

Application for Minister's consent under sections 71T and 71V of the Water Management Act 2000

WARNING PENALTIES APPLY FOR FALSE DECLARATIONS

All fields marked * must be completed.

Part 2 Seller(s) details and authorisation

Type of licence/holding: ☐ Consumptive ☐ Environmental

☐ I am/We are holder(s) of this water access licence.

☐ I am/We are authorised to make this application on behalf of the holder(s) of this licence^a **(Validation required)**.

☐ I am/We are authorised to make this application on behalf of the Corporation holding this licence^a **(Validation required)**.

☐ All holders of this licence have consented to this dealing (to include additional signatures attach Annexure 1).

Print Applicant's (authorised person) name, signature and contact details below, and date.

Email **Phone** See Information for Parties to Dealings section 15 for agent obligations.

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INFORMATION FOR PARTIES TO DEALINGS

Applicant(s) should note the following information when submitting an 'Application to Assign Surface Water Allocation':

1. Rules and Regulations

The assignment of water allocation is considered in accordance with the rules and regulations set out in the *Water Management Act 2000* and any relevant Water Sharing Plan(s) in force at the time of the application. Applicants should note that it is the responsibility of the persons selling (disposing of) water allocation to notify the approval authority in writing of the agreed price, either at, or before, the time the approval is sought (refer Section 12.48 of the MDBA Water Trading Guidelines).

2. Payment of usage charges on water assigned

Unless the purchaser has a NSW WAL with associated water supply works and complying metering by means of which the water traded in this transaction is to be taken, the purchaser and seller acknowledge and agree that: i) on receipt of the application WaterNSW will promptly bill the seller for the usage charges, the variable charge in respect of the allocation traded in this transaction; and (ii) those charges must be paid to WaterNSW before the application is finalised. You can find usage charges on our website at waternsw.com.au/pricing.

3. Fees

Notwithstanding item 2 above, an application fee applies for each application. You can view the fee on our website at waternsw.com.au/trading. This fee has been set in accordance with the relevant ACCC pricing determination. **Application fee(s) will not be refunded if an allocation assignment has been processed and does not proceed through no fault on the part of WaterNSW Corporation or the Minister administering the Water Management Act, 2000.**

4. Execution of the application

Section 72A of the *Water Management Act* requires that where a licence is co-held, a dealing with that licence must be consented to by all co-holders. If this application concerns a co-held licence, WaterNSW may require evidence of consent of all co-holders. **Caution - It is an offence under Clause 344 of the Water Management Act 2000 to provide false or misleading information with any application.**

5. Lodgement

Applications should be emailed to water.trade@waternsw.com.au or mailed to the address below:

WaterNSW
PO Box 453
DENILIQUIN NSW 2710

For any enquiries, please call our Customer Service Centre on 1300 662 077.

6. Processing times for intravalley and intervalley applications

An application to assign water allocation may take up to 5 working days to be finalised providing that all necessary information is supplied with the application. Incomplete or incorrect applications may result in delays or rejection of the application.

7. Processing times for interstate applications

An application to assign water allocation to or from an interstate water licence may take up to 10 working days to be finalised. Submissions involving an interstate licence are subject to the approval of the relevant interstate authority and will only be finalised when written approval from the relevant state is obtained by WaterNSW.

8. Incomplete applications

WaterNSW will return all applications deemed to be incomplete.

Where a broker has been nominated to act on behalf of the applicants, the broker will be notified. Applications will be deemed incomplete and the application returned if the buyer and seller sections are not completed on the same form.

Brokers must complete Part 4 as well as list their details in Part 2 and 3. Part 4 is a standalone statement we use for compliance purposes.

