

Guide to the application: Permanent transfer of entitlements/land

This application is used to apply to Murray Irrigation for a permanent transfer of water entitlements, delivery entitlements or shares, whether associated with a corresponding transfer of land or separate to a transfer of the land.

*Note that this application does not give effect to the transfer of land.

This guide should be read in conjunction with and subject to Murray Irrigation's *Transfer Rules Policy*.

1 Checklist

The following is a list of documentation required for processing of this application:

1.1 Submission for conditional approval:

- Form 9 – Internal Permanent Transfer, duly completed (vendor and purchaser applications)
- Current title searches
- The application fee (refer to Schedule of Standard Service Charges; 'Permanenttransfers')

Additional requirements, if any, will be advised when conditional approval is granted.

Applications received in order are considered for conditional approval weekly. Documentation should be submitted in a single parcel.

1.2 Required for registration:

- Form 19 – Security Interest, notification/removal/consent and application fee (see notes and Schedule of Standard Service Charges; 'Other dealings')
- Entitlements Contract, duly executed by vendor, in duplicate (permanent transfer of entitlements)
- Entitlements Contract, duly executed by purchaser, in duplicate; or
- If vendor retaining water entitlements arising from a sale of land, Entitlements Contract duly executed by the vendor, in duplicate, for the retained water entitlements
- Security, in an appropriate form (if applicable)
- Original Share / Water Entitlements / Delivery Entitlements Certificates (vendor and purchaser)
- Confirmation of settlement/notice of sale
- Payment of LWMP capital repayments (if applicable)
- *Sufficient water allocation and/or annual delivery entitlements in the vendor's water allocation account to enable the transfer to be registered (i.e. balances after registration being zero or greater).
- Form 2 – Change of Contact Details – Land Sale purchaser
- Payment of all arrears (vendor and purchaser), and in the case of a sale of land or where the vendor will no longer hold water entitlements, all current charges.

The Schedule of Standard Service Charges can be found at www.murrayirrigation.com.au under 'Customers' then 'Fees and prices', and any other forms referred to in this application under 'Customers' then 'Forms'.

2 General notes

- 1) Surrender/termination of delivery entitlements or shares requires a separate Form 14 application.
- 2) Each original certificate relevant to the units being transferred (i.e. shares, water entitlements, and/or delivery entitlements) must be submitted – for both vendor and purchaser.
- 3) Where the vendor is a non-member and is transferring all water entitlements (remaining balance zero), an Entitlements Contract is not required.
- 4) Shares and delivery entitlements may only be transferred between landholdings.
- 5) Water entitlements may be held by any person.
- 6) Where the transfer does not result in a change of beneficial ownership (e.g. transferring between two landholdings in the same names or a change of trustee), indicate this by ticking the relevant box on the vendor's application.
- 7) **Forms or pages that are not dated or otherwise complete may be returned.**

2.2 Security interests

- 1) If a mortgage, charge, or caveat appears on the titles of the land or in Murray Irrigation's registers, Form 19 – Security interest is required from each interested party to either remove the interest or provide consent to the transfer. No application fee is required for **consent**.
- 2) A Discharge of Mortgage may be provided in lieu of Form 19 – Security interest, if accompanied by written undertaking that it will be, or has been, lodged with NSW Land Registry Services.

2.3 Allocation, carryover, casual usage fee

- 1) Water allocation is not transferred unless specified - amounts credited to the vendor up to the time of registration will remain in that account.
- 2) The allocation amount specified will be transferred upon registration. **Please provide a whole number of ML or select pro-rata and date.**
- 3) Pro-rata calculation is based on the amount of allocation and/or carryover credited to vendor account at the date nominated proportional to the number of entitlements transferred. In the case of water entitlements, this includes annual allocation and/or carryover; in the case of delivery entitlements, it includes water efficiency allocation. Pro-rata amounts will be transferred at time of finalisation.
- 4) Where allocation is announced during the processing of a permanent transfer, the annual allocation amount is deemed to belong to the vendor until the date of registration with Murray Irrigation unless otherwise specified in writing from the vendor or vendor's solicitor.
- 5) * Transferring permanent delivery entitlements causes the vendor's annual delivery entitlements balance to reduce by an equivalent amount. This may result in a negative annual delivery entitlement balance for the vendor and may lead to the casual usage fee applying to the vendor's water use. Delivery entitlements can be acquired on an annual basis to counteract this.

2.4 Retaining water entitlements to new non-landholding account

- 1) If the vendor wishes to retain any remaining water entitlements not transferring with the land, the tick box on the vendor's application signature page may be utilized only if the new non-landholding account is to be created in the identical registered ownership as the landholding. Only one new non-landholding account may be created as a result of utilizing the tick box. Anything other than this will require a separate Form 9.

