



PROPERTY TRANSFER – INCLUDING DELIVERY ENTITLEMENTS

To be lodged at WMI with the NSW LRS Property Transfer form

Seller:

I / We, *(all parties)* _____

Postal Address: _____

Phone: _____

Being the owner/s of the following within Western Murray Irrigation Limited (WMI)

Farm Number: _____ Irrigation Area: BGA / CMA / CWA *(circle one)*

Delivery Entitlement Quantity: _____

Delivery Entitlement Certificate Number: _____

Wish to transfer all of the above rights and obligations for the above listed property to the buyer
Outlined below:

Buyer:

Name/s, *(all parties)* _____

Postal Address: _____

Phone: _____ ABN: _____

Email Address: _____

Acknowledgement of Access Fee Water Allowance

When a Western Murray Irrigation (WMI) customer holds a sufficient quantity of Delivery Entitlements they are charged on a quarterly basis for Access Fee on these entitlements (less 1 for Stock & Garden if applicable).

This Access Fee charge provides a water allowance which is used to determine if you will be charged any Water Usage Above Access Fee Allowance Fee in the June invoice.

When a permanent transfer of delivery entitlements occurs, WMI's default position is that the Access Fee allowance remains on the account where the Access Fee was raised. However, the seller can request that all or part of the allowance be moved with the delivery entitlements.

Note: The allowance remaining with the seller or moving to the buyer can have financial implications on either party depending on the water usage. You are advised to discuss your individual circumstance with WMI.

Seller:

I/We, (all parties) _____

Account Number: _____ request that WMI does an adjustment to the above account to move the water allowance relating to the Access Fee already invoiced this irrigation season to the buyer's account for the quantity of _____ ML, refer to Guidance note 6 on page 4 (if allowance is not being moved, please insert "0").

Signing by the Seller

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

Name Signature Date

Name Signature Date

Name Signature Date

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

*If the Seller is a company with a sole director and sole company secretary:

Executed by the Seller 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

Signing by the Buyer

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

Name Signature Date

Name Signature Date

Name Signature Date

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

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

*Name of director *or*
*Name of sole director and sole company
secretary

*Signature of director *or*
*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

Payment to WMI of the application fee (specified in the Charges Schedule on WMI's web site as 'Transfer of Property – including Delivery Entitlements).

Payment to WMI of all of the Seller's outstanding debts and other amounts payable. If you need assistance calculating all outstanding debts and other amounts payable, please contact WMI.

Delivery Certificates of the Seller in relation to Delivery Entitlement Units (or Form 6, Application for Replacement Certificates, and the fee specified in the Charges Schedule on WMI's web site).

Consent from Encumbrance Holder - Notice of Discharge - if any person other than the Seller holds a legal or equitable interest in the Delivery Entitlement Units being transferred.

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 or any other contract or rules that bind WMI and its customers.

- 1 If Delivery 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 Seller paying to WMI all outstanding debts and other amounts payable.
- 3 Delivery Entitlement Units cannot be transferred outside the irrigation district of the Landholding to which they relate.
- 4 Security in the form of a bank guarantee or cash deposit if, after the transaction, the buyer would either hold no Water Entitlement Units or would hold more than five Delivery Entitlement Units for every Water Entitlement Unit held in the same entity name.
- 5 The transaction will take effect upon its entry into the Registers by WMI or such other date as WMI may specify.
- 6 Calculating Access Fee Allowance available – Note: Buronga and Curlwaa pay 20% per quarter and Coomealla pays 15% per quarter for the first three quarters.

Example 1 – Transfer of a Coomealla Property including 50 Delivery Entitlements and Settlement is due to occur in January.

Calculation = $50 \times 30\% = 15\text{ML}$. Up to 15MLs of Access Fee Allowance can be moved.

Example 2 – Transfer of a Buronga Property including 121 Delivery Entitlements (noting that there is 1 Stock and Garden) and Settlement is due to occur in October.

Calculation = $120 \times 20\% = 24\text{ML}$. Up to 24MLs of Access Fee Allowance can be moved.

Statutory Declaration – Commonwealth of Australia

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 **Farm**: _____ in _____ irrigation area, do solemnly and sincerely declare that the Seller in the Transfer of Property - including Delivery Entitlements (**form**) to which this statutory declaration is attached has authority to **transfer _____ 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 "Property Transfer – including Delivery Entitlements" 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

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

(1) 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

(2) 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