



Deed Poll

Water for Fodder Program

Name	<input type="text"/>
ABN	<input type="text"/>
Short form name	The Applicant
Email	<input type="text"/>
Phone	<input type="text"/>
Address details	<input type="text"/>

- 1) The Applicant covenants for the benefit of the Commonwealth in connection to the Program administered by the Department, as follows:
 - a) All information provided in the Application Form and any other information provided is complete and accurate as at the date the Application Form was submitted.
 - b) In relation to the Guidelines, the Applicant:
 - i) agrees to the terms and conditions in the Guidelines;
 - ii) confirms that it complies and undertakes that it will continue to comply with all eligibility criteria specified in the Guidelines; and
 - iii) warrants and represents that there is no known reason which may make it ineligible for participation in the program.
 - c) The Applicant warrants and represents that it has not had more than 1 gigalitre available for delivery this water year (through carryover and/or allocations) allocated to the Allocation Account.
 - d) The Applicant is an individual, partnership, trust or company operating a primary production business and undertaking plant or animal cultivation (or both).
- 2) The Applicant agrees and undertakes to ensure that:
 - a) The Allocation received under the Program must and will be used by the Applicant in the water year in which it was allocated.
 - b) The Allocation cannot and will not be carried over to the next or any subsequent water year.
 - c) The Allocation provided under the Program must and will only be used by the Applicant to grow Fodder on land which is linked to the Allocation Account.
- 3) The Applicant will give access to Commonwealth Officers to premises associated with this Deed and to properties where the Allocation is used at all reasonable times and allow to inspect and copy records and material, in the Applicant's possession or control, for purposes associated with this Program or any review of performance under this Deed.



- 4) The Applicant represents and warrants that:
 - a) authority: it has full power and authority to enter into and perform its obligations under this Deed; and
 - b) authorisations: it has taken all necessary action to authorise the execution, delivery and performance of this Deed in accordance with its terms; and
 - c) own knowledge: this Deed is executed after making diligent inquiry and that all the information in this Deed and the Application is accurate and complete.
- 5) The Applicant consents to:
 - a) to the Department's privacy policy (which is compliant with the *Privacy Act 1988* (Cth)); and
 - b) providing their details and personal information to the Commonwealth for the administration of the sale of water allocation by the Commonwealth and for any purpose in connection with the functions of the Commonwealth
 - c) the Commonwealth disclosing their personal information to overseas companies (including ones located in the United States) for the purposes of using email automation platforms and analytics to communicate effectively and efficiently with stakeholders
 - d) the Commonwealth disclosing their personal information to instrumentalities of the South Australian Government for the purpose of facilitating the trade of the Allocation and acknowledges that the relevant trade approval forms containing personal information will be lodged with authorities responsible for the approval of water allocation trades in South Australia and in the jurisdiction of the Allocation Account;
and the Applicant has informed all individuals referred to in Application of the disclosure of the information, notified them of the Department's privacy policy and obtained their consent to the disclosure and the use of the information by the Commonwealth.
- 6) The Applicant acknowledges that the Commonwealth may publicly release, including by publishing on the Website:
 - a) information regarding successful applicants, such as the applicant's name, ABN and address, volume of water allocation transferred, Allocation Account and Water Access Entitlement registration number and water resource area, and the land linked to the Allocation Account on which the Allocation is to be used; and
 - b) details of the outcomes of the Water for Fodder Program including photographs and reports and any other information acquired by us in connection with the Water for Fodder Program, its implementation and/or outcomes, including any information provided to or obtained by us as a result of any monitoring or compliance and enforcement activity in relation to the Programand the Applicant consents to that public release.
- 7) The Applicant acknowledges that it is an offence to knowingly provide false or misleading information to a Commonwealth entity, including under Division 137.1 of the Criminal Code.
- 8) In this Deed:
 - a) Allocation means a volume of 50 megalitres of water allocation, which is the subject of the Application.
 - b) Allocation Account means the valid water allocation account nominated in the Application into which the water allocation under this Program is to be transferred.



Australian Government
Department of Agriculture

- c) Applicant, means the holder or owner of the Allocation Account and where there is more than one holder or owner, all or any of them as the context requires.
- d) Application Form means the application form which each Applicant used to submit the Application.
- e) Commonwealth Officer means an employee, delegate and/or persons authorised by the Department of Agriculture, Inspector-General of Murray–Darling Basin, Auditor-General, the Ombudsman, the Information Commissioner, the Privacy Commissioner or the Freedom of Information Commissioner.
- f) Commonwealth means the Commonwealth of Australia represented by and acting through the Department.
- g) Department means the Department of Agriculture.
- h) Fodder means any crop grown for the purpose of feeding livestock (including but not limited to pasture, hay, lucerne and silage).
- i) Guidelines means *The Australian Government Water for Fodder Program Guidelines for Round 1 2019-20 water year* available at www.agriculture.gov.au/water/mdb/programs/basin-wide/water-for-fodder.
- j) Program means the Water for Fodder Program.



Australian Government
Department of Agriculture

[USE THIS PAGE IF THERE IS ONE INDIVIDUAL ALLOCATION ACCOUNT HOLDER]

Executed as Deed Poll for the benefit of the Commonwealth of Australia.

Dated

SIGNED SEALED AND DELIVERED by the Applicant

in the presence of

Signature

Name of signatory

Signature of witness

Name of witness (print)



[USE THIS PAGE IF THERE IS MORE THAN ONE ALLOCATION ACCOUNT HOLDER]

Executed as Deed Poll for the benefit of the Commonwealth of Australia.

Dated

SIGNED SEALED AND DELIVERED by the Applicant

in the presence of

Signature

Name of signatory

Signature of witness

Name of witness (print)

SIGNED SEALED AND DELIVERED by the Applicant

in the presence of

Signature

Name of signatory

Signature of witness

Name of witness (print)

SIGNED SEALED AND DELIVERED by the Applicant

in the presence of

Signature

Name of signatory

Signature of witness

Name of witness (print)

SIGNED SEALED AND DELIVERED by the Applicant

in the presence of

Signature

Name of signatory

Signature of witness

Name of witness (print)

[Add additional pages if there are more than four allocation account holders. Please place a line through any signature blocks not needed.]



[USE THIS PAGE IF THE APPLICANT IS A COMPANY OR TRUST]

Executed as Deed Poll for the benefit of the Commonwealth of Australia.

Dated

**SIGNED SEALED AND DELIVERED for and in the presence of
on behalf of the Applicant by its duly
authorised representative:**

Signature

Signature of witness

Name of signatory

Name of witness (print)

[If you use this page you **must** submit adequate documentation to evidence your authority to execute this Deed Poll. Please refer to the Evidence of Authority document on the department's website at www.agriculture.gov.au/water/mdb/programs/basin-wide/water-for-fodder#submit-paperwork]