairman of the Board of Trustees](#) must request the [Technical Advisory Committee](#) to advise the [Chairman of the Board of Trustees](#) about whether the [Chairman of the Board of Trustees](#) should make the determination.
  - Note:** The [Technical Advisory Committee](#) must have regard to certain matters in giving advice to the [Chairman of the Board of Trustees](#) (see [section 94.A](#)).
- (8) If the [Chairman of the Board of Trustees](#) decides:
  - (a) to make a [methodology](#); or
  - (b) not to make a [methodology](#);the [Chairman of the Board of Trustees](#) must:
  - (c) cause a copy of any advice given by the [Board of Trustees](#) under [subsection 94.A.\(2\)](#) in relation to the determination to be published on the charity's website; and
  - (d) do so as soon as practicable after making the decision.

## Subdivision B—Variation of methodology

### 91. Variation of methodology

- (1) The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), vary a [methodology](#).
- (2) In deciding whether to vary a [methodology](#), the [Chairman of the Board of Trustees](#) must have regard to the following:
  - (a) whether the varied determination complies with the [offsets integrity standards](#);
  - (b) any advice that the [Board of Trustees](#) has given to the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#) in relation to the varying of the determination;
  - (c) whether any adverse environmental, economic or social impacts are likely to arise from the carrying out of the kind of project to which the varied determination applies;
  - (d) such other matters (if any) as the [Chairman of the Board of Trustees](#) considers relevant.
- (2)(AA) The [Chairman of the Board of Trustees](#) must not vary a [methodology](#) unless the [Chairman of the Board of Trustees](#) is satisfied that the varied determination complies with the [offsets integrity standards](#).
- (2)(A) The [Chairman of the Board of Trustees](#) must not vary a [methodology](#) unless a method specified in, or ascertained in accordance with, the varied determination in accordance with [paragraph 90.\(1\)\(c\)](#) provides that [carbon abatement](#) used in ascertaining the [carbon dioxide equivalent](#) net abatement amount for a project is [eligible carbon abatement](#) from the [project](#).
- (3) Subsection (1) of this section does not, by implication, limit the application of the Interpretation Act 1978 to other instruments under this Carbon Farming Standard.

#### *Advice given by the Technical Advisory Committee*

- (4) Before varying a [methodology](#), the [Chairman of the Board of Trustees](#) must request the [Technical Advisory Committee](#) to advise the [Chairman of the Board of Trustees](#) about whether the [Chairman of the Board of Trustees](#) should vary the determination.
  - Note 1:** The [Technical Advisory Committee](#) must have regard to certain matters in giving advice to the [Chairman of the Board of Trustees](#) (see [section 94.A](#)).
  - Note 2:** For variations of a minor nature, see subsection (9).
- (5) In deciding whether to vary a [methodology](#), the [Chairman of the Board of Trustees](#) must have regard to the following:
  - (a) any relevant advice given by the [Board of Trustees](#) under [subsection 94.A.\(2\)](#);
  - (b) such other matters (if any) as the [Chairman of the Board of Trustees](#) considers relevant.
- (5)(A) The [Chairman of the Board of Trustees](#) must not vary a [methodology](#) so as to extend the [crediting periods](#) for the [eligible offsets projects](#) covered by the determination unless:
  - (a) the [Technical Advisory Committee](#) has advised the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#) or [paragraph 269.\(h\)\(c\)](#) that the variation should be made; and
  - (b) the [Technical Advisory Committee](#) has not previously advised the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#) or [paragraph 269.\(h\)\(c\)](#) that the variation should not be made; and
  - (c) the determination has not previously been varied so as to extend the [crediting periods](#).
- (5)(B) The [Chairman of the Board of Trustees](#) must not vary a [methodology](#) if the [Technical Advisory Committee](#) has advised the [Chairman of the Board of Trustees](#) under [subsection](#)

[94.A.\(2\)](#) that the varied determination does not comply with one or more of the [offsets integrity standards](#).

- (6) If the [Chairman of the Board of Trustees](#) decides:
  - (a) to vary a [methodology](#); or
  - (b) not to vary a [methodology](#);the [Chairman of the Board of Trustees](#) must:
  - (c) cause a copy of any advice given by the [Board of Trustees](#) under [subsection 94.A.\(2\)](#) in relation to the determination to be published on the charity's website; and
  - (d) do so as soon as practicable after making the decision.
- (7) Subsections (4), (5), (5B) and (6) do not apply to a variation if the variation is of a minor nature.

## 92. When variation takes effect

A variation of a [methodology](#) takes effect:

- (a) on the day on which the instrument varying the [methodology](#) is made; or
- (b) if a later day is specified in the instrument—on that later day.

## Subdivision C—Duration of methodology

### 93. Duration of methodology

- (1) A methodology:
  - (a) comes into force:
    - (i) when it is made; or
    - (ii) if a later time is specified in the determination—at that later time; and
  - (b) unless sooner revoked, remains in force for:
    - (i) the period specified in the determination; or
    - (ii) if a longer period is specified in relation to the determination in a [written resolutions](#) made by the [Chairman of the Board of Trustees](#)—that longer period.
- (2) Paragraph (1)(a) has effect subject to [section 101](#).

**Note:** [Section 101](#) deals with approval of the application of a specified methodology to a project with effect from the start of a [reporting period](#).
- (3) If a methodology expires, this Carbon Farming Standard does not prevent the [Chairman of the Board of Trustees](#) from making a fresh methodology in the same terms as the expired determination.

## Subdivision D—Revocation of methodology

### 94. Revocation of methodology

- (1) The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), revoke a [methodology](#).
- (2) Before revoking a [methodology](#), the [Chairman of the Board of Trustees](#) must request the Board of Trustees to advise the [Chairman of the Board of Trustees](#) about whether the [Chairman of the Board of Trustees](#) should revoke the determination.  
**Note:** The [Board of Trustees](#) must have regard to certain matters in giving advice to the [Chairman of the Board of Trustees](#) (see [section 94.A](#)).
- (3) In deciding whether to revoke a [methodology](#), the [Chairman of the Board of Trustees](#) must have regard to the following:
  - (a) whether the determination complies with the [offsets integrity standards](#);
  - (b) any relevant advice given by the [Board of Trustees](#) under [subsection 94.A.\(2\)](#);
  - (c) such other matters (if any) as the [Chairman of the Board of Trustees](#) considers relevant.
- (4) Subsection (1) of this section does not, by implication, limit the application of the Interpretation Act 1978 to other instruments under this Carbon Farming Standard.
- (5) If the [Chairman of the Board of Trustees](#) decides:
  - (a) to revoke a [methodology](#); or
  - (b) not to revoke a [methodology](#);the [Chairman of the Board of Trustees](#) must, as soon as practicable after making the decision, cause a copy of any advice given by the [Board of Trustees](#) under [subsection 94.A.\(2\)](#) in relation to the determination to be published on the charity's website.

## Subdivision DA—Advice about making, varying or revoking methodology

### 94.A. Advice by the Technical Advisory Committee

#### *Scope*

- (1) This section applies if the [Chairman of the Board of Trustees](#) requests the [Technical Advisory Committee](#):
  - (a) under [subsection 90.\(10\)](#), to give advice about whether the [Chairman of the Board of Trustees](#) should make a [methodology](#); or
  - (b) under [subsection 91.\(6\)](#), to give advice about whether the [Chairman of the Board of Trustees](#) should vary a [methodology](#); or
  - (c) under [subsection 94.\(2\)](#), to give advice about whether the [Chairman of the Board of Trustees](#) should revoke a [methodology](#).

#### *Committee to give advice*

- (2) The [Technical Advisory Committee](#) must give the requested advice to the [Chairman of the Board of Trustees](#).

**Note:** The [Committee](#) must undertake public consultation before giving advice about making or varying a [methodology](#) (see [section 94.D](#)).

- (3) If the requested advice relates to whether the [Chairman of the Board of Trustees](#) should make a [methodology](#), the [Technical Advisory Committee](#) must include in the advice the [Committee's](#) opinion on whether the proposed determination complies with the [offsets integrity standards](#).
- (4) If the requested advice relates to whether the [Chairman of the Board of Trustees](#) should vary a [methodology](#), the [Technical Advisory Committee](#) must include in the advice the [Committee's](#) opinion on whether the determination as proposed to be varied complies with the [offsets integrity standards](#).

#### *Committee must have regard to certain matters*

- (5) In giving the requested advice to the [Chairman of the Board of Trustees](#), the [Technical Advisory Committee](#) must have regard to the following:
  - (a) the [offsets integrity standards](#);
  - (b) any relevant matters specified in a direction in force under [section 94.B](#);
  - (c) any relevant advice given by the Working Body to the [Committee](#).
- (6) Subsection (5) does not, by implication, limit the matters to which the [Technical Advisory Committee](#) may have regard.

### 94.B. Additional matters for the Technical Advisory Committee to take into account

The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), direct the [Technical Advisory Committee](#) to do any or all of the following:

- (a) have regard to one or more specified matters in giving advice about the making of a [methodology](#);
- (b) have regard to one or more specified matters in giving advice about the variation of a [methodology](#);
- (c) have regard to one or more specified matters in giving advice about the revocation of a [methodology](#).

## 94.C. Advice about whether methodology deals with eligible carbon abatement

If:

- (a) an [Technical Advisory Committee member](#):
  - (i) is a [senior officer](#); and
- (b) the member advises [the Committee](#) that:
  - (i) if the [Chairman of the Board of Trustees](#) were to make a proposed [methodology](#), the determination would not comply with the offsets integrity standard set out in [paragraph 102.\(1\)\(c\)](#); or
  - (ii) if the [Chairman of the Board of Trustees](#) were to make a particular variation of a [methodology](#), the varied determination would not comply with the offsets integrity standard set out in [paragraph 102.\(1\)\(c\)](#);

then, in giving relevant advice to the [Chairman of the Board of Trustees](#) under [subsection 94.A.\(2\)](#), the [Board of Trustees](#) is to assume that the determination or varied determination, as the case may be, would not comply with that offsets integrity standard.

**Note:** [Paragraph 102.\(1\)\(c\)](#) is about ensuring that the method in a [methodology](#) relates to [eligible carbon abatement](#).

## Subdivision DB—Consultation by the Technical Advisory Committee

### 94.D.Consultation by the Technical Advisory Committee

- (1) The [Technical Advisory Committee](#) must not advise the [Chairman of the Board of Trustees](#) to make or vary a [methodology](#) unless [the Committee](#) has first:
  - (a) published on the charity's website:
    - (i) a detailed outline of the proposed determination or variation, as the case may be; and
    - (ii) a notice inviting the public to make a submission to [the Committee](#) on the detailed outline by a specified time limit; and
  - (b) considered any submissions that were received within that time limit.
- (2) The time limit must be 28 days after the notice is published.
- (3) However, the time limit may be shorter than 28 days after the notice is published, so long as:
  - (a) the [Technical Advisory Committee](#) considers that the time limit is appropriate in the circumstances; and
  - (b) the time limit is not shorter than 14 days after the notice is published.

#### *Publication of submissions*

- (4) The [Technical Advisory Committee](#) must publish on [the Committee's](#) website any submissions under subsection (1) received within the time limit referred to in subparagraph (1)(a)(ii).
- (5) However, the [Board of Trustees](#) must not publish a particular submission made by a person if the [person](#) has requested [the Committee](#) not to publish the submission on the ground that publication of the submission could reasonably be expected to substantially prejudice the commercial interests of the [person](#) or another person.
- (6) A request under subsection (5) must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by [the Committee](#).

## Subdivision E—Applicable methodology

### 95. Applicable methodology for a reporting period

For the purposes of this Carbon Farming Standard, if a [methodology](#) applies to an [eligible offsets project](#) throughout a [reporting period](#) for the [project](#), the determination is the [applicable methodology](#) for the [reporting period](#).

### 95.A. Modified meaning of crediting period for an emissions avoidance offsets project that has an extended accounting period

This Subdivision has effect, in relation to an [emissions avoidance offsets project](#) that has an [extended accounting period](#) that begins immediately after the end of a [crediting period](#), as if a reference in this Subdivision (other than this section) to the [crediting period](#) were a reference to the period:

- (a) beginning at the start of the [crediting period](#); and
- (b) ending at the end of the [extended accounting period](#).

### 96. Original methodology continues to apply after expiry

#### *Scope*

- (1) This section applies if a [methodology](#) (the *original determination*) that covers an [eligible offsets project](#) expires, in accordance with [section 93](#), at any time during a [crediting period](#) for the [project](#).

#### *Continuation*

- (2) Despite the expiry:
  - (a) the original determination continues to apply to the [project](#) during the remainder of the [crediting period](#) as if the original determination had not expired; and
  - (b) no other [methodology](#) applies to the [project](#) during the remainder of the [crediting period](#).
- (3) However, if the Working Body approves, under section 130, the application of another [methodology](#) to the [project](#), with effect from a particular time, subsection (2) does not apply to the [project](#) during so much of the [crediting period](#) as occurs after that time.

### 97. Original methodology continues to apply after variation

#### *Scope*

- (1) This section applies if a [methodology](#) (the *original determination*) that covers an [eligible offsets project](#) is varied, under [section 91](#), at any time during a [crediting period](#) for the [project](#).

#### *Continuation*

- (2) Despite the variation, the original determination continues to apply to the [project](#) during the remainder of the [crediting period](#) as if the original determination had not been varied.
- (3) However, if the Working Body approves, under [section 101](#):
  - (a) the application of another [methodology](#) to the [project](#), with effect from a particular time; or
  - (b) the application of the original determination as varied to the [project](#), with effect from a particular time;subsection (2) does not apply to the [project](#) during so much of the [crediting period](#) as occurs after that time.

## 98. Original methodology continues to apply after revocation

### *Scope*

- (1) This section applies if a [methodology](#) (the original determination) that covers an [eligible offsets project](#) is revoked, under [section 94](#), at any time during a [crediting period](#) for the [project](#).

### *Continuation*

- (2) Despite the revocation:
  - (a) the original determination continues to apply to the [project](#) during the remainder of the [crediting period](#) as if the original determination had not been revoked; and
  - (b) no other [methodology](#) applies to the [project](#) during the remainder of the [crediting period](#).
- (3) However, if the Working Body approves, under [section 101](#), the application of another [methodology](#) to the [project](#), with effect from a particular time, subsection (2) does not apply to the [project](#) during so much of the [crediting period](#) as occurs after that time.

## 99. Request to approve application of methodology to a project with effect from the start of a reporting period

- (1) During a [reporting period](#) for an [eligible offsets project](#), the [project proponent](#) for the [project](#) may request the Working Body to approve the application of a specified [methodology](#) to the [project](#) with effect from the start of the [reporting period](#).
- (2) A request must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) be accompanied by such information as is specified in the [rules](#); and
  - (d) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (e) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (3) It is immaterial whether the end of the [reporting period](#) is known when the request is made.
- (4) The [approved form](#) of request may provide for verification by [statutory declaration](#) of statements in requests.
- (5) A fee specified under paragraph (2)(e) must be inclusive of [VAT](#).

## 100. Further information

- (1) The Working Body may, by written notice given to a person who made a request, require the [person](#) to give the Working Body, within the period specified in the notice, further information in connection with the request.
- (2) If the [person](#) breaches the requirement, the Working Body may, by written notice given to the [person](#):
  - (a) refuse to consider the request; or
  - (b) refuse to take any action, or any further action, in relation to the request.

## 101. Working Body may approve application of methodology to a project with effect from the start of a reporting period

### *Scope*

- (1) This section applies if, during a [reporting period](#) for an [eligible offsets project](#), a request under [section 99](#) has been made for the approval of the application of a specified [methodology](#) to the [project](#) with effect from the start of the [reporting period](#).

### *Approval*

- (2) After considering the request, the Working Body may, by writing, approve the application of the [methodology](#) to the [project](#) with effect from the start of the [reporting period](#).
- (3) The Working Body must not give an approval under subsection (2) unless the Working Body is satisfied that the [project](#) is covered by the [methodology](#).

*Notification of approval etc.*

- (4) As soon as practicable after giving an approval under subsection (2), the Working Body must give a copy of the approval to the [person](#) who made the request.
- (4)(A) As soon as practicable after giving an approval under subsection (2), the Working Body must:
  - (a) annotate the relevant [section 27](#) declaration to include a reference to the application of the [methodology](#) to the [project](#) from the start of the [reporting period](#); and
  - (b) give a copy of the annotated declaration to the [project proponent](#) for the [project](#).

*Refusal*

- (5) If the Working Body decides to refuse to approve the application of the [methodology](#) to the [project](#), the Working Body must give written notice of the decision to the [person](#) who made the request.

*Approval is not a written resolutions*

- (6) An approval given under subsection (2) is not a [written resolutions](#).

## Division 3—Offsets integrity standards

### 102. Offsets integrity standards

- (1) For the purposes of this Carbon Farming Standard, the *offsets integrity standards* are as follows:
  - (a) the application of:
    - (i) the requirements set out in; and
    - (ii) the method specified in, or ascertained in accordance with, a [methodology](#), in relation to projects of the kind specified in the determination, should result in [carbon abatement](#) that is unlikely to occur in the ordinary course of events (disregarding the effect of this Carbon Farming Standard);
  - (b) to the extent to which a method specified in, or ascertained in accordance with, a [methodology](#) in accordance with [paragraph 90.\(1\)\(c\)](#) involves ascertaining any of the following:
    - (i) the removal of one or more greenhouse gases from the atmosphere;
    - (ii) the reduction of emissions of one or more greenhouse gases into the atmosphere;
    - (iii) the [emission](#) of one or more greenhouse gases into the atmosphere; the removal, reduction or emission, as the case may be, should be:
      - (iv) measurable; and
      - (v) capable of being verified;
  - (c) a method specified in, or ascertained in accordance with, a [methodology](#) in accordance with [paragraph 90.\(1\)\(c\)](#) should provide that [carbon abatement](#) used in ascertaining the [carbon dioxide equivalent](#) net abatement amount for a project must be [eligible carbon abatement](#) from the [project](#);
  - (d) a method specified in, or ascertained in accordance with, a [methodology](#) in accordance with [paragraph 90.\(1\)\(c\)](#) should be supported by clear and convincing evidence;
  - (e) a method specified in, or ascertained in accordance with, a [methodology](#) in accordance with [paragraph 90.\(1\)\(c\)](#) should provide that, in ascertaining the [carbon dioxide equivalent](#) net abatement amount for a project, there is to be a deduction of the [carbon dioxide equivalent](#) of any amounts of greenhouse gases that:
    - (i) are emitted as a direct consequence of carrying out the [project](#); and
    - (ii) under the determination, are taken to be material amounts;
  - (f) to the extent to which a method specified in, or ascertained in accordance with, a [methodology](#) in accordance with [paragraph 90.\(1\)\(c\)](#) involves an estimate, projection or assumption—the estimate, projection or assumption should be conservative;
  - (g) such other standards (if any) as are set out in the [rules](#).
- (2) Without limiting paragraph (1)(d), evidence mentioned in that paragraph may include relevant scientific results published in peer-reviewed literature.
- (3) Paragraph (1)(h) is not limited by the other paragraphs in subsection (1).

*Conservative estimates, projections or assumptions*
- (4) The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), make a determination providing that a specified estimate, projection or assumption is taken to be conservative for the purposes of this section.

- (5) The [Chairman of the Board of Trustees](#) may, by [written resolutions](#), make a determination providing that a specified estimate, projection or assumption is taken not to be conservative for the purposes of this section.

# Part 10—Multiple project proponents

## Division 1—Introduction

### 103. Simplified outline

The following is a simplified outline of this Part:

- If there are [multiple project proponents](#) for an [offsets project](#), a reference in this Carbon Farming Standard to the [project proponent](#) is to be read as a reference to each of the [project proponents](#).
- [multiple project proponents](#) for an [offsets project](#) may nominate a nominee for the purposes of:
  - (1) the Service of documents; and
  - (2) the taking of [eligible voluntary actions](#) (for example, the making of an application).
- If there are [multiple project proponents](#) for an [offsets project](#), obligations are imposed on each of the proponents, but may be discharged by any of the proponents.

## Division 2—References to project proponents

### 104. References to project proponents

If there are 2 or more persons (the *multiple project proponents*) who:

- (a) have joint responsibility for carrying out an [offsets project](#); and
- (b) jointly have the legal right to carry out the [project](#);

then:

- (c) for the purposes of this Carbon Farming Standard, each of the [multiple project proponents](#) is a project proponent for the [project](#); and
- (d) a reference in:
  - (i) this Carbon Farming Standard; or
  - (ii) the [rules](#); or
  - (iii) any other instrument under this Carbon Farming Standard;to the [project proponent](#) for the [offsets project](#) is to be read as a reference to each of the [multiple project proponents](#).

## Division 3—Nominee of multiple project proponents

### 105. Nomination of nominee by multiple project proponents

#### *Scope*

- (1) This section applies to an [offsets project](#) if there are 2 or more [project proponents](#) (the *multiple project proponents*) for the [project](#).

#### *Nomination*

- (2) The [multiple project proponents](#) may, by joint written notice given to the Working Body, nominate one of them as being their *nominee* in relation to the [offsets project](#).
- (3) The joint written notice must be in a form approved, in writing, by the Working Body.
- (4) A notice under subsection (2) may accompany an application under this Carbon Farming Standard, the [rules](#). In this case, the nomination is taken to have been given immediately before the application was made.

#### *Revocation of nomination*

- (5) If:
- (a) a person has been nominated under subsection (2) in relation to an [eligible offsets project](#); and
  - (b) one of the [project proponents](#) for the [eligible offsets project](#), by written notice given to the Working Body, revokes the nomination;
- the nomination ceases to be in force.

#### *Cessation of nomination—nominee ceases to be a project proponent*

- (6) If:
- (a) a person has been nominated under subsection (2) in relation to an [eligible offsets project](#); and
  - (b) the nominee ceases to be one of the [project proponents](#) for the [eligible offsets project](#);
- the nomination ceases to be in force.

### 106. Service of documents on nominee

#### *Scope*

- (1) This section applies if there are 2 or more [project proponents](#) (the *multiple project proponents*) for an [offsets project](#).

