

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 4 December 1959 (No.139), page 3781

**(4015) Water Conservation and Irrigation Commission,
Sydney, 4th December, 1959.**

IN pursuance of the provisions of the Crown Lands Consolidation Act, 1913, and the Acts amending the same, the Water Conservation and Irrigation Commission hereby notifies that the annual rentals for non-irrigable leases of the lands described in the Schedule hereto duly notified by the Minister for Conservation as available for disposal by way of lease as non-irrigable leases shall be the sums respectively set out in the fourth column of the said Schedule. The holdings do not contain any improvements which are the property of the Crown.

(L.S.) W. D. MEIKLE, Commissioner.

The Common Seal of the Water Conservation and Irrigation Commission was hereunto affixed by WILLIAM FREDERICK DEAN MEIKLE, a Commissioner appointed under the Irrigation Act, 1912, as amended by subsequent Acts, in the presence of—

A. J. QUILTY, Secretary.

SCHEDULE OF LANDS WESTERN DIVISION						
Within Coomealla Irrigation Area; Land District of Wentworth; Shire of Wentworth; Parish of Mourquong; County of Wentworth						
Holding No.	Portion No.	Approximate Total Area	Annual Rental in Respect of a Non-irrigable Lease	Survey Fee	Minimum Deposit*	Plan No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
405	926	48 0 0	60 0 0	25 10 0	30 10 0	W901-1820
406	927	42 0 0	63 0 0	25 10 0	30 10 0	W902-1820
407	928	53 0 0	92 15 0	27 0 0	33 10 0	W903-1820
408	929	38 0 0	101 10 0	27 0 0	33 10 0	W904-1820
409	930	55 0 0	82 10 0	27 0 0	33 10 0	W905-1820
410	931	50 0 0	87 10 0	25 10 0	32 0 0	W906-1820
411	932	51 0 0	76 10 0	27 0 0	33 10 0	W907-1820
412	933	54 0 0	94 10 0	27 0 0	33 10 0	W908-1820
413	934	42 0 0	94 10 0	25 10 0	32 0 0	W909-1820
414	935 and 936	52 0 0	104 0 0	27 0 0	33 10 0	W910-1820 and W911-1820
415	937	49 0 0	98 0 0	25 10 0	32 0 0	W912-1820
416	938	44 0 0	88 0 0	25 10 0	32 0 0	W913-1820
417	939 and 940	61 0 0	106 15 0	28 10 0	35 0 0	W914-1820 and W915-1820
418	941	51 0 0	102 0 0	27 0 0	33 10 0	W916-1820
419	942	4 0 0	7 0 0	13 0 0	19 10 0	W917-1820
420	943	4 0 0	7 0 0	13 0 0	19 10 0	W918-1820
421	944	4 0 0	7 0 0	13 0 0	19 10 0	W919-1820
422	945	4 0 0	7 0 0	13 0 0	19 10 0	W920-1820
423	946	4 0 0	7 0 0	13 0 0	19 10 0	W921-1820
424	947	4 0 0	7 0 0	13 0 0	19 10 0	W922-1820
425	948	4 0 0	7 0 0	13 0 0	19 10 0	W923-1820
426	949	6 0 0	12 0 0	13 0 0	19 10 0	W924-1820
427	950	5 2 0	9 12 6	13 0 0	19 10 0	W925-1820

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* Minimum deposit includes £5, which may be applied towards payment of rent, full survey fee, and where applicable the required amount of stamp duty.

Areas and annual rentals are subject to adjustment on completion of survey action.

The holdings do not carry any right to additional irrigable, non-irrigable or dry area lands.

Application forms may be obtained from the offices of the Commission at Cobar and Sydney.

All applications received between 4th January, 1960 and 5th January, 1960, both days inclusive, shall, where conflicting, be deemed to have been made simultaneously.

The holdings are considered to be complete as regards provision for access, and any further works of this class must be constructed at the expense of the holder to the satisfaction of the Commission.

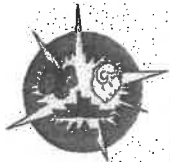
The Commission will be prepared to make available land upon which a group of holders might construct water supply and drainage works and will grant occupation of those lands to representatives of the settlers.

Applicants are requested to indicate whether they would be prepared to join in a co-operative scheme for obtaining a supply of water to their holdings in the event of them being granted a lease.

(W.C. & L.C. 59-107; CC. 56-5535.)

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Wentworth Shire Council

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648

Our Reference: PC:DOC/18/12800
Your Reference: N/a
Contact: Health & Planning Division
Phone: 03 5027 5027
Date: 10 August 2018

Colin & Sue Nankivell
PO Box 103
BURONGA NSW 2739

Email: csnankivell@gmail.com

Dear Colin & Sue

**SECTION 10-7 CERTIFICATE 2018-244 NANKIVELL 130 MOURQUONG ROAD LOT 937 DP 756961
MOURQUONG**


Further to the Application for a Section 10.7 Certificate received on 09 August 2018 please find attached the Planning Certificate 2018-244 providing information on the development standards of the above property including the planning restrictions that apply to the land at the date of issue.

A copy of the Septic Tank Drainage Plan is also attached as the property is located in an area which is not serviced by a Council reticulated sewer system.

If you require any further information please contact the Health & Planning Division on Tel: (03) 5027 5027.

Yours faithfully

**KEN ROSS
DIRECTOR HEALTH & PLANNING
ATTACHMENT**

	26- 28 Adelaide Street Po Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	Notice of a Planning Certificate under Section 10.7 issued under the <i>Environmental Planning and Assessment Act</i> 1979 Section 10.7.
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Our Ref: DOC/18/12800

Applicant reference no: N/a

Section 10.7 certificate no: 2018-244

Applicant name: Colin & Sue Nankivell

Applicant address: PO Box 103
BURONGA NSW 2739

Owner name: Colin Ian Nankivell and Susan Lyn Nankivell

Owner address: PO Box 103 BURONGA NSW 2739

Subject land: 130 Mourquong Road Lot 937 DP 756961 Mourquong

Date of certificate: 10 August 2018

PROFESSIONAL DISCLAIMER

The attached information has been taken from Council's records and is provided in good faith. When information pursuant to Section 10.7(5) of the Environmental Planning and Assessment Act, 1979 is requested, Council is under no obligation to furnish any information pursuant to that Section. Council draws your attention to Section 10.7(6) of the Act which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference in this Certificate to any matter affecting the land shall not imply that the land is not affected by any such matter.

In providing this certificate Council has in good faith relied upon information provided to it or sourced from third parties. Where Council has obtained the information from third parties, either exclusively or in conjunction with information held by Council, the Certificate details the source of that third party information. Council cautions against relying upon information in the Certificate sourced from third parties as to its accuracy, applicability to specific lands and its advice and the adoption of prudent land acquisition measures and appropriate professional advice. To the full extent permitted by law Council disclaims liability with respect to any information in this Certificate sourced from third parties. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information they have provided.

Council is prepared to provide up to date oral information about matters disclosed throughout, if it does so, it accepts no responsibility for the accuracy of information given and no employee of Council is authorised to bind Council by such information.



Signed: KEN ROSS
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth



DISCLOSURE OF INFORMATION IN RELATION TO THE SUBJECT LAND AS PER SECTION 10.7(2) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 10.7 Certificate No: 2018-244

<p>1. Names of relevant planning instruments and DCPs</p> <p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p>	<p>a) Wentworth Local Environmental Plan 2011, dated 16 December 2011.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p>
<p>2. Zoning and land use under relevant LEPs</p> <p>For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):</p> <p>a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)")</p> <p>b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,</p> <p>c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,</p> <p>d) the purposes for which the instrument provides that development is prohibited within the zone,</p> <p>e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,</p> <p>f) whether the land includes or comprises critical habitat,</p> <p>g) whether the land is in a conservation area (however described),</p> <p>h) whether an item of environmental heritage (however described) is situated on the land.</p>	<p>a) Wentworth Local Environmental Plan (WLEP) 2011 ZONE: RU1 – Primary Production</p> <p>b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>.</p> <p>c) See Annexure 1.</p> <p>d) See Annexure 1.</p> <p>e) 10 hectares</p> <p>f) No. This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>g) No. This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>h) Not application</p>

<p>2A.Zoning and land use under <u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u></p> <p>To the extent the land is within any zone (however described) under:</p> <p>a) Part 3 of the State Environmental Planning Policy <u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP)</u>, or</p> <p>b) A Precinct Plan (within the meaning of the 2006 SEPP) or</p> <p>c) A proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,</p> <p>the particulars referred to in clause 2(a)-(h) in relation to that land (with reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>
<p>3. Complying development</p> <p>a) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p> <p>b) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under that clause.</p> <p>c) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p>a) Yes - the land is land on which complying development may be carried out.</p> <p>b) Not applicable.</p> <p>c) Not applicable.</p>
<p>4. Coastal protection</p> <p>Whether or not the land is affected by the operation of section 38 or 39 of the <u>Coastal Protection Act 1979</u>, but only to the extent that the council has been so notified by the Department of Finance, Services and Innovation.</p>	<p>Not applicable.</p>
<p>4A.Certain information relating to beaches and coasts</p> <p>In relation to a coastal council – whether an order has been made under Part 4D of the <u>Coastal Protection Act 1979</u> in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.</p> <p>In relation to a coastal council:</p>	<p>Not applicable.</p> <p>Not applicable.</p>

<p>a) Whether the council has been notified under section 55X of the <u>Coastal Protection Act 1979</u> that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and</p> <p>b) If works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.</p>	
<p>4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works</p> <p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <u>Local Government Act 1993</u> for coastal protection services that relate to existing coastal protection works (within the meaning of Section 553B of that Act).</p> <p>Note: “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <u>Local Government Act 1993</u>.</p>	<p>Not applicable.</p>
<p>5. Mine subsidence</p> <p>Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the <u>Mine Subsidence Compensation Act 1961</u>.</p>	<p>Not applicable.</p>
<p>6. Road widening and road realignment</p> <p>Whether or not the land is affected by any road widening or road realignment under:</p> <p>a) Division 2 of Part 3 of the <u>Roads Act 1993</u>, or</p> <p>b) any environmental planning instrument, or</p> <p>c) any resolution of the council.</p>	<p>Not applicable.</p>
<p>7. Council and other public authority policies on hazard risk restrictions</p> <p>Whether or not the land is affected by a policy:</p> <p>a) adopted by the council, or</p> <p>b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).</p>	<p>Not applicable.</p>
<p>7A. Flood related development controls information</p> <p>a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.</p> <p>b) Whether or not development on that land or part of the land for any other purpose is subject to</p>	<p>a) Not applicable</p> <p>b) Not applicable.</p>

<p>flood related development controls.</p> <p>c) Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	
<p>8. Land reserved for acquisition</p> <p>Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.</p>	Not applicable.
<p>9. Contribution plans</p> <p>The name of each contributions plan applying to the land.</p>	Not applicable.
<p>9A. Biodiversity certified land</p> <p>If the land is biodiversity certified land under Part 8 of the <u>Biodiversity Conservation Act 2016</u>, a statement to that effect.</p> <p>Note: Biodiversity certified land includes land certified under Part 7AA of the <u>Threatened Species Conservation Act 1995</u> that is taken to be certified under Part 8 of the <u>Biodiversity Conservation Act 2016</u>.</p>	Not applicable.
<p>10. Biodiversity stewardship sites</p> <p>If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the <u>Biodiversity Conservation Act 2016</u>, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).</p> <p>Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the <u>Threatened Species Conservation Act 1995</u> that are taken to be biodiversity stewardship agreements under Part 5 of the <u>Biodiversity Conservation Act 2016</u>.</p>	No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.
<p>10A. Native vegetation clearing set asides</p> <p>If the land contains a set aside area under section 60ZC of the <u>Local Land Services Act 2013</u>, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).</p>	No, Wentworth Shire Council has not been notified of the existence of a set aside area by the Local Land Services in relation to this property.
<p>11. Bush fire prone land</p> <p>If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>Not applicable.</p> <p>This information has been sourced from mapping provided by the NSW Rural Fire Service.</p>
<p>12. Property vegetation plans</p> <p>If the land is land to which a property vegetation plan approved under Part 4 of the <u>Native Vegetation Act 2003</u> (and that continues in force) applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the</p>	<p>Not applicable.</p> <p>This information has been sourced from NSW Local Land Services.</p>

<p>(ii) that a copy may be obtained from the head office of the Department.</p> <p>b) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of <u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u> that have been imposed as a condition of consent to a development application in respect of the land.</p>	Not applicable.
<p>18. Paper subdivision information</p> <p>a) The name of any development plan adopted by a relevant authority applies to the land or that is proposed to be subject to a consent ballot.</p> <p>b) The date of any subdivision order that applies to the land.</p> <p>c) Words and expressions used in this clause have the same meaning as they have in Part 16C of the Environmental Planning & Assessment Regulation.</p>	<p>Not applicable.</p> <p>Not applicable.</p>
<p>19. Site verification certificates</p> <p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>a) The matter certified by the certificate, and Note: A site verification certificate sets out the Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>b) The date on which the certificate ceases to be current (if any), and</p> <p>c) That a copy may be obtained from the head office of the Department.</p>	Not applicable.
<p>20. Loose-fill asbestos insulation</p> <p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <u>Home Building Act 1989</u>) that are listed on the register that is required to be maintained under that Division, a statement to that effect.</p>	Not applicable.
<p>21. Affected building notices and building product rectification orders</p> <p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>a) Whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and</p> <p>b) Whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.</p> <p>(3) In this clause: Affected building notice has the same meaning as</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

in Part 4 of the Building Products (Safety) Act 2017.

Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

22. Information regarding Contaminated Land as prescribed by section 59 (2) of the Contaminated Lands Management Act 1997	
(a) Is the land to which the certificate relates significantly contaminated land within the meaning of that Act?	No.
(b) Is the land to which the certificate relates subject to a management order within the meaning of that Act?	No.
(c) Is the land to which the certificate relates the subject of an approved voluntary management proposal within the meaning of that Act?	No.
(d) Is the land to which the certificate relates subject to an ongoing maintenance order within the meaning of that Act?	No.
(e) Is the land to which the certificate relates the subject of a site audit statement within the meaning of that Act?	No.



**CERTIFICATE UNDER SECTION 10.7(1) PURSUANT TO SECTION 10.7(5) OF THE
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

Section 10.7 Certificate No: 2018-244

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Has the Council information which would indicate that the land is subject to slip or of flooding or tidal inundation?	No.
b) Has the Council information which would indicate that the land is subject to slip or subsidence?	No.
c) Is the land subject to a Tree Preservation Order?	No.
d) Has any development consent with respect to the land been granted within the previous five years?	No.
e) Any known non-compliance with matters relating to development approval?	No.
f) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	A final inspection has not been carried out on Packing Shed the subject of Building Approval No. 103/96. A final inspection has not been carried out on Extension to dwelling the subject of Construction Certificate No. 37/03.
g) Any other known matter of which Council is aware that applies to the subject land?	Yes *Mobile Garbage Bin Nos. H55531 and H54331 has been issued to this property. *The comments and information contained in this certificate relate to the property described in the section "Description of Land". *The information contained in this certificate has been compiled from Council's records - no physical inspection of the property was carried out.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

Signed:


KEN ROSS

DIRECTOR HEALTH & PLANNING

under delegation on behalf of the Shire of Wentworth

Dated:

10 August 2018



**ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
RU1 Primary Production Zone as at 16 December 2011**

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) STATE ENVIRONMENTAL PLANNING POLICIES

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 30 – Intensive Agriculture – Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning controls over this export-driven rural industry. The policy does not alter the functions of the consent authority if, and where, such development is permitted.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 44 Koala Habitat Protection - Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas – Applies to 11 irrigation areas or districts and lands shown on the plans. They are: Coleambally, Jemalong, Wyldes Plains,

Buronga, Tabbita and Wah Wah; Berriquin, Cadell, Denemein and Wakool, which are part of the area administered by Murray Irrigation Ltd; and land in East Cadell in the Murray local government area. The policy amends the threshold used to determine what is 'designated development' in relation to farm dams (artificial waterbodies). It applies in areas where there are approved land and water management plans (LWMP) and farm plans have been approved. Currently only the area administered by Murray Irrigation Corporation has approved LWMPs (i.e. for Berriquin, Caddell, Denemein and Wakool). As other LWMPs are approved, the policy may be amended to incorporate the areas covered by those plans. The policy amends SEPP No. 4 to enable Irrigation corporations within the areas covered by the policy to carry out routine maintenance and emergency works without the need for development consent.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

No 62 – Sustainable Aquaculture - Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Rural Lands) 2008 - Facilitates the orderly and economic use and development of rural lands for rural and related purposes through the application Rural Planning Principles and the Rural Subdivision Principles identified in the SEPP to promote the social, economic and environmental welfare of the State. The SEPP establishes Rural Land Planning Panel that advises on rural lands development application that contravenes a development standard and it also aim to implement measures designed to reduce land use conflicts on rural lands.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of

public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 – Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation

facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3



Wentworth Shire Council

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648

Our Reference: HH:DOC/18/14966
Your Reference: BA103/96
Contact: Health & Planning Division
Phone: 03 5027 5027
Date: 10 September 2018

Colin & Susan Nankivell
PO Box 103
BURONGA NSW 2739

Email: csnankivell@gmail.com

Dear Colin & Susan

BA103/96 PACKING SHED ARUMPO ROAD LOT 937 DP 756961 MOURQUONG

Further to a final inspection conducted of the above building works by Council's Building Surveyor on 7 September 2018, please find attached a Final Occupation Certificate verifying that Council is satisfied the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia.

Should you require any further information please contact the Health & Planning Division 03 5027 5027.

Yours faithfully

MARK SCOTT
ACCREDITED CERTIFIER




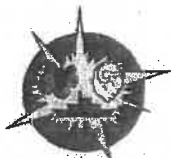
Health & Planning Division
26-28 Adelaide Street
PO Box 81
WENTWORTH NSW 2648

Tel: 03 5027 5027
council@wentworth.nsw.gov.au

Occupation Certificate

Issued under Environmental Planning and Assessment Act 1979
Section 6.9 & Section 6.10

Our Ref	DOC/18/14966
Certificate Number	18/013
Applicant Name	Colin & Susan Nankivell
Applicant Postal Address	PO Box 103 BURONGA NSW 2739
Owner Name	Colin & Susan Nankivell
Owner Postal Address	PO Box 103 BURONGA NSW 2739
Subject Land	Arumpo Road Lot 937 DP 756961 Mourquong
Description of the building or part of the building	Packing Shed
BCA Classification	7
Attachments	<input type="checkbox"/> Fire safety schedule <input type="checkbox"/> Fire link conversion schedule <input type="checkbox"/> Fire safety certificate
Certification	<p>I certify that:</p> <ul style="list-style-type: none">• A current development consent is in force for the building• A current construction certificate or complying development certificate has been issued with respect to the plans and specifications for the building work that has been carried out• The building is suitable for occupation or use in accordance with its classification under the Building Code of Australia <p><input type="checkbox"/> A fire safety certificate has been issued for the building* <input type="checkbox"/> A report from the Fire Commissioner has been considered*</p> <p>* tick as applicable</p>
Signed	<p> MARK SCOTT ACCREDITED CERTIFIER under delegation on behalf of the Shire of Wentworth Accreditation No: BPB1953</p>
Date of Endorsement	10 September 2018



Wentworth Shire Council

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648

Our Reference: HH:DOC/18/15120
Your Reference: CC37/03
Contact: Health & Planning Division
Phone: 03 5027 5027
Date: 11 September 2018

Colin & Susan Nankivell
PO Box 103
BURONGA NSW 2739

Email: csnankivell@gmail.com

Dear Colin and Susan

CC37/03 DWELLING EXTENSION ARUMPO ROAD LOT 937 DP 756961 MOURQUONG

Further to a final inspection conducted of the above building works by Council's Building Surveyor on 7 September, please find attached a Final Occupation Certificate verifying that Council is satisfied the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia.

Should you require any further information please contact the Health & Planning Division 03 5027 5027.

Yours faithfully

MARK SCOTT
ACCREDITED CERTIFIER
ATTACHMENT



Health & Planning Division
26-28 Adelaide Street
PO Box 81
WENTWORTH NSW 2648

Tel: 03 5027 5027
council@wentworth.nsw.gov.au

Occupation Certificate

Issued under Environmental Planning and Assessment Act 1979
Section 6.9 & Section 6.10

Our Ref DOC/18/15120

Certificate Number 18/014

Applicant Name Colin & Susan Nankivell

Applicant Postal Address PO Box 103 BURONGA NSW 2739

Owner Name Colin & Susan Nankivell

Owner Postal Address PO Box 103 BURONGA NSW 2739

Subject Land Arumpo Road Mourquong Lot 937 DP 756961

Development Consent DA122/02

Description of the building or part of the building Dwelling Extension

BCA Classification 1a

Attachments

- ☐ Fire safety schedule ☐ Fire link conversion schedule ☐ Fire safety certificate

Certification

I certify that:

- A current development consent is in force for the building
- A current construction certificate or complying development certificate has been issued with respect to the plans and specifications for the building work that has been carried out
- The building is suitable for occupation or use in accordance with its classification under the Building Code of Australia

- ☐ A fire safety certificate has been issued for the building*
☐ A report from the Fire Commissioner has been considered*

* tick as applicable

Signed

MARK SCOTT

ACCREDITED CERTIFIER

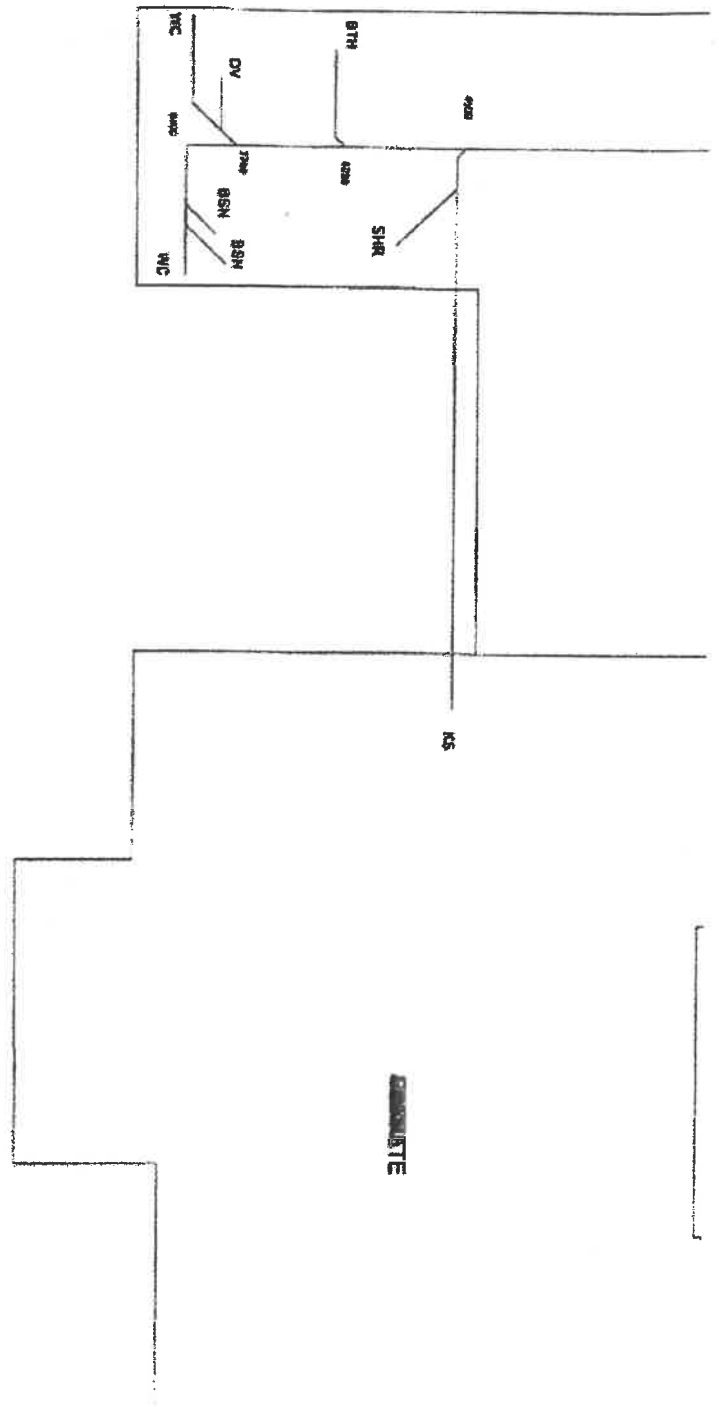
under delegation on behalf of the Shire of Wentworth
Accreditation No: BPB1953

Date of Endorsement

11 September 2018

Septic Diagram.pdf

Open with Google Docs





Wentworth Shire Council

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648

T 03 5027 5027 F 03 5027 5000
E council@wentworth.nsw.gov.au
W www.wentworth.nsw.gov.au
ABN 96 283 886 815

RATES NOTICE

FOR THE PERIOD

01/07/2018 TO 30/06/2019



1.1854 - 4257

10016632

033

COLIN IAN NANKIVELL
SUSAN LYN NANKIVELL
PO BOX 103
BURONGA
NSW 2739

PROPERTY AREA: 19.28ha
ASSESSMENT NO: 01999-00000000-000
PAYMENT REF: 10016632
DATE OF ISSUE: 26/07/2018
DUE DATE: 31/08/2018
RATE GROUP: 7-RURAL
VALUATION: \$196,900.00
VALUATION DATE: 01/07/2016

PROPERTY LOCATION AND DESCRIPTION

130 MOURQUONG ROAD, MOURQUONG NSW 2739
L937 DP756961

415

DESCRIPTION				UNITS	RATE/CHARGE	AMOUNT
Differential Rate Category 19 - Farmland - General Farmland - General Base Amount Farmland - General Domestic Waste - Rural <						

Please attach this portion to your remittance

RATES PAYMENT ADVICE



Billpay Code: 2073
Ref: 1001 6632

Pay online at postbillpay.com.au,
phone 13 18 16, or in person at any
post office.



*2073 1 0016632

WENTWORTH SHIRE COUNCIL

ASSESSMENT NO: 01999-00000000-000
NAME: COLIN IAN NANKIVELL
NET AMOUNT DUE: \$2,174.32
INSTALMENT AMOUNT: \$545.32
DUE DATE: 31/08/2018
PAYMENT REF: 10016632



Bill Code: 241653
Reference No: 10016632

If receipt required please tick box ☐

Peter Kozlowski
General Manager



Revenue

Enquiry ID	3034497
Agent ID	81429403
Issue Date	19 Feb 2019
Correspondence ID	1685126557
Your reference	18-0428

INFOTRACK PTY LIMITED
DX Box 578
SYDNEY

Land Tax Certificate under section 47 of the *Land Tax Management Act, 1956*.

