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## PERMANENT TRANSFER OF DELIVERY ENTITLEMENT UNITS

The parties apply for the transfer of Delivery Entitlement Units 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 Water Entitlement Agreement and the Water Delivery Agreement and General Conditions.

### Seller

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Account Number \_\_\_\_\_ Farm Number \_\_\_\_\_

### Buyer

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Account Number \_\_\_\_\_ Farm Number \_\_\_\_\_

### Delivery Entitlement Units to be Transferred

Irrigation Area (*circle one*) Buronga / Coomealla / Curlwaa

Number of Delivery Entitlement Units \_\_\_\_\_

### Acknowledgement of Access Fee Water Allowance

When a Western Murray Irrigation (WMI) customer holds 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 delivery 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 their water usage. You are advised to discuss your individual circumstances with WMI.*

**Seller to complete:**

I/We, (all parties) \_\_\_\_\_

**Account Number** \_\_\_\_\_ request that WMI does an adjustment to this 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").

### Settlement arrangement

The Seller agrees to the Agent/Broker noted below paying all WMI charges, including current, arrears, interest and/or legal fees associated with their WMI Shares, Water Entitlements and/or Delivery Entitlements at settlement; and

- If there are any new WMI water charge invoices raised (including Government charges) after settlement takes place, I/we will be responsible for payment; and
- I/we understand that payment of any outstanding invoices is a pre-requisite for WMI to proceed with processing the transfer.

The Seller also consents to WMI providing information regarding this transaction to the Agent/Broker noted below.

### Agent/Broker

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

We agree to pay to the Corporation at settlement, all charges, including current, arrears, interest and/or legal fees associated with this customer's Shares and Entitlements.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Capacity to sign \_\_\_\_\_

## Signing by the Seller

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

|               |                    |               |
|---------------|--------------------|---------------|
| _____<br>Name | _____<br>Signature | _____<br>Date |
| _____<br>Name | _____<br>Signature | _____<br>Date |
| _____<br>Name | _____<br>Signature | _____<br>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:

|  |   |
|--|---|
| _____<br>*Name of director <i>or</i>                       | _____<br>*Signature of director <i>or</i>                       |
| _____<br>*Name of sole director and sole company secretary | _____<br>*Signature of sole director and sole company secretary |
| _____<br>*Name of director/company secretary               | _____<br>*Signature of director/company secretary               |
|  | <i>* Cross out those not applicable</i>                         |
| Date _____   |   |

## Signing by the Buyer

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

|               |                    |               |
|---------------|--------------------|---------------|
| _____<br>Name | _____<br>Signature | _____<br>Date |
| _____<br>Name | _____<br>Signature | _____<br>Date |
| _____<br>Name | _____<br>Signature | _____<br>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

|   |   |
|---|---|
| _____<br>*Name of director <i>or</i>                      | _____<br>*Signature of director <i>or</i>                       |
| _____<br>Name of sole director and sole company secretary | _____<br>*Signature of sole director and sole company secretary |
| _____<br>*Name of director/company secretary              | _____<br>*Signature of director/company secretary               |
|   | <i>* Cross out those not applicable</i>                         |
| Date _____  |   |

## ACCOMPANYING MATERIALS

- 1 **Payment to WMI** of the application fee (specified in the Charges Schedule on WMI's website *Transfer of Delivery Entitlement between existing customers*).
- 2 **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.
- 3 **Delivery Entitlement Certificates** of the Seller and the Buyer in relation to the Delivery Entitlement Units (or Form 8, Application for Replacement Certificates, and the fee specified in the Charges Schedule on WMI's website).
- 4 **Statutory Declaration** (see page 5 of 5) signed by the Seller, which must be attached to this form. **Consent from Encumbrance Holder** (Form 4) if any person other than the Seller and/or Purchaser holds a legal or equitable interest in the Delivery Entitlement Units 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 Permanent Transfers require the approval of the Board.<sup>1</sup>
- 3 The transaction is subject to the Seller paying to WMI all outstanding debts and other amounts payable.<sup>2</sup>
- 4 Delivery Entitlement Units cannot be transferred outside the irrigation district of the Landholding to which they relate.<sup>3</sup>
- 5 The transaction will take effect upon its entry into the Registers by WMI or such other date as WMI may specify.<sup>4</sup>
- 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 50 Delivery Entitlements within Coomealla in January. Calculation  
 = 50 X 30% = 15ML. Up to 15ML of Access Fee Allowance can be moved.

**Example 2** – Transfer of 121 Delivery Entitlements within Curlwaa (noting that there is 1 Stock and Garden) and occurs in October.  
 Calculation = 120 x 20% = 24ML. Up to 24ML of Access Fee Allowance can be moved.
- 7 If you are intending to transfer Delivery Entitlement Units in connection with the sale of a property, please contact the office for the correct forms and procedures.

<sup>1</sup> Clause 15.1 of the Transfer Rules.

<sup>2</sup> Clause 12.3 of the WMI Transfer Rules.

<sup>3</sup> Clause 6.4 of the General Conditions.

<sup>4</sup> Clause 21.1(1) of the WMI Transfer 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:** \_\_\_\_\_ **in** \_\_\_\_\_ Irrigation Area, do solemnly and sincerely declare that the Seller in Form 3 - Permanent Transfer of Delivery Entitlement Units (Form) to which this statutory declaration is attached has authority to **transfer** \_\_\_\_\_ **Delivery Entitlements** described in the form. 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:**

\_\_\_\_\_, \_\_\_\_\_  
*Name of authorised witness* *Qualification of authorised witness*

\_\_\_\_\_  
*Signature of authorised witness*

**Note:**

This statutory declaration must be attached to Form 3 to which it relates.

Please refer to the Schedule of Charges (Administration) on the WMI website for the fee applicable to this application.

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