#### *Service of documents*

- (2) For the purposes of this Carbon Farming Standard, if:
- (a) the [multiple project proponents](#) have nominated a nominee under [subsection 105\(2\)](#) in relation to the [project](#); and
  - (b) the nomination is in force; and
  - (c) a document relating to the [eligible offsets project](#) is required or permitted by this Carbon Farming Standard to be given to the [project proponent](#); and
  - (d) the document is given to the nominee;
- the document is taken to have been given to each of the [multiple project proponents](#).

### 107. Eligible voluntary action taken by nominee

#### *Scope*

- (1) This section applies if there are 2 or more [project proponents](#) (the *multiple project proponents*) for an [offsets project](#).

#### *Eligible voluntary action to be taken by nominee*

- (2) If:

- (a) the [multiple project proponents](#) have nominated a nominee under [subsection 105\(2\)](#) in relation to the [project](#); and
  - (b) the nomination is in force; and
  - (c) the nominee takes an [eligible voluntary action](#); and
  - (d) the application, nomination, request or notice to which the [eligible voluntary action](#) relates is expressed to be made, withdrawn or given, as the case may be, on behalf of the [multiple project proponents](#);
- this Carbon Farming Standard, the [rules](#) have effect as if:
- (e) the application, nomination, request or notice to which the [eligible voluntary action](#) relates were made, withdrawn or given, as the case may be, by the [multiple project proponents](#) jointly; and
  - (f) if the [eligible voluntary action](#) is the making of an application—a reference in this Carbon Farming Standard, the [rules](#) to the applicant were a reference to each of the [multiple project proponents](#).
- (3) The [multiple project proponents](#) are not entitled to take an [eligible voluntary action](#) except in accordance with subsection (2).

## 108. Unilateral revocation of declaration of eligible offsets project—failure of multiple project proponents to nominate a nominee

- (1) The [rules](#) may make provision for and in relation to empowering the Working Body to revoke a declaration under [section 27](#) in relation to an [offsets project](#).
- (2) Rules made for the purposes of subsection (1) must not empower the Working Body to revoke a declaration unless:
  - (a) there are 2 or more [project proponents](#) (the *multiple project proponents*) for the [offsets project](#); and
  - (b) a declaration is in force under [section 27](#) in relation to the [project](#); and
  - (c) the [multiple project proponents](#) have nominated a person under [subsection 105. \(2\)](#); and
  - (d) the nomination ceases to be in force; and
  - (e) 90 days pass, and no new nomination under [subsection 105.\(2\)](#) is made by the [multiple project proponents](#).
- (3) Rules made for the purposes of subsection (1) must require the Working Body to consult the [multiple project proponents](#) before deciding to revoke a declaration.

## 109. Designation of nominee account

### *Scope*

- (1) This section applies if:
  - (a) there are 2 or more [project proponents](#) (the *multiple project proponents*) for an [eligible offsets project](#); and
  - (b) the [multiple project proponents](#) have nominated a nominee under [subsection 105. \(2\)](#) in relation to the [project](#); and
  - (c) the nomination is in force.

### *Request for nominee account*

- (2) The nominee may:
  - (a) request the Working Body, under requirements made for the purposes of subsection 10.(1) of the [Registry Standard](#), to [open a Registry account](#) in the name of the nominee; and
  - (b) request the Working Body to designate that account as the [nominee account](#) for the [eligible offsets project](#).

- (3) A request under paragraph (2)(b) must:
  - (a) be in writing; and
  - (b) be in a form approved, in writing, by the Working Body; and
  - (c) be accompanied by such information as is specified in the [rules](#); and
  - (d) be accompanied by such other documents (if any) as are specified in the [rules](#); and
  - (e) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (4) The [approved form](#) of request may provide for verification by [statutory declaration](#) of statements in requests.
- (5) A fee specified under paragraph (3)(e) must be inclusive of [VAT](#).

*Designation of nominee account*

- (6) After considering a request under paragraph (2)(b), the Working Body may designate the [Registry account](#) as the *nominee account* for the [eligible offsets project](#).

## 110. Issue of BidCarbon Removal Units to nominee account

*Scope*

- (1) This section applies if there are 2 or more [project proponents](#) (the *multiple project proponents*) for an [eligible offsets project](#).

*Application for issue of BidCarbon Removal Units*

- (2) If:
  - (a) the [multiple project proponents](#) have nominated a nominee under [subsection 105\(2\)](#) in relation to the [project](#); and
  - (b) the nomination is in force; and
  - (c) a [nominee account](#) for the [project](#) is kept in the name of the nominee; and
  - (d) the nominee makes an application under [section 13](#) for the issue of a [certification of entitlement](#) in respect of the [project](#) for a [reporting period](#);

[paragraph 14.\(1\)\(c\)](#) does not apply to the application.

Note: [Paragraph 14.\(1\)\(c\)](#) requires the application to set out the [account number](#) of a [Registry account](#).

*Issue of BidCarbon Removal Units*

- (3) If:
  - (a) the [multiple project proponents](#) have nominated a nominee under [subsection 105.\(2\)](#) in relation to the [project](#); and
  - (b) the nomination is in force; and
  - (c) a [nominee account](#) for the [project](#) is kept in the name of the nominee; and
  - (d) apart from this subsection, the Working Body is required under [section 12](#) to issue one or more [BidCarbon Removal Units](#) to the [multiple project proponents](#) in relation to the [eligible offsets project](#);

then:

  - (e) the Working Body must comply with the requirement by issuing the units to the nominee and making an entry for the units in the [nominee account](#); and
  - (f) subsections [12.\(5\)](#) and [\(6\)](#) do not apply to the issue of the units.
- (4) If:
  - (a) no nomination made by the [multiple project proponents](#) under [subsection 105.\(2\)](#) in relation to the [project](#) is in force; and
  - (b) apart from this subsection, the Working Body is required under [section 12](#) to issue one or more [BidCarbon Removal Units](#) to the [multiple project proponents](#) in relation to the [eligible offsets project](#);

the Working Body must not issue the units.

## 111. Units held in nominee account

### *Scope*

- (1) This section applies to a [Registry account](#) that has been designated as the [nominee account](#) for an [eligible offsets project](#).

### *Units held in account*

- (2) [BidCarbon Removal Units](#) held in the [nominee account](#) are held on [trust](#) for the [persons](#) who are, for the time being, the [project proponents](#) for the [project](#).

## 112. Instructions in relation to nominee account

### *Scope*

- (1) This section applies to a [Registry account](#) that has been designated as the [nominee account](#) for an [eligible offsets project](#).

### *Instructions by nominee*

- (2) A person is not entitled to give instructions under:
  - (a) this Carbon Farming Standard; or
  - (b) the [Registry Standard](#);to the Working Body in relation to the [nominee account](#) unless:
  - (c) the account is kept in the name of the [person](#); and
  - (d) the [person](#) has been nominated as a nominee under [subsection 105\(2\)](#) in relation to the [project](#); and
  - (e) the nomination is in force.
- (3) If an instruction complies with subsection (2), the instruction is taken to have been given on behalf of the [project proponents](#) for the [project](#).

## 113. Updating nominee account details on change of nominee

### *Scope*

- (1) This section applies if:
  - (a) there are 2 or more [project proponents](#) (the *multiple project proponents*) for an [eligible offsets project](#); and
  - (b) the [multiple project proponents](#) have nominated a nominee under [subsection 105. \(2\)](#) in relation to the [project](#); and
  - (c) a [nominee account](#) for the [project](#) is kept in the name of the nominee; and
  - (d) the nomination ceases to be in force; and
  - (e) a new nomination of a nominee (the *new nominee*) is made under [subsection 105. \(2\)](#).

### *Updating account details*

- (2) As soon as practicable after receiving the new nomination, the Working Body must make the necessary alterations in the [Register](#) to substitute the name of the new nominee for the name of the old nominee.

## Division 4—Obligations of multiple project proponents

### 114. Obligations of multiple project proponents

#### *Scope*

- (1) This section applies if:
  - (a) there are 2 or more [project proponents](#) (the *multiple project proponents*) for the [eligible offsets project](#); and
  - (b) any of the following:
    - (i) this Carbon Farming Standard;
    - (ii) the [rules](#);
    - (iii) another instrument made under this Carbon Farming Standard; imposes an obligation on the [project proponent](#) for the [project](#).

#### *Obligations of project proponent*

- (2) The obligation is imposed on each of the [multiple project proponents](#), but may be discharged by any of the [multiple project proponents](#).
- (3) The [rules](#) may exempt a specified obligation from the scope of subsection (2).

# Part 11—BidCarbon Removal Units

## Division 1—Introduction

### 115. Simplified outline

The following is a simplified outline of this Part:

- The Working Body may issue [BidCarbon Removal Units](#).
- An BidCarbon Removal Unit is generally transferable.
- Entries may be made in [Registry accounts](#) for [BidCarbon Removal Units](#).

## Division 2—Issue of BidCarbon Removal Units

### 116. Issue of BidCarbon Removal Units

- (1) The [Working Body](#) may, on behalf of [the charity](#), issue units, to be known as [BidCarbon Removal Units](#).

#### *Unit equivalence*

- (2) Each [BidCarbon Removal Unit](#) shall be equivalent to one tonne of carbon dioxide equivalent.

#### *Nature of a BidCarbon Removal Unit*

- (3) For the purposes of paragraph (2), a [BidCarbon Removal Unit](#) is a standardised data result object, representing a verified carbon removal or reduction outcome. A [BidCarbon Removal Unit](#), by itself, does not constitute a tradable asset.

#### *Acquisition of tradable status*

- (4) A [BidCarbon Removal Unit](#) may attain tradable status as a data asset only once an asset valuation has been completed and a [Carbon Data Rights Certificate](#) (CDRC) has been issued in respect of the Unit.

### 117. How BidCarbon Removal Units are to be issued

- (1) The [Working Body](#) is to issue an [BidCarbon Removal Unit](#) to a person by making an entry for the unit in a [Registry account](#) kept by the [person](#).
- (2) The [Working Body](#) must not issue an [BidCarbon Removal Unit](#) to a person unless the [person](#) has a [Registry account](#).

### 118. Circumstances in which BidCarbon Removal Units may be issued

The [Working Body](#) must not issue an [BidCarbon Removal Unit](#) otherwise than in accordance with [Part 2](#).

## Division 3—Confirmation in, and transfer of, BidCarbon Removal Units

### 119. Nature and recognition of BidCarbon Removal Units

[BidCarbon Removal Units](#) constitute data rights and are to be recognised as assets on the balance sheet on the basis of their data collection sources and upon the application for a [Carbon Data Rights Certificate](#) in accordance with the [CDRC Standard](#), and, subject to sections [122](#) and [123](#), is transmissible by assignment, by will and by devolution by operation of law.

### 120. Ownership of BidCarbon Removal Unit

- (1) The [registered holder](#) of an [BidCarbon Removal Unit](#):
  - (a) is the legal owner of the [BidCarbon Removal Unit](#); and
  - (b) may, subject to this Carbon Farming Standard, the [CDRC Standard](#) and the [Registry Standard](#), deal with the unit as its legal owner and give good discharges for any consideration in respect of any such dealing.
- (2) Subsection (1) only protects a person who deals with the [registered holder](#) of the unit as a purchaser:
  - (a) in good faith for value; and
  - (b) without notice of any defect in the title of the [registered holder](#).

### 121. Transfer of BidCarbon Removal Units

For the purposes of this Carbon Farming Standard, if there is an entry for an [BidCarbon Removal Unit](#) in a [Registry account](#) (the *first Registry account*) kept by a person (the *first person*):

- (a) a *transfer* of the unit from the [first Registry account](#) to a [Registry account](#) kept by another person consists of:
  - (i) the removal of the entry for the unit from the [first Registry account](#); and
  - (ii) the making of an entry for the unit in the [Registry account](#) kept by the other person; and
- (b) the *transfer* of the unit from the [first Registry account](#) to another [Registry account](#) kept by the [first person](#) consists of:
  - (i) the removal of the entry for the unit from the [first Registry account](#); and
  - (ii) the making of an entry for the unit in the other [Registry account](#) kept by the [first person](#).

### 122. Transmission of BidCarbon Removal Units by assignment

- (1) A transmission by assignment of an [BidCarbon Removal Unit](#) for which there is an entry in a [Registry account](#) is of no force until:
  - (a) the transferor, by [electronic notice transmitted to the Working Body](#), instructs the Working Body to transfer the unit from the relevant [Registry account](#) kept by the transferor to a [Registry account](#) kept by the transferee; and
  - (b) the Working Body complies with that instruction.
- (2) An instruction under paragraph (1)(a) must set out:
  - (a) the [account number](#) of the transferor's [Registry account](#); and
  - (b) the [account number](#) of the transferee's [Registry account](#).
- (3) If the Working Body receives an instruction under paragraph (1)(a), the Working Body must comply with the instruction as soon as practicable after receiving it.
- (4) The [Units Register](#) must set out a record of each instruction under paragraph (1)(a).

- (5) If the transferor is the BidCarbon Climate Trading Company, the Working Body may give an instruction under subsection (1) on behalf of the transferor.

## 123. Transmission of BidCarbon Removal Units by operation of law etc.

### *Scope*

- (1) This section applies if an [BidCarbon Removal Unit](#) for which there is an entry in a [Registry account](#) is transmitted from a person (the *transferor*) to another person (the *transferee*) by any lawful means other than by a [transfer](#) under [section 122](#).

### *Effect of transmission*

- (1)(A) The transmission is of no force until the Working Body transfers the [BidCarbon removal unit](#) under subsection (7) or (8).

### *Declaration of transmission*

- (2) The transferee must, within 90 days after the transmission, give the Working Body:
- a declaration of transmission; and
  - such evidence of transmission as is specified in the [rules](#).
- (3) A declaration of transmission must be made in accordance with the [rules](#).
- (4) If the transferee does not already have a [Registry account](#), the declaration of transmission must be accompanied by a request, under requirements made for the purposes of subsection 10.(1) of the [Registry Standard](#), for the Working Body to [open a Registry account](#) in the name of the transferee.
- (5) If the Working Body is satisfied that special circumstances authorisation the extension of the 90-day period mentioned in subsection (2), the Working Body may extend that period.
- (6) The Working Body may exercise the entitled conferred by subsection (5):
- on written application being made to the Working Body by the transferee; or
  - on the Working Body's own initiative.

### *Transfer of unit—transferee already has a Registry account*

- (7) If the transferee already has a [Registry account](#), the Working Body must, as soon as practicable after receiving the declaration of transmission, [transfer](#) the unit from the relevant [Registry account](#) kept by the transferor to a [Registry account](#) kept by the transferee.

### *Transfer of unit—transferee does not have a Registry account*

- (8) If:
- the transferee does not already have a [Registry account](#); and
  - in accordance with the request under requirements made for the purposes of subsection 10.(1) of the [Registry Standard](#), the Working Body has opened a [Registry account](#) in the name of the transferee;
- the Working Body must, as soon as practicable after opening the [Registry account](#), [transfer](#) the unit from the relevant [Registry account](#) kept by the transferor to the [Registry account](#) kept by the transferee.

### *Record*

- (9) If the Working Body transfers the unit under subsection (7) or (8), the [Units Register](#) must set out a record of the declaration of transmission.

### *When the transferee is the BidCarbon Climate Trading Company*

- (10) If the transferee is the BidCarbon Climate Trading Company, the Working Body may give:
- the declaration of transmission; and
  - the evidence mentioned in paragraph (2)(b);
- on behalf of the transferee.

### *Notification*

- (11) If:

- (a) the Working Body decides to:
  - (i) extend the 90-day period mentioned in subsection (2); or
  - (ii) refuse to extend the 90-day period mentioned in subsection (2); and
- (b) the Working Body made the decision in response to an application; the Working Body must give written notice of the decision to the applicant.

## 124. Outgoing international transfers of BidCarbon Removal Units

### *Scope*

- (1) This section applies if:
  - (a) a person (the *first person*) keeps a [Registry account](#) in which there is an entry for an [BidCarbon Removal Unit](#); and
  - (b) the *first person*, by [electronic notice transmitted to the Working Body](#), instructs the Working Body to [transfer](#) the unit from the [Registry account](#) to:
    - (i) a [foreign account](#) kept by another person; or
    - (ii) a [foreign account](#) kept by the *first person*; and
  - (c) the instruction does not contravene:
    - (i) rules made for the purposes of [section 125](#) of this Carbon Farming Standard; or
    - (ii) requirements made for the purposes of subsection 41.(3) of the [Registry Standard](#).
- (2) An instruction under subsection (1) must set out:
  - (a) the [account number](#) of the relevant [Registry account](#) kept by the *first person*; and
  - (b) such other information as is specified in the [rules](#).

### *Compliance with instruction*

- (3) If the Working Body receives an instruction under subsection (1), the Working Body must take such steps as are required by the [rules](#).
- (4) Rules made for the purposes of subsection (3) may require the Working Body to remove the entry for the unit from the relevant [Registry account](#) kept by the *first person*.
- (5) Rules made for the purposes of subsection (3) may require the Working Body to [transfer](#) an [assigned amount unit](#) from a [BidCarbon Climate holding account](#) to a [voluntary cancellation account](#).
- (6) If the Working Body takes steps under subsection (3) in relation to an instruction, the [Units Register](#) must set out a record of the instruction.
- (7) If the *first person* is the BidCarbon Climate Trading Company, the Working Body may give an instruction under subsection (1) on behalf of the *first person*.

## 125. Restrictions on outgoing international transfers of BidCarbon Removal Units

The following situations may prevent, restrict or limit the [transfer](#) of [BidCarbon Removal Units](#) from a [Registry account](#) to other [Registry account](#) or [foreign account](#):

- (1) the [rules](#); or
- (2) the [registered holder](#) has not yet applied, in accordance with the [CDRC Standard](#), for a [Carbon Data Rights Certificates](#) for the [BidCarbon Removal Units](#); or
- (3) under the Sanctions and Anti-Money Laundering Act 2018; or
- (4) assistance to judicial authorities.

## 126. Transfer of BidCarbon Removal Units to another Registry account held by the transferor

### *Scope*

- (1) This section applies if:
  - (a) a person keeps a [Registry account](#) (the *first Registry account*) in which there is an entry for an [BidCarbon Removal Unit](#); and
  - (b) the [person](#), by [electronic notice transmitted to the Working Body](#), instructs the Working Body to [transfer](#) the unit from the [first Registry account](#) to another [Registry account](#) kept by the [person](#); and
  - (c) the instruction sets out:
    - (i) the [account number](#) of the [first Registry account](#); and
    - (ii) the [account number](#) of the other [Registry account](#).

*Compliance with instruction*

- (2) If a person gives the Working Body an instruction under paragraph (1)(b), the Working Body must comply with the instruction as soon as practicable after receiving it.
- (3) The [Units Register](#) must set out a record of the instruction under paragraph (1)(b).

## 127. Registration of equitable interests in relation to an BidCarbon Removal Unit

*Scope*

- (1) The [rules](#) may make provision for or in relation to the registration in the [Units Register](#) of equitable interests in relation to [BidCarbon Removal Units](#).
- (2) Subsection (1) is not a security interest and does not apply to equitable interests to which this Carbon Farming Standard applies.

## 128. Equitable interests in relation to an BidCarbon Removal Unit

- (1) This Carbon Farming Standard does not affect:
  - (a) the creation of; or
  - (b) any dealings with; or
  - (c) the enforcement of;equitable interests in relation to an [BidCarbon Removal Unit](#).
- (2) Subsection (1) has effect subject to:
  - (a) [section 49](#); and
  - (b) rules made for the purposes of [section 50](#); and
  - (c) [section 111](#).
- (3) This section is enacted for the avoidance of doubt.

# Part 12—Publication of information

## Division 1—Introduction

### 129. Simplified outline

The following is a simplified outline of this Part:

- The Working Body must publish certain information about the operation of this Carbon Farming Standard.

## Division 2—Information about units

### 130. Information about issue of BidCarbon Removal Units

As soon as practicable after [BidCarbon Removal Units](#) are issued to a person, the Working Body must publish on the BidCarbon Standard website:

- (1) the name of the [person](#); and
- (2) the total number of [BidCarbon Removal Units](#) issued to the [person](#).

### 131. Quarterly reports about issue of BidCarbon Removal Units

As soon as practicable after the end of each [quarter](#), the Working Body must publish on the BidCarbon Standard website the total number of [BidCarbon Removal Units](#) issued during the [quarter](#).

### 132. Publication of concise description of the characteristics of BidCarbon Removal Units

The Working Body must:

- (1) publish on the BidCarbon Standard website a statement setting out a concise description of the characteristics of [BidCarbon Removal Units](#); and
- (2) keep that statement up-to-date.

## Division 3—Information about units purchased by the BidCarbon Climate Trading Company

### 133. Information about carbon removal purchasing processes

After the Working Body conducts a [carbon removal purchasing](#) process, the Working Body may publish on the BidCarbon Standard website any or all of the following information:

- (1) when the process was conducted;
- (2) the weighted average price for [eligible carbon credit units](#) that the BidCarbon Climate Trading Company is purchasing as a result of the process;
- (3) such other summary information (if any) relating to the process as the Working Body considers appropriate;
- (4) such other statistics (if any) relating to the process as the Working Body considers appropriate.

### 133.A. Annual reports about purchases of eligible carbon credit units

As soon as practicable after the end of each [financial year](#), the Working Body must publish on the BidCarbon Standard website:

- (1) the total amount of [carbon abatement](#) that will result from the purchase of [eligible carbon credit units](#) by the BidCarbon Climate Trading Company under [carbon removal contracts](#) entered into during the [financial year](#); and
- (2) the total amount that the BidCarbon Climate Trading Company will be liable to pay for the purchase of [eligible carbon credit units](#) under [carbon removal contracts](#) entered into during the [financial year](#); and
- (3) the total number of [eligible carbon credit units](#) that were transferred to the BidCarbon Climate Trading Company during the [financial year](#) as a result of [carbon removal contracts](#); and
- (4) the total amount that the BidCarbon Climate Trading Company has paid during the [financial year](#) for the purchase of [eligible carbon credit units](#) under [carbon removal contracts](#); and
- (5) such other summary information (if any) relating to the purchase of [eligible carbon credit units](#) by the BidCarbon Climate Trading Company under [carbon removal contracts](#) as the Working Body considers appropriate; and
- (6) such other statistics (if any) relating to the purchase of [eligible carbon credit units](#) by the BidCarbon Climate Trading Company under [carbon removal contracts](#) as the Working Body considers appropriate.

