



WESTERN MURRAY IRRIGATION LIMITED

ACN 93 067 197 853

 P.O. Box 346
 5 Tapio Street
 DARETON NSW 2717

 Phone: (03) 5027 4953
 Fax: (03) 5027 4880
 E-Mail: enquiries@westernmurray.com.au
 Web: www.westernmurray.com.au

SURRENDER OF DELIVERY ENTITLEMENT UNITS

The applicant applies to Surrender of the Delivery Entitlement Units specified in this application.

The Termination Fee is specified in the Charges Schedule on WMI's web site.

Unless the contrary intention appears, capitalised terms used but not defined in this application have the meanings given to them in the Water Delivery Agreement and General Conditions.

Applicant

Full name(s): _____

Postal address: _____

State: _____ Postcode: _____ Phone number: _____

Farm number: _____ Irrigation Area: Buronga / Coomealla / Curlwaa Account number: _____
 (circle one)

Insert here your calculation of the termination fee, which is not binding to WMI.
 WMI will issue you with a tax invoice for the actual termination fee payable.

Delivery Entitlement Units to be Surrendered

Number of Delivery Entitlement Units: _____

Rate per Delivery Entitlement: \$ _____

Plus GST: \$ _____

TOTAL PAYABLE: \$ _____

Signing by the Applicant

Option A - If the Applicant is an individual or multiple individuals:

_____	_____	_____
Name	Signature	Date
_____	_____	_____
Name	Signature	Date
_____	_____	_____
Name	Signature	Date

Option B - *If the Applicant is a company with two directors or a director and a company secretary *or*
 *If the Applicant is a company with a sole director and sole company secretary:

Executed by the Applicant in accordance with section 127 of the Corporations Act 2001:

_____	_____
*Name of director <i>or</i>	*Signature of director <i>or</i>
*Name of sole director and sole company secretary	*Signature of sole director and sole company secretary
_____	_____
*(Name of director/company secretary	*Signature of director/company secretary

Date

* *Cross out those not applicable*

Accompanying materials

- 1 **Payment to WMI** of Termination Fees (calculated in accordance with the Schedule of Charges on WMI's web site in respect of the Year in which this application is given to WMI). If you need assistance calculating the Termination Fees applicable to this application, please contact WMI.
- 2 **Payment to WMI** of all of the Applicant's outstanding debts and other amounts payable. If you need assistance calculating all outstanding debts and other amounts payable, please contact WMI.
- 3 **Certificates** of the Applicant in relation to the Delivery Entitlement Units being surrendered (or Form 8, Application for Replacement Certificates, and the fee specified in the Charges Schedule on WMI's web site).
- 4 **Statutory Declaration** (see page 4 of 4) signed by the Applicant, which must be attached to this form.
- 5 **Consent from Encumbrance Holder** (Form 7) if any person other than the Applicant holds a legal or equitable interest in the Delivery Entitlement Units being Surrendered.

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, the Water Entitlement Agreement, the Water Delivery Agreement, the General Conditions, the WMI Transfer Rules, the WMI Transformation Rules or any other contract or rules that bind WMI and its customers.

- 1 If Delivery Entitlement Units are held jointly by two or more persons, each person must be named as a party and each person must sign this application. The Applicant's details must be identical to the details on their Water Delivery Agreement.
- 2 There is no application fee in relation to this form.
- 3 The Surrender of Delivery Entitlement Units requires the approval of the Board.¹
- 4 The transaction is subject to the Applicant paying to WMI all outstanding debts and other amounts payable, including Termination Fees.²
- 5 If the Applicant is surrendering all of the Delivery Entitlement Units on their account the Applicant will be required to pay the disconnection fee.³
- 6 The termination of Delivery Entitlement Units will take effect on the date on which the Applicant gives written notice to WMI.⁴

¹ Clause 5.2 of the WMI Transfer Rules.

² Clause 10.3.1 of the Water Delivery Agreement and clause 8.1 of the WMI Transfer Rules.

³ Clause 5.5 of the Water Delivery Agreement

⁴ Clause 15.1 of the WMI Surrender of Rights of Access Rules.

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declaration Act 1959

Note:

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*of, _____,
address of declarant

of **Farm:** _____ do solemnly and sincerely declare that the Seller in the Form 5-“Surrender of Delivery Entitlement Units” (**form**) to which this statutory declaration is attached has authority to **surrender** _____ **Delivery Entitlements** described in the form, and the Seller has obtained written consent to the transfer from all persons who hold a legal or equitable interest in the Delivery Entitlement Units.

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 _____ (*place*)in the State of _____ on _____ (*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 4 “Surrender of Delivery Entitlement Units” to which it relates.

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

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*.

A statutory declaration under the Statutory Declarations Act 1959 may be made before-

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

Chiropractor	Dentist	Legal Practitioner
Medical Practitioner	Nurse	Optometrist
Patent Attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	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:

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

Chief Executive Officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Credit Union Officer with 5 or more years of continuous years of service

Employee of the Australian Trade 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 his or her function in that place

Employee of the Commonwealth 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 his or her function in that place

Fellow of the National Tax Accountants' Association

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 of a court

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 Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- a) An officer; or
- b) A non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- c) A warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- a) The Parliament of the Commonwealth; or
- b) The Parliament of a State; or
- c) A Territory legislature; or
- d) A local government authority of a State or territory

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

Notary Public

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

Permanent employee of:

- a) The Commonwealth or a Commonwealth authority; or
- b) A State or Territory or a State or Territory authority; or
- c) A local government authority;

With 5 or more years of continuous service who is not specified in another item in 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 Service employee of:

- a) The Commonwealth or a Commonwealth authority; or
- b) A State or Territory or a State or Territory authority

Sheriff

Sheriff's Officer

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