This information is based on data held by Revenue NSW.

Land ID	Land address	Taxable land value
D756961/937	130 MOURQUONG RD MOURQUONG 2739	\$213 967

There is **no land tax** (including surcharge land tax) charged on the land up to and including the 2019 tax year.

Yours sincerely,

Stephen R Brady

Chief Commissioner of State Revenue

Important information

Who is protected by a clearance certificate?

A clearance certificate states whether there is any land tax (including surcharge land tax) owing on a property. The certificate protects a purchaser from outstanding land tax liability by a previous owner, however it does not provide protection to the owner of the land.

When is a certificate clear from land tax?

A certificate may be issued as 'clear' if:

- the land is not liable or is exempt from land tax
- the land tax has been paid
- Revenue NSW is satisfied payment of the tax is not at risk, or
- the owner of the land failed to lodge a land tax return when it was due, and the liability was not detected at the time the certificate was issued.

Note: A clear certificate does not mean that land tax was not payable, or that there is no land tax adjustment to be made on settlement if the contract for sale allows for it.

When is a certificate not clear from land tax?

Under section 47 of the *Land Tax Management Act 1956*, land tax is a charge on land owned in NSW at midnight on 31 December of each year. The charge applies from the taxing date and does not depend on the issue of a land tax assessment notice. Land tax is an annual tax so a new charge may occur on the taxing date each year.

How do I clear a certificate?

The outstanding tax must be paid to clear a certificate. To do this, follow the steps shown on the certificate or contact Revenue NSW. Please allow 10 working days for your request to be processed.

How do I get an updated certificate?

A certificate can be updated by using our online clearance certificate service at www.revenue.nsw.gov.au, or by re-processing the certificate through your Client Service Provider (CSP).

Please allow sufficient time for any payment to be processed prior to requesting a new version of the clearance certificate.

Land value, tax rates and thresholds

The taxable land value shown on the clearance certificate is the value used by Revenue NSW when assessing land tax. Details on land tax rates and thresholds are available at www.revenue.nsw.gov.au.

Contact details



Read more about Land Tax and use our online service at www.revenue.nsw.gov.au



1300 139 816*



Phone enquiries
8:30 am - 5:00 pm, Mon. to Fri.



landtax@revenue.nsw.gov.au

* Overseas customers call +61 2 9761 4956
Help in community languages is available.



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10929

SEARCH DATE	TIME	EDITION NO	DATE
23/8/2018	9:37 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

WARNING NOTE: INFORMATION ON THIS REGISTER IS NOT GUARANTEED

TENURE TYPE: SPECIFIC PURPOSE

HOLDER(S)

NORMAN FRANK SIMONETTA
IN 4/52 SHARE
ILARIO DIMASI
IN 1/52 SHARE
MARIA ROSA TERESA DIMASI
IN 1/52 SHARE
THOMAS GORDON CARTER
SHASHI CARTER
AS JOINT TENANTS IN 2/52 SHARE
ELIZABETH DE MARIA
IN 2/52 SHARE
ANTONIO DE MARIA
IN 2/52 SHARE
OSEIK HOLDINGS PTY LTD
IN 4/52 SHARE
TERENCE RODEN
IN 3/52 SHARE
GWENNETH EVELYN RODEN
IN 3/52 SHARE
COSIMO CIRILLO
KYLIE CIRILLO
AS JOINT TENANTS IN 2/52 SHARE
COLIN IAN NANKIVELL
IN 1/52 SHARE
SUSAN LYN NANKIVELL
IN 1/52 SHARE
BRUCE ROBERT DICKIE
IN 1/52 SHARE
WENDY DAWN DICKIE
IN 1/52 SHARE
HENDRIKUS ANTONIUS DEWYSE
IN 2/52 SHARE
ILARIO MACRI
IN 3/52 SHARE
CARMEN MARIA MACRI

END OF PAGE 1 - CONTINUED OVER

18-0428

PRINTED ON 23/8/2018

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10929

PAGE 2

HOLDER(S) (CONTINUED)

IN 1/52 SHARE
VINCENZO DE MARIA
IN 1/52 SHARE
CAROLE LYNETTE DE MARIA
IN 1/52 SHARE
MATTHEW IAN WAKEFIELD
BRIDGIT JANE WAKEFIELD
AS JOINT TENANTS IN 2/52 SHARE
ROBERT CRAIG TWADDLE
IN 1/52 SHARE
JULIE ANNE TWADDLE
IN 1/52 SHARE
SYDNEY OLIVER WILSON
IN 2/52 SHARE
LESLEY JEAN MACRI
IN 1/52 SHARE
VINCENZO JIM MACRI
IN 1/52 SHARE
COLIN IAN NANKIVELL
SUSAN LYN NANKIVELL
AS JOINT TENANTS IN 2/52 SHARE
PHILIP STANLEY COLLINS
JENNIFER DAPHNE COLLINS
AS JOINT TENANTS IN 2/52 SHARE
PAMELA MARY LARKIN
IN 2/52 SHARE
ROSE ANNE GRIFFITHS
IN 2/52 SHARE
AS TENANTS IN COMMON

(T AK805933)

ENCUMBRANCES (1 ENCUMBRANCE)

1 TERM TRANSFER: NIL

NOTATIONS

LICENCE CERTIFICATE NOT ISSUED. DEALINGS MAY BE REGISTERED. SEE
NOTES. SECURITY INTERESTS NOT RECORDED HEREON MAY EXIST THAT
AFFECT THIS ACCESS LICENCE. A SEARCH OF NSW LRS RECORDS (AND ASIC
RECORDS FOR COMPANY CHARGES) IS RECOMMENDED.
A SECURITY INTEREST (MORTGAGE OR CHARGE) CANNOT BE REGISTERED ON THIS
LICENCE. SEE S71D(2) WATER MANAGEMENT ACT 2000.

UNREGISTERED DEALINGS: NIL

ACCESS LICENCE DETAILS

END OF PAGE 2 - CONTINUED OVER

18-0428

PRINTED ON 23/8/2018

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10929

PAGE 3

ACCESS LICENCE DETAILS (CONTINUED)

CATEGORY: DOMESTIC AND STOCK (DOMESTIC)

SHARE COMPONENT:

SHARE - 78 MEGALITRES PER YEAR

WATER SOURCE - NEW SOUTH WALES MURRAY REGULATED RIVER WATER
SOURCE

WATER SHARING PLAN - NEW SOUTH WALES MURRAY AND LOWER DARLING
REGULATED RIVERS WATER SOURCES 2016

EXTRACTION COMPONENT:

TIMES/RATES/CIRCUMSTANCES - SUBJECT TO THE CONDITIONS OF THE
WATER ACCESS LICENCE

EXTRACTION FROM - RIVER, LAKE OR SURFACE WATER RUNOFF

EXTRACTION ZONE - THAT PART OF THE WATER SOURCE DOWNSTREAM OF
THE RIVER MURRAY AT PICNIC POINT

NOMINATED WORKS:

WORK APPROVAL NUMBER(S) - 60WA581703

INTERSTATE TAGGING ZONE - NIL

CONDITIONS

LICENCE CONDITIONS FORM A PART OF THIS LICENCE AND AFFECT THE SHARE
AND EXTRACTION COMPONENTS. CONDITION STATEMENTS ARE AVAILABLE FROM
WATERNSW

NOTES

A WATER LICENCE INFORMATION SHEET IS AVAILABLE FROM THE WATERNSW
WEBSITE WWW.WATERNSW.COM.AU AND SHOULD BE REFERRED TO IN INTERPRETING
THIS LICENCE.

WATERNSW PHONE 1300 662 077, EMAIL CUSTOMER.HELPDESK@WATERNSW.COM.AU

LICENCE REFERENCE NUMBER: 60AL581702

PREVIOUS WATER ACT LICENCE NUMBER(S): 60SA001991.

*** END OF SEARCH ***

18-0428

PRINTED ON 23/8/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Information about a water licence or approval

Use this tool to search for information about water licences and approvals issued under the *Water Act 1912* or *Water Management Act 2000*.

Select the type of licence or approval and enter the licence or approval number:

- **Water access licence (WAL):** a WAL number starts with the letters 'WAL' followed by several numbers; a WAL also has a reference number that starts with a two digit number, followed by 'AL' and then several numbers.
- **1912 water licence:** a water licence number starts with a two digit number, followed by a two letter code and then several numbers. Note: a PT reference number cannot be entered.
- **Approval:** an approval number starts with a two digit number, followed by a two letter code (WA, UA, CA or FW) and then several numbers.

Search for information about either a:

☒ Water access licence (WAL) issued under the *Water Management Act 2000*

Water Access Licence (WAL) Number

WAL 10929

A WAL number starts with the letters 'WAL' followed by several numbers

Can't find your WAL number? Do you have a reference number? A reference number starts with a two digit number, followed by 'AL' and then several numbers. Use the following tool to find your WAL by entering your reference number. [Enter the reference number to find the WAL number.](#)

Notes:

The search results will list the conditions imposed on the water access licence. Any approved water supply work/s nominated on the water access licence are identified by the approval number/s for the work/s.

The information about a water access licence provided in the search results is a summary and may not always be up to date. If you require full and up to date details about a particular water access licence (including current holders, share and extraction component details, encumbrances and notations) you should search the [Water Access Licence Register](#) administered by NSW Land Registry Services.

- ☐ *Water Act 1912* Licences and Authorities
- ☐ Approval issued under the *Water Management Act 2000*

Find out if a *Water Act 1912* licence has been converted

- ☐ Water licence conversion status

« Previous Search

Print Export

Search Results

Category Status Water Source
[Subcategory]

Tenure Management Zone
Type

Share
Components
(units or ML)

Domestic And Stock[Domestic]	Current	New South Wales Murray Regulated River Water Source	Specific Purpose	That Part Of The Water Source Downstream Of The River Murray At Picnic Point	78.00
---------------------------------	---------	---	---------------------	--	-------

Extraction Times or Rates

Subject to conditions water may be taken at any time or rate

Nominated Work Approval(s)

60WA581703

- Conditions**Plan Conditions**

Water sharing plan **NSW Murray and Lower Darling Regulated Rivers Water Sources**

Take of water

MW3574-00001 Before water is taken under this access licence a water order must be placed and confirmed by WaterNSW.

Use of water

MA2455-00011 Water must be used for the purpose of domestic consumption.

Monitoring and recording

MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:
A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
B. the access licence number under which the water is taken, and
C. the approval number under which the water is taken, and
D. the volume of water taken for domestic consumption and/or stock watering.

MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.

Reporting

MW0051-00003 Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable. The Minister must be notified by:
A. email: water.enquiries@dpi.nsw.gov.au,
or
B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

Other Conditions

NIL

Disclaimer: WaterNSW is making the information available on the understanding that it does not warrant that the information is suitable for any intended use. In using the information supplied, the user acknowledges that they are responsible for any deductions or conclusions arrived at from interpretation of the data.

Privacy: The information provided is limited to meet the requirements of section 57 of the *Privacy and Personal Information Act 1998*.

Exporting and printing: Search results show a maximum of 50 rows per page. Search results can only be printed page by page.

More information: Should you require further information or technical assistance, please submit your request to water.enquiries@waternsw.com.au or contact 1300 662 077

Information about a water licence or approval

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- **1912 water licence:** a water licence number starts with a two digit number, followed by a two letter code and then several numbers. Note: a PT reference number cannot be entered.
- **Approval:** an approval number starts with a two digit number, followed by a two letter code (WA, UA, CA or FW) and then several numbers.

Search for information about either a:

- ☐ Water access licence (WAL) issued under the *Water Management Act 2000*
- ☐ *Water Act 1912* Licences and Authorities

☒ Approval issued under the *Water Management Act 2000*

Approval Number

60 ▼

WA ▼

581703

Notes: The search results will list the conditions imposed on the approval and also list the number/s of any water access licence/s that nominate the water supply works associated with the approval.

This search tool does not include information about controlled activity approvals. Information publicly available from a register of controlled activity approvals is available at our local offices.

Find out if a *Water Act 1912* licence has been converted

- ☐ Water licence conversion status

◀ Previous Search

Print 12/19/2019

Search Results

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Joint Water Supply Works	01-JUL-2004	30-JUN-2027	60WA581703	Current	New South Wales Murray Regulated River Water Source

Work Type	Description	No of Works	Location (Lot/DP)
Diversion Works - Pumps	125mm Centrifugal Pump	1	Lot 1, DP 803099
Diversion Works - Pumps	200mm Centrifugal Pump	2	Lot 1, DP 803099

Water Access Licences nominating these works

Reference Number	WAL Number
------------------	------------

60AL581701	10928
60AL581702	10929
60AL582252	13835
60AL582438	16262
60AL582440	16134
60AL582466	16163
60AL583089	31020
60AL583139	36233
60AL583255	37352
60AL583392	41605

- Conditions

Plan Conditions

Water sharing plan **NSW Murray and Lower Darling Regulated Rivers Water Sources**

Take of water

MW0655-00001 Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.