## Division 4—Information about relinquishment requirements

### 134. Information about relinquishment requirements

#### *Scope*

- (1) This section applies if, under this Carbon Farming Standard, a person is required, during a [financial year](#), to [relinquish](#) a particular number of [BidCarbon Removal Units](#).

#### *Relinquishment requirement*

- (2) The Working Body must publish on the BidCarbon Standard website:
  - (a) the name of the [person](#); and
  - (b) details of the relinquishment requirement.
- (3) If any of the following paragraphs applies:
  - (a) the decision to require the person to [relinquish](#) a specified number of [BidCarbon Removal Units](#) is being reconsidered by the Working Body under [section 264](#);
  - (b) the decision to require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) has been affirmed or varied by the Working Body under [section 264](#), and the decision as so affirmed or varied is the subject of an application for review by the [Grievance Review Panel](#);
  - (c) the decision to require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) is the subject of an application for review by the [Grievance Review Panel](#);the Working Body must:
  - (d) publish an appropriate annotation on the BidCarbon Standard website; and
  - (e) if paragraph (a) applies—when the Working Body notifies the applicant for reconsideration of the Working Body’s decision on the reconsideration, the Working Body must publish an appropriate annotation on the BidCarbon Standard website; and
  - (f) if paragraph (b) or (c) applies, the Working Body must publish an appropriate annotation on its website once the review by the [Grievance Review Panel](#) (including any [Commercial Court](#) proceedings arising out of the review) has been finalised.

### 135. Information about unpaid damages

#### *Scope*

- (1) This section applies if:
  - (a) under this Carbon Farming Standard, a person is required to [relinquish](#) a particular number of [BidCarbon Removal Units](#); and
  - (b) during a [financial year](#), an amount (the *damages amount*) payable by the [person](#) under [section 145](#) in relation to violation with the relinquishment requirement remains unpaid after the time when the damages amount became due for payment.

#### *Damages amount*

- (2) The Working Body must publish on the BidCarbon Standard website:
  - (a) the name of the [person](#); and
  - (b) details of the unpaid damages amount.

### 136. Information about number of relinquished units

#### *Scope*

- (1) This section applies if:

- (a) under this Carbon Farming Standard, a person is required to [relinquish](#) a particular number of [BidCarbon Removal Units](#); and
- (b) during a [financial year](#), the [person](#) relinquishes one or more [BidCarbon Removal Units](#) in order to comply with the requirement.

*BidCarbon Removal Units relinquished*

- (2) As soon as practicable after receiving the relinquishment notice, the Working Body must publish on the BidCarbon Standard website:
  - (a) the name of the [person](#); and
  - (b) the total number of [BidCarbon Removal Units](#) relinquished.

## Division 4A—Information about the charity's international obligations

### 137. Information about the charity's international obligations

- (1) The Working Body must publish on the BidCarbon Standard website any information that is:
  - (a) held by the Working Body; and
  - (b) specified in the [rules](#) for the purposes of subsection (2).
- (2) The [rules](#) may require the provision of information relevant to [the charity](#) in order for it to meet its international commitments in good faith. This may be required under any or all of the following:
  - (a) the [Climate Change Convention](#);
  - (b) the [Kyoto Protocol](#);
  - (c) the [Paris Agreement](#);
  - (d) any other [international agreement or initiative](#).

## Division 5—Register of BidCarbon Removal Units

### 138. Register of BidCarbon Removal Units

- (1) The Working Body must keep a register, to be known as the *Register of BidCarbon Removal Units*.
- (2) The Register of BidCarbon Removal Units is to be maintained by electronic means.
- (3) The Register of BidCarbon Removal Units is to be made available for inspection on the BidCarbon Standard website.
- (4) The Working Body must ensure that the Register of BidCarbon Removal Units is up-to-date.

### 139. Entries in the Register

- (1) The [Register of BidCarbon Removal Units](#) must set out, for each [eligible offsets project](#):
  - (a) the name of the [project](#); and
  - (b) if the [project](#) is an [area-based offsets project](#)—the following:
    - (i) the [project area](#) or [project areas](#);
    - (ii) the [carbon estimation area](#), or [carbon estimation areas](#), for the [project](#); and
  - (c) a description of the [project](#); and
  - (e) the location of the [project](#); and
  - (f) the [project proponent](#) for the [project](#); and
  - (g) the name of the [applicable methodology](#); and
  - (h) whether the relevant declaration under [section 27](#) is subject to a condition that all relevant [regulatory approvals](#) must be obtained before the end of the first [reporting period](#) for the [project](#); and
  - (h)(a) whether the relevant declaration under [section 27](#) is subject to a condition mentioned in [subsection 28.A.\(2\)](#); and
  - (i) if the [project](#) is a [sequestration offsets project](#):
    - (i) whether the project is a [100-year permanence period project](#) or a [25-year permanence period project](#); and
    - (ii) when the [permanence period](#) for the [project](#) will end; and
  - (j) if:
    - (i) the [project](#) is an [area-based offsets project](#); and
    - (ii) the [project area](#), or any of the [project areas](#), is covered by a [regional natural resource management plan](#);whether the [project](#) is consistent with the plan; and
  - (k) if any [BidCarbon Removal Units](#) have been issued in relation to the [project](#) in accordance with [Part 2](#):
    - (i) the total number of units so issued; and
    - (ii) the [financial year](#), or each of the [financial years](#), in which those units were so issued; and
    - (iii) the name of the [person](#), or each of the [persons](#), to whom those units have been issued; and
  - (l) if any [BidCarbon Removal Units](#) have been relinquished in order to comply with a requirement under [Part 7](#) in relation to the [project](#)—the total number of units so relinquished; and
  - (m) if the [project](#) is a [sequestration offsets project](#), and the [project area](#) or [project areas](#) are to any extent subject to a [carbon maintenance obligation](#):
    - (i) a statement to the effect that the [project area](#) or [project areas](#) are, to a specified extent, subject to a [carbon maintenance obligation](#); and

- (ii) the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#); and
- (n) if:
  - (i) the [project proponent](#) for the [project](#) has requested the Working Body that particular information about the environmental benefits, or community benefits, of the [project](#) be set out in the [Register of BidCarbon Removal Units](#); and
  - (ii) the request has not been withdrawn; and
  - (iii) the requested information meets the requirements specified in the [rules](#); the requested information; and
- (p) such other information (if any) relating to the [project](#) as the Working Body considers appropriate.
- (2) For the purposes of subparagraph (1)(i)(ii), the [permanence period](#) for a project ends at the last time when a notice could be given under [subsection 77.\(2\)](#) in relation to the [project](#) if it were assumed that the requirements of paragraphs [77.\(1\)\(b\)](#) and [\(c\)](#) had been met.
- (3) If one or more areas of land that were formerly a [project area](#) or [project areas](#) of an [eligible offsets project](#) are to any extent subject to a [carbon maintenance obligation](#), the [Register of BidCarbon Removal Units](#) must:
  - (a) set out a statement to the effect that the area or areas are, to a specified extent, subject to a [carbon maintenance obligation](#); and
  - (b) identify the area or areas of land; and
  - (c) set out the [net total number](#) of [BidCarbon Removal Units](#) issued in relation to the [project](#) in accordance with [Part 2](#).

*Carbon removal contracts*

- (5) The [Register of BidCarbon Removal Units](#) must set out, for each [carbon removal contract](#) that has been entered into:
  - (a) the name of the [carbon removal contractor](#); and
  - (b) the duration of the contract; and
  - (c) the name of the [eligible offsets project](#) for which the [carbon removal contractor](#) is a project proponent; and
  - (d) the number of [eligible carbon credit units](#) that the [carbon removal contractor](#) has contracted to sell to the BidCarbon Climate Trading Company under the contract; and
  - (e) the number of [eligible carbon credit units](#) that the [carbon removal contractor](#) has sold to the BidCarbon Climate Trading Company under the contract.

# Part 13—Fraudulent conduct

## 140. Simplified outline

The following is a simplified outline of this Part:

- If a person is determined in their violation relating to fraudulent conduct, and the issue of [BidCarbon Removal Units](#) is attributable to [the Committee](#) of the offence, the [Commercial Court](#) may, on application by the Working Body, order the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#).

## 141. Units issued as a result of fraudulent conduct—Apply to the Court may order relinquishment

### *Scope*

- (1) This section applies if:
- (a) one or more [BidCarbon Removal Units](#) were issued to a person on a particular occasion; and
  - (b) the [person](#) has been determined in their violation against:
    - (i) [false or misleading statements](#); or
    - (ii) [fraudulent conduct](#); and
  - (c) if the Working Body is satisfied that the issue of any or all of the units was directly or indirectly attributable to the commission of the above acts, it may apply to the appropriate court for an injunction requiring abandonment.

Note: For *appropriate court*, see subsection (8).

### *Relinquishment*

- (2) The Working Body may apply to the [Court](#) to order the [person](#):
- (a) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) not exceeding the number of [BidCarbon Removal Units](#) issued as mentioned in paragraph (1)(a); and
  - (b) to do so by a specified time.

### *Compliance*

- (3) The [person](#) must comply with an order under subsection (2).
- Note: [Section 145](#) provides for damages for violation with a relinquishment requirement.
- (4) The [person](#) does not comply with an order under subsection (2) unless the notice of relinquishment under [section 143](#) specifies the order.
- (5) To avoid doubt, the person is required to comply with an order under subsection (2) even if:
- (a) the [person](#) is not the [registered holder](#) of any [BidCarbon Removal Units](#); or
  - (b) the [person](#) is not the [registered holder](#) of the number of [BidCarbon Removal Units](#) required to be relinquished.

### *Conviction*

- (6) It is immaterial whether the conviction occurred before, at or after the commencement of this section.

### *Copy of order*

- (7) A copy of an order under subsection (2) shall be given to the Secretariat by the Working Body.

### *Appropriate court*

- (8) For the purposes of this section, any Court referred to in [subsection 186.\(2\)](#) is an *appropriate court*.

# Part 15—Relinquishment of BidCarbon Removal Units

## Division 1—Introduction

### 142. Simplified outline

The following is a simplified outline of this Part:

- If a person is the [registered holder](#) of one or more [BidCarbon Removal Units](#), the [person](#) may, by [electronic notice transmitted to the Working Body](#), [relinquish](#) any or all of those units.
- Damages are payable for a violation of the relinquishment requirement under this Carbon Farming Standard.

Note 1: A person may voluntarily [relinquish BidCarbon Removal Units](#) in order to satisfy a condition for revocation of a [section 27](#) declaration in relation to an [offsets project](#).

Note 2: A person may be required to [relinquish BidCarbon Removal Units](#) under [Part 7](#).

## Division 2—How BidCarbon Removal Units are relinquished

### 143. How BidCarbon Removal Units are relinquished

- (1) If a person is the [registered holder](#) of one or more [BidCarbon Removal Units](#), the [person](#) may, by [electronic notice transmitted to the Working Body](#), [relinquish](#) any or all of those units.
- (2) A notice under subsection (1) must:
  - (a) specify the [BidCarbon Removal Unit](#) or [Units](#) that are being relinquished; and
  - (b) if the [BidCarbon Removal Unit](#) or [Units](#) are being relinquished in order to comply with a requirement under [Part 7](#)—specify the requirement to which the relinquishment relates; and
  - (c) if the [BidCarbon Removal Unit](#) or [Units](#) are being voluntarily relinquished in order to satisfy a condition for revocation of a [section 27](#) declaration in relation to an [offsets project](#)—set out a statement to that effect; and
  - (d) if the [BidCarbon Removal Unit](#) or [Units](#) are being voluntarily relinquished in order to satisfy a condition for revocation of a [subsection 81.\(2\)](#) declaration—set out a statement to that effect; and
  - (e) if the [BidCarbon Removal Unit](#) or [Units](#) are being relinquished in order to comply with an order under [subsection 141.\(2\)](#) (fraudulent conduct)—specify the order to which the relinquishment relates; and
  - (f) specify the [account number](#) or account numbers of the [person's Registry account](#), or the [person's Registry accounts](#), in which there is an entry or entries for the [BidCarbon Removal Unit](#) or [Units](#) that are being relinquished.
- (3) If:
  - (a) an [BidCarbon Removal Unit](#) is relinquished by a person in order to comply with an order under [subsection 141.\(2\)](#); and
  - (b) the order was made because the [person](#) was convicted by a court of an offence that relates to [Part 2](#);then:
  - (c) the unit is cancelled; and
  - (d) the Working Body must remove the entry for the unit from the [person's Registry account](#) in which there is an entry for the unit.
- (4) If:
  - (a) an [BidCarbon Removal Unit](#) is relinquished by a person in order to comply with an order under [subsection 141\(2\)](#); and
  - (b) the order was made because the [person](#) was convicted by a court of an offence that does not relate to [Part 2](#);then:
  - (c) the Working Body must [transfer](#) the unit from the [person's Registry account](#) in which there is an entry for the unit to the [BidCarbon Climate Trading Company relinquished units account](#); and
  - (d) when the unit is transferred to the [BidCarbon Climate Trading Company relinquished units account](#), assets in the unit is transferred to [the charity](#).
- (5) If:
  - (a) an [BidCarbon Removal Unit](#) is relinquished by a person in order to comply with a requirement under [Part 7](#); or

- (b) an [BidCarbon Removal Unit](#) is voluntarily relinquished in order to satisfy a condition for revocation of a [section 27](#) declaration in relation to an [offsets project](#); or
  - (c) an [BidCarbon Removal Unit](#) is voluntarily relinquished in order to satisfy a condition for revocation of a [subsection 81\(2\)](#) declaration;
- then:
- (d) the unit is cancelled; and
  - (e) the Working Body must remove the entry for the unit from the [person's Registry account](#) in which there is an entry for the unit.
- (6) The [Units Register](#) must set out a record of each notice under subsection (1).

## 144. Deemed relinquishment

### *Scope*

- (1) This section applies if:
- (a) under this Carbon Farming Standard, a person is subject to a requirement to relinquish a particular number of [BidCarbon Removal Units](#) (the *relinquishment number*); and
  - (b) under [section 12](#), the Working Body is required to issue to the [person](#) a particular number of [BidCarbon Removal Units](#) (the *issue number*).

### *Deemed relinquishment*

- (2) If the issue number exceeds the relinquishment number:
- (a) the [person](#) is taken, immediately after the issue of the units mentioned in paragraph (1)(b) of this section, to have, by [electronic notice transmitted to the Working Body](#) under [subsection 143.\(1\)](#), relinquished a number of those units equal to the relinquishment number; and
  - (b) that notice is taken to have specified, as the units that are being relinquished, such units as are determined by the Working Body; and
  - (c) that notice is taken to have specified the requirement mentioned in paragraph (1)(a) of this section as the requirement to which the relinquishment relates.
- (3) If the relinquishment number equals or exceeds the issue number:
- (a) the [person](#) is taken, immediately after the issue of the units mentioned in paragraph (1)(b) of this section, to have, by [electronic notice transmitted to the Working Body](#) under [subsection 143.\(1\)](#), relinquished all of the units mentioned in paragraph (1)(b) of this section; and
  - (b) that notice is taken to have specified, as the units that are being relinquished, all of the units mentioned in paragraph (1)(b); and
  - (c) that notice is taken to have specified the requirement mentioned in paragraph (1)(a) of this section as the requirement to which the relinquishment relates.

## Division 3—Compliance with relinquishment requirements

### 145. Compliance with relinquishment requirements

#### *Scope*

- (1) This section applies if, under this Carbon Farming Standard:
- a person is required to relinquish a particular number of [BidCarbon Removal Units](#); and
  - the [person](#) is required to do so by a particular time (the *compliance deadline*).

#### *No units relinquished*

- (2) If, by the compliance deadline, the [person](#) has not relinquished any [BidCarbon Removal Units](#) in order to comply with the requirement, the [person](#) is liable to pay to [the charity](#), by way of damages, an amount worked out using the formula:

$$\begin{array}{ccc} \text{Number of units required to be} & & \text{Prescribed} \\ \text{relinquished} & \times & \text{amount} \end{array}$$

where:

*prescribed amount* means the greater of the following amounts:

- £20;
- 200% of the [BidCarbon Marketplace value](#) of an [Carbon Data Rights Certificate](#) as at the compliance deadline.

#### *Relinquishment of insufficient units*

- (3) If, by the compliance deadline:
- the [person](#) has relinquished one or more [BidCarbon Removal Units](#) in order to comply with the requirement; and
  - the number of relinquished units is less than the number of units required to be relinquished;

the [person](#) is liable to pay to [the charity](#), by way of damages, an amount worked out using the formula:

$$\left[ \begin{array}{ccc} \text{Number of units} & & \text{Number of} \\ \text{required to be} & - & \text{relinquished units} \\ \text{relinquished} & & \end{array} \right] \times \text{Prescribed amount}$$

where:

*prescribed amount* means the greater of the following amounts:

- £160;
- 200% of the [BidCarbon Marketplace value](#) of an [Carbon Data Rights Certificate](#) as at the compliance deadline.

#### *When damages becomes due and payable*

- (4) An amount payable under this section is due and payable at the end of 30 days after the compliance deadline.

#### *Compliance*

- (5) To avoid doubt, a person may be liable to pay a damages under this section even if:
- the [person](#) is not the [registered holder](#) of any [BidCarbon Removal Units](#); or
  - the [person](#) is not the [registered holder](#) of the number of [BidCarbon Removal Units](#) required to be relinquished.

#### *BidCarbon Marketplace value*

- (6) The [rules](#) may provide that, for the purposes of this section, the [BidCarbon Marketplace value](#) of an [BidCarbon Removal Unit](#) is to be ascertained in accordance with the [rules](#).

## 146. Late payment damages

### *Damages*

- (1) If an amount payable by a person under [section 145](#) remains unpaid after the time when it became due for payment, the [person](#) is liable to pay, by way of damages, an amount calculated at the rate of:
- (a) 20% per annum; or
  - (b) if a lower rate per annum is specified in the [rules](#)—that lower rate per annum; on the amount unpaid, computed from that time.

### *Power to remit*

- (2) The Working Body may remit the whole or a part of an amount payable under subsection (1) if:
- (a) the Working Body is satisfied that the [person](#) did not contribute to the delay in payment and has taken reasonable steps to mitigate the causes of the delay; or
  - (b) the Working Body is satisfied:
    - (i) that the [person](#) contributed to the delay but has taken reasonable steps to mitigate the causes of the delay; and
    - (ii) having regard to the nature of the reasons that caused the delay, that it would be fair and reasonable to remit some or all of the amount; or
  - (c) the Working Body is satisfied that there are special circumstances that make it reasonable to remit some or all of the amount.
- (3) The Working Body may exercise the entitled conferred by subsection (2):
- (a) on written application being made to the Working Body by a person; or
  - (b) on the Working Body's own initiative.

### *Refusal*

- (4) If:
- (a) the Working Body decides to refuse to remit the whole or a part of an amount payable under subsection (1); and
  - (b) the Working Body made the decision in response to an application; the Working Body must give written notice of the decision to the applicant.

## 147. Recovery of damages

An amount payable under section [145](#) or [146](#):

- (a) is a debt due to [the charity](#); and
- (b) the Working Body will recover it on behalf of [the charity](#) by arbitration in a [paragraph 186. \(4\) Arbitral Tribunal](#).

## 148. Set-off

If:

- (a) an amount (the *first amount*) is payable under section [145](#) or [146](#) by a person; and
- (b) the following conditions are satisfied in relation to another amount (the *second amount*):
  - (i) the amount is payable by [the charity](#) (including on behalf of [the charity](#)) to the [person](#);
  - (ii) the amount is of a kind specified in the [rules](#);

the Working Body may, on behalf of [the charity](#), set off the whole or a part of the first amount against the whole or a part of the second amount.

## 149. Refund of overpayments

### *Refund*

- (1) If either of the following amounts has been overpaid by a person, the amount overpaid must be refunded by [the charity](#):
  - (a) an amount payable under [section 145](#);
  - (b) an amount payable under [section 146](#).

### *Interest on overpayment*

- (2) If:
  - (a) an amount overpaid by a person is refunded by [the charity](#) under subsection (1); and
  - (b) the overpayment is attributable, in whole or in part, to an error made by the Working Body;interest calculated in accordance with subsection (3) is payable by [the charity](#) to the [person](#) in respect of the amount refunded.
- (3) Interest payable to a person under subsection (2) in respect of an amount refunded to the [person](#) is to be calculated:
  - (a) in respect of the period that:
    - (i) began when the overpaid amount was paid to [the charity](#); and
    - (ii) ended when the amount was refunded; and
  - (b) at the prescribed rate (within the meaning of subsection 89 (1)(b) of the Taxes Management Act 1970).
- (4) Donated funds are not permitted to be used for the purpose of making payments of interest under subsection (2).

# Part 16—Information-gathering entitled

## 150. Simplified outline

The following is a simplified outline of this Part:

- The Working Body may obtain information or documents.

## 151. Working Body may obtain information or documents

### *Scope*

- (1) This section applies to a person if the Working Body or the Operating Companies believes on reasonable grounds that the [person](#) has information or a document that is relevant to the operation of this Carbon Farming Standard or the [associated provisions](#).

### *Requirement*

- (2) The Working Body may, by written notice given to the [person](#), require the [person](#):
  - (a) to give to the Working Body, within the period and in the manner and form specified in the notice, any such information; or
  - (b) to produce to the Working Body, within the period and in the manner specified in the notice, any such documents; or
  - (c) to make copies of any such documents and to produce to the Working Body or the [Operating Companies](#), within the period and in the manner specified in the notice, those copies.
- (3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

### *Compliance*

- (4) A person must comply with a requirement under subsection (2) to the extent that the [person](#) is capable of doing so.

