

Please submit this form by:

Email: enquiries@westernmurray.com.au

Office: 5 Tapio Street, Dareton NSW 2717

Post: PO Box 346, Dareton NSW 2717



PERMANENT TRANSFER of WMI ENTITLEMENTS (with or without land, including supply points)

CHECKLIST

- Completed Application Form *including Statutory Declarations signed by Vendor/s*. (Note: Statutory Declarations are not required for a Land only transfer)
- Current ASIC company extract confirming company officeholders (if applicable)
- WMI Original Entitlement Certificate/s (or completed replacement form (Form 8), if unable to locate originals)
- Application Fee (as specified in the Schedule of Charges on WMI's website)
- NSW Land Title or Application lodged with LRS that shows the purchasers name (if applicable)
- Completed security interest Consent (Form 7) from encumbrance holder if any entity or person, other than the owner, holds a legal or equitable interest in the WMI entitlements being effected by this transfer (if applicable)

GUIDANCE NOTES

The following notes are provided as a guide only and do not have any legal effect. These notes cannot be relied on in substitution for, and do not affect the interpretation of, the Constitution of WMI, Water Entitlement Agreement, Delivery Entitlement Agreement, General Conditions, WMI Transfer Rules or any other contract or rules that bind WMI and its customers.

1. If WMI Entitlement units are held, or to be held, jointly by two or more persons, each person must be named as a party and each person must sign this application. The parties details must be identical to the details on their respective Agreements with WMI.
2. The transaction is subject to the Vendor paying to WMI all outstanding debts and other amounts payable.
3. Delivery Entitlement units cannot be transferred outside the irrigation area of the Landholding to which they relate.
4. Security in the form of a bank guarantee or cash deposit is required if, after the transaction the Vendor or Purchaser would either, hold no Water Entitlement units, or would hold more Delivery Entitlement units than the ratio outlined in the Transfer Rules.
5. The transaction will take effect upon its entry into the Registers by WMI or such other date as WMI may specify.

1. VENDOR DETAILS

Name/s on Account

Account Number

Phone &/or Email

2. PURCHASER DETAILS

Purchaser/s Name

Is the Purchaser an existing WMI customer? YES NO Acc No _____ If yes, go to section 4
If no, continue below

3. NEW ACCOUNT HOLDER DETAILS

Postal Address

ABN (if applicable)

Nominated Contact Person

OWNER Will receive all correspondence involving permanent holdings

Name Phone Email

BILLING Will receive all correspondence in relation to billing

Name Phone Email

Please select method for receiving invoices Email Post

ON-FARM Will receive all correspondence in relation to water orders, leaks, shutdowns, scouring, etc.

Name Phone Email

New account holder to acknowledge:

Upon signing this application, I/we, hereby agree to the terms and conditions outlined in the
a) Water Entitlement Agreement, Delivery Entitlement Agreement, General Conditions, Transfer Rules Policy and the current WMI Schedule of Charges.

b) Once this application is approved, the customer has the right to use, transfer, or otherwise deal with, the customer’s Entitlements and annual Allocation/Allowance under WMI’s terms and conditions.

4. PERMANENT TRANSFER of WMI ENTITLEMENTS

SECTION A – LANDHOLDING/S

Does this transfer include a Landholding? YES NO

Buronga Coomealla Curlwaa Farm Number _____

Lot Number/s _____ DP Number/s _____

SECTION B – SHARES

Does this transfer include Shares? YES Qty _____ NO

Foreign Ownership Declaration

A **Foreign Person** means:

- An individual not ordinarily residing in Australia; or
- A corporation incorporated outside Australia; or
- A foreign Government

Is the **Purchaser/s** a Foreign Person? YES NO

Is the **Vendor** required to Forfeit any Shares? YES Qty _____ NO

SECTION C – WATER ENTITLEMENTS & WATER ALLOCATION

Does this transfer include Water Entitlement units? YES NO

Quantity of Permanent Water Entitlements	High Security	\$	(Price per Entitlement)	Stock & Garden
--	---------------	----	-------------------------	----------------

Is the **Vendor** including any Water Allocation? Qty (ML)* _____

**If Water Entitlements are being transferred please do not leave this question blank. Enter quantity to 3 decimal places OR enter 0 if the current season's allocation is to remain with the Vendor.*

SECTION D – DELIVERY ENTITLEMENTS & DELIVERY ALLOWANCE

Does this transfer include Delivery Entitlement units? YES NO

Quantity of Permanent Delivery Entitlements included _____

Transfer to Farm Number _____ (only required if being transferred to a Farm Number that is different to the Farm Number listed at Section A)

Is the **Vendor** including any Delivery Allowance? Qty (ML)* _____

**If Delivery Entitlements are being transferred please do not leave this question blank. Enter quantity to 3 decimal places OR enter 0 if the current season's allowance is to remain with the Vendor.*

5. PAYMENT ARRANGEMENT – OUT OF SETTLEMENT FUNDS

I/We, being the Vendor on page 2 of this application, agree by signing this application, to our Agent/Legal representative paying all WMI charges, including current, arrears, interest and/or legal fees associated with all Shares, Water Entitlements and/or Delivery Entitlements at settlement.

