



# WESTERN MURRAY IRRIGATION LIMITED

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## FORFEITURE OF SHARES

The Applicant irrevocably applies for the forfeiture of the Shares specified in this application.

Unless the contrary intention appears, capitalised terms used but not defined in this application have the meanings given to them in the Constitution of WMI.

### *Applicant*

Full name(s): \_\_\_\_\_

Postal address: \_\_\_\_\_

State: \_\_\_\_\_ Postcode: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Account number: \_\_\_\_\_ Irrigation Area: \_\_\_\_\_

### *Shares to be forfeited*

Number of "A" Class Shares (Curlwaa irrigation area): \_\_\_\_\_

Number of "B" Class Shares (Buronga irrigation area): \_\_\_\_\_

Number of "C" Class Shares (Coomella irrigation area): \_\_\_\_\_

### **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 *or*

\*Name of sole director and sole company  
secretary

\_\_\_\_\_  
\*Name of director/company secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
\*Signature of director *or*

\*Signature of sole director and sole company secretary

\_\_\_\_\_  
\*Signature of director/company secretary

\* *Cross out those not applicable*

*Accompanying materials*

- 1 **Payment to WMI** of the application fee (specified in the Schedule of Charges (Administration) on WMI's web site).
- 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 Shares to be forfeited (or Form 8, Application for Replacement Certificates, and the fee specified in the Schedule of Charges 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 Shares being forfeited.

*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 Shares 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 in WMI's register of members.
- 2 Forfeiture of Shares requires the approval of the Board.<sup>1</sup>
- 3 The transaction is subject to the Applicant paying to WMI all outstanding debts and other amounts payable.<sup>2</sup>
- 4 If a person no longer holds either:
  - (1) one Water Entitlement Unit for every two Shares, where the Member does not hold Delivery Entitlement Units; or
  - (2) one Water Entitlement Unit and one Delivery Entitlement Unit for every two Shares, where the person holds Water Entitlement Units and Delivery Entitlement Units;
 then the Board may notify the person concerned that they must make an irrevocable written application for the forfeiture of Shares.<sup>3</sup>
- 5 No consideration or compensation shall be payable for Shares forfeited in accordance with guidance note 1.<sup>4</sup>
- 6 The transaction will take effect upon its entry into the Registers by WMI or such other date as WMI may specify.<sup>5</sup>
- 7 Forfeited Shares may be cancelled by WMI.<sup>6</sup>

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<sup>1</sup> Clause 5.3.2 of the WMI Transfer Rules.

<sup>2</sup> Clause 7.2.1 of the Water Entitlement Agreement and clause 8.1 of the WMI Transfer Rules.

<sup>3</sup> Clauses 3.2 and 4.1.1(b) of the Constitution of WMI.

<sup>4</sup> Clause 4.1 of the Constitution of WMI.

<sup>5</sup> Clause 9.2 of the WMI Transfer Rules.

<sup>6</sup> Clause 4.1.2 of the Constitution of WMI.

**Commonwealth of Australia**  
**STATUTORY DECLARATION**  
*STATUTORY DECLARATIONS 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 Account Number: \_\_\_\_\_, do solemnly and sincerely declare that the Seller in the Form 6 “Forfeit of Shares”(form) to which this statutory declaration is attached has authority to **forfeit** \_\_\_\_\_ **Shares** 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 shares.

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 2 “Transfer of Shares” 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