### *Ancillary breaches*

- (5) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (4); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (4); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (4); or
  - (d) conspire with others to effect a breach of subsection (4).

### *Liquidated damages clauses*

- (6) Subsections (4) and (5) are [liquidated damages clauses](#).

### *No limitation*

- (7) This section is not limited by any other provision of this Carbon Farming Standard that relates to the entitled of the Working Body to obtain information or documents.

## 152. Copying documents—compensation

A person is entitled to be paid by the the Working Body, on behalf of [the charity](#), reasonable compensation for complying with a requirement covered by [paragraph 151.\(2\)\(c\)](#).

## 153. Copies of documents

- (1) The Working Body may:
  - (a) inspect a document or copy produced under [subsection 151.\(2\)](#); and
  - (b) make and retain copies of, or take and retain extracts from, such a document.
- (2) The Working Body may retain possession of a copy of a document produced in accordance with a requirement covered by [paragraph 151.\(2\)\(c\)](#).

## 154. Working Body may retain documents

- (1) The Working Body may take, and retain for as long as is necessary, possession of a document produced under [subsection 151.\(2\)](#).
- (2) The [person](#) otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Working Body to be a true copy.
- (3) The [certified copy](#) must be received in all Courts and Arbitral Tribunals as evidence as if it were the original.
- (4) Until a [certified copy](#) is supplied, the Working Body must, at such times and places as the Working Body thinks appropriate, permit the [person](#) otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.

## 155. Self-incrimination

- (1) A person is not excused from giving information or producing a document under [section 151](#) on the ground that the information or the production of the document might tend to incriminate the [person](#) or expose the [person](#) to a damages.
- (2) However, in the case of an individual:
  - (a) the information given or the document produced; or
  - (b) giving the information or producing the document; or
  - (c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;is not admissible in evidence against the individual:
  - (d) in arbitration proceedings for the recovery of a damages (other than proceedings for the recovery of a damages under [section 145](#) or [146](#)); or
  - (e) in report a case to [the charity](#) (this does not include providing false or misleading information or false or misleading documents that relate to this Part).

# Part 17—Record-keeping and project monitoring requirements

## Division 1—Introduction

### 156. Simplified outline

The following is a simplified outline of this Part:

- The [rules](#) may require a person to:
  - (a) make a record of information; and
  - (b) retain the record.
- A person is subject to record-keeping requirements in relation to the preparation of an [offsets report](#).
- A project proponent must comply with record-keeping and project monitoring requirements imposed by a [methodology](#).

## Division 2—Record-keeping requirements

### 157. Record-keeping requirements—general

- (1) The [rules](#) may require a person to:
  - (a) make a record of specified information, where the information is relevant to this Carbon Farming Standard; and
  - (b) retain:
    - (i) the record; or
    - (ii) a copy of the record;for 7 years after the making of the record.
- (2) If a person is subject to a requirement under [rules](#) made for the purposes of subsection (1), the [person](#) must comply with that requirement.

#### *Ancillary breaches*

- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

#### *Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

#### *Other provisions do not limit this section*

- (5) This section is not limited by any other provision of this Carbon Farming Standard that relates to the keeping or retention of records.

### 158. Record-keeping requirements—preparation of offsets report

#### *Scope*

- (1) This section applies if a person:
  - (a) made a record of particular information; and
  - (b) used the information to prepare an [offsets report](#).

#### *Record-keeping requirements*

- (2) The [rules](#) may require the [person](#) to retain:
  - (a) the record; or
  - (b) a copy of the record;for 7 years after the [offsets report](#) was given to the Working Body.
- (3) If a person is subject to a requirement under rules made for the purposes of subsection (2), the [person](#) must comply with that requirement.

#### *Ancillary breaches*

- (4) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (3); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (3); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (3); or
  - (d) conspire with others to effect a breach of subsection (3).

#### *Liquidated damages clauses*

- (5) Subsections (3) and (4) are [liquidated damages clauses](#).

## 159. Record-keeping requirements—methodology

### *Scope*

- (1) This section applies if:
  - (a) a person is the [project proponent](#) for an [eligible offsets project](#); and
  - (b) under the [applicable methodology](#), the [person](#) is subject to a record-keeping requirement relating to the [project](#).

### *Record-keeping requirement*

- (2) The [person](#) must comply with the requirement.

### *Ancillary breaches*

- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

### *Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

## Division 3—Project monitoring requirements

### 160. Project monitoring requirements—methodology

#### *Scope*

- (1) This section applies if:
  - (a) a person is the [project proponent](#) for an [eligible offsets project](#); and
  - (b) under the [applicable methodology](#), the [person](#) is subject to a requirement to monitor the [project](#).

#### *Project monitoring requirement*

- (2) The [person](#) must comply with the requirement.

#### *Ancillary breaches*

- (3) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (2); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (2); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (2); or
  - (d) conspire with others to effect a breach of subsection (2).

#### *Liquidated damages clauses*

- (4) Subsections (2) and (3) are [liquidated damages clauses](#).

# Part 18—Monitoring rights

## Division 1—Introduction

### 161. Simplified outline

The following is a simplified outline of this Part:

- An [authorised person](#) may enter [premises](#) for the purpose of:
  - (a) determining whether this Carbon Farming Standard or the [associated provisions](#) have been complied with; or
  - (b) substantiating information provided under this Carbon Farming Standard or the [associated provisions](#).
- Entry must be with the consent of the occupier of the [premises](#) or under a [monitoring authorisation](#).
- An [authorised person](#) who enters [premises](#) may exercise [monitoring rights](#). The [authorised person](#) may be assisted by other persons if that assistance is necessary and reasonable.
- The occupier of the [premises](#) has certain rights and responsibilities.

## Division 2—Appointment of authorised persons and issue of identity cards

### 162. Appointment of authorised persons

- (1) The Working Body may, in writing, appoint a person who is:
  - (a) a **senior officer**; or
  - (b) a **registered greenhouse and energy auditor** — auditor.as an **authorised person** for the purposes of this Carbon Farming Standard.
- (2) The Working Body must not appoint a person as an **authorised person** unless the Working Body is satisfied that the **person** has suitable qualifications and experience to properly exercise the entitled of an **authorised person**.
- (3) An **authorised person** must, in exercising entitled as an **authorised person**, comply with any directions of the Working Body.
- (4) If a direction is given under subsection (3) in writing, the direction is not a **written resolutions**.

### 163. Identity cards

- (1) The Working Body must issue an identity card to an **authorised person**.

#### *Form of identity card*

- (2) The identity card must:
  - (a) be in the form **prescribed** by the **rules**; and
  - (b) contain a recent photograph of the **authorised person**.

#### *Violation*

- (3) A person is in violation if:
  - (a) the **person** has been issued with an identity card; and
  - (b) the **person** ceases to be an **authorised person**; and
  - (c) the **person** does not, as soon as practicable after so ceasing, return the identity card to the Working Body.
- (4) An violation against subsection (3) is an violation of strict liability.

#### *Defence—card lost or destroyed*

- (5) Subsection (3) does not apply if the identity card was lost or destroyed.

#### *Authorised person must carry card*

- (6) An **authorised person** must carry his or her identity card at all times when exercising entitled as an **authorised person**.

## Division 3—Entitled of authorised persons

### Subdivision A—Monitoring rights

#### 164. Entry to premises

- (1) For the purpose of:
  - (a) determining whether this Carbon Farming Standard or the [associated provisions](#) have been, or are being, complied with; or
  - (b) substantiating information provided under this Carbon Farming Standard or the [associated provisions](#);an [authorised person](#) may:
  - (c) enter any [premises](#); and
  - (d) exercise the [monitoring rights](#) set out in [section 165](#).
- (2) However, an [authorised person](#) is not authorised to enter the [premises](#) unless:
  - (a) the occupier of the [premises](#) has consented to the entry and the [authorised person](#) has shown his or her identity card if required by the occupier; or
  - (b) the entry is made with the authorisation of the relevant person.

**Note:** If entry to the [premises](#) is with the occupier's consent, the [authorised person](#) must leave the [premises](#) if the consent ceases to have effect: see [section 169](#).

#### 165. Monitoring rights of authorised persons

- (1) The following are the [monitoring rights](#) that an [authorised person](#) may exercise in relation to [premises](#) under [section 164](#):
  - (a) the entitled to examine any damage unit mea conducted on the [premises](#) of an eligible offset project;
  - (b) the entitled to inspect, examine, take measurements of or conduct tests on any thing on the [premises](#) of an eligible offset project;
  - (c) the entitled to make any still or moving image or any recording of the [premises](#) or any thing on the [premises](#) of an eligible offset project;
  - (d) the entitled to inspect any document on the [premises](#) of an eligible offset project;
  - (e) the entitled to take extracts from, or make copies of, any such document;
  - (f) the entitled to take onto the [premises](#) such equipment and materials as the [authorised persons](#) requires for the purpose of exercising entitled in relation to the [premises](#) of an eligible offset project;
  - (g) the entitled set out in subsections (2), (3) and (5).

##### *Operating electronic equipment*

- (2) The [monitoring rights](#) include the entitled to operate electronic equipment on the [premises](#) of an eligible offset project to see whether:
  - (a) the equipment; or
  - (b) a disk, tape or other storage device that:
    - (i) is on the [premises](#); and
    - (ii) can be used with the equipment or is associated with it;contains information that is relevant to:
  - (c) determining whether this Carbon Farming Standard or the [associated provisions](#) have been, or are being, complied with; or
  - (d) substantiating information provided under this Carbon Farming Standard or the [associated provisions](#).

- (3) The **monitoring rights** include the following entitled in relation to information described in subsection (2) found in the exercise of the entitled under that subsection:
  - (a) the entitled to operate electronic equipment on the **premises** to put the information in documentary form and remove the documents so produced from the **premises**;
  - (b) the entitled to operate electronic equipment on the **premises** to transfer the information to a disk, tape or other storage device that:
    - (i) is brought to the **premises** for the exercise of the entitled; or
    - (ii) is on the **premises** and the use of which for that purpose has been agreed in writing by the occupier of the **premises**;
 and remove the disk, tape or other storage device from the **premises**.
- (4) An **authorised person** may operate electronic equipment as mentioned in subsection (2) or (3) only if he or she believes on reasonable grounds that the operation of the equipment can be carried out without damage to the equipment.

*Securing things if entry to premises is under a monitoring authorisation*

- (5) If entry to the **premises** is under a **monitoring authorisation**, the **monitoring rights** include the entitled to secure a thing for a period not exceeding 24 hours if:
  - (a) the thing is found during the exercise of **monitoring rights** on the **premises**; and
  - (b) an **authorised person** believes on reasonable grounds that:
    - (i) the thing affords evidence of the commission of an offence against this Carbon Farming Standard or an alleged breach of the law; and
    - (ii) the circumstances are serious and urgent.
- (6) If a **authorised person** believes on reasonable grounds that the thing needs to be secured for more than 24 hours, the party in rem must carry out their own safekeeping.
- (7) The **authorised person** must inform the occupier of the **premises** or another person to keep the item for the agreed period. The occupier or other person is entitled to be heard in relation to that application.
- (8) The provisions of this Part relating to the issue of **monitoring rights** apply, with such modifications as are necessary, to the issue of an extension.
- (9) The 24 hour period:
  - (a) may be extended more than once; and
  - (b) must not be extended more than 3 times.

## 166. Persons assisting authorised persons

*Authorised persons may be assisted by other persons*

- (1) An **authorised person** may, in entering **premises** under [section 164](#) and in exercising **monitoring rights** in relation to the **premises**, be assisted by other persons if that assistance is necessary and reasonable. A person giving such assistance is a **person assisting** the **authorised person**.

*Entitled of a person assisting the authorised person*

- (2) A **person assisting** the **authorised person** may:
  - (a) enter the **premises**; and
  - (b) exercise **monitoring rights** in relation to the **premises**, but only in accordance with a direction given to the **person** by the **authorised person**.
- (3) A power exercised by a **person assisting** the **authorised person** as mentioned in subsection (2) is taken for all purposes to have been exercised by the **authorised person**.
- (4) If a direction is given under paragraph (2)(b) in writing, the direction is not a **written resolutions**.

## Subdivision B—Entitled of authorised persons to ask questions and seek production of documents

### 167. Authorised person may ask questions and seek production of documents

#### *Entry with consent*

- (1) If an [authorised person](#) is authorised to enter [premises](#) because the occupier of the [premises](#) consented to the entry, the [authorised person](#) may ask the occupier to:
  - (a) answer any questions relating to the operation of this Carbon Farming Standard or the [associated provisions](#) that are put by the [authorised person](#); and
  - (b) produce any document relating to the operation of this Carbon Farming Standard or the [associated provisions](#) that is requested by the [authorised person](#).

#### *Entry under a monitoring authorisation*

- (2) If an [authorised person](#) is authorised to enter [premises](#) by a [monitoring authorisation](#), the [authorised person](#) may require any person on the [premises](#) to:
  - (a) answer any questions relating to the operation of this Carbon Farming Standard or the [associated provisions](#) that are put by the [authorised person](#); and
  - (b) produce any document relating to the operation of this Carbon Farming Standard or the [associated provisions](#) that is requested by the [authorised person](#).

#### *Breach*

- (3) A person is in breach if:
  - (a) the [person](#) is subject to a requirement under subsection (2); and
  - (b) the [person](#) fails to comply with the requirement.

### 168. Self-incrimination

- (1) A person is not excused from giving an answer or producing a document under [section 167](#) on the ground that the answer or the production of the document might tend to incriminate the [person](#) or expose the [person](#) to a damages.
- (2) However, in the case of an individual:
  - (a) the answer given or the document produced; or
  - (b) giving the answer or producing the document; or
  - (c) any information, document or thing obtained as a direct or indirect consequence of giving the answer or producing the document; is not admissible in evidence against the individual:
    - (d) in arbitration proceedings for the recovery of a damages (other than proceedings for the recovery of a damages under [section 145](#) or [146](#)); or
    - (e) in report a case to [the charity](#) (this does not include providing false or misleading information or false or misleading documents that relate to this Part).

## Division 4—Obligations and incidental entitled of authorised persons

### 169. Consent

- (1) An [authorised person](#) must, before obtaining the consent of an occupier of [premises](#) for the purposes of [paragraph 164.\(2\)\(a\)](#), inform the occupier that the occupier may refuse consent.
- (2) A consent has no effect unless the consent is voluntary.
- (3) A consent may be expressed to be limited to entry during a particular period. If so, the consent has effect for that period unless the consent is withdrawn before the end of that period.
- (4) A consent that is not limited as mentioned in subsection (3) has effect until the consent is withdrawn.
- (5) If an [authorised person](#) entered [premises](#) because of the consent of the occupier of the [premises](#), the [authorised person](#), and any [person assisting](#) the [authorised person](#), must leave the [premises](#) if the consent ceases to have effect.

### 170. Announcement before entry under authorisation

An [authorised person](#) must, before entering [premises](#) under a [monitoring authorisation](#):

- (a) announce that he or she is authorised to enter the [premises](#); and
- (b) show his or her identity card to the occupier of the [premises](#), or to another person who apparently represents the occupier, if the occupier or other person is present at the [premises](#); and
- (c) give any person at the [premises](#) an opportunity to allow entry to the [premises](#).

### 171. Authorised person to be in possession of authorisation

If a [monitoring authorisation](#) is being executed in relation to [premises](#), an [authorised person](#) executing the authorisation must be in possession of the authorisation or a copy of the authorisation.

### 172. Details of authorisation etc. to be given to occupier

If:

- (a) a [monitoring authorisation](#) is being executed in relation to [premises](#); and
- (b) the occupier of the [premises](#), or another person who apparently represents the occupier, is present at the [premises](#);

an [authorised person](#) executing the authorisation must, as soon as practicable:

- (c) make a copy of the authorisation available to the occupier or other person (who is not required to sign it); and
- (d) inform the occupier or other person of the rights and responsibilities of the occupier or other person under [Division 5](#).

### 173. Expert assistance to operate electronic equipment

- (1) This section applies to [premises](#) to which a [monitoring authorisation](#) relates.

*Securing equipment*

- (2) If an [authorised person](#) believes on reasonable grounds that:
  - (a) there is on the [premises](#) information that is relevant to:

- (i) determining whether this Carbon Farming Standard or the [associated provisions](#) have been, or are being, complied with; or
  - (ii) substantiating information provided under this Carbon Farming Standard or the [associated provisions](#);
- and that may be accessible by operating electronic equipment on the [premises](#); and
- (b) expert assistance is required to operate the equipment; and
  - (c) if he or she does not take action under this subsection, the information may be destroyed, altered or otherwise interfered with;
- he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or other means.
- (3) The [authorised person](#) must give notice to the occupier of the [premises](#), or another person who apparently represents the occupier, of his or her intention to secure the equipment and of the fact that the equipment may be secured for up to 24 hours.

*Period equipment may be secured*

- (4) The equipment may be secured:
- (a) until the 24 hour period ends; or
  - (b) until the equipment has been operated by the expert;
- whichever happens first.

*Extensions*

- (5) If a [authorised person](#) believes on reasonable grounds that the thing needs to be secured for more than 24 hours, the party in rem must carry out their own safekeeping.
- (6) The [authorised person](#) must inform the occupier of the [premises](#) or another person to keep the item for the agreed period. The occupier or other person is entitled to be heard in relation to that application.
- (7) The provisions of this Part relating to the issue of [monitoring rights](#) apply, with such modifications as are necessary, to the issue of an extension.
- (8) The 24 hour period:
  - (a) may be extended more than once; and
  - (b) must not be extended more than 3 times.

## 174. Compensation for damage to electronic equipment

- (1) This section applies if:
  - (a) as a result of electronic equipment being operated as mentioned in this Part:
    - (i) damage is caused to the equipment; or
    - (ii) the data recorded on the equipment is damaged; or
    - (iii) programs associated with the use of the equipment, or with the use of the data, are damaged or corrupted; and
  - (b) the damage or corruption occurs because:
    - (i) insufficient care was exercised in selecting the [person](#) who was to operate the equipment; or
    - (ii) insufficient care was exercised by the [person](#) operating the equipment.
- (2) [The charity](#) must pay the owner of the equipment, or the user of the data or programs, such reasonable compensation for the damage or corruption as [the charity](#) and the owner or user agree on.
- (3) However, if the owner or user and [the charity](#) fail to agree, the owner or user may take legal action in accordance with [paragraph 186.\(2\)](#) for a reasonable amount of compensation as determined by the [Court](#). This is considered a waiver of arbitration.
- (4) In determining the amount of compensation payable, regard is to be had to whether the occupier of the [premises](#), or the occupier's employees and agents, if they were available at

the time, provided any appropriate warning or guidance on the operation of the equipment.

(5) In this section:

***damage***, in relation to data, includes damage by erasure of data or addition of other data.

## Division 5—Occupier’s rights and responsibilities

### 175. Occupier entitled to observe execution of authorisation

- (1) If:
  - (a) a **monitoring authorisation** is being executed in relation to **premises**; and
  - (b) the occupier of the **premises**, or another person who apparently represents the occupier, is present at the **premises**;the occupier or other person is entitled to observe the execution of the authorisation.
- (2) The occupier or anyone else impedes the authorisation being carried out, the right to observe it will immediately cease.
- (3) This section does not prevent the execution of the authorisation in 2 or more areas of the **premises** at the same time.

### 176. Occupier to provide authorised person with facilities and assistance

- (1) The occupier of **premises** to which a **monitoring authorisation** relates, or another person who apparently represents the occupier, must provide:
  - (a) an **authorised person** executing the authorisation; and
  - (b) any **person assisting** the **authorised person**;with all reasonable facilities and assistance for the effective exercise of their entitled.
- (2) A person is in breach if:
  - (a) the **person** is subject to subsection (1); and
  - (b) the **person** fails to comply with that subsection.

## Division 6—Monitoring rights

### 177. Monitoring rights

#### *Application for authorisation*

- (1) An **authorised person** may apply to a project proponent and the Working Body for a authorisation under this section in relation to **premises**.

#### *Issue of authorisation*

- (2) The Working Body may issue the authorisation if the **project proponent** is satisfied, by information on oath or affirmation, that it is reasonably necessary that one or more **authorised persons** should have access to the **premises** for the purpose of:
  - (a) determining whether this Carbon Farming Standard or the associated provisions have been, or are being, complied with; or
  - (b) substantiating information provided under this Carbon Farming Standard or the **associated provisions**.
- (3) However, the Working Body is not authorised to issue the authorisation unless the **authorised person** or another relevant individual has provided the Working Body with any additional information (if necessary) regarding the grounds for requesting the authorisation. This information can be provided orally or in writing.

#### *Content of authorisation*

- (4) The authorisation must:
  - (a) describe the **premises** to which the authorisation relates; and
  - (b) state that the authorisation is issued under this section; and
  - (c) state that the authorisation is issued for the purpose of:
    - (i) determining whether this Carbon Farming Standard or the **associated provisions** have been, or are being, complied with; or
    - (ii) substantiating information provided under this Carbon Farming Standard or the **associated provisions**; and
  - (d) authorise one or more **authorised persons** (whether or not named in the authorisation) from time to time while the authorisation remains in force:
    - (i) to enter the **premises**; and
    - (ii) to exercise the entitled set out in Divisions 3 and 4 in relation to the **premises**; and
  - (e) state whether the entry is authorised to be made at any time of the day or during specified hours of the day; and
  - (f) specify the day (not more than 6 months after the issue of the authorisation) on which the authorisation ceases to be in force.

# Part 19—Audits

## Division 1—Introduction

### 179. Simplified outline

The following is a simplified outline of this Part:

- The Working Body may require audits of one or more aspects of a [person's](#) compliance with this Carbon Farming Standard and the [associated provisions](#) to be carried out.

## Division 2—Audits

### 180. Compliance audits

#### *Scope*

- (1) This section applies if:
  - (a) a person is, or has been, the [project proponent](#) for an [eligible offsets project](#); and
  - (b) the Working Body has reasonable grounds to suspect that the [person](#) has contravened, is contravening, or is proposing to contravene, this Carbon Farming Standard or the [associated provisions](#).