Trade Price is a requirement for every application to have a sale price indicated in Part 1. If the price is NIL (\$0), the box indicating same MUST be ticked. **Under Part 5 - Trade Purpose Classification, those reasons with an asterisk* MUST not have \$0 as the price.**

Reasons for Trade To comply with MDBA guidelines, every application must have indicated a reason for the allocation assignment. The reasons are :

1. Standard commercial*
2. Forward Contract*
3. Carryover parking*
4. Carryover parking return
5. Related party
6. Compensatory trade for outcome delivery
7. Private lease arrangement (not 71M)*
8. Allocation trade as part of share transfer*
9. Environmental use
10. Returned unused environmental water
11. Government program e.g. Water for Fodder
12. Other

For a description for each of these reasons, see the Trading Water FAQ's on the WaterNSW website waternsw.com.au

9. Interstate (71V)

Applications requesting an assignment of a water allocation to or from an interstate party must provide copies of all relevant interstate application forms with the application at time of lodgement. Failure to provide copies of relevant applications will result in the application being returned. Interstate applications must comply with the rules and regulations outlined by the donor or receiving state. Any applications not approved by the relevant state authority will be refused. It is the responsibility of the applicant(s) to forward all necessary applications forms and fees to the relevant state authority.

10. Multiple licences

A separate application form must be completed for each assignment of water allocation between multiple licences. Applications combining more than one licence will be returned.

11. Meter Readings - Sellers are encouraged to submit current meter readings (Part 7) with each Application to Assign Surface Water Allocation.

Applications submitted without supplying a current meter reading will be processed according to the information available to WaterNSW. An application to approve an assignment which exceeds the account will be returned.

12. Returned applications

In some cases (subject to WaterNSW's discretion), incorrect or incomplete applications will be returned to the applicant. Where a broker has been nominated to act on behalf of the applicant(s), the application will be returned to the broker. Applicant(s) will be given a period of 10 working days to return the corrected application. Corrected applications received after this time will not be accepted and the application will be considered refused and the fee forfeited.

13. Amendments to an application

Amendments to an application will not be accepted once an application is registered in WaterNSW's Water Accounting System. Applicants wishing to make an amendment to an application must withdraw the application and lodge a replacement application and fee. There is no scope to amend an application once the application has been finalised by WaterNSW or after a NSW approval to an interstate party has been sent by WaterNSW.

14. Withdrawal of an application

Applicant(s) wishing to withdraw an application must notify WaterNSW in writing. The consent of both seller and buyer (or agent) must be provided before WaterNSW will withdraw an application. The withdrawal of an interstate application must also be approved in writing by the donor or receiving state authority. There is no scope to amend an application once the application has been finalised by WaterNSW or after a NSW approval to an interstate party has been sent by WaterNSW.

15. Notification of application finalisation

Applicant(s) will be notified upon finalisation of the application via email or fax. Where an agent(s) has lodged the application, the agent(s) will be notified. Agents should note that if an agent email or fax number is not provided, WaterNSW will not provide notification on status/finalisation of the application to the agent.

Agents are obligated to pass on any Dealing confirmations from WaterNSW to the Licence Holder.

16. Disputes

An application can only proceed if made by/on behalf of both buyer and seller. WaterNSW will not finalise an application if either a buyer or seller advises of a withdrawal from the application. In such cases, WaterNSW will cease to process the application for a period of time which will be specified. This will allow both parties a reasonable period of time in which to resolve any dispute. If there is no resolution within the specified time, WaterNSW will regard the application as withdrawn. During periods of dispute, the volume of water associated with the application will be unavailable for use by both buyer and seller until the application is either finalised or withdrawn.

17. Finances

It is the responsibility of the applicants to arrange financial settlement for the water assigned.

18. Penalty provision

It is an offence under Clause 344 of the *Water Management Act 2000* to provide false or misleading information with any application.

19. Privacy note

The personal information you provide in this form will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction. Your personal information will be used for assessing and processing your application and may be disclosed to public authorities and other authorised parties as required. The *Water Management Act 2000* requires that, should your application be granted, details of the water access licence will also appear in a public water access licence register.