Application to Trade Water Allocation
Form 39

Application Number: **ALL** 2 1 0 0 8 8

This form covers applications for the Minister's approval for dealings in water allocations under sections 33X, 33AG, 33AI, and 64K of the *Water Act 1989.* The application will not be accepted unless lodged with payment of the application fee. The current application fee is available from http://waterregister.vic.gov.au/about/forms-and-fees or contact your water authority. **The option to trade all remaining tradable allocation is not available for interstate trades or when using the auto-lodgement interface.** Refer to the notes and definitions on page 2.

Trade options

1 a) ENTER THE VOLUME BEING TRADED. ☐☐☐ , ☐☐☐ . ☐ ML (one decimal place only)

b) WRITE IN FULL AND IN CAPITAL LETTERS THE VOLUME OF WATER BEING TRADED:

☐ ML

c) TOTAL TRADE VALUE. $ ☐ , ☐☐☐ , ☐☐☐ . X X [Volume traded] x [$ per ML]
You MUST disclose the true agreed value of trade

OR

2. ☐ ALL REMAINING TRADABLE ALLOCATION (*Go to Question 4*). *Refer to definitions and notes on page 2.*

Seller(s) information

3. IF THE SELLER IS INTERSTATE TICK AS APPROPRIATE. ☐ NSW ☐ SA *(Go to Question 7)*

4. SELLER'S ABA. A B A ☐☐☐☐☐☐ *Seller's water corporation* ☐ G-MW ☐ LMW ☐ SRW

Print the name of one of the holders of this ABA in CAPITAL LETTERS, to allow a check of the ABA number.

GIVEN NAME	SURNAME OR COMPANY NAME	PHONE NUMBER

5. SIGNATURE INSTRUCTIONS: Tick one of the following two boxes, then print signatory name(s) in full and in CAPITAL LETTERS and sign.
If there are more than four (4) signatories, additional space is provided in Annexure 1 (available from the Water register web site) .
If signing for a company please refer to the notes on page 2.

☐ *I am/We are all of the holders of the allocation bank account. OR*

☐ *I am/We are authorised to sign on behalf of all the holders of the allocation bank account. In this case please indicate which applies:*

- ☐ *A copy of a limited authorisation valid for this trade (Form 39b) is attached, OR*
- ☐ *A standing authorisation (on Form 39a, to be recorded in the water register) is attached, OR*
- ☐ *A standing authorisation has previously been lodged with the water corporation.*

	GIVEN NAME	*SURNAME*	*COMPANY NAME & POSITION* (if signing for a company)	*SIGNATURE* (electronic signatures not accepted)*	*DATE*
i.					
ii.					
iii.					
iv					

Buyer's information

6. IF THE BUYER IS INTERSTATE, TICK AS APPROPRIATE. ☐ NSW ☐ SA *(Go to Question 8)*

7. BUYER'S ABA. A B A ☐☐☐☐☐☐ *Buyer's water corporation* ☐ G-MW ☐ LMW ☐ SRW

Print the name of one of the holders of this allocation bank account in CAPITAL LETTERS, to allow a check of the ABA number.

GIVEN NAME	*SURNAME or COMPANY NAME*	*PHONE NUMBER*

Lodging party, if applicable

8. COMPLETE THIS SECTION FOR THE LODGING PARTY TO RECEIVE CORRESPONDENCE.

GIVEN NAME(S) | *SURNAME*

POSTAL ADDRESS | *E-Mail*

Party ID P T Y ☐☐☐☐☐☐ *PHONE NUMBER*

OFFICE USE ONLY:

May 2014

Submission

The application must be submitted, complete with payment, to the seller's water corporation by mail, fax, emailing a scanned copy of the hand-signed original application.

The option to trade all remaining tradeable allocation is not available for interstate trades or when using the auto-lodgement interface.

If submitted by email:

- Each application must be a separate file in 'portable document format' with the correct file extension (.pdf), and be attached to the email.
- The file must contain the application form and all supporting information (for example, authorised agent form(s), payment authorisation, company extract(s), interstate form(s)) as a single document.
- The file name must include the application number (in the form of ALL123456), and may also include additional information.

Definitions

All remaining tradeable allocation - In this form all remaining tradeable allocation means the tradeable volume of allocation in the seller's ABA to one decimal place, rounded down, at the time this application is approved by the water corporation.

Please note:

- All trades are subject to normal water trading rules (including a buyer's holding limit)
- Instead of completing details at question 1 a seller may select on this application to trade 'all remaining tradeable allocation' by ticking the box at question 2. This option can be selected for example where a contract includes the combined sale of land, water shares and allocation. Selecting this option will transfer the tradeable balance of the seller's ABA as at the date this application is approved. A further application may still be required if a further allocation is credited into the seller's ABA before the water share transfer is recorded.
- As the volume to be traded is not known at the time of completing the application, it is not necessary to specify the consideration in dollars per megalitre.
- For G-MW and LMW trades, any spillable account balance will not be included, and a seperate application may be required when the spillable allocation is returned to the tradeable balance.
- Customers who wish to sell all remaining tradeable allocation should contact their water corporation for more information.

How to facilitate approval of your application

Ensure your application is complete and correct. Ensure your application is legible and that you have not altered or amended the form.

Incomplete, illegible, altered, and amended applications **will be refused** and the application fee **will** be retained by the water corporation.