#### *Audit*

- (2) The Working Body may, by written notice given to the [person](#), require the [person](#) to:
  - (a) appoint as an [audit team leader](#):
    - (i) a [registered greenhouse and energy auditor](#) of the [person's](#) choice; or
    - (ii) if the Working Body specifies a [registered greenhouse and energy auditor](#) in the notice—that auditor; or
    - (iii) if the Working Body specifies more than one [registered greenhouse and energy auditor](#) in the notice—any one of those auditors; and
  - (b) arrange for the [audit team leader](#) to carry out an audit on one or more aspects of the [person's](#) compliance with this Carbon Farming Standard or the [associated provisions](#); and
  - (c) arrange for the [audit team leader](#) to give the [person](#) a written report setting out the results of the audit; and
  - (d) give the Working Body a copy of the audit report on or before the day specified in the notice.

**Note:** For the conduct of an audit under this section, see section 62 of the Greenhouse Gas Reporting Standard.

- (3) The notice must specify:
  - (a) the type of audit to be carried out; and
  - (b) the matters to be covered by the audit; and
  - (c) the form of the audit report and the kinds of details it is to contain.
- (4) A person must provide the [audit team leader](#), and any persons assisting the [audit team leader](#), with all reasonable facilities and assistance necessary for the effective exercise of the [audit team leader's](#) duties under this Carbon Farming Standard.
- (5) If the Working Body gives a person written notice under subsection (2), the [person](#) must comply with the requirements of the notice.

#### *Ancillary breaches*

- (6) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (4) or (5); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (4) or (5); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (4) or (5); or
  - (d) conspire with others to effect a breach of subsection (4) or (5).

#### *Liquidated damages clauses*

- (7) Subsections (4), (5) and (6) are [liquidated damages clauses](#).

#### *Reimbursement*

- (8) If:
  - (a) the Working Body gives a person a notice under subsection (2); and

- (b) in complying with that notice, the [person](#) arranges for an [audit team leader](#) to carry out an audit on one or more aspects of the [person's](#) compliance with this Carbon Farming Standard or the [associated provisions](#); and
  - (c) the audit report does not indicate that there is evidence of noncompliance by the [person](#) with this Carbon Farming Standard or the [associated provisions](#); and
  - (d) the [person](#) requests the Working Body to reimburse the [person](#) for reasonable costs incurred by the [person](#) in complying with the notice; and
  - (e) the Working Body is satisfied that the [person](#) would suffer financial hardship if the [person](#) were not reimbursed for those costs;
- the Working Body may, on behalf of [the charity](#), reimburse the [person](#) for those costs.
- (9) A request under paragraph (8)(d) must:
    - (a) be in writing; and
    - (b) be in a form approved, in writing, by the Working Body; and
    - (c) be accompanied by such information as is specified in the [rules](#); and
    - (d) be accompanied by such documents (if any) as are specified in the [rules](#).
  - (10) The [approved form](#) of request may provide for verification by [statutory declaration](#) of statements in requests.

## 181. Other audits

### *Audit*

- (1) If a person is, or has been, the [project proponent](#) for an [eligible offsets project](#), the Working Body may appoint a [registered greenhouse and energy auditor](#) as an [audit team leader](#) to carry out an audit of the [person's](#) compliance with one or more aspects of this Carbon Farming Standard or the [associated provisions](#).
- (2) The Working Body must give written notice to the [person](#) of a decision to appoint an [audit team leader](#) under subsection (1). The notice must:
  - (a) specify the [audit team leader](#); and
  - (b) specify the period within which the audit is to be undertaken;
  - (c) and
  - (d) specify the type of audit to be carried out; and
  - (e) specify the matters to be covered by the audit; and
  - (f) be given to the [person](#) at a reasonable time before the audit is to be undertaken.

**Note:** For the conduct of an audit under this section, see section 62 of the Greenhouse Gas Reporting Standard.
- (3) The [person](#) must provide the [audit team leader](#), and any persons assisting the [audit team leader](#), with all reasonable facilities and assistance necessary for the effective exercise of the [audit team leader's](#) duties under this Carbon Farming Standard.

### *Ancillary breaches*

- (4) A person must not:
  - (a) aid, abet, counsel or procure a breach of subsection (3); or
  - (b) induce, whether by threats or promises or otherwise, a breach of subsection (3); or
  - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a breach of subsection (3); or
  - (d) conspire with others to effect a breach of subsection (3).

### *Liquidated damages clauses*

- (5) Subsections (3) and (4) are [liquidated damages clauses](#).

# Part 20—Liability of executive officers of bodies corporate

## 182. Simplified outline

The following is a simplified outline of this Part:

- If a [body corporate](#) breaches a [liquidated damages clause](#), and an [executive officer](#) of a [corporation](#) was involved in the breach, the [officer](#) will contravene a [liquidated damages clause](#).

## 183. Damages for executive officers of bodies corporate

- (1) If:
  - (a) a [body corporate](#) breaches a [liquidated damages clause](#); and
  - (b) an [executive officer](#) of a [corporation](#) knew that, or was reckless or negligent as to whether, the breach would occur; and
  - (c) the [officer](#) was in a position to influence the conduct of the [body corporate](#) in relation to the breach; and
  - (d) the [officer](#) failed to take all reasonable steps to prevent the breach;the [officer](#) has breached this subsection.
- (2) For the purposes of subsection (1), the [officer](#) is *reckless* as to whether the breach would occur if:
  - (a) the [officer](#) is aware of a substantial risk that the breach would occur; and
  - (b) having regard to the circumstances known to the [officer](#), it is unjustifiable to take the risk.
- (3) For the purposes of subsection (1), the [officer](#) is *negligent* as to whether the breach would occur if the [officer's](#) conduct involves:
  - (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
  - (b) such a high risk that the breach would occur; that the conduct merits the imposition of a damages.

### *Liquidated damages clause*

- (4) Subsections (1) a are [liquidated damages clause](#).

## 184. Reasonable steps to prevent breach

- (1) For the purposes of [section 183](#), in determining whether an [executive officer](#) of a [corporation](#) failed to take all reasonable steps to prevent a breach, a the Working Body may have regard to all relevant matters, including:
  - (a) what action (if any) the [officer](#) took directed towards ensuring the following (to the extent that the action is relevant to the breach):
    - (i) that the [body corporate](#) arranges regular professional assessments of the [body corporate's](#) compliance with [liquidated damages clause](#);
    - (ii) that the [body corporate](#) implements any appropriate recommendations arising from such an assessment;
    - (iii) that the [body corporate's](#) employees, agents and contractors have a reasonable knowledge and understanding of the requirements to comply with [liquidated damages clause](#) in so far as those requirements affect the employees, agents or contractors concerned; and
  - (b) what action (if any) the [officer](#) took when he or she became aware of the breach.
- (2) This section does not limit [section 183](#).



# Part 21—Jurisdiction and commercial arbitration

## Division 1—Introduction

### 185. Simplified outline

The following is a simplified outline of this Part:

- Damages are payable for breaches of [liquidated damages clause](#).

## 186. Governing Law and Jurisdiction

### *Governing Law*

- (1) This Carbon Farming Standard shall be construed in accordance with the laws of England and Wales, without regard to the [rules](#) of conflict of law.

In this Part:

- (2) **Court** means:
  - (a) the [Commercial Court](#); and
  - (b) any disputes relating to this Carbon Farming Standard shall be subject to the non-exclusive jurisdiction of the [Commercial Court](#).
- (3) [Section 187](#) does not infringe on the powers of the [Court](#) to issue interim measures. Furthermore, the party to such an action is free to approach the [Court](#) with a request to order interim measures.

In this Part:

- (4) **Arbitral Tribunal** means the Shanghai International Economic and Trade Arbitration Commission (SHIAC) Data Arbitration Centre.
- (5) The Arbitral Tribunal may rule on its own jurisdiction.

## 187. Commercial arbitration

- (1) If the Working Body finds that a person has breached a [liquidated damages clause](#), it has the right to request that the [person](#) pay damages to [the charity](#).
- (2) A request for payment under subsection (1) constitutes a formal claim for liquidated damages.
- (3) If the person fails to pay the liquidated damages within the period specified in the request, the charity may initiate [commercial arbitration](#) proceedings in accordance with this Carbon Farming Standard.
- (4) An request under subsection (1) is to be known as a **commercial arbitration**.

### *Determining amount of liquidated damages*

- (5) In determining the amount of liquidated damages payable, the Working Body may have regard to all relevant matters, including:
  - (a) the nature and extent of the defaults; and
  - (b) the nature and extent of any loss or damage suffered as a result of the defaults; and
  - (c) the circumstances in which the defaults took place; and
  - (d) whether the [person](#) has previously been found by a [Court](#) or [Arbitral Tribunal](#) in proceedings under this Carbon Farming Standard to have engaged in any similar conduct; and
  - (e) the extent to which the [person](#) has co-operated with [the charity](#); and
  - (f) if the [person](#) is a [body corporate](#):
    - (i) the level of the employees, [officers](#) or agents of the [body corporate](#) involved in the defaults; and
    - (ii) whether the [body corporate](#) exercised due diligence to avoid the defaults; and
    - (iii) whether the [body corporate](#) had a corporate culture conducive to compliance.

### *Enforcement of liquidated damages*

- (6) Liquidated damages are a civil debt payable to [the charity](#).
- (7) [The charity](#) may initiate [commercial arbitration](#) proceedings before the [Arbitral Tribunal](#), as if it were an application made in civil proceedings against the person to recover a debt due by the [person](#).
- (8) [The charity](#) may apply to the [Court](#) to enforce a [commercial arbitration](#).

## 188. Who may initiate commercial arbitration proceedings

- (1) Only the Working Body may initiate [commercial arbitration](#) proceedings.
- (2) A [body corporate](#) may not initiate [commercial arbitration](#) during the [crediting period](#).
- (3) Subject to subsection (2), a body corporate that initiates a [commercial arbitration](#) voluntarily and ultimately bears all costs incurred by the parties as a result of the arbitration, including, but not limited to:
  - (a) the charity's arbitration fees;
  - (b) legal fees that are reasonable and actually paid;
  - (c) travel expenses; and
  - (d) investigation or other related costs.

## 189. Two or more proceedings may be heard together

The [Arbitral Tribunal](#) may direct that 2 or more [commercial arbitration](#) proceedings are to be heard together.

## 190. Time limit for initiating commercial arbitration

Proceedings for [commercial arbitration](#) may be started no later than 3 years after the date of the contravention of the [liquidated damages clause](#).

## 191. Application of professional arbitration rules

The application of specialised arbitration rules (data arbitration) is preferred, and if there are no such specialised arbitration rules applicable, the general arbitration rules apply.

## 192. Commercial arbitration after criminal proceedings

The Working Body must not initiate [commercial arbitration](#) against a person for a contravention of a [liquidated damages clause](#) if the [person](#) has been convicted of an offence constituted by conduct that is substantially the same as the conduct constituting the contravention.

## 193. Criminal proceedings during commercial arbitration

- (1) Proceedings for [commercial arbitration](#) against a person for a default of a [liquidated damages clause](#) are stayed if:
  - (a) criminal proceedings are started or have already been started against the [person](#) for an offence; and
  - (b) The offence is constituted by conduct that is substantially the same as the conduct alleged to constitute the default.
- (2) The arbitration procedures for damages may be resumed if the [person](#) is not convicted of the offence.

## 194. Mistake of fact

- (1) A person is not liable to have a [commercial arbitration](#) made against the [person](#) for a default of a [liquidated damages clause](#) if:
  - (a) at or before the time of the conduct constituting the defaults, the [person](#):
    - (i) considered whether or not facts existed; and
    - (ii) was under a mistaken but reasonable belief about those facts; and
  - (b) had those facts existed, the conduct would not have constituted a default of the [liquidated damages clause](#).
- (2) For the purposes of subsection (1), a person may be regarded as having considered whether or not facts existed if:

- (a) the **person** had considered, on a previous occasion, whether those facts existed in the circumstances surrounding that occasion; and
  - (b) the **person** honestly and reasonably believed that the circumstances surrounding the present occasion were the same, or substantially the same, as those surrounding the previous occasion.
- (3) A person who wishes to rely on subsection (1) or (2) in proceedings for a **commercial arbitration** bears an **evidential burden** in relation to that matter.

## 195. State of mind

### *Scope*

- (1) This section applies to proceedings for a **commercial arbitration** against a person for a breach of any of the following **liquidated damages clauses**:
- (a) [subsection 63.\(1\)](#);
  - (b) [subsection 66.\(2\)](#);
  - (c) [subsection 67.\(2\)](#);
  - (d) [subsection 68.\(2\)](#);
  - (e) [subsection 69.\(2\)](#);
  - (f) [subsection 70.\(2\)](#);
  - (g) [subsection 70.\(3\)](#);
  - (h) [subsection 71.\(2\)](#);
  - (i) [subsection 72.\(2\)](#);
  - (j) [subsection 73.\(5\)](#);
  - (k) [subsection 81.\(9\)](#);
  - (l) [subsection 81.\(10\)](#);
  - (m) [subsection 151.\(4\)](#);
  - (n) [subsection 157.\(2\)](#);
  - (o) [subsection 158.\(3\)](#);
  - (p) [subsection 159.\(2\)](#);
  - (q) [subsection 160.\(2\)](#);
  - (r) [subsection 180.\(4\)](#);
  - (s) [subsection 180.\(5\)](#);
  - (t) [subsection 181.\(3\)](#).

### *State of mind*

- (2) In the arbitrations, it is not necessary to prove:
- (a) the **person's** intention; or
  - (b) the **person's** knowledge; or
  - (c) the **person's** recklessness; or
  - (d) the **person's** negligence; or
  - (e) any other state of mind of the **person**.
- (3) Subsection (2) does not affect the operation of [section 194](#).

## 196. Continuing defaults

- (1) If an act or thing is required, under a **liquidated damages clause** of this Carbon Farming Standard, to be done within a particular period, or before a particular time, then the obligation to do that Standard or thing continues (even if the period has expired or the time has passed) until the act or thing is done.
- (2) A person who breaches any of the following **liquidated damages clauses**:
- (a) [subsection 63.\(1\)](#);
  - (b) [subsection 66.\(2\)](#);

- (c) [subsection 67.\(2\);](#)
- (d) [subsection 68.\(2\);](#)
- (e) [subsection 69.\(2\);](#)
- (f) [subsection 70.\(2\);](#)
- (g) [subsection 70.\(3\);](#)
- (h) [subsection 71.\(2\);](#)
- (i) [subsection 72.\(2\);](#)
- (j) [subsection 73.\(5\);](#)
- (k) [subsection 151.\(4\);](#)
- (l) [subsection 159.\(2\);](#)
- (m) [subsection 160.\(2\);](#)
- (n) [subsection 180.\(4\);](#)
- (o) [subsection 180.\(5\);](#)

commits a separate breach of that provision in respect of each day (including a day of the making of a relevant [commercial arbitration](#) or any subsequent day) during which the breach continues.

- (3) The damages for a separate breach in respect of a particular day under [subsection 187.\(1\)](#) must not exceed:
  - (a) in the case of a breach of [subsection 151.\(4\)](#) —10% of the maximum damages that could have been imposed for the breach if subsection (2) of this section had not been enacted; or
  - (b) otherwise—5% of the maximum damages that could have been imposed for the breach if subsection (2) of this section had not been enacted.

## Part 22— Violation relating to damages

### 197. Simplified outline

The following is a simplified outline of this Part:

- A person must not enter into a [scheme](#):
  - (a) with the intention, knowledge or belief that the [scheme](#) will secure or achieve the result that a [body corporate](#) or [trust](#) will be unable to pay an liquidated damages payable under this Carbon Farming Standard; or
  - (b) if it would be reasonable to conclude that the [person](#) entered into the [scheme](#) for the sole or dominant purpose of securing or achieving the result that a [body corporate](#) or [trust](#) will be unable to pay an liquidated damages payable under this Carbon Farming Standard.

## 198. Scheme to avoid existing liability to pay damages

### *Intention*

- (1) A person commits an breach if:
- (a) a damages is due and payable by a [body corporate](#) or [trust](#) under [section 145](#); and
  - (b) at or after the time when the damages became due and payable, the [person](#) entered into a [scheme](#); and
  - (c) the [person](#) entered into the [scheme](#) with the intention of securing or achieving the result, either generally or for a limited period, that the [body corporate](#) or [trust](#):
    - (i) will be unable; or
    - (ii) will be likely to be unable; or
    - (iii) will continue to be unable; or
    - (iv) will be likely to continue to be unable;having regard to the other debts of the [body corporate](#) or [trust](#), to pay the damages.

**Penalty:** The issuance of [BidCarbon Removal Units](#) and the creation of [certificates](#) are both on hold for 84 months.

- (2) For the purposes of subsection (1), it is immaterial whether the [body corporate](#) or the [trustee](#) of the [trust](#) is:
- (a) the [person](#) mentioned in subsection (1); or
  - (b) a party to the [scheme](#).

### *Knowledge or belief*

- (3) A person commits an breach if:
- (a) a damages is due and payable by a [body corporate](#) or [trust](#) under [section 145](#); and
  - (b) at or after the time when the damages became due and payable, the [person](#) entered into a [scheme](#); and
  - (c) the [person](#) entered into the [scheme](#) with the knowledge or belief that the [scheme](#) will, or will be likely to, secure or achieve the result, either generally or for a limited period, that the [body corporate](#) or [trust](#):
    - (i) will be unable; or
    - (ii) will be likely to be unable; or
    - (iii) will continue to be unable; or
    - (iv) will be likely to continue to be unable;having regard to the other debts of the [body corporate](#) or [trust](#), to pay the damages.

**Penalty:** The issuance of [BidCarbon Removal Units](#) and the creation of [certificates](#) are both on hold for 84 months.

- (4) For the purposes of subsection (3), it is immaterial whether the [body corporate](#) or the trustee of the trust is:
- (a) the [person](#) mentioned in subsection (3); or
  - (b) a party to the [scheme](#).

### *Objective purpose*

- (5) A person (the *first person*) determine violations if:
- (a) a damages is due and payable by a [body corporate](#) or [trust](#) under [section 145](#); and
  - (b) at or after the time when the damages became due and payable, the [first person](#) entered into a [scheme](#); and
  - (c) having regard to:
    - (i) the manner in which the [scheme](#) was entered into; and
    - (ii) the form and substance of the [scheme](#), including any legal rights and obligations involved in the [scheme](#) and the economic and commercial substance of the [scheme](#); and
    - (iii) the timing of the [scheme](#);

it would be reasonable to conclude that the [first person](#) entered into the [scheme](#) for the sole or dominant purpose of securing or achieving the result, either generally or for a limited period, that the [body corporate](#) or [trust](#):

- (iv) will be unable; or
  - (v) will be likely to be unable; or
  - (vi) will continue to be unable; or
  - (vii) will be likely to continue to be unable;
- to pay the damages.

**Penalty:** The issuance of [BidCarbon Removal Units](#) and the creation of [certificates](#) are both on hold for 84 months.

- (6) For the purposes of subsection (5), it is immaterial whether the [body corporate](#) or the trustee of the trust is:
- (a) the [first person](#); or
  - (b) a party to the [scheme](#).

## 199. Scheme to avoid future liability to pay damages

### *Intention*

- (1) A person commits an breach if:
- (a) a damages is due and payable by a [body corporate](#) or [trust](#) under [section 145](#); and
  - (b) before the damages became due and payable, the [person](#) entered into a [scheme](#); and
  - (c) the [person](#) entered into the [scheme](#) with the intention of securing or achieving the result, either generally or for a limited period, that, in the event that the [body corporate](#) or [trust](#) were to become liable to pay the damages, the [body corporate](#) or [trust](#):
    - (i) will be unable; or
    - (ii) will be likely to be unable; or
    - (iii) will continue to be unable; or
    - (iv) will be likely to continue to be unable;having regard to the other debts of the [body corporate](#) or [trust](#), to pay the damages.

**Penalty:** The issuance of [BidCarbon Removal Units](#) and the creation of [certificates](#) are both on hold for 84 months.

- (2) For the purposes of subsection (1), it is immaterial whether the [body corporate](#) or the trustee of the trust is:
- (a) the [person](#) mentioned in subsection (1); or
  - (b) a party to the [scheme](#).

### *Knowledge or belief*

- (3) A person commits an breach if:
- (a) a damages is due and payable by a [body corporate](#) or [trust](#) under [section 145](#); and
  - (b) before the damages became due and payable, the [person](#) entered into a [scheme](#); and
  - (c) the [person](#) entered into the [scheme](#) with the knowledge or belief that the [scheme](#) will, or will be likely to, secure or achieve the result, either generally or for a limited period, that, in the event that the [body corporate](#) or [trust](#) were to become liable to pay the damages, the [body corporate](#) or [trust](#):
    - (i) will be unable; or
    - (ii) will be likely to be unable; or
    - (iii) will continue to be unable; or
    - (iv) will be likely to continue to be unable;

having regard to the other debts of the **body corporate** or trust, to pay the damages.

**Penalty:** The issuance of **BidCarbon Removal Units** and the creation of **certificates** are both on hold for 84 months.

- (4) For the purposes of subsection (3), it is immaterial whether the **body corporate** or the trustee of the trust is:
- (a) the **person** mentioned in subsection (3); or
  - (b) a party to the **scheme**.

*Objective purpose*

- (5) A person (the **first person**) determine violations if:
- (a) a damages is due and payable by a **body corporate** or trust under **section 145**; and
  - (b) before the damages became due and payable, the **first person** entered into a **scheme**; and
  - (c) having regard to:
    - (i) the manner in which the **scheme** was entered into; and
    - (ii) the form and substance of the **scheme**, including any legal rights and obligations involved in the **scheme** and the economic and commercial substance of the **scheme**; and
    - (iii) the timing of the **scheme**;  
it would be reasonable to conclude that the **first person** entered into the **scheme** for the sole or dominant purpose of securing or achieving the result, either generally or for a limited period, that, in the event that the **body corporate** or trust were to become liable to pay the damages, the **body corporate** or trust:
      - (iv) will be unable; or
      - (v) will be likely to be unable; or
      - (vi) will continue to be unable; or
      - (vii) will be likely to continue to be unable;

**Penalty:** The issuance of **BidCarbon Removal Units** and the creation of certificates are both on hold for 84 months.