2.5 Processing times

- 1) As a general rule, allow four to 12 weeks for processing of a permanent transfer of entitlements/land application.
- 2) Timing will vary depending on a range of factors such as timeliness of requirements being met, settlement dates, and so forth.

2.6 Security

- 1) Security for ongoing access fees will be requested in the following circumstances:
 - a) The number of delivery entitlements exceeds five times the number of water entitlements remaining; and
 - b) Greater than 2,000 delivery entitlements are held.
- 2) Security may be in the form of cash deposit, bank guarantee, or any other form agreed by the company and the applicant.
- 3) The quantum or value of security will generally be equal to the termination fee that would apply to all delivery entitlements, at the date of application.
- 4) The requirement for security to be provided, and the quantum/value will be notified following conditional approval.
- 5) In circumstances where criteria (1a) above is met, and between 250 and 2,000 delivery entitlements are held, Murray Irrigation will instead lodge a caveat on the titles of the landholding, noting the existence of Murray Irrigation's statutory charge on the land.

3 Completing the application

- 1) Only current version forms will be accepted.
- 2) Type into interactive forms prior to printing/ all handwriting should be in BLOCK letters in blue or black ink.
- 3) All spaces on the form must be completed and any corrections initialed.
- 4) If purchaser is a company AND a new customer to Murray Irrigation, please provide a current ASIC extract showing Director membership.
- 5) If there is insufficient space on any part of the form, please attach an annexure, labelled beginning at the letter "A", and refer to the annexure at the relevant position on the form.
- 6) If transferring from a landholding, the water allocation account number is the same as the landholding reference number. The real property description (Lot & DP) must also be provided.
- 7) In the space for 'Water allocation' enter the amount (in ML) to be transferred in this application. Please nominate a volume – any amounts specified relative to a point in time (e.g., settlement) will need to be confirmed in writing.
- 8) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney. And supply copy of Power of Attorney document.
- 9) If choosing to utilize same customer number or merged account number for new landholding or non-landholding accounts, the customer recognizes that all current and future account balances will be also transferred to the customer number or merged account.

- 7) **Entitlements Contracts must be submitted as original, current version documents only.**
- 8) Follow any other instructions provided with the relevant forms / pages.
- 9) Do not submit this guide with the application.

4 Foreign Ownership

- 1) Under the requirements of the Australian Tax Office (ATO) persons who meet the guidelines as a foreign owner must register as such with the ATO and provide written confirmation of foreign ownership to Murray Irrigation Limited as per Constitution clause 116. <https://firb.gov.au/guidance-resources/guidance-notes/gn31>

5 Privacy Collection Notice

Murray Irrigation (referred to as “we”, “us” or “our”) is collecting your personal information to assess and process your application for a permanent transfer of water entitlements, delivery entitlements or shares (as applicable) (**Application**).

Failure to provide your personal information may prevent us from being able to process the Application.

Your personal information (such as your name and any amount which you owe to Murray Irrigation) may be disclosed to the counter-party to the permanent trade or their legal representative, or both, in order to facilitate completion of the trade or as required by law.

Further information about our privacy practices and procedures is contained in our Privacy Policy. If you would like to seek access to or correct your personal information, or make a privacy complaint, please refer to our Privacy Policy for further details. <https://www.murrayirrigation.com.au/wp-content/uploads/2018/11/QPM-004-Privacy-Policy.pdf>

6 Submission and enquiries

Submit completed applications to:

Via email: register@murrayirrigation.com.au

Or;

By post or delivery:

Murray Irrigation Limited
PO Box 528
443 Charlotte St
DENILIQUN NSW 2710

For all enquiries regarding this application, please contact the Water Trade team via Customer Support:

T. 1300 138 265

Vendor's application: Internal permanent transfer of entitlements/land

Vendor details

Name:			
Mailing address:			
Contact number:		Mobile:	
Email address:			
Landholding folio identifiers:			
Solicitor/agent: (name, address, reference, email)			
Release certificates on registration to: (name, address)			

Authority for Murray Irrigation to release landholding information and/or customer number for water ordering purposes to the purchaser after settlement?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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Particulars of transfer

Transfer of land	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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From water allocation account / LRN		To water allocation account / LRN (Tick for new account)	<input type="checkbox"/>
Shares		Non-beneficial transfer? (tick)	<input type="checkbox"/>
Water entitlements		Class (please tick)	A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>
Delivery entitlements		Unit price (WE and DE)	

Retaining water entitlements (applicable only to sale of land)

<input type="checkbox"/>	I wish to retain all remaining water entitlements not transferred above as a non-landholder and
	ML of water

Note: If wishing to retain remaining water entitlements to an existing landholding this is considered a permanent transfer and will require a second application.