The onus is on the buyer and seller, and where applicable the lodging party to ensure the following are correct otherwise the application will be refused.

- The correct allocation bank account identification numbers have been included; and
- The application complies with the water trading rules; and
- The application has been properly executed.

Ensure your application is properly executed

The application has been properly executed if:

- All the holders of the seller's allocation bank account sign (see notes below if a seller is a company); OR
- A person with the appropriate authorisation signs on behalf of the holders of the seller's allocation bank account and the authorisation is either recorded in the water register or a copy of the authorisation is attached (section below 'How to authorise a person to sign on your behalf').

* Electronic signatures are not accepted (this means that all forms must be manually signed by hand).

If the seller is a company

Signatories for a company (eg. director or company secretary) must sign in accordance with an ASIC company extract not more than 12 months old. Only persons listed on the ASIC company extract can sign. A copy of the ASIC company extract must be attached to the application.

How to authorise a person to sign on the seller's behalf

If you want a standing authorisation to be recorded in the water register, complete a Form 39a and lodge it with your water corporation.

If you wish to provide a limited authorisation complete Form 39b and attach it to this application to trade water allocation.

Signatories for a company may authorise any employee to trade allocation for the company by submitting the following together with an ASIC company extract, not more than 12 months old, to the water corporation:

- Form 39a (as above), OR
- Form 39b (as above). A signed authorisation in writing on company letterhead may be accepted by the water corporation in lieu of Form 39b.

How to obtain a company extract if the seller is a company

A company extract can be obtained on-line through service agents listed on www.asic.gov.au for a fee of approximately $20. If you do not have access to the internet your broker or accountant should be able to access a copy on-line. However, they may wish to charge for this service.

The water corporation will accept photocopies of your company extract provided it is less than 12 months old. You should retain a copy for 12 months.

If the application is for an interstate trade

This form does not require an ABA number, a name or a signature for an interstate party. Simply tick the state (at question 3 or 6) and attach a copy of the interstate application form.

Withdrawal of an application to trade water allocation

Requests to withdraw your application must be made in writing to the seller's water corporation (unless the trade is interstate in which case a copy of the letter should be sent to both states). The letter must be manually signed by hand by one of the buyer's and all of the seller's allocation bank account holders. Authorised agents with authorisation to trade water allocation are not permitted to sign withdrawal requests. The letter may be submitted by mail, fax or by emailing a scanned copy of the hand-signed original application. The application fee will not be refunded. Applications which have already been approved or refused by any of the involved corporations/authorities cannot be withdrawn.

Disclaimer notes

Approval of a trade of allocation does not provide for use of water (an appropriate water-use licence or water-use registration is required) or for carryover of water (which is subject to separate carryover rules and limits).

This is not a contract. Buyers and sellers are responsible for arranging financial settlement for a trade. Approval of a trade leads to immediate transfer of the allocation, without reference to whether it has been financially settled.

If you require further information contact your water corporation:

Goulburn-Murray Water 40 Casey Street PO Box 165, TATURA 3616 allocation.lodge@g-mwater.com.au Ph: 1800 013 357 Fax: (03) 5826 3334	**Lower Murray Water** 741–759 Fourteenth Street PO Box 1438, MILDURA 3502 water.trading@lmw.vic.gov.au Ph: (03) 5051 3400 Fax: (03) 5051 3480	**Southern Rural Water (Maffra Office)** 88 Johnston Street PO Box 153, MAFFRA 3860 srw@srw.com.au Ph: (03) 5139 3100 Fax: (03) 5139 3150

Privacy Statement: The information from this form is collected under the *Water Act 1989*, in order to process this transaction. The information is used for the purpose of maintaining the water register and for the provision of statistical water market information. Most of the information in the water register is available to the public. Incomplete forms cannot be processed.

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Payment

This form must be accompanied by payment of the current application fee. The current application fee is available from www.waterregister.vic.gov.au/Public/ApplicationFees.aspx. Payment may be by cash*, cheque, credit card or by an alternative arrangement which has been pre-agreed with the relevant water corporation. If submission is via fax or email payment must be made either by completion of the credit card details section on this form or by an alternative arrangement which has been pre-agreed with the relevant water corporation.

* Please note Goulburn-Murray Water does not accept cash payments

Credit card details

The water corporations accept Mastercard and Visa. If you are using another credit card check with the water corporation if they accept that type of credit card.

☐ *Mastercard* ☐ *Visa* ☐ *Other type of credit card*

Card Number ____ ____ ____ ____ — ____ ____ ____ ____ — ____ ____ ____ ____ — ____ ____ ____ ____

Expiry date ____ ____ / ____ ____ *Card holder's name*

As it appears on the card

Total amount $ *Phone number*

I certify that I am over 18 years of age, and authorise ☐ *Goulburn-Murray Water* ☐ *Lower Murray Water* ☐ *Southern Rural Water to debit my credit card for the total amount shown above.*

Cardholder's signature *Date* ____ ____ / ____ ____ / ____ ____

For your privacy and security, details provided here in are destroyed as soon as payment is made.

Please detach and retain the slip below

Application Number:
ALL 2 1 0 0 8 8

ENQUIRIES

Please retain this slip as a copy of your application number for your reference.

For enquiries regarding the progress of your application please refer to the water register website (**www.waterregister.vic.gov.au/Public/TrackAllocation.aspx**) and enter your application number.