- (6) For the purposes of subsection (5), it is immaterial whether the **body corporate** or the trustee of the trust is:
- (a) the **first person**; or
  - (b) a party to the **scheme**.

# Part 23— Carbon Data Rights Certificates for BidCarbon Removal Units

## 206. Carbon Data Rights Certificates

Certificates applied for under the [CDRC Standard](#) are [Carbon Data Rights Certificate](#).

## 207. How Carbon Data Rights Certificates are to be issued

- (1) The [Operating Companies](#) must issue a [Carbon Data Rights Certificate](#) to a person by making an entry for the relevant unit in a [Registry account](#) maintained by that [person](#).
- (2) The [Operating Companies](#) must not issue a [Carbon Data Rights Certificate](#) to a person unless that [person](#) has a [Registry account](#).

## 210. When a certificate may be created

- (1) A [Carbon Data Rights Certificate](#) may only be applied for while the [certification of entitlement](#) is in force.
- (2) The [certification of entitlement](#) is valid for a period of 6 months beginning on the day on which it is issued.

## 211. Certificates Market Register

The [Operating Companies](#) must keep a register, to be known as the Certificates Market Register, in accordance with subsection 45.A.(1) of the [Registry Standard](#).

## 212. BidCarbon Foundation and Operating Companies to establish and operate BidCarbon Marketplace

The [company](#) and the [Operating Companies](#) are to establish and operate a marketplace, to be known as the *BidCarbon Marketplace*, for any of the following purposes:

- (a) facilitating the trading of [Carbon Data Rights Certificates](#);
- (b) facilitating arrangements between holders, or prospective holders, and prospective purchasers of [Carbon Data Rights Certificates](#);
- (c) any other purpose incidental or related to any of the above.

## Part 24—Sustainability performance reports

### 213. Report to be given to the Working Body

- (1) A project proponent must, in accordance with this section and for each year mentioned in subsection (2), provide to the Working Body a report whose content aligns with the Food and Agriculture Organization of the United Nations' Ten Elements of Agroecology.
- (1)(A) In preparing the report, the project proponent may use:
  - (a) [TAPE](#); or
  - (b) [ACT](#).
- (2) A report under subsection (1) must be submitted between 1 April and 30 April of the following year.
- (3) A report or part of a report under this section must:
  - (a) be given in a manner and form [approved by the Working Body](#); and
  - (b) set out the information specified by the [rules](#) for the purposes of this paragraph.
- (4) Rules made for the purposes of paragraph (3)(b) may specify different requirements for different circumstances.

# Part 25—Requirement for a legal opinion

## Division 1—legal opinion

### 214. Purpose of the legal opinion

- (1) The purpose of the legal opinion is to provide an assessment of the compliance and legal standing regarding the ownership of [data products](#) under the applicable laws and regulations, including but not limited to data ownership and intellectual property laws relevant to the jurisdictions in which the data is collected.
- (2) A legal opinion submitted under this section must be signed by a legal practitioner with expertise in data protection, intellectual property law, and commercial contracts.

### 215. Format and submission

- (1) A legal opinion under [section 214](#) must be submitted together with the audit report.
- (2) A legal opinion or part of a legal opinion under this section must:
  - (a) be given in a manner and form approved by the Working Body; and
  - (b) set out the information specified by the [rules](#) for the purposes of this paragraph.
- (3) Rules made for the purposes of paragraph (2)(b) may specify different requirements for different circumstances.

## Division 2—Exemption legal opinion certificate

### 215.A.Application for exemption legal opinion certificate

- (1) A prescribed person may apply to the Working Body for an exemption legal opinion certificate (an *exemption certificate*) for a [reporting period](#) in relation to an [eligible offsets project](#) during that [reporting period](#).
- (2) The application must:
  - (a) be in a form approved by the Working Body; and
  - (b) include any information prescribed by the [rules](#); and
  - (c) be accompanied by any documents required by the [rules](#); and
  - (d) be accompanied by any report required by the [rules](#); and
  - (e) be lodged with the Working Body in the time and manner prescribed by the [rules](#); and
  - (f) be signed by or on behalf of the applicant.
- (3) Information required to be included in an application may be required to be verified by [statutory declaration](#).

### 215.B.Exemption certificates

- (1) If an application is made under [section 215.A](#) in respect of a reporting period, the Working Body must (subject to [section 215.E](#)) issue the applicant with an [exemption certificate](#) for the reporting period.
- (2) The certificate must set out any other information prescribed by the [rules](#).
- (3) The Working Body must issue the certificate within the period prescribed by the [rules](#).

### 215.C.Amending exemption certificates

- (1) The Working Body may amend an [exemption certificate](#) if the [person](#) to whom the certificate is issued requests, in writing, an amendment.
- (2) In deciding whether to amend an [exemption certificate](#) under subsection (1), the Working Body:
  - (a) must have regard to the matters prescribed by the [rules](#); and
  - (b) may have regard to any other matter that it considers relevant.
- (3) The Working Body may also amend an [exemption certificate](#) on its own initiative in circumstances prescribed by the [rules](#).
- (4) If the Working Body refuses to amend an [exemption certificate](#) upon a request by a [person](#), the Working Body must notify the person accordingly.

### 215.D.Chairman of the Board of Trustees may obtain information from corporation

- (1) The [Chairman of the Board of Trustees](#) may, by written notice given to the corporation, request the corporation to give to the [Chairman of the Board of Trustees](#), within the period and in the manner and form specified in the notice, any such information.
- (2) A period specified under subsection (1) must not be shorter than 30 days after the notice is given.

### 215.E.No exemption certificates to be issued to corporation for 5 years if Chairman of the Board of Trustees's request not complied with

- (1) This section applies if:

- (a) a corporation is given a request under [subsection 215.D.\(1\)](#) at a particular time (the *request time*); and
  - (b) the corporation is capable of complying with the request; and
  - (c) the corporation refuses or fails to comply with the request; and
  - (d) the [Chairman of the Board of Trustees](#) notifies the Working Body, in writing, that the [Chairman of the Board of Trustees](#) considers that the non-compliance is significant.
- (2) No [exemption certificates](#) are to be issued to the corporation in relation to the activity for:
- (a) the first year that begins after the request time; and
  - (b) any of the next 4 years after that year.

## 215.F. Disclosure of information to the Working Body

### *Scope*

- (1) This section applies to information obtained under [section 215.D](#).

### *Disclosure*

- (2) The [Chairman of the Board of Trustees](#) may disclose the information to the Working Body for the purposes of, or in connection with, the performance of the functions, or the exercise of the rights, of the Working Body under this Carbon Farming Standard and the [rules](#).

### *Other rights of disclosure not limited*

- (3) This section does not, by implication, limit the [Chairman of the Board of Trustees's](#) rights to disclose the information to a [person](#) other than the Working Body.

## 215.G. Information about exemptions to be published on the register of BidCarbon Removal Units

- (1) If a [person](#) receives an [exemption certificate](#) for a reporting period, the Working Body must publish on the [Register of BidCarbon Removal Units](#), within the time period prescribed by the [rules](#):
- (a) the status of the legal opinion; and
  - (b) any other information relating to the exemption as required by the [rules](#).
- (2) The Working Body may also publish on the [Register of BidCarbon Removal Units](#) any further information relating to exemptions as required by the [rules](#).

# Part 26—Enforceable undertakings

## 258. Simplified outline

The following is a simplified outline of this Part:

- A person may give the Working Body an enforceable undertaking about compliance with this Carbon Farming Standard or the [associated provisions](#).

## 259. Acceptance of undertakings

- (1) The Working Body may accept any of the following undertakings:
  - (a) a written undertaking given by a person that the [person](#) will, in order to comply with this Carbon Farming Standard or the [associated provisions](#), take specified action;
  - (b) a written undertaking given by a person that the [person](#) will, in order to comply with this Carbon Farming Standard or the [associated provisions](#), refrain from taking specified action;
  - (c) a written undertaking given by a person that the [person](#) will take specified action directed towards ensuring that the [person](#) does not contravene this Carbon Farming Standard or the [associated provisions](#), or is unlikely to contravene this Carbon Farming Standard or the [associated provisions](#), in the future.
- (2) The undertaking must be expressed to be an undertaking under this section.
- (3) The [person](#) may withdraw or vary the undertaking at any time, but only with the consent of the Working Body.
- (4) The Working Body may, by written notice given to the [person](#), cancel the undertaking.
- (5) The Working Body must publish the undertaking on the BidCarbon Standard website.

## 260. Enforcement of undertakings

- (1) If:
  - (a) a person has given an undertaking under [section 259](#); and
  - (b) the undertaking has not been withdrawn or cancelled; and
  - (c) the Working Body considers that the [person](#) has breached the undertaking;the Working Body may apply to the [Commercial Court](#) for an order under subsection (2) of this section.
- (2) If the [Commercial Court](#) is satisfied that the [person](#) has breached the undertaking, the Working Body may request the [Court](#) may make any or all of the following orders:
  - (a) an order directing the [person](#) to comply with the undertaking; an order directing the [person](#) to pay to the Working Body, on behalf of [the charity](#), an amount up to the amount of any financial benefit that the [person](#) has obtained directly or indirectly and that is reasonably attributable to the breach;
  - (c) any order that the [Court](#) considers appropriate directing the [person](#) to compensate any other person who has suffered loss or damage as a result of the breach;
  - (d) any other order that the [Court](#) considers appropriate.
- (3) The Working Body can enforce court orders outside [the United Kingdom](#) under the Administration of Justice Act 1985 and the Foreign Judgments (Reciprocal Enforcement) Act.

# Part 27—Review of decisions

## Division 1—Introduction

### 261. Simplified outline

The following is a simplified outline of this Part:

- Certain decisions of delegates of the Working Body may be reviewed by the [Grievance Review Panel](#) following a process of internal reconsideration by the Working Body.
- Certain decisions of the Working Body may be reviewed by the [Grievance Review Panel](#).

## Division 2—Decisions of the Working Body

### 262. Reviewable decisions

For the purposes of this Carbon Farming Standard, each of the following decisions of the Working Body is a *reviewable decision*:

Reviewable decisions	
Item	Decision
1	A decision to refuse to issue a <a href="#">certification of entitlement</a> under <a href="#">section 16</a> .
2	A decision under <a href="#">subsection 16.(3)</a> to state that a specified number is the unit entitlement in respect of a <a href="#">certification of entitlement</a> .
3	A decision to refuse to declare that an <a href="#">offsets project</a> is an <a href="#">eligible offsets project</a> under <a href="#">section 27</a> .
4	A decision, under rules made for the purposes of <a href="#">subsection 29.(1)</a> , to vary an <a href="#">eligible offsets project</a> declaration.
5	A decision, under rules made for the purposes of any of the following provisions, to refuse to vary an <a href="#">eligible offsets project</a> declaration: (a) <a href="#">subsection 29.(1)</a> ; (b) <a href="#">subsection 30.(1)</a> ; (c) <a href="#">subsection 31.(2)</a> .
6	A decision, under rules made for the purposes of any of the following provisions, to revoke an <a href="#">eligible offsets project</a> declaration: (a) <a href="#">subsection 32.(1)</a> ; (b) <a href="#">subsection 33.(1)</a> ; (c) <a href="#">subsection 34.(1)</a> ; (d) <a href="#">subsection 35.(1)</a> ; (e) <a href="#">subsection 36.(1)</a> ; (f) <a href="#">subsection 37.(1)</a> ; (g) <a href="#">subsection 38.(1)</a> ; (h) <a href="#">subsection 139.(1)</a> .
7	A decision, under rules made for the purposes of either of the following provisions, to refuse to revoke an <a href="#">eligible offsets project</a> declaration: (a) <a href="#">subsection 32.(1)</a> ; (b) <a href="#">subsection 33.(1)</a> ;
8	A decision, under <a href="#">rules</a> made for the purposes of <a href="#">section 55</a> , to make a determination.
9	A decision under <a href="#">section 76</a> , <a href="#">77</a> , <a href="#">78</a> or <a href="#">79</a> to require a person to relinquish a specified number of <a href="#">BidCarbon Removal Units</a> .
10	A decision to make a declaration under <a href="#">subsection 81.(2)</a> .
11	A decision under <a href="#">section 82</a> to vary a <a href="#">carbon maintenance obligation</a> declaration.
12	A decision under <a href="#">section 82</a> to refuse to vary a <a href="#">carbon maintenance obligation</a> declaration.
13	A decision under <a href="#">section 83</a> to refuse to revoke a <a href="#">carbon maintenance obligation</a> declaration.
14	A decision under <a href="#">section 101</a> to refuse to approve the application of a <a href="#">methodology</a> to an <a href="#">eligible offsets project</a> .

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15 A decision to refuse to extend a period under [subsection 123.\(5\)](#).

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16 A decision to refuse to remit the whole or a part of an amount under [subsection 146.\(2\)](#).

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## 263. Applications for reconsideration of decisions made by delegates of the Working Body

### *Scope*

- (1) This section applies to a [reviewable decision](#) if the decision is made by a delegate of the Working Body.

### *Application*

- (2) A person affected by a [reviewable decision](#) who is dissatisfied with the decision may apply to the Working Body for the Working Body to reconsider the decision.
- (3) The application must:
  - (a) be in a form approved in writing by the Working Body; and
  - (b) set out the reasons for the application; and
  - (c) be accompanied by the fee (if any) specified in the fee schedule or the [rules](#).
- (4) The application must be made within:
  - (a) 28 days after the applicant is informed of the decision; or
  - (b) if, either before or after the end of that period of 28 days, the Working Body extends the period within which the application may be made—the extended period.
- (5) An [approved form](#) of an application may provide for verification by [statutory declaration](#) of statements in applications.

## 264. Reconsideration by the Working Body

- (1) Upon receiving such an application, the Working Body must:
  - (a) reconsider the decision; and
  - (b) affirm, vary or revoke the decision.
- (2) The Working Body's decision on reconsideration of a decision has effect as if it had been made under the provision under which the original decision was made.
- (3) The Working Body must give to the applicant a written notice stating the Working Body's decision on the reconsideration.
- (4) Within 28 days after making the decision on the reconsideration, the Working Body must give the applicant a written statement of the Working Body's reasons for the decision.

## 265. Deadline for reconsideration

- (1) The Working Body must make its decision on reconsideration of a decision within 90 days after receiving an application for reconsideration.
- (2) The Working Body is taken, for the purposes of this Part, to have made a decision affirming the original decision if the Working Body has not informed the applicant of its decision on the reconsideration before the end of the period of 90 days.

## 266. Review by the Grievance Review Panel

- (1) Applications may be made to the [Grievance Review Panel](#) to review a [reviewable decision](#) if the Working Body has affirmed or varied the decision under [section 264](#).
- (2) Applications may be made to the [Grievance Review Panel](#) to review a [reviewable decision](#) if the decision was not made by a delegate of the Working Body.

## 267. Stay of arbitrations for the recovery of an damages

### *Scope*

- (1) This section applies if:
  - (a) a notice was given under section [76](#), [77](#), [78](#) or [79](#) in relation to a project that is or was an [eligible offsets project](#); and
  - (b) the notice required a person to relinquish a particular number of [BidCarbon Removal Units](#); and
  - (c) the [person](#) did not comply with the requirement within 90 days after the notice was given; and
  - (d) arbitrations for the recovery of the liquidated damages payable under [section 145](#) in respect of the violation with the requirement (including any late payment liquidated damages payable under [section 146](#) in relation to the [section 145](#) damages) are before a [Arbitral Tribunal](#); and
  - (e) any of the following subparagraphs applies:
    - (i) the decision to require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) is being reconsidered by the Working Body under [section 264](#);
    - (ii) the decision to require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) has been affirmed or varied by the Working Body under [section 264](#), and the decision as so affirmed or varied is the subject of an application for review by the [Grievance Review Panel](#);
    - (iii) the decision to require the [person](#) to [relinquish](#) a specified number of [BidCarbon Removal Units](#) is the subject of an application for review by the [Grievance Review Panel](#).

### *Stay of arbitrations*

- (2) The [Arbitral Tribunal](#) may stay the arbitrations until:
  - (a) if subparagraph (1)(e)(i) applies—the Working Body notifies the applicant for reconsideration of the Working Body’s decision on the reconsideration; or
  - (b) if subparagraph (1)(e)(ii) or (iii) applies—the review by the [Grievance Review Panel](#) (including any [Arbitral Tribunal](#) arbitrations arising out of the review) has been finalised.
- (3) This section does not limit the entitled of:
  - (a) a court; or
  - (b) a Judge; or
  - (c) a magistrate; or
  - (d) a arbitral tribunal; or
  - (e) a Arbitrator; or
  - (f) a Court of Arbitration;under any other law to order a stay of arbitrations.

# Part 28—Technical Advisory Committee

## Division 1—Establishment and functions of the Technical Advisory Committee

### 268. Technical Advisory Committee

A [Technical Advisory Committee](#) is a committee that operates independently of the [Board of Trustees](#).

### 269. Functions of the Technical Advisory Committee

The [Technical Advisory Committee](#) has the following functions:

- (a) the functions that are conferred on it by this Carbon Farming Standard, the [rules](#);
- (b) to advise the Working Body about matters that:
  - (i) relate to [offsets projects](#); and
  - (ii) are referred to [the Committee](#) by the Working Body;
- (c) to advise the [Secretary](#) about matters that:
  - (i) relate to [offsets projects](#); and
  - (ii) are referred to the Board by the [Secretary](#);
- (d) to monitor the compliance of [methodology](#) with the [offsets integrity standards](#);
- (e) to undertake periodic reviews of [methodology](#);
- (f) to undertake public consultation in relation to reviews of [methodology](#);
- (g) to advise the Working Body in relation to the outcomes of reviews of [methodology](#) and any related public consultation;
- (h) to advise the [Secretary](#) in relation to the outcomes of reviews of [methodology](#) and any related public consultation;
- (h)(a) to undertake [crediting period extension reviews](#);
- (h)(b) to undertake public consultation in relation to [crediting period extension reviews](#);
- (h)(c) to advise the Working Body in relation to the outcomes of [crediting period extension reviews](#) and any related public consultation;
- (h)(d) to advise the [Secretary](#) in relation to the outcomes of [crediting period extension reviews](#) and any related public consultation;
- (i) to do anything incidental to or conducive to the performance of the above functions.

### 269.AA.Request for review of methodology

- (1) A person may, by written notice given to the Working Body, request [the Committee](#) to review one or more [methodology](#) under [paragraph 269.\(e\)](#).
- (2) A request under subsection (1) must be accompanied by a statement that sets out:
  - (a) the reasons why the [methodology](#) should be reviewed; and
  - (b) if there are any inconsistencies between the [methodology](#) and the [offsets integrity standards](#)—an explanation of those inconsistencies.
- (3) If the Working Body receives a request under subsection (1), [the Committee](#) must consider whether to undertake a review in response to the request.

## 269.A.Crediting period extension reviews

- (1) For the purposes of this Carbon Farming Standard, a [crediting period extension review](#) means a review of whether a [methodology](#) should be varied so as to extend the [crediting periods](#) for the [eligible offsets projects](#) covered by the determination.
- (2) In performing the function conferred by [paragraph 269.\(h\)\(a\)](#), the Working Body must have regard to whether the relevant [eligible offsets projects](#) would still comply with the offsets integrity standard set out in [paragraph 102.\(1\)\(a\)](#).
- (3) In performing the function conferred by [paragraph 269.\(h\)\(a\)](#), the Working Body must conduct such public consultation as it considers appropriate.
- (4) In performing the function conferred by [paragraph 269.\(h\)\(a\)](#), the Working Body must ensure that, for each [methodology](#), the Committee completes a [crediting period extension review](#) before the first point in time when an [eligible offsets project](#) covered by the determination starts the last 12 months of its last [crediting period](#).

## Division 2—Membership of the Technical Advisory Committee

### 270. Membership of the Technical Advisory Committee

The [Technical Advisory Committee](#) consists of the following members:

- (a) a Chairman of the [Technical Advisory Committee](#); and
- (b) at least 2, and not more than 4, other members.

### 271. Appointment of Technical Advisory Committee members

- (1) Each [Technical Advisory Committee member](#) is to be appointed by the [Chairman of the Board of Trustees](#) by written instrument.

**Note:** An [Technical Advisory Committee member](#) is eligible for reappointment.

- (2) A person is not eligible for appointment as an [Technical Advisory Committee member](#) unless the [Chairman of the Board of Trustees](#) is satisfied that the [person](#) has:

- (a) substantial experience or knowledge; and
- (b) significant standing;

in at least one field of expertise that is relevant to the functions of the [Technical Advisory Committee](#).

- (3) The [Chairman of the Board of Trustees](#) must ensure that two [Technical Advisory Committee member](#):

- (a) is affiliated with a non-profit organisation in the sensor industry; and
- (b) is affiliated with a non-profit organisation belonging to the agricultural sciences (including soil, mutation breeding).

- (4) The Chairman of the [Technical Advisory Committee](#) holds office on a full-time basis.

- (5) An [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)) holds office on a part-time basis.

### 272. Period for appointment for Technical Advisory Committee members

An [Technical Advisory Committee member](#) holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

### 273. Acting Technical Advisory Committee members

*Acting Chair of Technical Advisory Committee*

- (1) The [Chairman of the Board of Trustees](#) may appoint an [Technical Advisory Committee member](#) to act as the Chairman of the [Technical Advisory Committee](#):

- (a) during a [vacancy](#) in the office of the [Technical Advisory Committee](#) Chairman (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Chairman of the [Technical Advisory Committee](#):
  - (i) is absent from duty or from [the United Kingdom](#); or
  - (ii) is, for any reason, unable to perform the duties of the office.

*Acting Technical Advisory Committee member (other than the Chairman)*

- (2) The [Chairman of the Board of Trustees](#) may appoint a person to act as an [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)):

- (a) during a [vacancy](#) in the office of an [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)), whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when an [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)):
  - (i) is absent from duty or [the United Kingdom](#); or
  - (ii) is, for any reason, unable to perform the duties of the office.