MW2452-00001 Water must be taken through metering equipment that meets the following requirements:
 A. the metering equipment must accurately measure and record the flow of all water taken through the water supply work authorised by this approval,
 B. the metering equipment must comply with the Australian Standard AS 4747: 'Meters for non-urban supply', as may be updated from time to time,
 C. the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and
 D. the metering equipment must be operated and maintained in a proper and efficient manner at all times.

Water management works

MW3192-00001 Where government-provided metering equipment has been installed on a water supply work(s) authorised by this approval, any water taken using the work(s) must be taken through this approved metering equipment.

MW0491-00001 When a water supply work authorised by this approval is to be abandoned or replaced, the approval holder must contact the relevant licensor in writing to verify whether the work must be decommissioned.

The work is to be decommissioned, unless the approval holder receives notice from the Minister not to do so.

Within sixty (60) days of decommissioning, the approval holder must notify the relevant licensor in writing that the work has been decommissioned.

Monitoring and recording

MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

MW2336-00001 The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.

MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:

- A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
- B. the access licence number under which the water is taken, and
- C. the approval number under which the water is taken, and
- D. the volume of water taken for domestic consumption and/or stock watering.

MW0482-00001 Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.

MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.

Reporting

MW0051-00001 Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable. The Minister must be notified by:

- A. email: water.enquiries@dpi.nsw.gov.au,
- or
- B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

Other Conditions

Water management works

DK0888-00001 Any water supply work authorised by this approval used for the purpose of conveying, diverting or storing water must be constructed or installed to allow free passage of floodwaters flowing into or from a river or lake.

DS2349-00001 The approval holder must make all reasonable efforts not to allow any used water to discharge, by any means including surface or subsurface drains or pipes, into or onto:

- any adjoining public or crown road;
- any other person's land;
- any Crown land;
- any river, creek or watercourse or aquifer.

Disclaimer: WaterNSW is making the information available on the understanding that it does not warrant that the information is suitable for any intended use. In using the information supplied, the user acknowledges that they are responsible for any deductions or conclusions arrived at from interpretation of the data.

Privacy: The information provided is limited to meet the requirements of section 57 of the *Privacy and Personal Information Act 1998*.

Exporting and printing: Search results show a maximum of 50 rows per page. Search results can only be printed page by page.

More information: Should you require further information or technical assistance, please submit your request to water.enquiries@waternsw.com.au or contact 1300 662 077



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10928

SEARCH DATE	TIME	EDITION NO	DATE
19/2/2019	11:52 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

WARNING NOTE: INFORMATION ON THIS REGISTER IS NOT GUARANTEED

TENURE TYPE: CONTINUING

HOLDER(S)

ILARIO DIMASI

IN 282/5840 SHARE

MARIA ROSA TERESA DIMASI

IN 282/5840 SHARE

ELIZABETH DE MARIA

IN 684/5840 SHARE

ANTONIO DE MARIA

IN 684/5840 SHARE

OSEIK HOLDINGS PTY LTD

IN 1728/5840 SHARE

MOURQUONG RIDGE PTY LTD

IN 650/5840 SHARE

COLIN IAN NANKIVELL

IN 311/5840 SHARE

HENDRIKUS ANTONIUS DEWYSE

IN 58/5840 SHARE

ILARIO MACRI

IN 29/5840 SHARE

CARMEN MARIA MACRI

IN 29/5840 SHARE

FRANK MACRI

IN 50/5840 SHARE

VINCENZO DE MARIA

IN 29/5840 SHARE

CAROLE LYNETTE DE MARIA

IN 29/5840 SHARE

DIRECTOR GENERAL, DEPARTMENT OF EDUCATION (BURONGA PUBLIC
SCHOOL)

IN 72/5840 SHARE

ROBERT CRAIG TWADDLE

IN 36/5840 SHARE

JULIE ANNE TWADDLE

IN 36/5840 SHARE

SUSAN LYN NANKIVELL

IN 311/5840 SHARE

END OF PAGE 1 - CONTINUED OVER

18-0428

PRINTED ON 19/2/2019

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10928

PAGE 2

HOLDER(S) (CONTINUED)

MONTANA SIMONETTA
NORMAN FRANK SIMONETTA
AS JOINT TENANTS IN 482/5840 SHARE
ROSE ANNE GRIFFITHS
IN 58/5840 SHARE
AS TENANTS IN COMMON

ENCUMBRANCES (18 ENCUMBRANCES)

- 1 TERM TRANSFER: NIL
- * 2 AD246227 INSTRUCTION. MORTGAGE (SEE CLAUSE 19 SCHEDULE 10 WMA 2000) 5356183 TO BENDIGO BANK LIMITED AS REGARDS THE HOLDING OF ILARIO MACRI & CARMEN MARIA MACRI
 - * 3 AE215309 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE OF ANTONIO DE MARIA AND ELIZABETH DE MARIA
 - * 4 AE215310 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE OF VINCENZO DE MARIA
 - * 5 AE215311 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE OF OSEIK HOLDINGS PTY LTD
 - * 6 AE215312 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE OF MOURQUONG RIDGE PTY LTD
 - * 7 AE923166 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE HOLDING OF OSEIK HOLDINGS PTY LTD
 - * 8 AF458538 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE INTEREST OF NORMAN FRANK SIMONETTA & MONTANA SIMONETTA
 - * 9 AG262887 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED FOR WAL 24037
 - * 10 AG467090 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED FOR WAL 27473
 - * 11 AG976738 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED FOR WAL 31020
 - * 12 AH610797 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED FOR WAL 36233
 - * 13 AI649705 MORTGAGE TO RABOBANK AUSTRALIA LIMITED AS REGARDS THE SHARE HOLDING OF COLIN IAN NANKIVELL AND SUSAN LYNN NANKIVELL
 - * 14 AJ721255 MORTGAGE TO NEW SOUTH WALES RURAL ASSISTANCE AUTHORITY AS REGARDS THE SHARE HOLDING OF COLIN IAN NANKIVELL AND SUSAN LYN NANKIVELL
 - * 15 AJ848897 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED FOR WAL 37352
 - * 16 AK736629 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED AS REGARDS THE SHARE HOLDINGS OF ILARIO DIMASI AND MARIA ROSA TERESA DIMASI

END OF PAGE 2 - CONTINUED OVER

18-0428

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

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ENCUMBRANCES (18 ENCUMBRANCES) (CONTINUED)

- * 17 AM816853 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED
FOR WAL 41570
- * 18 AM906344 NEW WATER ACCESS LICENCE FOLIOS HAVE BEEN CREATED
FOR WAL 41605

NOTATIONS

LICENCE CERTIFICATE NOT ISSUED. DEALINGS MAY BE REGISTERED. SEE
NOTES. SECURITY INTERESTS NOT RECORDED HEREON MAY EXIST THAT
AFFECT THIS ACCESS LICENCE. A SEARCH OF NSW LRS RECORDS (AND ASIC
RECORDS FOR COMPANY CHARGES) IS RECOMMENDED.

UNREGISTERED DEALINGS: NIL

ACCESS LICENCE DETAILS

CATEGORY: REGULATED RIVER (HIGH SECURITY)

SHARE COMPONENT:

SHARE - 2920 UNITS

WATER SOURCE - NEW SOUTH WALES MURRAY REGULATED RIVER WATER
SOURCE

WATER SHARING PLAN - NEW SOUTH WALES MURRAY AND LOWER DARLING
REGULATED RIVERS WATER SOURCES 2016

EXTRACTION COMPONENT:

TIMES/RATES/CIRCUMSTANCES - SUBJECT TO THE CONDITIONS OF THE
WATER ACCESS LICENCE

EXTRACTION FROM - RIVER, LAKE OR SURFACE WATER RUNOFF

EXTRACTION ZONE - THAT PART OF THE WATER SOURCE DOWNSTREAM OF
THE RIVER MURRAY AT PICNIC POINT

NOMINATED WORKS:

WORK APPROVAL NUMBER(S) - 60WA581703

INTERSTATE TAGGING ZONE - NIL

CONDITIONS

LICENCE CONDITIONS FORM A PART OF THIS LICENCE AND AFFECT THE SHARE
AND EXTRACTION COMPONENTS. CONDITION STATEMENTS ARE AVAILABLE FROM
WATERNSW

NOTES

A WATER LICENCE INFORMATION SHEET IS AVAILABLE FROM THE WATERNSW
WEBSITE WWW.WATERNSW.COM.AU AND SHOULD BE REFERRED TO IN INTERPRETING

END OF PAGE 3 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: WAL10928

PAGE 4

NOTES (CONTINUED)

THIS LICENCE.

WATERNSW PHONE 1300 662 077, EMAIL CUSTOMER.HELPDESK@WATERNSW.COM.AU

LICENCE REFERENCE NUMBER: 60AL581701

PREVIOUS WATER ACT LICENCE NUMBER(S): 60SA001991.

*** END OF SEARCH ***

18-0428

PRINTED ON 19/2/2019

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.
InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

NSW Water Register

Search Results

Category [Subcategory]	Status	Water Source	Tenure Type	Management Zone	Share Components (units or ML)
Regulated River (High Security)	Current	New South Wales Murray Regulated River Water Source	Continuing	That Part Of The Water Source Downstream Of The River Murray At Picnic Point	2,920.00

Extraction Times or Rates

Subject to conditions water may be taken at any time or rate

Nominated Work Approval(s)

60WA581703

- Conditions

Plan Conditions

Water sharing plan NSW Murray and Lower Darling Regulated Rivers Water Sources

Take of water

MW3574-00001 Before water is taken under this access licence a water order must be placed and confirmed by WaterNSW.

Monitoring and recording

MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:
A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
B. the access licence number under which the water is taken, and
C. the approval number under which the water is taken, and
D. the volume of water taken for domestic consumption and/or stock watering.

MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.

Reporting

MW0051-00003 Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable. The Minister must be notified by:
A. email: water.enquiries@dpi.nsw.gov.au,
or
B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

Other Conditions

NIL

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Privacy: The information provided is limited to meet the requirements of section 57 of the *Privacy and Personal Information Act 1998*.

[Contact us](#)

Issued On 23/9/02
 Receipt No: A16285 for \$ 70

CO-OPERATIVES ACT 1992

FEES ARE \$10.00 PER LODGEMENT OF SPECIAL RESOLUTION/RULE ALTERATION TO A MAX OF \$70.00

APPLICATION TO REGISTER SPECIAL RESOLUTION/RULE ALTERATION (TO BE SUBMITTED IN DUPLICATE)

Registered name of co-operative MOURQUONG CO-OPERATIVE RURAL SOCIETY LTD.
 A.R.B.N. (if applicable) 36 699 199 153

Details of the resolution

Please tick boxes which apply

Board resolution ☐ yes ☐ no
 Special resolution ☒ yes ☐ no

How was the special resolution passed? ☒ By members in general meeting
☐ By postal ballot
☐ By special postal ballot

Does the resolution alter the rules of the Co-operative? yes ☒ no ☐

If no, specify purpose of resolution

RECEIVED

23 SEP 2002

Details of the *Meeting/Postal Ballot/Special Postal Ballot

Date resolution was passed (d/m/y)

9/9/02

REGISTRY OF CO-OPS

Place of *meeting/~~declaration of ballot~~

BURONGA PUBLIC SCHOOL LIBRARY
CHAPMAN ST BURONGA

Statutory Declaration

I do solemnly and sincerely declare.

- (1) That the information contained herein (and in any annexure to this form) is true and correct.
- (2) That the provisions of the Co-operatives Act 1992, the Regulation made under that Act and the Rules of the co-operative relating to the calling and conduct of (~~*meetings/postal ballots/special postal ballots~~) and the passing of (~~*special resolutions/board resolutions~~) were duly complied with.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900.

This form must be signed by a Director of the co-operative, who was present at the meeting at which the resolution was passed, or by the Returning Officer where the resolution was passed by a postal ballot or by a special postal ballot.

sign here

Vince DeMara

Colin Nankivell

print name

VINCE DEMARA

COLIN NANKIVELL

*Director/Returning Officer

Declared before me at BURONGA NSW this NINTH day of September, 2002

(Justice of the Peace, Solicitor, Notary Public or Commissioner for Affidavits)

• Delete if not applicable



Application for Registration of Resolution

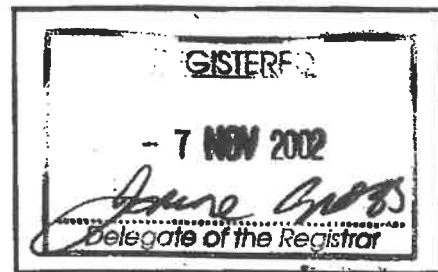
PART A

In the case of a special resolution/board resolution amending a rule please include the full text of the rule in its altered form inclusive of all paragraphs, below the resolution altering the rule.

Insert below the exact wording of the special resolution/board resolution as duly passed.

