

Permanent trade – Banks and security interest holders

Murray Irrigation shares, water entitlements and delivery entitlements can be transferred between landholdings, and water entitlements can be transferred to and from any person. Water entitlements can also be transformed from Murray Irrigation's WAL to another WAL so long as the NSW Office of Water approves the trade. There are limitations on where unit shares from Murray Irrigation's WAL can be transferred to.

In some cases a sale of land will involve shares, water entitlements and delivery entitlements which are sold to a new owner along with the landholding itself.

Murray Irrigation landholdings may be subdivided (with or without entitlements), amalgamated or have their boundary altered to include or exclude new 'Lot & DP' or landholdings may be disconnected from Murray Irrigation's supply system.

Murray Irrigation shares may be cancelled if no longer required and no purchaser can be found, similarly delivery entitlements may be terminated if no longer required and no purchaser can be found.

All permanent trade functions are performed via application to Murray Irrigation and application forms are readily available on our website under 'Customers' then 'Forms'. Each application form contains a guide to completing the application and a checklist outlining the requirements necessary to register the permanent trade function.

What the permanent trade process involves

Murray Irrigation receives the application submission from the customer, solicitor or agent and reviews it for accuracy and compliance with Murray Irrigation rules.

If these requirements are met, the application is considered for what Murray Irrigation calls 'conditional approval'. This means that the application is approved subject to certain conditions being met. Applications are considered for conditional approval once per week.

Murray Irrigation Water Trade staff will communicate with the person/s who submitted the application with regard to any further requirements for registration until such time that all the identified requirements have been received.

Once all requirements have been received and verified the application is registered and new certificates produced if relevant.

Murray Irrigation will release the new certificates and any executed copies of Entitlements Contracts as instructed.

Information on delivery entitlements, water entitlements and shares

Refer to Delivery Entitlements, Water Entitlements and Shares fact sheet, available on our website.

Processes in relation to security interests

The consent of any security interest holder noted either on Murray Irrigation's registers or on the relevant land titles is required for permanent transfers involving water entitlements or delivery entitlements. In the case where land transfers, a copy of Discharge of Mortgage is requested.

To facilitate this, title searches must be submitted for the majority of applications, dated within three months of application submission as proof of most recent information held by NSW Land and Property Information (LPI). This enables Murray Irrigation to confirm registered ownership and ascertain if any security interest is held over land in question.

What does Murray Irrigation record security interests against?

Murray Irrigation allows recording of security interests over water entitlements and/or delivery entitlements within Murray Irrigation's registers.

Murray Irrigation does not record security interests over shares or land.

Fact sheet



January 2015

Can Murray Irrigation record more than one security interest?

No. Only one security interest may be recorded on the register for a given entitlements holding.

Security interests and Murray Irrigation's Privacy Policy

Where a security interest is registered on Murray Irrigation's registers, Murray Irrigation staff are only permitted to discuss confidential information with either the registered owner, solicitor on behalf of the registered owner or the security interest holder. No confidential information will be given to a third party, this includes the security interest holders' name, amount of entitlements held or any other information that will reveal specific details regarding a Murray Irrigation landholding.

Where a caveat is held by Murray Irrigation on a parcel of land

Where a landholding (post permanent transfer or sale of land) no longer meets Murray Irrigation's security requirements, an existing caveat held by Murray Irrigation will be withdrawn.

Where a landholding (post permanent transfer or sale of land) continues to meet Murray Irrigation's security requirements, an existing caveat held by Murray Irrigation will not be withdrawn but caveator consent will be granted subject to the approval of the relevant Manager.

Refer to *Security Policy* fact sheet available on our website.

Where both a removal of security interest and consent by the security interest holder is required

Where a Discharge of Mortgage can be supplied in lieu

Where a security interest is noted on the Water Entitlements certificate or delivery entitlements statement, a removal of security interest (Form 19) is required to remove the interest from Murray Irrigation's registers or to provide consent to the transfer.

A Discharge of Mortgage is not sufficient to remove a noted security interest from Murray Irrigation's registers.

Where a security interest is noted **only** on the land title, a certified copy of Discharge of Mortgage may be provided in lieu of consent by the security interest holder provided that it is accompanied by written undertaking that it will be, or has been, lodged with LPI.

Refer to *Security Interest* fact sheet available on our website.

Murray Irrigation entitlements certificates

Upon registration of an application involving permanent transfer of entitlements or replacement/re-issue of certificate or statements, Murray Irrigation will produce new certificates or statements solely for those entitlements as a result. No new certificates or statements will be produced for any type of entitlements not involved in the application.

Where certificates or statements are submitted for an entitlement type not involved in an application, this document will be returned after registration along with any new certificates or statements produced.

Murray Irrigation will not retain new certificates or statements except for the purpose of meeting the requirements for a subsequently submitted application. We do not offer a holding service of this kind. Murray Irrigation will release the new certificates or statements **as instructed in the application**, this includes directly to a financial institution or security interest holder.

Submitting copies of security documents

Murray Irrigation does not require, and requests that you do not submit, copies of security documents. Murray Irrigation is not in the position to interpret the terms and conditions of such documents. Any of these documents provided will be returned unread.

Fact sheet



January 2015

Entitlements Contract, current version, in duplicate

Murray Irrigation requires for most applications an Entitlements Contract, current version, in duplicate where the customer has not previously signed a current version contract for the landholding or entitlements that the application relates to.

Upon registration of the application, an executed copy is released as instructed and a second copy is retained by Murray Irrigation on file.

Murray Irrigation will not accept copies of previous version Entitlements Contracts, executed or otherwise.

Please ensure that all pages of the Entitlements Contract are supplied, not just the Schedule 1 - Details and execution pages.

Searching Murray Irrigation's registers for due diligence

Murray Irrigation's registers can be searched, with the consent of the registered owner or their solicitor, by submission of the *Form 1 – Information Enquiry*, along with the appropriate application fee.

Murray Irrigation is no longer connected to the National Irrigation Corporation's Water Entitlements Register (NICWER).

Murray Irrigation definitions and terminology

For further information on Murray Irrigation definitions and terminology, please refer to *Water Trade Glossary* available on our website under 'Customers' then 'Customer information'.

Contact us

For further information please contact reception on T. 1300 138 265.

More Information

Please refer to Murray Irrigation's website: www.murrayirrigation.com.au.

The *Entitlements Contract* is available on the website under 'Corporate' then 'Company policies'.

Fact sheets on other topics including Security Interest, Security Policy and Amalgamation are available under 'Customers' then 'Customer information' and 'Fact sheets'.

Forms are available under 'Customers' then 'Forms'.