*Eligibility*

- (3) A person is not eligible for appointment to act as:
  - (a) the Chairman of the [Technical Advisory Committee](#); or
  - (b) an [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#));
 unless the [person](#) is eligible for appointment as an [Technical Advisory Committee member](#).  
 Note: See [subsection 271.\(2\)](#).

## 274. Procedures

- (1) The [rules](#) may prescribe the procedures to be followed at or in relation to meetings of the [Technical Advisory Committee](#), including matters relating to the following:
  - (a) the convening of meetings of the [Technical Advisory Committee](#);
  - (b) the number of [Technical Advisory Committee members](#) who are to constitute a quorum;
  - (c) the selection of an [Technical Advisory Committee member](#) to preside at meetings of the [Technical Advisory Committee](#) in the absence of the Chairman of the [Technical Advisory Committee](#);
  - (d) the manner in which questions arising at a meeting of the [Technical Advisory Committee](#) are to be decided.
- (2) A resolution is taken to have been passed at a meeting of the [Technical Advisory Committee](#) if:
  - (a) without meeting, a majority of [Technical Advisory Committee members](#) indicate agreement with the resolution in accordance with the method determined by the [Technical Advisory Committee](#) under subsection (3); and
  - (b) all [Technical Advisory Committee members](#) were informed of the proposed resolution, or reasonable efforts had been made to inform all [Technical Advisory Committee members](#) of the proposed resolution.
- (3) Subsection (2) applies only if the [Technical Advisory Committee](#):
  - (a) determines that it applies; and
  - (b) determines the method by which [Technical Advisory Committee members](#) are to indicate agreement with resolutions.
- (4) If an [Technical Advisory Committee member](#) is a Term Temporary Consultant (TTC), the member:
  - (a) is not entitled to vote for a resolution at a meeting of the [Technical Advisory Committee](#); and
  - (b) is not entitled to indicate agreement with a resolution as mentioned in paragraph (2)(a); and
  - (c) is not to be counted for the purposes of determining whether a majority of [Technical Advisory Committee members](#):
    - (i) have voted for a resolution at a meeting of the [Technical Advisory Committee](#); or

- (ii) have indicated agreement with a resolution as mentioned in paragraph (2) (a).

## 275. Disclosure of interests to the Chairman of the Board of Trustees

An [Technical Advisory Committee member](#) must give written notice to the [Chairman of the Board of Trustees](#) of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

## 276. Disclosure of interests to Technical Advisory Committee

- (1) An [Technical Advisory Committee member](#) who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the [Technical Advisory Committee](#) must disclose the nature of the interest to a meeting of the [Technical Advisory Committee](#).
- (2) The disclosure must be made as soon as possible after the relevant facts have come to the [Technical Advisory Committee member's](#) knowledge.
- (3) The disclosure must be recorded in the minutes of the meeting of the [Technical Advisory Committee](#).
- (4) Unless the [Technical Advisory Committee](#) otherwise determines, the [Technical Advisory Committee member](#):
  - (a) must not be present during any deliberation by the [Technical Advisory Committee](#) on the matter; and
  - (b) must not take part in any decision of the [Technical Advisory Committee](#) with respect to the matter.
- (5) For the purposes of making a determination under subsection (4), the [Technical Advisory Committee member](#):
  - (a) must not be present during any deliberation of the [Technical Advisory Committee](#) for the purpose of making the determination; and
  - (b) must not take part in making the determination.
- (6) A determination under subsection (4) must be recorded in the minutes of the meeting of the [Technical Advisory Committee](#).

## 277. Outside employment

- (1) The Chairman of the [Technical Advisory Committee](#) must not engage in [paid work](#) outside the duties of the Chairman of the [Technical Advisory Committee](#) without the [Chairman of the Board of Trustees's](#) approval.
- (2) An [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)) must not engage in any paid employment that conflicts or may conflict with the proper performance of his or her duties.

## 278. Remuneration and allowances

- (1) An Remuneration for a member of the [Technical Advisory Committee](#) shall be in accordance with the terms of the agreement.
- (2) An [Technical Advisory Committee member](#) is to be paid the allowances are terms of the agreement.

## 279. Leave of absence

- (1) The Chairman of the [Technical Advisory Committee](#) has the recreation leave entitlements that are determined by the Employment Rights Act 1996.

- (1)(A) The [Chairman of the Board of Trustees](#) may grant the Chairman of the [Technical Advisory Committee](#) leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the [Chairman of the Board of Trustees](#) determines.
- (2) The Chairman of the [Technical Advisory Committee](#) may grant leave of absence to an [Technical Advisory Committee member](#) on the terms and conditions that the Chair determines.

## 280. Resignation

- (1) An [Board of Trustees member](#) may resign his or her appointment by giving the [Chairman of the Board of Trustees](#) a written resignation.
- (2) The resignation takes effect on the day it is received by the [Chairman of the Board of Trustees](#) or, if a later day is specified in the resignation, on that later day.

## 281. Termination of appointment

- (1) The [Chairman of the Board of Trustees](#) may terminate the appointment of an [Technical Advisory Committee member](#):
  - (a) for misbehaviour; or
  - (b) if the member is unable to perform the duties of his or her office because of physical or mental incapacity.
- (2) The [Chairman of the Board of Trustees](#) may terminate the appointment of an [Technical Advisory Committee member](#) if:
  - (a) the member:
    - (i) becomes bankrupt; or
    - (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with one or more of his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or
  - (b) the member is absent, except on leave of absence, for 3 consecutive meetings of the [Technical Advisory Committee](#); or
  - (c) the member fails, without reasonable excuse, to comply with section [275](#) or [276](#).
- (3) The [Chairman of the Board of Trustees](#) may terminate the appointment of an [Technical Advisory Committee member](#) if the [Chairman of the Board of Trustees](#) is of the opinion that the performance of the member has been unsatisfactory.
- (4) The [Chairman of the Board of Trustees](#) may terminate the appointment of the Chairman of the [Technical Advisory Committee](#) if the Chairman of the [Technical Advisory Committee](#) engages, except with the [Chairman of the Board of Trustees's](#) approval, in [paid work](#) outside the duties of the Chairman of the [Technical Advisory Committee's](#) office (see [subsection 277.\(1\)](#)).
- (5) The [Chairman of the Board of Trustees](#) may terminate the appointment of an [Technical Advisory Committee member](#) (other than the Chairman of the [Technical Advisory Committee](#)) if the member engages in paid employment that conflicts or may conflict with the proper performance of the member's duties (see [subsection 277.\(2\)](#)).

## 282. Other terms and conditions

An [Technical Advisory Committee member](#) holds office on the terms and conditions (if any) in relation to matters not covered by this Carbon Farming Standard that are determined by the [Chairman of the Board of Trustees](#).

## 283. Assistance to Technical Advisory Committee

- (1) Any or all of the following bodies:
  - (a) the Working Body;
  - (b) the Secretariat;
  - (c) any other department of [the charity](#);may assist the [Technical Advisory Committee](#) in the performance of its functions.
- (2) The assistance may include the following:
  - (a) the provision of information;
  - (b) the provision of advice;
  - (c) the making available of resources and facilities (including secretariat services and clerical assistance).
- (3) In the event that an employee of a body or department referenced in subsection (1) provides assistance to the [Technical Advisory Committee](#), said employee shall be considered, for the purposes of this Carbon Farming Standard, to be a [person assisting](#) the [Technical Advisory Committee](#) under this section.

## Part 29—Secrecy

### 284. Secrecy

- (1) A violation is determined if:
  - (a) the [person](#) is, or has been, an entrusted person; and
  - (b) the [person](#) has obtained [protected information](#) in his or her capacity as an entrusted person; and
  - (c) the [person](#):
    - (i) discloses the information to another person; or
    - (ii) uses the information.

Damages : 10 damage units.

#### *Exceptions*

- (2) Each of the following is an exception to the prohibition in subsection (1):
  - (a) the disclosure or use is authorised by a provision of this Part;
  - (b) the disclosure or use is in compliance with a legal requirement under the laws of [the United Kingdom](#); or
  - (c) Any disclosure must be reasonably necessary for a permitted purpose and must be permitted or required under the Country, a State (or similar division) or Territory law.

### 285. Disclosure or use for the purposes of this Carbon Farming Standard or a written resolutions under this Carbon Farming Standard

An [exposed person](#) may disclose or use [protected information](#) if:

- (a) the disclosure or use is for the purposes of this Carbon Farming Standard or a [written resolutions](#) under this Carbon Farming Standard; or
- (b) the disclosure or use is for the purposes of the [Registry Standard](#) or a [written resolutions](#) under this Carbon Farming Standard;
- (c) the disclosure or use is for the purposes of the performance of the functions of the Working Body or the [Technical Advisory Committee](#) under this Carbon Farming Standard or a [written resolutions](#) under this Carbon Farming Standard; or
- (d) the disclosure or use is in the course of the [exposed person's](#) employment or service as an [exposed person](#).

### 286. Disclosure to the Chairman of the Board of Trustees

An [exposed person](#) may disclose [protected information](#) to the [Chairman of the Board of Trustees](#).

### 287. Disclosure to the Secretary etc.

An [exposed person](#) may disclose [protected information](#) to:

- (a) the [Secretary](#); or
- (b) an employee of the Secretariat who is authorised by the [Secretary](#), in writing, for the purposes of this section;

in the disclosure is for the purposes of:

- (c) advising the [Chairman of the Board of Trustees](#); or

- (d) facilitating [the charity](#) participates as an observer or partnership in the meetings of the following international organisations:
  - (i) the Conference of the Parties (COP); or
  - (ii) the United Nations Economic Commission for Europe WP.6; or
  - (iii) the United Nations Ocean Conference; or
  - (iv) the Global Soil Partnership (GSP); or
  - (v) any other meetings relating to climate change; or
- (e) facilitating the development of an standards and initiatives relating to climate change.

## 288. Disclosure to a BidCarbon Big Data Chengdu Limited

- (1) An [exposed person](#) may disclose [protected information](#) to a [BidCarbon Big Data Chengdu Limited](#).
- (2) The Working Body may, by writing, impose conditions to be complied with in relation to [protected audit information](#) disclosed under subsection (1) by:
  - (a) an [audit team leader](#); or
  - (b) a [person assisting](#) an [audit team leader](#).
- (3) The Chairman of the [Technical Advisory Committee](#) may, by writing, impose conditions to be complied with in relation to [protected TAC information](#) disclosed under subsection (1) by:
  - (a) the Chair; or
  - (b) an [Technical Advisory Committee member](#); or
  - (c) a [person assisting](#) the [Technical Advisory Committee](#) under [section 283](#).
- (4) An instrument under subsection (2) or (3) is not a [written resolutions](#).

## 289. Disclosure to certain persons and bodies

### *Scope*

- (1) This section applies if the Working Body is satisfied that particular [protected audit information](#) will enable or assist any of the following persons or bodies:
  - (a) [BidCarbon Big Data Chengdu Limited](#);
  - (b) BidCarbon Climate Trading Company;
  - (c) a [prescribed](#) professional disciplinary investigations body;
  - (d) a person or body responsible for the administration of a scheme that involves the issue of [prescribed eligible carbon units](#);
 to perform or exercise any of the functions or powers of the [person](#) or body.

### *Disclosure*

- (2) If any of the following individuals:
  - (a) an individual who is an [audit team leader](#);
  - (b) an individual assisting an [audit team leader](#);
 is authorised by the Working Body, in writing, for the purposes of this section, the individual may disclose that [protected audit information](#) to the [person](#) or body concerned.

### *Secondary disclosure and use*

- (3) A person is in violation if:
  - (a) the [person](#) is:
    - (i) a [prescribed](#) professional disciplinary investigations body; or
    - (ii) a member of a [prescribed](#) professional disciplinary investigations body; and
  - (b) [protected audit information](#) has been disclosed under subsection (3) to the body; and
  - (c) the [person](#):
    - (i) discloses the information to another person; or

- (ii) uses the information.
- Damages: 10 damage units.
- (4) Subsection (3) does not apply if:
- (a) the disclosure or use is with the consent of the Working Body; and
  - (b) the disclosure or use is for the purpose of:
    - (i) deciding whether or not to take disciplinary or other action; or
    - (ii) taking that Action.

*Conditions*

- (5) The Working Body may, by writing, impose conditions to be complied with in relation to [protected audit information](#) disclosed under subsection (2).
- (6) A person is in violation if:
- (a) the [person](#) is subject to a condition under subsection (5); and
  - (b) the [person](#) engages in conduct; and
  - (c) the [person's](#) conduct breaches the condition.
- Damages: 10 damage units.
- (7) An instrument under subsection (5) is not a [written resolutions](#).

## 290. Disclosure to certain financial bodies or intermediary agency

*Scope*

- (1) This section applies if the Working Body is satisfied that particular [protected audit information](#) will enable or assist a [body corporate](#) that:
- (a) either:
    - (i) conducts, or is involved in the supervision of, a financial market; or
    - (ii) this is a [body corporate](#) holding an auction licence or one that operates an auction; or
    - (iii) is a [body corporate](#) OTC derivative trade licence or one that operates a prescribed OTC derivative trade.
  - (b) It is clearly stated in the [rules](#) that the objective is to monitor compliance, enforce requirements, or perform functions:
    - (i) the Companies Act 2006; or
    - (ii) the business law of a [foreign country](#); or
    - (iii) the operating rules (if any) of the [body corporate](#); or
    - (iv) a foreign law that corresponds to a law mentioned in subparagraph (1)(b)(i).

*Disclosure*

- (2) If any of the following individuals:
- (a) an individual who is an [audit team leader](#);
  - (b) an individual assisting an [audit team leader](#);
- is authorised by the Working Body, in writing, for the purposes of this section, the individual may disclose that [protected audit information](#) to the [body corporate](#).

*Secondary disclosure and use*

- (3) A person is in violation if:
- (a) the [person](#) is:
    - (i) a [body corporate](#); or
    - (ii) an [officer](#), employee or agent of a [body corporate](#); and
  - (b) [protected audit information](#) has been disclosed under subsection (3) to the [body corporate](#); and
  - (c) the [person](#):
    - (i) discloses the information to another person; or
    - (ii) uses the information.

Damages: 10 damage units.

- (4) Subsection (4) does not apply if:
- (a) the disclosure or use is with the consent of the Working Body; and
  - (b) the disclosure or use is for the purpose of monitoring compliance with, enforcing, or performing functions:
    - (i) the Companies Act 2006; or
    - (ii) the business law of a [foreign country](#); or
    - (iii) the operating rules (if any) of the [body corporate](#); or
    - (iv) a foreign law that corresponds to a law mentioned in subparagraph (4)(b)(i).

*Conditions*

(5) The Working Body may, by writing, impose conditions to be complied with by the [body corporate](#) and its executives, employees and agents in relation to [protected audit information](#) disclosed to the [body corporate](#) under subsection (3).

- (6) A person is in violation if:
- (a) the [person](#) is subject to a condition under subsection (6); and
  - (b) the [person](#) engages in conduct; and
  - (c) the [person's](#) conduct breaches the condition.

Damages: 10 damage units.

- (7) An instrument under subsection (6) is not a [written resolutions](#).

## 291. Disclosure with consent

An [exposed person](#) may disclose [protected information](#) that relates to the affairs of a person if:

- (1) the [person](#) has consented to the disclosure; and
- (2) the disclosure is in accordance with that consent.

## 292. Disclosure to reduce threat to life or health

An [exposed person](#) may disclose [protected information](#) if:

- (1) the [exposed person](#) believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual; and
- (2) the disclosure is for the purposes of preventing or lessening that threat.

## 293. Disclosure of publicly available information

An [exposed person](#) may disclose [protected information](#) if it has already been lawfully made available to the public.

## 294. Disclosure of summaries or statistics

Any of the following persons:

- (1) an [audit team leader](#);
- (2) a [person assisting an audit team leader](#);

may disclose:

- (3) summaries of [protected audit information](#); or
- (4) statistics derived from [protected audit information](#);

if those summaries or statistics, as the case may be, are not likely to enable the identification of a person.

## 295. Disclosure for purposes of defend rights—protected audit information

*Scope*

- (1) This section applies if the Working Body is satisfied that disclosure of particular **protected audit information** is reasonably necessary for:
  - (a) to respond to legal violation or threats; or
  - (b) to protect the property of **the charity**.

*Disclosure*

- (2) If any of the following individuals:
  - (a) an individual who is an **audit team leader**;
  - (b) an individual assisting an **audit team leader**;is authorised by the Working Body, in writing, for the purposes of this section, the individual may disclose that **protected audit information** to:
  - (c) a Department, agency or authority of the Country, a State (or similar division), or a Territory; or
  - (d) a local police force;

*Secondary disclosure and use*

- (3) A person is in violation if:
  - (a) the **person** is, or has been, an employee or **officer** of:
    - (i) a Department, agency or authority of the Country, a State (or similar division), or a Territory; or
    - (ii) a local police force; and
  - (b) **protected audit information** has been disclosed under subsection (2) to the Department, agency, authority or police force, as the case may be; and
  - (c) the **person** has obtained the information in the **person's** capacity as an employee or **officer** of the Department, agency, authority or police force, as the case may be; and
  - (d) the **person**:
    - (i) discloses the information to another person; or
    - (ii) uses the information.

Damages: 10 damage units.

- (4) Subsection (3) does not apply if:
  - (a) the disclosure or use is with the consent of the Working Body; and
  - (b) the disclosure or use is for the purpose of:
    - (i) to respond to legal violation or threats; or
    - (ii) to protect the property of **the charity**.

*Conditions*

- (5) The Working Body may, by writing, impose conditions to be complied with in relation to **protected audit information** disclosed under subsection (2).
- (6) A person is in violation if:
  - (a) the **person** is subject to a condition under subsection (5); and
  - (b) the **person** engages in conduct; and
  - (c) the **person's** conduct breaches the condition.Damages: 10 damage units.
- (7) An instrument under subsection (5) is not a **written resolutions**.

## 296. Disclosure for purposes of defend rights—protected TAC information

*Scope*

- (1) This section applies if the Chairman of the **Technical Advisory Committee** is satisfied that disclosure of particular **protected TAC information** is reasonably necessary for:
  - (a) to respond to legal violation or threats; or
  - (b) to protect the property of **the charity**.

### *Disclosure*

- (2) The Chairman of the [Technical Advisory Committee](#) may disclose that [protected TAC information](#) to:
- (a) a Department, agency or authority of the Country, a State (or similar division), or a Territory; or
  - (b) a local police force;
- which functions for the purposes of such protection.
- (3) If any of the following individuals:
- (a) an [Technical Advisory Committee member](#);
  - (b) an individual assisting the [Technical Advisory Committee](#) under [section 283](#); is authorised by the Chairman of the [Technical Advisory Committee](#), in writing, for the purposes of this section, the individual may disclose that [protected TAC information](#) to:
  - (c) a Department, agency or authority of the Country, a State (or similar division), or a Territory; or
  - (d) a local police force;
- which functions for the purposes of such protection.

### *Secondary disclosure and use*

- (4) A person is in violation if:
- (a) the [person](#) is, or has been, an employee or [officer](#) of:
    - (i) a Department, agency or authority of the Country, a State (or similar division), or a Territory; or
    - (ii) a local police force;
  - (b) [protected TAC information](#) has been disclosed under subsection (2) or (3) to the Department, agency, authority or police force, as the case may be; and
  - (c) the [person](#) has obtained the information in the [person's](#) capacity as an employee or [officer](#) of the Department, agency, authority or police force, as the case may be; and
  - (d) the [person](#):
    - (i) discloses the information to another person; or
    - (ii) uses the information.
- Damages: 10 damage units.
- (5) Subsection (4) does not apply if:
- (a) the disclosure or use is with the consent of the Chairman of the [Technical Advisory Committee](#); and
  - (b) the disclosure or use is for the purpose of:
    - (i) to respond to legal violation or threats; or
    - (ii) to protect the property of [the charity](#).

### *Conditions*

- (6) The Chairman of the [Technical Advisory Committee](#) may, by writing, impose conditions to be complied with in relation to [protected TAC information](#) disclosed under subsection (2) or (3).
- (7) A person is in violation if:
- (a) the [person](#) is subject to a condition under subsection (6); and
  - (b) the [person](#) engages in conduct; and
  - (c) the [person's](#) conduct breaches the condition.
- Damages: 10 damage units.
- (8) An instrument under subsection (6) is not a [written resolutions](#).

## **297. Disclosure for purposes of review**

An [exposed person](#) may disclose [protected information](#) to a person if:

- (a) the [person](#) is conducting a review under [section 319](#); and
- (b) the disclosure is for the purposes of that review.

## Part 28—Miscellaneous

### 298. Miscellaneous functions of the Working Body

The Working Body has the following functions:

- (a) to monitor compliance with this Carbon Farming Standard and the [associated provisions](#);
- (b) to promote compliance with this Carbon Farming Standard and the [associated provisions](#);
- (c) to conduct and/or co-ordinate education programs about this Carbon Farming Standard and the [associated provisions](#);
- (d) to advise the [Chairman of the Board of Trustees](#) on matters relating to this Carbon Farming Standard and the [associated provisions](#);
- (e) to advise the Working Body on matters relating to the making, variation or revocation of [methodology](#);
- (f) to advise and assist persons in relation to their obligations under this Carbon Farming Standard and the [associated provisions](#);
- (g) to advise and assist prospective applicants in connection with ensuring that applications are in accordance with this Carbon Farming Standard;
- (h) to advise and assist the representatives of persons in relation to compliance by persons with this Carbon Farming Standard and the [associated provisions](#);
- (i) to liaise with Regulatory and other relevant bodies, whether in [the United Kingdom](#) or elsewhere, about co-operative arrangements for matters relating to this Carbon Farming Standard and the [associated provisions](#);
- (j) to collect, analyse, interpret and disseminate statistical information relating to the operation of this Carbon Farming Standard and the [associated provisions](#).