It was resolved:

SEE ANNEXURE "A"

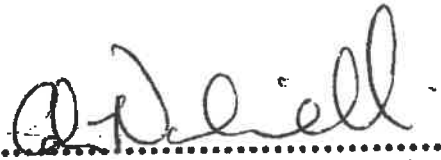


(for Registry use only)

Note:

- (1) Where there is insufficient space on this form the resolution may be specified in an annexure to this form.
- (2) Where a postal ballot or special postal ballot is conducted a copy of the entry in the minute book of the returning officers declaration is to be attached by way of annexure.
- (3) Where the resolution is specified in an annexure the following requirements will apply:
 - (i) identify annexure with a mark such as "A", "B", "C" etc;
 - (ii) endorse the annexure with the words:
"This annexure (mark) of (number) pages referred to in part A of the application for registration of a special resolution/rule alteration signed by us and dated";
 - (iii) the annexure must be signed by the same persons who signed the form.
- (4) Special attention is drawn to Division 2 of Part 8 of the Co-operatives Act 1992 as to the passing of resolutions.
- (5) The board of a Co-operative may only alter the rules of a co-operative by board resolution pursuant to Section 112 of the Co-operatives Act 1992.

This annexure A of 54 pages referred to in part A of the application for registration of a special resolution/rule alteration signed by us and dated 9/9/02



Director

COLIN NANIKIVELL

9/9/02



Secretary

Vince DeMaria

9/9/02



It was resolved:

"That the Members of the Mourquong Co-Operative Rural Society Limited adopt the new rules as a whole document as attached, including Rule 18 being the new Active Membership provision. Further, the Secretary shall lodge the new rules with the NSW Co-Operatives Registry for registration."



RULES OF

MOURQUONG CO-OPERATIVE RURAL SOCIETY LIMITED

A Trading Share Co-operative

REGISTERED UNDER THE CO-OPERATIVES ACT 1992 (N.S.W.)

**REGISTRY OF CO-OPERATIVES
154 Russell Street
BATHURST NSW 2795**

DX 3123 BATHURST

(Code: T/S: 02/2001)

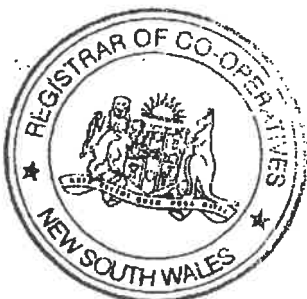
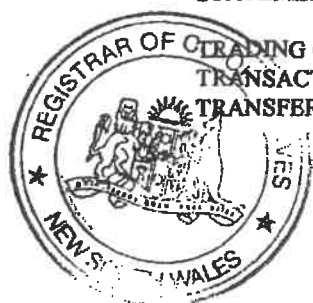


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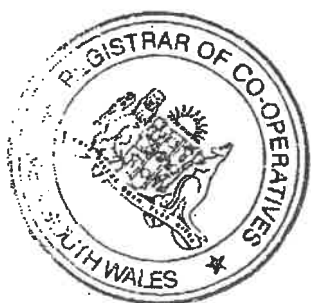
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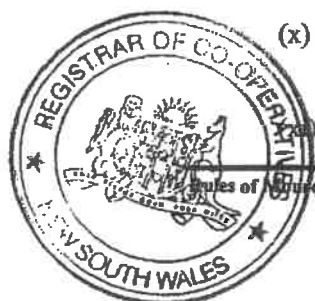
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DEFINITIONS

1. In these rules, unless the context otherwise requires:

- (i) **"active member"** means a member who is in active membership within the provisions of Rule 18;
- (ii) **"alter"** or similar word or expression used in relation to a rule amendment includes add to, substitute, and rescind;
- (iii) **"auditor"** means an auditor or auditors for the time being of the co-operative appointed in accordance with Rule 91;
- (iv) **"banking account"** includes an account with a credit union or building society registered, or authorised to operate, under the Australian Prudential Regulation Authority Act and the Banking Act into which the co-operative's monies may be paid;
- (v) **"business day"** means a day that is not a Saturday or Sunday or a public holiday or bank holiday in New South Wales;
- (vi) **"CCU"** means Co-operative Capital Unit issued in accordance with these rules;
- (vii) **"debenture"** means a document issued by the co-operative that evidences or acknowledges indebtedness of the co-operative in respect of money that is or may be deposited with or lent to the co-operative, whether constituting a charge on property of the co-operative or not, other than:
 - (A) a cheque, order for the payment of money or bill of exchange; or
 - (B) a promissory note having a face value of not less than \$50,000; or
 - (C) any other document of a class that is prescribed as exempt from this definition,
 and includes a unit of a debenture;
- (viii) **"director"** includes:
 - (A) a person who occupies or acts in the position of a director or member of the board of the co-operative, whether or not the person is called a director and whether or not the person is validly appointed or duly authorised to act in the position; and
 - (B) a person in accordance with whose directions or instructions the directors or members of the board of the co-operative are accustomed to act;
- (ix) **"financial year"** means the financial year of the co-operative as specified in Rule 88;
- (x) **"may"** or a similar word or expression used in relation to a power of the board indicates that the power may be exercised or not exercised at the board's discretion;
- "member"** means a member of the co-operative;



- (xii) **"month"** means a calendar month;
- (xiii) **"officer"** means:
 - (A) a director, secretary or employee of the co-operative; or
 - (B) a person who is concerned, or takes part, in the management of the co-operative, whether or not as a director; or
 - (C) a receiver, or receiver and manager, of property of the co-operative, or any other authorised person who enters into possession or assumes control of property of the co-operative for the purpose of enforcing any charge; or
 - (D) an administrator of a deed of arrangement executed by the co-operative; or
 - (E) a liquidator or provisional liquidator appointed in a voluntary winding up of the co-operative; or
 - (F) an administrator of the co-operative appointed under Part 5.3A of the Corporations Law as applying under this Act or Division 6 of Part 12 of the Act; or
 - (G) a trustee or other person administering a compromise or arrangement made between the co-operative and another person or other persons;
- (xiv) **"postal ballot"** includes a special postal ballot;
- (xv) **"prescribed"** means prescribed by the Act or under the Act by Regulation;
- (xvi) **"provision"** in relation to the Act, means words or other matter that form or forms part of the Act, and includes:
 - (A) a chapter, part, division, subdivision, section, subsection, paragraph, subparagraph, sub-subparagraph or schedule of or to the Act; and
 - (B) a section, clause, subclause, item, column, table or form of or in a schedule to the Act; and
 - (C) the long title and any preamble to the Act;
- (xvii) **"regulation"** means a regulation made under the Act, and any regulation that applies to a co-operative by way of a transitional regulation made under the Act;
- (xviii) **"relevant interest"** has the same meaning as given in Schedule 2 of the Act;
- (xix) **"rules"** mean the registered rules of the co-operative as amended from time to time and reference to particular rules has a corresponding meaning;
- (xx) **"shall"** or a similar word or expression used in relation to a power of the board indicates that the power must be exercised, subject to the Act or the rule granting the power;
- (xxi) **"share"** means share in the capital of the co-operative;



- (xxii) "special resolution" means a resolution which is passed in accordance with Rule 66;
- (xxiii) "the Act" means the Co-operatives Act 1992;
- (xxiv) "the board" means the whole or any number of the directors assembled at a meeting of the directors or transacting business in accordance with Rule 74, being not less than a quorum or a majority, as the case may be;
- (xxv) "the co-operative" means Mourquong Co-operative Rural Society Limited;
- (xxvi) "the Law" means the Corporations Law;
- (xxvii) "the Registrar" means the Registrar of Co-operatives or any person delegated the Registrar's functions;
- (xxviii) "the secretary" means any person appointed by the board as secretary of the co-operative;
- (xxix) "the State" means the State of New South Wales;
- (xxx) "writing" includes printing, typing, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning;
- (xxxi) Words importing one gender include the other genders;
- (xxxii) Words importing persons include bodies corporate;
- (xxxiii) Words in the singular include the plural, and vice versa;
- (xxxiv) Words or expressions used have the same meanings as those given to them by the Act.

DEFINITIONS - INTERPRETATION PROVISIONS

- 2. (a) A reference in these rules to "the Act" includes a reference to:
 - (i) the Act as originally enacted, and as amended from time to time since its original enactment; and
 - (ii) if the Act has been repealed since the inclusion of the reference in these rules - the legislation enacted in substitution of the Act (whether legislation of the State or Federal Parliament) and as amended from time to time since its enactment.
- (b) A reference in these rules to a provision in "the Act" includes a reference to:
 - (i) the provision as originally enacted, and as amended from time to time since the original enactment;
 - (ii) if the provision has been omitted and re-enacted (with or without modification) since the enactment of the reference - the provision as re-enacted and as amended from time to time since its re-enactment; and



- (iii) if the provision has been omitted and replaced with a new provision dealing with the same area of law or procedure - the new provision as enacted and as amended from time to time since its enactment.
- (c) (i) In the interpretation of a rule, or paragraph of a rule, the interpretation that will best achieve the purpose of the rule is to be preferred to any other interpretation.
- (ii) This provision applies whether or not the purpose is expressly stated in the rule or paragraph of the rule.
- (d) In these rules, unless the context indicates a contrary intention, headings are for convenience and do not affect interpretation.

NAME

- 3. (a) The name of the co-operative shall be **Mourquong Co-operative Rural Society Limited**.
- (b) The co-operative may, in accordance with Section 259 of the Act, change its name by way of a special resolution to a name approved by the Registrar.

TRADING CO-OPERATIVE

- 4. The co-operative is a trading co-operative within the meaning of Section 14 of the Act.

REGISTERED OFFICE

- 5. (a) The co-operative must cause a notice to be conspicuously and publicly displayed at the premises of registered office which states the name of the co-operative and identifies the premises as its registered office.
- (b) The board shall notify the Registrar of any change of address of the registered office of the co-operative within 28 days after the change, and on the form approved by the Registrar.

RULES

- 6. (a) The rules of the co-operative have the effect of a contract under seal:
 - (i) between the co-operative and each member;
 - (ii) between the co-operative and each director; and
 - (iii) between a member and each other member.



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Under the contract, each of those persons agrees to observe and perform the provisions of the rules as in force for the time being so far as those provisions are applicable to that person.

- (b) (i) A member shall be entitled on demand to a copy of the rules upon payment of a sum not exceeding that specified in the Schedule of Fees.
- (ii) A person may inspect a copy of these rules free of charge at the office where the registers are kept, during all reasonable hours.

RULE ALTERATIONS

- 7. (a) The rules may be altered by a special resolution, by a resolution of the board in accordance with Section 112 of the Act or as otherwise permitted by the Act. No alteration to these rules takes effect until the alteration is registered by the Registrar.
- (b) Where any rule is altered, by way of a board resolution under Section 112 of the Act, the co-operative must cause the alteration to be notified, in writing, to members as soon as practicable after the alteration is registered and, in any event, not later than the date on which notice is given to the members of the next annual general meeting of the co-operative, following the registration of the alteration.

BY-LAWS

- 8. (a) The board shall have power to make by-laws, not inconsistent with the Act, the Regulations and the Rules, relating to the conduct of members on the premises of the co-operative or to the operations of the co-operative.
- (b) A breach of a by-law shall be deemed to be an infringement of the rules for the purposes of fines.

OBJECTS

- 9. The objects of the co-operative shall be:
 - (a) to provide and maintain in a proper state of efficiency irrigation works in the Mourquong area;
 - (b) to take and divert water from any lake, swamp, marsh, river, creek, water-course or reservoir and supply the same to members;
 - (c) to, from time to time, declare in respect of all rateable land a water rate or charge of such uniform amount per acre per annum as may be determined by these rules and also fix a scale of charges for water by measure at a uniform rate per unit of supply;
 - (d) to, from time to time, erect, construct, maintain, alter or discontinue any reservoirs, water-works, cisterns, tanks, aqueducts, channels, drains, cuts, sluices, pipes, culverts and other works and buildings;
- to construct weir and dams in any river creek or water-course.



POWERS

10. (a) The co-operative shall have, both within and outside the State, the legal capacity of a natural person and have all the powers allowed by or under the Act, including but not limited to the taking of deposits pursuant to Section 263A of the Act.
- (b) The powers of the co-operative to:
 - (i) obtain financial accommodation; and
 - (ii) give security for the repayment of money,
 shall be exercised subject to the Act, but otherwise unlimited by the rules.

POWER TO FORM COMPANIES, ENTER JOINT VENTURES ETC

11. Without limiting the provisions of Rule 10, and subject to the provisions of the Law, the co-operative has power:
 - (i) to form or participate in the formation of a body corporate or unit trust;
 - (ii) to acquire interests in and sell or otherwise dispose of interests in bodies corporate, unit trusts and joint ventures; and
 - (iii) to form or enter into a partnership, joint venture or other association with other persons or bodies,
 in furtherance of the co-operative's primary activity.

LOANS BY MEMBERS TO THE CO-OPERATIVE

12. (a) The co-operative may, in accordance with Section 268 of the Act, require its members to lend money to the co-operative, with or without security, in accordance with a proposal approved by the Registrar and by the members by special resolution.
- (b) The approved proposal shall be binding on all members at the date of the passing of the special resolution other than a member who has given notice of their intention to cease active membership in accordance with Section 268(3)(c) of the Act and on all persons who become members of the co-operative after that date and before the total amount of the loan to be raised has been raised.