I/We also agree:

- If there are new WMI invoices raised after settlement takes place, **I/We will be responsible** for payment of these invoices until a completed application is received and registered by WMI; and
- I understand that payment of any outstanding invoices is a pre-requisite for WMI to register this application

AGENT / LEGAL REPRESENTATIVE DETAILS

Capacity to Act as Agent
(e.g. Conveyancer, Broker)

Name of Agent

We agree to pay to WMI, at settlement, all charges, including current, arrears, interest and/or legal fees associated with WMI entitlements on behalf of the Vendor

Phone &/or Email

Signature

Date

6. SIGNING BY THE VENDOR

OPTION A – Signing by Individual or multiple individuals

Signature _____ Print Name _____ Date _____

Signature _____ Print Name _____ Date _____

Signature _____ Print Name _____ Date _____

OPTION B – Signing by Company Officeholders

Executed by the Vendor in accordance with Section 127 of the Corporations Act 2001:

Signature _____ Print Name _____

Sole director and Company Secretary Director Company Secretary Date _____

Signature _____ Print Name _____

Sole director and Company Secretary Director Company Secretary Date _____

7. SIGNING BY THE PURCHASER

OPTION A – Signing by Individual or multiple individuals

Signature _____ Print Name _____ Date _____

Signature _____ Print Name _____ Date _____

Signature _____ Print Name _____ Date _____

OPTION B – Signing by Company Officeholders

Executed by the Purchaser in accordance with Section 127 of the Corporations Act 2001:

Signature _____ Print Name _____

Sole director and Company Secretary Director Company Secretary Date _____

Signature _____ Print Name _____

Sole director and Company Secretary Director Company Secretary Date _____

A statutory declaration under section 9 of the Statutory Declarations Act 1959 may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect	Occupational therapist
Financial adviser	Pharmacist
Medical practitioner	Trades marks attorney
Nurse	Dentist
Patent attorney	Legal practitioner
Psychologist	Migration agent registered under Division 3 of Part 3 of the Migration Act 1958
Chiropractor	Optometrist
Financial Planner	Physiotherapist
Midwife	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described): or

(3) a person who is in the following list:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
 - i. Chartered Accountants Australia and New Zealand;
 - ii. the Association of Taxation and Management Accountants;
 - iii. CPA Australia;
 - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a state or territory; or
- d) registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service
Holder of a statutory office not specified in another item in this list
Judge

Justice of the Peace Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act Member of the Australasian Institute of Mining and Metallurgy
Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a state
- c) a territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a state or territory or a state or territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior executive employee of a Commonwealth authority

Senior executive employee of a State or Territory

SES employee of the Commonwealth

Sheriff's officer

Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

Statutory Declaration – Commonwealth of Australia

Statutory Declarations Act 1959

If the applicant is an individual, the declarant must be the applicant.

If the applicant is multiple individuals, each individual must sign a separate statutory declaration.

If the applicant is a company, the declarant must be an authorised officer of the company.

I, _____
name of declarant

address of declarant

of Farm Number _____ in _____ Irrigation Area,

do solemnly and sincerely declare that as the Vendor listed in Form A – Permanent Transfer of WMI Entitlements (**this form**) to which this statutory declaration is attached has authority to:

*transfer _____ Water Entitlements described in the form and/or

*transfer _____ Delivery Entitlements described in the form and/or

*transfer / *forfeit _____ Shares described in the form

* please insert (0) in an item that does not apply

and I have obtained written consent to the transaction from all persons who hold a legal or equitable interest in the Shares and/or Entitlements.

I make this declaration under the *Statutory Declarations Act 1959*. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Declared at, _____, _____ on _____
Place in the State of Date

Signature of declarant

in the presence of: I, _____, a _____
Name of authorised witness qualification of authorised witness

Signature of authorised witness

Note:

This statutory declaration must be attached to the Form A – Permanent Transfer of WMI Entitlements to which it relates.

Statutory declarations under the *Statutory Declarations Act 1959* may be made before the persons listed on page 6.

A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see Section 11 of the *Statutory Declarations Act 1959*

Chapter 2 of the Criminal Code applies to all offences against the *Statutory Declarations Act 1959* – see section 5A of the *Statutory Declarations Act 1959*.

Statutory Declaration – Commonwealth of Australia

Statutory Declarations Act 1959

If the applicant is an individual, the declarant must be the applicant.

If the applicant is multiple individuals, each individual must sign a separate statutory declaration.

If the applicant is a company, the declarant must be an authorised officer of the company.

I, _____
name of declarant

address of declarant

of Farm Number _____ in _____ Irrigation Area,

do solemnly and sincerely declare that as the Vendor listed in Form A – Permanent Transfer of WMI Entitlements (**this form**) to which this statutory declaration is attached has authority to:

*transfer _____ Water Entitlements described in the form and/or

*transfer _____ Delivery Entitlements described in the form and/or

*transfer / *forfeit _____ Shares described in the form

* please insert (0) in an item that does not apply

and I have obtained written consent to the transaction from all persons who hold a legal or equitable interest in the Shares and/or Entitlements.

I make this declaration under the *Statutory Declarations Act 1959*. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Declared at, _____, _____ on _____
Place in the State of Date

Signature of declarant

in the presence of: I, _____, a _____
Name of authorised witness qualification of authorised witness

Signature of authorised witness

Note:

This statutory declaration must be attached to the Form A – Permanent Transfer of WMI Entitlements to which it relates.

Statutory declarations under the *Statutory Declarations Act 1959* may be made before the persons listed on page 6.

A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see Section 11 of the *Statutory Declarations Act 1959*

Chapter 2 of the Criminal Code applies to all offences against the *Statutory Declarations Act 1959* – see section 5A of the *Statutory Declarations Act 1959*.