Water allocation and/or carryover water to be transferred – an amount or NIL must be specified for all trades including sale of land.

Water allocation	ML	OR	<input type="checkbox"/>	**Pro-rata water allocation from date:
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<input type="checkbox"/>	Carryover ML included in pro-rata calculation
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**Pro-rata calculation is based on the amount of allocation and/or carryover credited to vendor account at the date nominated proportional to the number of entitlements transferred. In the case of water entitlements, this includes annual allocation (announced allocation and Allocation Advance) and, if specified, carryover. In the case of delivery entitlements, it includes Resource Distribution allocation. Pro-rata amounts will be transferred at time of finalisation. Refer to the *Water Trade Glossary* on the company's website for definitions of types of allocation mentioned.

The vendor(s), by their signatures below, apply to Murray Irrigation Limited for:

1. the permanent transfer of the shares, water entitlements and/or delivery entitlements specified above; and
2. for the water allocation and carryover water specified above to be debited from the vendor's water allocation account and credited to the purchaser's water allocation account.

Dated:	
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Where the vendor is an individual: Signed by the applicant in the presence of:

Where the vendor is a company: Executed by the applicant in accordance with section 127 of the *Corporations Act 2001*:

	Name	Signature
Individual 1; or Secretary/Director		
Individual 2; or Director		
Witness		
Witness Address		

Purchaser's application: Permanent transfer of entitlements/land

Purchaser details

Name:			
Mailing address:			
Contact number:		Mobile:	
Email address:			
Landholding folio identifiers:			
Solicitor/agent: (name, address, reference, email)			

Particulars of transfer

Transfer of land	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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From water allocation account / LRN		To water allocation account / LRN (Tick for new account)	<input type="checkbox"/>
Shares		Non-beneficial transfer? (tick)	<input type="checkbox"/>
Water entitlements		Class (please circle)	A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>
Delivery entitlements		Unit price (WE and DE)	

Water allocation and/or carryover water to be transferred

Water allocation	ML	<u>OR</u>	<input type="checkbox"/> **Pro-rata water allocation from date:	
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<input type="checkbox"/> Carryover ML included in pro-rata calculation
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**Pro-rata calculation is based on the amount of allocation and/or carryover credited to vendor account at the date nominated proportional to the number of entitlements transferred. In the case of water entitlements, this includes annual allocation (announced allocation and Allocation Advance) and, if specified, carryover. In the case of delivery entitlements, it includes Resource Distribution allocation. Pro-rata amounts will be transferred at time of finalisation. Refer to the *Water Trade Glossary* on the company's website for definitions of types of allocation mentioned.

Consolidate under existing customer number or merged account number for billing and customer access:	<input type="checkbox"/> YES	Customer Number/S account:	<input type="checkbox"/> NO
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Is the purchaser considered a Foreign Ownership under the requirements set out by the ATO? https://firb.gov.au/guidance-resources/guidance-notes/gn31 If Yes, the purchaser must confirm in writing to Murray Irrigation as per Constitution clause 116.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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I/We, the purchaser(s), agree to take the shares, water entitlements and delivery entitlements subject to the terms of the Entitlements Contract produced to me/us by Murray Irrigation Limited and executed by me/us.

Dated:	
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Where the purchaser is an individual: Signed by the applicant in the presence of:

Where the purchaser is a company: Executed by the applicant in accordance with section 127 of the *Corporations Act 2001*:

	Name	Signature
Individual 1; or Secretary/Director		
Individual 2; or Director		
Witness		
Witness Address		



Murray Irrigation

Payment

Cheque <input type="checkbox"/>	made payable to Murray Irrigation Limited; hand delivered to Deniliquin or Finley Office – <i>only available for mailed or hand delivered applications</i>	
Direct Deposit <input type="checkbox"/>	(BSB 062-533 Acct 1011 7736)	Ref: (LRN) <input type="text"/>
Credit Card <input type="checkbox"/>		

Credit Card Details: (*A 0.9% Surcharge applies to amounts over \$200. The card will be debited by the total cost)

Card Holders Name	Expiry Date	MASTERCARD	VISA
<input type="text"/>	<input type="text"/> / <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Card Number			Debit Credit Card By:
<input type="text"/>			\$ <input type="text"/> <input type="text"/>

Please note that applications may not proceed until payment has been received.