DEALINGS OF MEMBERS WITH CO-OPERATIVE

13. (a) The co-operative may, in accordance with Section 78 of the Act, make a contract with a member requiring the member to have specified dealings with the co-operative for a fixed period.
- (b) The provisions of the contract may require a member:
- (i) to sell products through or to the co-operative; or
 - (ii) to obtain supplies or services through or from the co-operative; or
 - (iii) to pay to the co-operative specified sums as liquidated damages for any failure to comply with a requirement authorised by this rule.
- (c) The sum, if any, specified as liquidated damages is to be considered as a debt due to the co-operative and in respect of such debt, the co-operative has, pursuant to Section 80 of the Act, a charge on each of the following:
- (i) the share or interest in the capital and the credit balance and deposits of the member or past member;
 - (ii) any dividend, interest, bonus or rebate payable to the member or past member;
 - (iii) any entry and periodic fees required to be repaid to a member when the member ceases to be a member.
- The charge created pursuant to Section 80 of the Act shall be enforced in accordance with that section.
- (d) Nothing in this rule shall be interpreted as restricting the powers of the co-operative to enter into contracts with a member or members other than pursuant to the provisions of this rule.

SEAL

14. (a) The co-operative shall, as required by Section 258(1)(a) of the Act, have the name of the co-operative appear in legible characters on its Common Seal and on any Official Seal and the Australian Registered Body Number of the Co-operative, if required under the Law. The Common Seal shall be kept at the registered office in such custody as the board shall direct.
- (b) The co-operative may, pursuant to Section 49 of the Act, have for use in place of its Common Seal outside the State, one or more Official Seals. Each of the additional seals must be a facsimile of the Common Seal with the addition on its face of the name of the place where it is to be used.
- (c) The Common Seal of the co-operative shall not be affixed to any instrument except by resolution of the board. The seal must be affixed by a director of the co-operative in the presence of another director or officer of the co-operative.



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- (d) The person affixing the Official Seal must certify in writing on the instrument to which it is affixed, the date and place at which it is affixed.

CO-OPERATIVE MAY AUTHORISE AGENT OR ATTORNEY TO EXECUTE DEEDS

15. (a) The co-operative may, by writing under its Common Seal, empower its agent or attorney (either generally or in respect of a specified matter or specified matters) to execute deeds on its behalf.
- (b) A deed signed by such an agent or attorney on behalf of the co-operative and under the agent's or attorney's seal, or under the appropriate official seal of the co-operative, binds the co-operative and has effect as if it were under the Common Seal of the co-operative.
- (c) The authority of such an agent or attorney, as between the co-operative and a person dealing with the agent or attorney, continues during the period (if any) mentioned in the instrument conferring the authority or, if no period is so mentioned, until notice of the revocation or termination of the agent's or attorney's authority has been given to the person dealing with the agent or attorney.
- (d) Where an agent or attorney affixes an Official Seal to an instrument, the person must comply with Rule 14(d).

CUSTODY AND INSPECTION OF RECORDS AND REGISTERS

16. (a) The co-operative must have at the registered office, subject to Rule 17, and available during all reasonable hours for inspection by *any member* free of charge the following:
 - (i) a copy of the Act and the Regulation;
 - (ii) a copy of the rules of the co-operative;
 - (iii) a copy of the minutes of each general meeting of the co-operative;
 - (iv) a copy of the last annual report of the co-operative under Section 252 of the Act;
 - (v) the register of directors, members and shares, and
 if applicable:
 - (vi) the register of names of persons who have given loans or deposits to or hold securities, debentures or CCUs given or issued by the co-operative;
 - (vii) the register of any loans made by or guaranteed by the co-operative, and of any securities taken by the co-operative;
 - (viii) the register of memberships cancelled under Part 6 of the Act;



- (ix) the register of notifiable interests required to be kept under Section 294 of the Act;
 - (x) the register of subordinated debt required to be kept under Clause 16(3)(b) of the Co-operatives Regulation 1997; and
 - (xi) such other registers as the regulation provides are to be open for inspection.
- (b) A member is entitled to make a copy of entries in a register specified in subsection (a) and to do so free of charge or on the payment of a fee if required under Rule 103, Schedule of Fees.
- (c) The co-operative must have at the place where the registers are kept and available during all reasonable hours for inspection by *any person*:
- (i) a copy of the Act and the Regulation;
 - (ii) a copy of the rules of the co-operative;
 - (iii) a copy of the last annual report of the co-operative under Section 252 of the Act.

NOTIFICATION OF OFFICE ADDRESS AT WHICH REGISTERS ARE KEPT

17. If the registers required by Section 249(1) of the Act to be kept by the co-operative are not kept at the registered office, the co-operative must lodge with the Registrar a notice of the address at which the register is kept within 28 days after the register is:
- (i) established at an office which is not the co-operative's registered office; or
 - (ii) moved from one office to another.

ACTIVE MEMBERSHIP PROVISION

18. In accordance with Part 6 of the Act:
- (i) The supply of rural irrigation water and related services to members of the co-operative is the primary activity of the co-operative; and
 - (ii) a member must purchase rural irrigation water from the co-operative on at least one occasion each calendar year to maintain active membership of the co-operative.

FORFEITURES AND CANCELLATIONS RELATING TO INACTIVE MEMBERS

19. (a) The board shall, after giving notice in accordance with Section 132 of the Act, declare the membership of a member cancelled if:
- (i) the whereabouts of the member are not presently known to the co-operative and have not been known to the co-operative for a continuous period of at least 3 years before the date of cancellation; or

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- (ii) the member is not presently an active member and has not been an active member at any time during the past 3 years immediately before the date of cancellation.
- (b) The board is to declare the shares of a member forfeited at the same time as the membership is cancelled and the amounts due in respect of that cancellation and forfeiture shall be dealt with and repaid in accordance with Sections 134 - 136 (inclusive) of the Act.
- (c) The co-operative shall, in a form approved of by the Registrar, keep a register of memberships cancelled pursuant to paragraph (a) of this Rule, which shall specify the particulars prescribed in Clause 6 of Schedule 1 of the Co-operatives Regulation 1997.
- (d) The board shall not be required to give notice, under this rule, if the member's whereabouts are unknown to the co-operative and the amount required to be repaid to the member in respect of the cancelled membership (whether by reason of the cancellation of share or otherwise) does not exceed \$50, or such other amount as may be prescribed.

QUALIFICATIONS FOR MEMBERSHIP

- 20. A person is not qualified to be admitted to membership of the co-operative unless the board has reasonable grounds for believing that the person will be an active member under Rule 18; and
 - (a) Every member with a horticultural holding consisting of ten acres or more in the Mourquong area shall have three thousand shares issued to him in the first share issue; or
 - (b) Every member with a small farm consisting of less than ten acres in the Mourquong area shall have three hundred and thirty-three shares issued to him in the first share issue.

APPLICANTS FOR MEMBERSHIP TO BE GIVEN NOTICE OF ENTRY AND PERIODIC FEES

- 21. The co-operative must supply, with each application for membership, a written notice of any intending or prescribed entry or periodic fees that a person will be liable to pay on becoming a member of the co-operative.

APPLICATION FOR MEMBERSHIP AND SHARES

- 22. (a) The board of a co-operative must provide each person intending to become a member of the co-operative with:
 - (i) a disclosure statement containing:



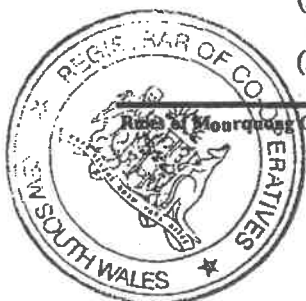
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- (A) a statement which sets out the rights and liabilities attached to shares;
 - (B) a copy of the last annual report of the co-operative, prepared as required under Section 252 of the Act;
 - (C) any other relevant information concerning the financial position and prospects of the co-operative if there has been a significant change since the date of the last annual report; and
 - (D) any other information that the Registrar directs;
- (ii) a consolidated copy of the rules of the co-operative; and
 - (iii) a copy of all special resolutions applicable to the member passed by the members of the co-operative, except special resolutions providing for an alteration of the rules of the co-operative; and
- (b) Applications for membership, shares or bonus or additional shares shall be lodged at the registered office, in or to the effect of the form approved by the board, together with the amount required.
 - (c) Every application shall be considered by the board. If the board approves of the application, the board shall allot the shares applied for. The applicant's name together with the number of shares allotted, date of allotment and any other information required by or under the Act shall be entered in the register of members. The applicant shall be notified in writing of the allotment and of the entry in the register and shall then be entitled to the privileges attaching to membership, or to the holding of shares, or bonus or additional shares, as is appropriate to the case.
 - (d) The board may, at its discretion, refuse any application for membership or shares, other than additional shares the subject of a compulsory issue under Rule 30, and need assign no reasons for such refusal though the board may choose to give reasons, if the board considers it appropriate to do so. Upon refusal the applicant's deposit shall be refunded without interest.
 - (e) In considering an application for membership pursuant to this rule, the board must ensure that a person who is not qualified for membership of the co-operative under Rule 20 is not admitted as a member.

MEMBERS OF THE CO-OPERATIVE

23. The members of the co-operative are:

- (i) those persons who signed the application for registration of the co-operative; and
- (ii) those persons admitted to membership in accordance with Rule 22; and
- (iii) those persons who become members by:
 - (A) a transfer of engagements to the co-operative; or
 - (B) a scheme of arrangement; or



- (C) operation of law; or
- (D) a transfer of shares under Rule 44.

CAPITAL AND SHARES

24. (a) The capital of the co-operative shall be raised by the issue of shares which shall be of one class, all ranking equally, and be of nominal value of \$2.00 each.
- (b) The capital shall vary in amount according to the nominal value of shares from time to time subscribed.
- (c) No share is to be allotted (other than a bonus share) unless at least 10% of the nominal value of the share has been paid. A share is not to be issued at a discount.
- (d) No person, whether or not a member, shall hold, or have a relevant interest in, more than 20% of the nominal value of issued share capital of the co-operative, except in accordance with Section 289 of the Act.
- (e) The co-operative may issue shares at a premium in accordance with Section 151 of the Act.
- (f) Shares of the co-operative shall not be quoted for sale or purchase at any stock exchange or in any other public manner whatever, within the meaning of the Income Tax Assessment Act 1936 (Cwlth).

MINIMUM SHAREHOLDING

25. Every member shall, on admission to membership of the co-operative, hold at least five (5) share(s).

SHARES TO BE FORFEITED TO REMEDY CONTRAVENTION OF MAXIMUM LEVEL OF SHARE INTEREST

26. (a) Where a person (whether or not a member of the co-operative) contravenes Rule 24(d), the board shall declare to be forfeited sufficient number of the shares in which the person has a relevant interest to remedy the contravention.
- (b) The shares to be forfeited pursuant to this rule are:
 - (i) the shares nominated by the person for the purpose; or
 - (ii) in the absence of such nomination - the shares in which the person has had a relevant interest for the shortest time.
- (c) A declaration of the board that shares are forfeited operates to forfeit the shares concerned.



- (d) The provisions of Sections 134 - 136 (inclusive) of the Act shall apply to and in respect of shares forfeited under this rule as if the shares had been forfeited under Rule 19.

NOTICE TO BE GIVEN OF SUBSTANTIAL SHARE INTEREST AND SUBSTANTIAL CHANGE IN SHARE INTEREST

27. (a) A person must give notice in writing to the co-operative within 5 business days after becoming aware that the person has a substantial share interest in the co-operative.
- (b) A person who has a substantial share interest in the co-operative must give notice in writing to the co-operative within 5 business days after becoming aware that a substantial change has occurred in that interest.
- (c) A person who has ceased to have a substantial share interest in the co-operative must give notice in writing to the co-operative within 5 business days after becoming aware that the person has ceased to have that interest.
- (d) For the purposes of this rule:
- (i) A person has a substantial share interest in the co-operative if the nominal value of the shares in which the person has a relevant interest represents 5% or more of the nominal value of the issued share capital of the co-operative.
- (ii) A substantial change takes place in a person's share interest in the co-operative if there is an increase or decrease in the number of shares in which the person has a relevant interest and the increase or decrease represents at least 1% of the nominal value of the issued share capital of the co-operative.
- (iii) "Notice" means a notice in the form approved by the Registrar, specifying the particulars prescribed by the Co-operatives Regulation 1997.

REGISTER OF NOTIFIABLE INTERESTS

28. (a) The co-operative is to keep a register of notifiable interests, which is to be entered in alphabetical order, of the names of persons from whom the co-operative has received a notification under Rules 27 and 35 together with the information contained in the notification.
- (b) The register kept for the purpose of this rule shall be open for inspection:
- (i) by any member, free of charge; and
- (ii) by any other person free of charge or on the payment of a fee if required under Rule 103, Schedule of Fees.



BONUS SHARES

29. (a) Bonus shares may be issued by the co-operative in accordance with the Act and these rules.
- (b) The co-operative may issue bonus shares to members of the co-operative if the assets of the co-operative (other than those acquired for resale at a profit):
- (i) have been sold at a profit; or
 - (ii) have been revalued at a greater value than that disclosed prior to the revaluation in the books of the co-operative.
- (c) Bonus shares may be issued subject to the following restrictions:
- (i) each issue must have been approved by a special resolution of the co-operative;
 - (ii) they are to be issued as fully paid up shares with no payment required to be made by a member of the co-operative to whom they are issued;
 - (iii) they are to be issued only in respect of shares that are fully paid up as at the date of issue of the bonus shares; and
 - (iv) the total nominal value of bonus shares issued by a co-operative under this rule during any 12 month period must not exceed 20% or such other percentage as may be prescribed of the nominal value of the issued share capital of the co-operative immediately before the date of issue of the bonus shares.
- (d) Notice of the meeting or postal ballot at which a resolution is to be proposed as a special resolution for the purpose of approving a bonus share issue must be accompanied by the documents specified in Section 156(3) of the Act.