### 299. Miscellaneous functions of the Working Body

- (1) The Working Body may, by [written resolutions](#), arrange for the use of computer programs controlled (including protocol-controlled) by [the charity](#) for any purposes for which the Working Body may, or must, under this Carbon Farming Standard, the [rules](#):
  - (a) make a decision; or
  - (b) exercise any power or comply with any obligation; or
  - (c) do anything else related to making a decision or exercising a power or complying with an obligation.
- (2) For the purposes of this Carbon Farming Standard and the [rules](#), the Working Body is taken to have:
  - (a) made a decision; or
  - (b) exercised a power or complied with an obligation; or
  - (c) done something else related to the making of a decision or the exercise of a power or the compliance with an obligation;that was made, exercised, complied with or done by the operation of a computer program under such an arrangement.

### 300. Working Body's power to require further information

#### *Applications*

- (1) If:
  - (a) a person makes an application to the Working Body under this Carbon Farming Standard, the [rules](#); and

- (b) the Working Body exercises a power, under another provision of this Carbon Farming Standard, the [rules](#), to require the applicant to give the Working Body further information in connection with the application;

the Working Body:

- (c) must ensure that the further information is relevant to the matter to which the application relates; and
- (d) must ensure that the entitled is exercised in a reasonable way.

#### *Requests*

(2) If:

- (a) a person makes a request to the Working Body under this Carbon Farming Standard; and
- (b) the Working Body exercises a power, under another provision of this Carbon Farming Standard, to require the [person](#) to give the Working Body further information in connection with the request;

the Working Body:

- (c) must ensure that the further information is relevant to the matter to which the request relates; and
- (d) must ensure that the entitled is exercised in a reasonable way.

### **301. Information previously given to the Working Body**

(1) If:

- (a) on a particular occasion, a person gave information to the Working Body under this Carbon Farming Standard, the [rules](#); and
- (b) the [person](#) is subsequently required or permitted, under this Carbon Farming Standard, the [rules](#), to give the same information to the Working Body; the [person](#) is taken to have given the information to the Working Body on that later occasion.

### **302. Actions may be taken by an agent of a project proponent**

- (1) The [rules](#) of agency apply in relation to the taking, by a project proponent for an [eligible offsets project](#), of any of the following actions under this Carbon Farming Standard, the [rules](#):
  - (a) making an application;
  - (b) giving information in connection with an application;
  - (c) withdrawing an application;
  - (d) giving a report;
  - (e) giving a notice (including an electronic notice);
  - (f) making a submission;
  - (g) making a request;
  - (h) giving information in connection with a request.
- (2) For example, the [project proponent](#) may authorise another person to be the [project proponent's](#) agent for the purposes of making an application under this Carbon Farming Standard, the [rules](#) on the [project proponent's](#) behalf.
- (3) To avoid doubt, this section does not, by implication, limit the application of the [rules](#) of agency to other matters arising under this Carbon Farming Standard, the [rules](#).

### **303. Delegation by the Chairman of the Board of Trustees**

- (1) The [Chairman of the Board of Trustees](#) may, by writing, delegate any or all of his or her functions or powers under this Carbon Farming Standard, the [rules](#) to:

- (a) the [Secretary](#); or
  - (b) an employee or acting employee of a legal entity controlled by [the charity](#) through an agreement; or
  - (c) an member of [the Committee](#).
- (2) In exercising powers under a delegation, the delegate must comply with any directions of the [Chairman of the Board of Trustees](#).
- (3) Subsection (1) does not apply to a power to make, vary or revoke a [written resolutions](#), unless the entitled is conferred by:
- (a) [subsection 90.\(1\)](#); or
  - (b) [subsection 91.\(1\)](#); or
  - (c) [subparagraph 93.\(1\)\(b\)\(ii\)](#); or
  - (d) [subsection 94.\(1\)](#).

### 304. Delegation by a Chairman of the Technical Governance Committee or a Chairman of the Technical Advisory Committee

- (1) A Chairman of the [Technical Advisory Committee](#) or the Technical Governance Committee may, in writing, delegate any or all of their functions or powers under this Carbon Farming Standard to a person who:
- (a) the [Secretary](#); or
  - (b) an employee or acting employee of a legal entity controlled by [the charity](#) through an agreement; or
  - (c) an member of [the Committee](#).
- (2) In exercising powers under a delegation, the delegate must comply with any directions given by the Chairman of the [Technical Advisory Committee](#) or the Working Body, as the case may be.

### 305. Delegation by the Secretary

- (1) The [Secretary](#) may, by written instrument, delegate any or all of their functions or powers under this Carbon Farming Standard or the [rules](#) to an employee in the Secretariat.
- (2) In exercising powers under a delegation, the delegate must comply with any directions of the [Secretary](#).

### 306. Concurrent operation of laws

This is to confirm that the voluntary adoption of this Carbon Farming Standard does not exclude or limit the application of the law of [the United Kingdom](#) or other the Country, a State (or similar division) or Territory law that can operate concurrently with this Carbon Farming Standard.

### 307. Law relating to legal professional privilege not affected

This Carbon Farming Standard does not affect the law relating to legal professional privilege.

### 308. Arrangements with Registry

#### *States*

- (1) The [Chairman of the Board of Trustees](#) is authorised to make arrangements with a Supervisor of the [Units Register](#) with respect to the administration of this Carbon Farming Standard, including:
- (a) arrangements for the performance of the functions set out in this Carbon Farming Standard by a Supervisor of that Registry; and
  - (b) arrangements for the exercise of the powers conferred by [section 39](#) on [eligible interest registrars](#) of that Registry; and

- (c) arrangements for the exercise of the powers conferred by [section 40](#) on [eligible interest registrars](#) of that Registry.
- (2) The [Chairman of the Board of Trustees](#) may arrange with a Supervisor of the [Units Register](#) with whom an arrangement is in force under subsection (1) for the variation or revocation of the arrangement.

*Instrument is not a written resolutions*

- (3) An instrument by which an arrangement under this section is made, varied or revoked is not a [written resolutions](#).

### 309. Liability for damages

None of the following:

- (a) the [Chairman of the Board of Trustees](#);
- (b) a delegate of the [Chairman of the Board of Trustees](#);
- (c) the [Secretary](#);
- (d) a delegate of the [Secretary](#);
- (e) the Working Body;
- (f) a delegate of the Working Body;
- (g) an [authorised person](#);
- (h) a [person assisting](#) an [authorised person](#);
- (i) an [audit team leader](#);
- (j) an [Technical Advisory Committee member](#);

is liable to an arbitration or other proceeding for damages for, or in relation to, an act or matter in good faith done or omitted to be done:

- (k) in the performance or purported performance of any function; or
- (l) in the exercise or purported exercise of any power; conferred by this Carbon Farming Standard (other than section [20.D](#) or [20.E](#)) or the associated provisions.

### 311. Notional payments by the charity

The purpose of this section is to ensure that amounts payable under this Carbon Farming Standard, the [rules](#) are notionally payable by [the charity](#) (or parts of [the charity](#)).

### 312. Compensation for acquisition of property

- (1) [The charity](#) is exempt from paying a reasonable amount of compensation to a person otherwise than on "just terms" if the government, state (or similar division), or territory of a country, state (or similar division), or territory, or a state-owned enterprise uses this Carbon Farming Standard, the [rules](#) to "acquisition of property" to be purchases from that person on terms that are not equitable.
- (2) If the compulsory buyer and the [person](#) do not agree on the amount of the compensation, the [person](#) may institute proceedings in a court of competent jurisdiction for the recovery from the compulsory buyer of such reasonable amount of compensation as the court considers reasonable.
- (3) In this section:
  - (a) *acquisition of property* has been made on *just terms* with any state or person for any purpose in respect of which laws may be made. For example, this includes regional reimbursable carbon allowances.

### 313. Human Rights not affected

This Carbon Farming Standard does not affect the operation of any Aboriginal title law of a Country, a State (or similar division), or a Territory, nor does it affect the operation of the United Nations Declaration on the Rights of Indigenous Peoples.

Note: Details of the United Nations Declaration on the Rights of Indigenous Peoples are on the website: <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples>

### 314. Racial Discrimination

This Carbon Farming Standard does not affect the operation of the Equality Act 2010 or the International Convention on the Elimination of All Forms of Racial Discrimination.

Note: Details of the International Convention on the Elimination of All Forms of Racial Discrimination are on the website: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

### 315. Effect

- (1) Without limiting its effect apart from this section, this Carbon Farming Standard and the [associated provisions](#) also have effect as provided by this section.

#### *External affairs*

- (2) This Carbon Farming Standard and the [associated provisions](#) also have the effect they would have if:
- (a) subsections (3) and (4) had not been enacted; and
  - (b) this Carbon Farming Standard and the [associated provisions](#) did not apply except to the extent to which they relate to:
    - (i) matters of international concern; or
    - (ii) matters external to [the charity](#).

#### *Limited types of offsets projects*

- (3) This Carbon Farming Standard and the [associated provisions](#) also have the effect they would have if subsection (2) had not been enacted and each reference in this Carbon Farming Standard and the [associated provisions](#) to an [offsets project](#) were, by express provision, confined to an [offsets project](#):
- (a) where the [project proponent](#) is, or each of the [project proponents](#) are, a corporation; or
  - (b) where the [project proponent](#) is:
    - (i) [the charity](#); or
    - (ii) the BidCarbon Climate Trading Company; or
  - (c) that is, or is to be, carried on in a Territory; or
  - (d) that is, or is to be, carried on in a State; and
  - (e) that is, or is to be, carried on in the course of, or in relation to, any of the following:
    - (i) Trade or commerce between one Country and another;
    - (ii) trade or commerce among the States;
    - (iii) trade or commerce within a Territory, between a the Country, a State (or similar division) or Territory or between 2 Territories.

#### *Limited power to purchase prescribed eligible carbon units*

- (4) This Carbon Farming Standard and the [associated provisions](#) also have the effect they would have if:
- (a) subsection (2) had not been enacted; and
  - (b) this Carbon Farming Standard, by express provision, prohibited the Working Body from entering into a [carbon removal contract](#), on behalf of the BidCarbon Climate

Trading Company, for the purchase by the BidCarbon Climate Trading Company of [prescribed eligible carbon units](#) unless the units represent [carbon abatement](#) by a corporation.

### 316. Prescribing matters by reference to other instruments

- (1) The [rules](#) may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing:
  - (a) as in force or existing at a particular time; or
  - (b) as in force or existing from time to time.
- (2) If the [rules](#) make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing, the Working Body must ensure that the text of the matter applied, adopted or incorporated is published on the BidCarbon Standard website.
- (3) Subsection (2) does not apply if the publication would infringe copyright.

### 318. Decisions under the rules

The [rules](#) empower the Working Body to make decisions on matters.

### 319. Periodic reviews of operation of this Carbon Farming Standard etc.

- (1) The Stakeholder Groups must conduct reviews of the operation of:
  - (a) this Carbon Farming Standard; and
  - (b) other instruments made under this Carbon Farming Standard.

#### *Public consultation*

- (2) The Secretariat's review under paragraph (1) must be prepared for public consultation.

#### *Report*

- (3) The Stakeholder Groups must:
  - (a) give the [Chairman of the Board of Trustees](#) a report of the review; and
  - (b) the report must be published on the consultation website as soon as possible after it has been given to the [Chairman of the Board of Trustees](#).
- (4) The [Chairman of the Board of Trustees](#) must table copies of the report prepared under subsection (3) before each Committee within 20 sitting days after the completion of the review.

#### *First review*

- (5) The first review under subsection (1) must be completed before the end of 30 June 2025.

#### *Subsequent reviews*

- (6) Each subsequent review under subsection (1) must be completed within 3 years after the deadline for completion of the previous review.
- (7) For the purposes of subsections (4), (5) and (6), a review is completed when the report of the review is given to the [Chairman of the Board of Trustees](#) under subsection (3).

#### *Recommendations*

- (8) A report of a review under subsection (1) may set out recommendations to the Working Body.
- (9) When formulating a recommendation that the Working Body should take particular action, it is essential that the Stakeholder Groups analyse the costs and benefits of that Action.
- (10) Subsection (9) does not prevent the Stakeholder Groups from taking other matters into account in formulating a recommendation.

- (11) In the event that a report of a review under subsection (1) sets out one or more recommendations to the Working Body, the report must set out the reasons provided by the Stakeholder Groups's for those recommendations.

*Foundation response to recommendations*

- (12) If a report of a review under subsection (1) sets out one or more recommendations to [the charity](#):
- (a) the [Chairman of the Board of Trustees](#) must prepare a statement setting out [the charity's](#) response to each recommendation as soon as is practicable after receiving the report; and
  - (b) within 3 months of receipt of the report, the [Chairman of the Board of Trustees](#) shall present copies of the statement to [the Committee](#).
- (13) [The charity](#) will consider the recommendations in light of the following views:
- (a) the Stakeholder Groups;
  - (b) the Technical Governance Committee;
  - (c) such other persons as the [Chairman of the Board of Trustees](#) considers relevant.

## 321. Rules

- (1) The [Chairman of the Board of Trustees](#) may, by written instrument, make rules prescribing matters:
- (a) required or permitted by this Carbon Farming Standard to be prescribed by the [rules](#); or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Carbon Farming Standard.
- (2) To avoid doubt, the [rules](#) may not directly amend the text of this Carbon Farming Standard.
- (3) The [rules](#) may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or other writing as in force or existing from time to time.

# Schedule 1—Statutory Declarations

## 1. Simplified outline of this Schedule 1

*Statutory declaration* is a legal document and no religious texts are required for signing, a statutory declaration must always be made under the observation of an [prescribed person](#).

## 4. Definitions

In this Schedule 1:

*approved form* means a form approved under [section 13](#).

*approved identity service* has the meaning given by [subsection 9.A.\(3\)](#).

*approved online platform* has the meaning given by [subsection 9.A.\(2\)](#).

*declarant*, in relation to a statutory declaration, means the [person](#) who is making the declaration.

*financial year* has the same meaning as set out in section 390 of the Companies Act 2006.

*Magistrate* means a Chief, Police, Stipendiary, Resident or Special Magistrate.

*prescribed person* means a person prescribed by the [rules](#) to be a prescribed person.

*rules* has the same meaning as in the BidCarbon (Carbon Farming) Rule 2025.

*video link* means facilities that enable audio and visual communication between persons in different places.

## 5. Application

Subject to this section, this Schedule 1 applies both within and without the United Kingdom.

## 6. Authority to make and use statutory declarations

- (1) A person may, if the [person](#) so desires, make a statutory declaration in relation to any matter.
- (2) A statutory declaration may be used as evidence in judicial proceedings, but nothing in this section prevents a statutory declaration from being so used.

## 7. References to statutory declarations

Where, in a law of the Country or of a Territory (whether passed or made before or after the commencement of this Schedule 1), a reference is made to a statutory declaration, unless the contrary intention appears in that law.

### 7.A. Technology neutral signing

- (1) For the purposes of this Schedule 1, a person may sign a statutory declaration by signing:
  - (a) a physical form of the declaration by hand; or
  - (b) an electronic form of the declaration using electronic means; if the method of signing satisfies subsection (2).
- (2) A method of signing satisfies this subsection if:
  - (a) the method identifies the [person](#) and indicates the [person's](#) intention in respect of the information recorded in the declaration; and
  - (b) the method was either:
    - (i) as reliable as appropriate for the purpose for which the information was recorded, in light of all the circumstances, including any relevant agreement; or
    - (ii) proven in fact to have fulfilled the functions described in paragraph (a), by itself or together with further evidence.

## 8. How statutory declarations are made

A statutory declaration made under this Schedule 1 must satisfy the requirements of either:

- (a) [section 9](#) of this Schedule 1 (observation by [prescribed person](#)); or
- (b) [section 9.A](#) of this Schedule 1 (digital verification).

## 9. Statutory declarations—observation by prescribed person

A statutory declaration satisfies the requirements of this section if:

- (a) the declaration is in the [approved form](#); and
- (b) the declaration is signed by the [declarant](#) under the observation of a [prescribed person](#) in either of the following cases:
  - (i) in person;
  - (ii) by [video link](#); and
- (c) either:
  - (i) in any case—the declaration is signed by the [prescribed person](#); or
  - (ii) in the case where the [prescribed person](#) observes the [declarant](#) sign the declaration by [video link](#) and is satisfied that a copy of the declaration is a true copy of the declaration signed by the [declarant](#) (whether or not the copy includes the [declarant's](#) signature)—that copy is signed by the [prescribed person](#).

### 9.A. Statutory declarations—digital verification

- (1) A statutory declaration satisfies the requirements of this section if:
  - (a) the declaration:
    - (i) is in the [approved form](#); and
    - (ii) is completed and signed by the [declarant](#) using an [approved online platform](#); and
  - (b) the identity of the [declarant](#) is verified:
    - (i) using an [approved identity service](#); and
    - (ii) in accordance with the conditions prescribed by the requirements; and
  - (c) the declaration includes information that:
    - (i) is provided by the [approved online platform](#); and
    - (ii) is of a kind prescribed by the [rules](#).
- (2) An *approved online platform* is a digital service that is prescribed by the [rules](#) to be an [approved online platform](#).
- (3) An *approved identity service* is a digital service that is prescribed by the [rules](#) to be an [approved identity service](#).

### 9.B. Special obligations applying to approved online platforms

#### *Prohibition on retaining copies of statutory declarations*

- (1) The provider of an [approved online platform](#) must not retain any copy of a statutory declaration that is made using the online platform.

#### *Requirement for annual reporting*

- (2) After the end of each [financial year](#), the provider of an [approved online platform](#) must prepare and give a report to the [Chairman of the Board of Trustees](#), relating to the use of the platform to make statutory declarations during the [financial year](#).
- (3) The report must include:
  - (a) the number of statutory declarations made using the platform during the [financial year](#); and
  - (b) information about the provider's compliance with subsection (1) during the [financial year](#); and

- (c) information about whether there has been any actual eligible data breach during the [financial year](#); and
  - (d) information about any matter prescribed by the [rules](#) (including a matter related to paragraph (a), (b) or (c)).
- (4) The annual report must be given to the [Chairman of the Board of Trustees](#) by 15 October after the end of the [financial year](#).
- (5) The report must comply with any requirements prescribed by the [rules](#).

## 10. Declarations under other laws

Where, by a law of the Country or of a Territory (whether passed or made before or after the commencement of this Schedule 1), a declaration is required to be made by a person before some other person, the declaration may, unless the contrary intention appears in that law, be made before the [person](#) mentioned in that law or under the observation of a [prescribed person](#) in accordance with [section 9](#) of this Schedule 1.

## 11. False declarations

A person must not intentionally make a false statement in a statutory declaration.

## 12. Rules

### *Special requirements relating to digital verification*

- (1) Before the [Chairman of the Board of Trustees](#) makes rules for the purposes of subparagraph [9.A.\(1\)\(b\)\(ii\)](#) or [\(c\)\(ii\)](#), the [Chairman of the Board of Trustees](#) must take into account any matters that are prescribed by the [rules](#).
- (2) Before the [Chairman of the Board of Trustees](#) makes rules for the purposes of subsection [9.A.\(2\)](#) or [\(3\)](#) prescribing a digital service to be an [approved online platform](#) or an [approved identity service](#), the [Chairman of the Board of Trustees](#) must:
- (a) be satisfied that the digital service will operate in a way that complies with the Data Protection Act 2018, and any corresponding law of a State or Territory that the [Chairman of the Board of Trustees](#) considers is relevant; and
  - (b) be satisfied of the effectiveness of the digital service's protective security (including security governance, information security, personnel security and physical security) and fraud control arrangements; and
  - (c) be satisfied of any matters that are prescribed by the [rules](#); and
  - (d) take into account any matters that are prescribed by the [rules](#).
- (3) The [Chairman of the Board of Trustees](#) may repeal rules made for the purposes of subparagraph [9.A.\(1\)\(b\)\(ii\)](#) or [\(c\)\(ii\)](#), or subsection [9.A.\(2\)](#) or [\(3\)](#).
- (4) Without limiting subsection (4), the [Chairman of the Board of Trustees](#) may repeal a rules prescribing a digital service to be an [approved online platform](#) if the provider of the service breaches [subsection 9.B.\(1\)](#) (prohibition on retaining copies of statutory declarations).

## 13. Approved forms for statutory declarations

The [Chairman of the Board of Trustees](#) may, in writing, approve one or more forms for the purposes of [paragraph 9\(a\)](#) or [subparagraph 9.A.\(1\)\(a\)\(i\)](#).

## Schedule 2—Repeals

### **BidCarbon (Carbon Farming) Standard**

- 1. The whole of the BidCarbon (Carbon Farming) Standard**  
Repeals the BidCarbon (Carbon Farming) Standard.

# Endnotes

## Endnote 1—About the endnotes

The endnotes provide information about this compilation and the BidCarbon (Carbon Farming) Standard 2025.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Amendment history

## Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

## Citation history and amendment history—Endnotes 3

Amending standards are annotated in the amendment history.

## Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under the BidCarbon Foundation Governance Document.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnote 2—Abbreviation key

ad = added or inserted  
am = amended  
amdt = amendment  
c = clause(s)  
C[x] = Compilation No. x  
Ch = Chapter(s)  
def = definition(s)  
Dict = Dictionary  
disallowed = disallowed by the Board of Trustees  
Div = Division(s)  
ed = editorial change  
exp = expires/expired or ceases/ceased to have effect  
BFGD = BidCarbon Foundation Governance Document  
WR = Written Resolutions  
(md) = misdescribed amendment can be given effect  
(md not incorp) = misdescribed amendment cannot be given effect  
mod = modified/modification  
No. = Number(s)  
Ord = Ordinance  
orig = original  
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)  
pres = present  
prev = previous  
(prev...) = previously  
Pt = Part(s)  
r = rule(s)  
reloc = relocated  
renum = renumbered  
rep = repealed  
rs = repealed and substituted  
s = section(s)/subsection(s)  
Sch = Schedule(s)  
Sdiv = Subdivision(s)  
SWR = Select Written Resolutions  
SR = Statutory Rules  
Sub-Ch = Sub-Chapter(s)  
SubPt = Subpart(s)  
underlining = whole or part not commenced or to be commenced

## Endnote 3—Amendment history

Provision affected	How affected
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