COMPULSORY SHARE ACQUISITION

30. (a) The board may require a member to take up, or subscribe for, additional shares in accordance with a proposal approved by a special resolution of the co-operative in accordance with Section 155 of the Act.
- (b) Any proposal to require a member to take up or subscribe for additional shares must:
- (i) be accompanied by a disclosure statement, approved by the Registrar, that explains the purpose for which the funds raised by the issue of the additional shares are to be used; and
 - (ii) clearly show the total number of additional shares to be issued and the basis on which the shares are to be apportioned amongst members; and
 - (iii) be accompanied by a statement informing the member that the member may inform the board by notice on or before the date specified in the statement (being a date before the passing of the special resolution) that the member resigns on the passing of the special resolution.



- (c) A proposal approved by the members shall be binding:
 - (i) on all members at the date of the passing of the special resolution other than a member who has given a notice of their intention to cease active membership in accordance with Rule 30(b)(iii);
 - (ii) on all persons who become members after the passing of the special resolution, and before the total number of shares to be issued (as per the proposal) has been issued.

PURCHASE OF MEMBERS' SHARES

31. (a) Subject to Section 172 of the Act the co-operative may:
- (i) purchase any share of a member at the request of the member; and
 - (ii) repay to a member, with the member's consent, the whole or any part of the amount paid up on any share held by the member when the sum repaid is not required for the activities of the co-operative.
- (b) The co-operative shall cancel any share purchased or repaid in full by the co-operative.
- (c) The co-operative shall not, in any financial year, repurchase shares or repay the amount paid up on shares, or both, if the amount to be paid by the co-operative exceeds the sum of:
- (i) 5% of the nominal value of the issued share capital of the co-operative immediately before the commencement of that financial year; and
 - (ii) the amount of any additional share capital of the co-operative subscribed for during that year,
- unless exempted by written order of the Co-operatives Council, either unconditionally or subject to conditions.
- (d) The amount paid for a share when it is repurchased may be an amount determined by the board which is less than the nominal value of the share if the books of the co-operative disclose that the amount paid is the net shareholder's equity per share in the undertaking of the co-operative.
- (e) Section 172 of the Act does not apply to any member who has been expelled or had his/her membership cancelled under Rule 19.
- (f) The board must not agree to repurchase shares or repay amounts paid up on shares if:
- (i) the repurchase or repayment is likely to cause the co-operative to become insolvent; or
 - (ii) the co-operative is insolvent.



- (g) If the board is of the opinion that to pay the repurchase price would adversely affect the financial position of the co-operative it can:
 - (i) if it is a deposit-taking co-operative, apply the amount as an interest bearing deposit by the member with the co-operative; or
 - (ii) allot or issue debentures or CCUs of the co-operative to the member in satisfaction of the amount.
- (h) A deposit, debenture, or CCU issued pursuant to (g) shall:
 - (i) bear interest during any period in accordance with Section 173 of the Act; and
 - (ii) be repaid to the member as soon as, in the board's opinion, such repayment would not adversely affect the financial position of the co-operative, and in any case within 10 years.

LIABILITY OF MEMBERS TO THE CO-OPERATIVE

- 32. (a) A member shall, in accordance with Section 76 of the Act, be liable to the co-operative for the amount, if any, unpaid on the shares held by that member, together with any charges, including entry and periodic fees, payable by the member to the co-operative as required by these rules.
- (b) On the death of a member, the member's estate is subject to the same liability as the member would have been until the member's personal representative or some other person is registered in the member's place.
- (c) The joint holders of a share shall be jointly and severally liable in respect of any such amount unpaid on shares and to any such charges referred to in paragraph (a).

VOTING RIGHTS

- 33. (a) Except as otherwise provided in these rules, an active member of the co-operative shall have one vote only in respect of any question or motion arising at a general meeting of the co-operative.
- (b) A member's right to vote is a personal right and is not attached to, or conferred by, any share held by the member in the co-operative.
- (c) In the case of joint membership, the joint members shall have one (1) vote only between them and that vote may only be exercised (subject to the grant of any proxy in accordance with Rule 36 or power of attorney) by the joint member whose name appears first in the register of members.
- (d) If shares are held jointly, each member (other than a joint member) holding the share is entitled to vote at a general meeting.
- (e) A person is not entitled to exercise, under a power of attorney, the power of a member of the co-operative to vote if the person has that power of attorney in respect of another member of the co-operative under another power of attorney.



- (f) A person is not entitled to exercise, as the representative of a body corporate, the power of a body corporate member of the co-operative to vote if the person has the power as the representative of another body corporate member of the co-operative.
- (g)
 - (i) A person must not directly or indirectly control the right to vote of a member.
 - (ii) If a person controls the exercise of the right to vote of a member at a meeting of the co-operative;
 - (A) the vote of that member; and
 - (B) the vote of that person, if that person is a member,
 are invalid.
 - (iii) Nothing in Rule 33(g) prevents the exercise of a vote by means of a proxy or power of attorney.
- (h) Any vote cast by or on behalf of a member of a co-operative when not entitled to vote is to be disregarded.

EFFECT OF RELEVANT SHARE AND VOTING INTEREST ON VOTING RIGHTS.

- 34. (a) A member is not entitled to vote if another person (whether or not a member of the co-operative) has a relevant interest in any share held by the member or in the right to vote of the member.
- (b) A member who is not entitled to vote because of this rule may apply to the Co-operatives Council for a review of the matter.
- (c) Where the Co-operatives Council orders that the member is entitled to vote, the member's right to vote shall be restored.

NOTICE TO BE GIVEN OF VOTING INTEREST

- 35. (a) A person (whether or not a member of the co-operative) must give notice in writing to the co-operative within 5 business days of becoming aware that the person has, or has ceased to have, a relevant interest in the right to vote of a member in the co-operative.
- (b) For the purposes of this rule, "notice" means a notice which contains the prescribed particulars as set out in Clause 24 of the Co-operatives Regulation 1997.

PROXY VOTES

- 36. (a) The instrument appointing a proxy shall be in writing under the hand of the appointer, or of the appointer's attorney, duly authorised in writing.

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- (b) An instrument appointing a proxy may specify the manner in which the proxy is to vote in respect of a particular resolution and, where an instrument of proxy so provides, the proxy is not entitled to vote on the resolution except as specified in the instrument.
- (c) No person shall act as a proxy unless the person is an active member under Rule 18.
- (d) No person shall act as proxy for more than 10 persons unless the instrument appointing a proxy specifies the manner in which the proxy is to vote in respect of a particular resolution.
- (e) An instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.
- (f) An instrument appointing a proxy may be in the following form, or any other form which the board shall approve:

PROXY FORM

I/we _____
 of _____
 appoint _____
 of _____
 or in that person's absence _____
 of _____

or [in that person's absence] the chairperson of the meeting, or a person nominated by the chairperson,

as my/our proxy to vote for me/us on my/our behalf at the [Annual/Special] General Meeting of the co-operative to be held on _____ 20____ and at any adjournment of that meeting.

I/We direct my/our proxy to vote in respect of each resolution to be considered as indicated with an "X" below, and to vote or abstain in respect of any procedural resolution as my/our proxy thinks fit.

	FOR	AGAINST
[Ordinary/Special] resolution No. 1	[]	[]
[Ordinary/Special] resolution No. 2	[]	[]

If no direction is given above, I/we authorise my/our proxy to vote or abstain as my/our proxy thinks fit in respect of each resolution (including any procedural resolution) to be considered by the meeting and any adjournment of the meeting.



Dated _____ 20____

Signature _____

Corporate members should execute under seal or by attorney.

- (g) Where an instrument of proxy is signed by all of the joint members, the vote of the proxy so appointed shall be accepted as the vote of the joint member whose name appears first in the register of members.

INSTRUMENT APPOINTING PROXY TO BE LODGED AT REGISTERED OFFICE

37. (a) An instrument appointing a proxy is not valid unless:
- (i) the instrument; and
 - (ii) if the instrument is signed by the appointer's attorney - the authority under which the form was signed, or a notarially certified copy of the authority,
- is deposited at the registered office of the co-operative.
- (b) The documentation required to be given under this rule must be deposited at the registered office:
- (i) at least 48 hours before the meeting at which the proxy may be used; or
 - (ii) in the case of a poll - at least 24 hours before the taking of the poll.

REVOCATION OF INSTRUMENT APPOINTING PROXY

38. A vote given in accordance with the terms of an instrument of proxy, or of a power of attorney, is valid notwithstanding the previous death or unsoundness of mind of the principal, the revocation of the instrument (or of the authority under which the instrument was executed) or the power, if no intimation in writing of the death, unsoundness of mind or revocation has been received by the co-operative at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used or the power is exercised.

STATEMENT OF SHARES

39. (a) Every person whose name is entered as a member in the register of members shall be given, after application and without payment, a share statement certifying the number of shares held by the person and the amount paid up on those shares.
- (b) Where shares are held jointly by several persons the co-operative shall not be bound to issue more than one share statement, and delivery of a statement to one of the joint holders shall be sufficient delivery to all.



- (c) If a share statement is defaced, lost or destroyed a duplicate may be issued by the co-operative on payment of a fee, if required under the Schedule of Fees (see Rule 103), and on such terms as to evidence and indemnity as the board thinks fit.

CALLS ON SHARES

40. (a) (i) The board may from time to time make calls upon the members in respect of any monies unpaid on the shares of members (whether on account of the nominal value of the shares or by way of premiums) which are not required by the terms of issue to be paid at fixed times. A call is not valid unless the board gives at least 14 days notice to the members, specifying the time or times of payment. No call shall exceed one-quarter ($1/4$) of the nominal value of the shares or be payable at less than one month from the last call.
- (ii) Each member, on receiving notice under this rule, shall pay to the co-operative at the time or times so specified the amount called on the member's shares.
- (iii) The joint holders of a share shall be jointly and severally liable to pay all calls in respect of that share.
- (iv) If a sum called in respect of a share is not paid before or on the day appointed for payment, the person from whom the sum is due shall pay interest upon the sum at the rate of 8% per annum from the day appointed for the payment to the time of actual payment. The board may waive payment of that interest wholly or in part.
- (v) The board may, on the issue of shares, differentiate between the shareholders in the amount of calls to be made and in the times of payment.
- (vi) The directors may revoke or postpone a call.
- (vii) The board may accept from any member willing to advance, all or any part of the money uncalled and unpaid upon any shares held by that member. Upon all or any of the money advanced, the board may pay interest to cover the time between the advancement and the time that the money would otherwise have been payable on the shares. The rate of interest can be agreed between the member and the board.
- (b) (i) Any sum that, by the terms of issue of a share, becomes payable on allotment or at a fixed date, whether on account of the nominal value of the share or by way of premium, shall for the purposes of these rules be deemed to be a call duly made and payable on the date on which by the terms of issue the sum becomes payable.
- (ii) In the case of non-payment, the provisions of Rules 40(a) and 41 as to payment of interest and expenses, forfeiture or otherwise apply as if the sum had become payable by virtue of a call duly made and notified.



DEFAULT IN PAYMENT OF CALLS

41. (a) If a member fails to pay any call or instalment of a call by the day appointed for payment, the board may, while any part of the call or instalment remains unpaid, serve a notice on the member requiring payment of the unpaid amount together with any interest which may have accrued.
- (b) The notice shall name a further day (not earlier than 14 days from the date of the notice) by which the payment required by the notice is to be made. The notice shall also state that if there is no payment by that time the shares for which the call was made may be forfeited.
- (c) If the requirements of the notice are not complied with by the member, then any share for which the notice has been given may, at any time afterwards, be forfeited by a resolution of the board.

FORFEITED SHARES

42. (a) A person whose shares have been forfeited pursuant to these rules shall cease to be a member in respect of the forfeited shares. However, that person shall remain liable to pay to the co-operative all moneys which (as at the date of forfeiture) were payable by the person to the co-operative in respect of the shares, in addition to the calls in default.
- (b) A statutory declaration in writing by a director of the co-operative stating that a share in the co-operative has been forfeited on a date stated in the declaration, shall be conclusive evidence of that fact as against all persons claiming to be entitled to the share.
- (c) The co-operative shall, pursuant to Section 80 of the Act, have a charge upon the paid up amounts of the forfeited shares and may appropriate those amounts pursuant to that section.

SALE OF SHARES BY BOARD

43. (a) The co-operative may sell in such manner as the directors think fit all or any shares on which the co-operative has a charge, pursuant to Section 80 of the Act. However, no sale shall be made unless a sum in respect of which the charge exists is payable at the date of the sale. Also no sale shall be made until the expiration of 14 days after a notice in writing (stating, and demanding payment of, such part of the amount in respect of which the charge exists as is payable at the date when the notice is given) has been given to the registered holder of the share or the person entitled to it by reason of death or bankruptcy. The notice shall indicate that upon failure to make payment of the sum demanded within the time stipulated the shares will be sold by the board.
- (b) Where the highest offer received by the board is less than the amount paid up on shares to be sold, the board shall, before accepting the offer, notify the member of the receipt of such offer and the amount of the offer, and of the board's intention to accept the offer at the expiration of 14 days, if no payment is made before then to the co-operative of all moneys in respect of which the charge exists.



- (c) From the proceeds of any such sale the co-operative may deduct the expenses, if any, associated with the sale and may apply the balance to reduce the liability of the member. However, if a surplus remains after such deduction the surplus shall be payable to the member whose shares were sold.
- (d) For giving effect to any such sale the board may authorise a person to transfer the shares sold to the purchaser.

TRANSFER AND TRANSMISSION OF SHARES

44. (a) The instrument of transfer of any share shall be executed by or on behalf of the transferor and the transferee. The transferor shall be deemed to remain the holder of the share until the name of the transferee is entered in the register of members.
- (b) Shares shall be transferred in the following form or in a usual or common form which the board shall approve:

SHARE TRANSFER FORM

I, A.B. of _____

in consideration of the sum of \$ _____

paid to me by C.D., of _____

("the transferee") do transfer to the transferee the share (or shares) numbered _____

in the Mourquong Co-operative Rural Society Limited, to hold on behalf of the transferee, the transferee's heirs, executors, administrators and assigns, subject to the conditions on which I hold the same at the time of the execution of this transfer.

I, the transferee, agree to take the said share (or shares) subject to the conditions on which the transferor holds the share (or shares) and subject to the rules of Mourquong Co-operative Rural Society Limited, as amended from time to time.

As witness our hands, the _____ day of _____ 20____

Signed by

_____, transferor.

In the presence of _____, witness.

Signed by

_____, transferee.

In the presence of _____, witness.

A share may not be sold or transferred except:



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- (i) with the consent of the board, and to a person who is qualified to be admitted to membership of the co-operative under Rules 18 and 20; or
 - (ii) as otherwise provided by these rules or the Act.
- (d) The board may decline to register any transfer of shares to a person not qualified to be a member under Rule 20 or of whom they do not approve. The board may also decline to register any transfer of shares on which the co-operative has a lien or charge. If the board refuses to register a transfer of shares it shall send notice of the refusal to the transferee within 2 weeks after the date on which the board declined to register the transfer.
- (e) The board of the co-operative shall not consent to the sale or transfer of shares to a person in contravention of Rule 24(d).
- (f) The board may decline to recognise any instrument of transfer unless:
- (i) a fee, if required under Rule 103, Schedule of Fees, is paid to the co-operative for the transfer; and
 - (ii) the instrument of transfer is accompanied by the certificate (if any) of the shares to which it relates, and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer.
- (g) The board shall have a record of all transfers made in the proper books of the co-operative.
- (h) The board may suspend the registration of transfers during the 14 days immediately preceding the annual general meeting in each year.

EFFECT OF SALE, TRANSFER OR DISPOSAL OF SHARES

45. A member who has sold or transferred, or disposed of the beneficial interest in, that member's shares, or has agreed to do any of those things, is not entitled to vote at any meeting of the co-operative.

DEATH OF MEMBER

46. (a) The board may register as the holder of a share, a trustee, executor or administrator of the estate of a dead person who was the registered holder of the share in the co-operative, or where the deceased member is entitled in equity to a share, with the consent of the holder of the share.
- (b) (i) On the death of a member, the member's share in the co-operative cannot be transferred to a person other than an administrator or executor except with the consent of the board of the co-operative;
- (ii) The board may only give its consent under Rule 46(b)(i) if there are reasonable grounds for believing that the person will be an active member of the co-operative, and

- (A) the person is the personal representative of the deceased member; or



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- (B) the person is a person who is specified by the deceased person's representative in an application made to the co-operative within 3 months after the death of the member.

REGISTRATION OF OFFICIAL TRUSTEE IN BANKRUPTCY

47. (a) Where a member is declared bankrupt, the Official Trustee in Bankruptcy may be registered as the holder of the share held by the bankrupt member.
- (b) The board may register the Official Trustee in Bankruptcy as the holder of a share in which a bankrupt member has an entitlement in equity, with the consent of the holder of the share.

REGISTRATION AS ADMINISTRATOR OF ESTATE ON INCAPACITY OF MEMBER

48. (a) A person appointed under a law of a State or Territory to administer the estate of another person who, through mental or physical infirmity, is incapable of managing their affairs, may be registered as the holder of a share held by the incapable person whose estate the appointed person is administering.
- (b) The board may register the Administrator of the estate of an incapacitated member as the holder of a share in which the incapacitated member has an entitlement in equity, with the consent of the holder of the share.

ENTITLEMENTS AND LIABILITIES OF PERSON REGISTERED AS TRUSTEE, ADMINISTRATOR ETC

49. (a) A person who is entitled to a share by reason of the death, bankruptcy or the incapacity of the holder shall be entitled to the dividends and other advantages to which that person would be entitled if the person were the registered holder of the share. However, before being registered as a member in respect of the share, the person shall not be entitled to exercise any right conferred by membership in relation to meetings of the co-operative.
- (b) A person registered pursuant to Rules 46, 47 and 48 is, while so registered, subject to the same liabilities in respect of the share as those to which that person would have been subject if the share had remained, or had been registered in the name of the deceased person, the incapable person or the bankrupt person.

EXPULSION OF MEMBERS

50. (a) A member may be expelled from the co-operative by special resolution to the effect:
- (i) that the member has failed to discharge the member's obligations to the co-operative, whether prescribed by these rules or arising out of any contract; or
- (ii) that the member has been guilty of conduct detrimental to the co-operative.



- (b) In either case written notice of the proposed resolution shall be forwarded to the member not less than 14 days before the date of the meeting at which the special resolution is to be moved, and the member shall be given a reasonable opportunity of being heard at the meeting.
- (c) The shares of any member expelled shall be cancelled as at the date of expulsion and the cancellation shall be noted in the register of shares.
- (d) Expulsion of a member shall not be effective, until the special resolution expelling the member is registered.

REPAYMENT OF EXPELLED MEMBERS' SHARE CAPITAL

51. (a) Subject to paragraph (b) of this rule, the co-operative shall pay to the expelled member, the amount of capital paid up on the member's shares at the time of expulsion (less any amount owing by the member to the co-operative).
- (b) For the purposes of this rule "deficiency" shall mean the amount of accumulated loss or deficiency disclosed in the last preceding balance sheet of the co-operative. Where such a deficiency exists an appropriate proportion of the loss or deficiency must be deducted from the amount of capital paid up on the shares of the expelled member. This shall be done having regard to the number of such shares in relation to the number of shares in the co-operative.
- (c) Payment to the expelled member shall be made at such time as shall be determined by the board in its discretion but not later than twelve (12) months from the date of expulsion.
- (d) An expelled member shall not be re-admitted as a member unless such re-admission is approved by special resolution. A member so re-admitted shall not have the shares restored which were cancelled on the member's expulsion.

APPROVAL OF BOARD FOR TRANSFER OF DEBENTURES

52. (a) A debenture of a co-operative cannot be sold or transferred except with the consent of the board.
- (b) The instrument of transfer of any debenture shall be executed by or on behalf of the transferor and the transferee. The transferor shall be deemed to remain the holder of the debenture until the name of the transferee is entered in the register of debentures held by the co-operative.
- (c) Debentures shall be transferred in the following form or in a usual or common form which the board shall approve:

DEBENTURE TRANSFER FORM

I, A.B. of _____

in consideration of the sum of \$ _____

_____ Hoerquong Co-operative Rural Society Limited



paid to me by C.D., of _____

("the transferee") do transfer to the transferee the debenture (or debentures) numbered _____

_____ in the Mourquong Co-operative Rural Society Limited, to hold on behalf of the transferee, the transferee's heirs, executors, administrators and assigns, subject to the conditions on which I hold the same at the time of the execution of this transfer.

I, the transferee, agree to take the said debenture (or debentures) subject to the conditions on which the transferor holds the debenture (or debentures) and subject to the rules of Mourquong Co-operative Rural Society Limited, as amended from time to time.

As witness our hands, the _____ day of _____ 20____

Signed by

_____, transferor.

In the presence of _____, witness.

Signed by

_____, transferee.

In the presence of _____, witness.

- (d) The board may decline to register any transfer of debentures. If the board refuses to register a transfer of debentures it shall send notice of the refusal to the transferee within 2 weeks after the date on which the board declined to register the transfer.
- (e) The board may decline to recognise any instrument of transfer unless:
 - (i) a fee, if required under Rule 104 Schedule of Fees, is paid to the co-operative for the transfer; and
 - (ii) the instrument of transfer is accompanied by the certificate (if any) of the debentures to which it relates, and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer.
- (f) The board shall have a record of all transfers made in the proper books of the co-operative.

CEASING MEMBERSHIP

53. A person shall cease to be a member in any of the following circumstances:

- (i) if the member's membership is cancelled under Rule 19;



- (ii) if the member is expelled in accordance with Rule 50;
- (iii) if the member becomes bankrupt or becomes subject to control under the law relating to bankruptcy;
- (iv) on death of the member;
- (v) if the contract of membership is rescinded on the ground of misrepresentation or mistake;
- (vi) if the member gives notice of the member's intention to resign from the co-operative, given by the member, to the Board.
 ~~EXCLUDED NOT REGISTERED~~ **EXCLUDED NOT REGISTERED** ~~EXCLUDED NOT REGISTERED~~
- (vii) if the member's share is transferred to another person and the transferee is registered as the holder of the share in accordance with these Rules;
- (viii) if the member's share is forfeited in accordance with the provisions of the Act or the provisions of these rules, other than a forfeiture to remedy a contravention of Rule 24(d);
- (ix) if the member's share is purchased by the co-operative in accordance with Rule 31; and
- (x) if the amount paid up on the member's share is repaid to the member in accordance with the provisions of these rules;
- (xi) in the case of a member that is a body corporate, if the body is dissolved.

ANNUAL GENERAL MEETINGS

54. (a) A general meeting of the co-operative to be known as the "annual general meeting" shall, as provided in Section 198 of the Act, be held each year on a date and a time determined by the board as long as it is within five (5) months after the close of the financial year of the co-operative, or within such further time as may be allowed by the Registrar.
- (b) All general meetings of the co-operative other than the annual general meeting shall be special general meetings, and shall be held at such place as the board nominates.
- (c) If an annual general meeting is not held in accordance with paragraph (a) of this rule, the members may, in accordance with Section 202 of the Act and Rule 56, requisition such a meeting.

CONVENING SPECIAL GENERAL MEETINGS

55. The board may, whenever it thinks fit, convene a special general meeting of the co-operative.



REQUISITION OF GENERAL MEETINGS

56. (a) The board must convene a general meeting of the Co-operative on the requisition in writing by active members who together are able to cast at least 20% of the total number of votes to be cast at a meeting of the Co-operative.
- (b) The requisition must:
 - (i) state the objects of the meeting; and
 - (ii) be signed by the requisitioning members and may consist of several documents in like form each signed by one or more of the requisitioning members; and
 - (iii) be served on the Co-operative by being lodged at the registered office of the Co-operative.

REQUISITIONED MEETING MUST BE CONVENED AS SOON AS PRACTICAL

57. (a) A meeting requisitioned by members in accordance with Rule 56 must be convened and held as soon as practicable and, in any case, must be held within 2 months after the requisition is served.
- (b) Where the board does not convene a meeting twenty-one (21) days after the requisition is served, the following provisions apply:
 - (i) the requisitioning members (or any of them representing at least half their aggregate voting rights) may convene the meeting in the same manner as nearly as possible as meetings are convened by the board;
 - (ii) for that purpose they may request the co-operative to supply a written statement setting out the names and addresses of the persons entitled when the requisition was served to receive notice of general meetings of the co-operative;
 - (iii) the board must send the requested statement to the requisitioning members within 7 days after the request for the statement is made;
 - (iv) the meeting convened by the requisitioning members must be held not later than 3 months after the requisition is served;
 - (v) any reasonable expenses incurred by the requisitioning members because of the board's failure to convene the meeting must be paid by the co-operative;
 - (vi) any such amount required to be paid by the co-operative is to be retained by the co-operative out of any money due from the co-operative by way of fees or other remuneration in respect of their services to such of the directors as were in default.



NOTICE OF GENERAL MEETINGS

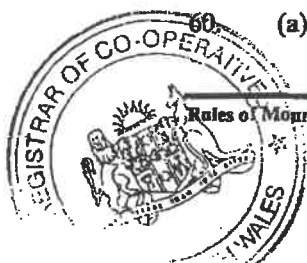
58. (a) Subject to Rule 59, at least 14 days notice (not including the day on which the notice is served or deemed to be served, but including the day for which notice is given) shall be given of any general meeting in the manner stipulated in Rule 100.
- (b) Notice must be given to those persons who are, under these rules entitled to receive such notices from the co-operative, but the non-receipt of the notice by any member shall not invalidate the proceedings at such general meeting. The notice must specify the place, the day and the hour of the meeting and, in the case of special business, the general nature of that business.
- (c) Any member who has a resolution to submit to a general meeting must give written notice of the terms of the resolution to the co-operative not less than 28 days prior to the date of the meeting.
- (d) The board shall have inserted in any notice convening a general meeting any business which a member has notified of intention to move and for which notification has been given in accordance with this rule.
- (e) Notice of every general meeting shall be given in the same manner as authorised in Rule 100 to:
- (i) every member of the co-operative, except those members who have not supplied to the co-operative an address or facsimile number for the giving of notices to them; and
 - (ii) every person entitled to a share in consequence of the death, incapacity or bankruptcy of a member, who, but for that member's death, incapacity or bankruptcy, would not be entitled to receive notice of the meeting; and
 - (iii) the auditor or auditors of the co-operative.
- (f) Except as provided in this rule, no other persons shall be entitled to receive notices of general meetings.

NOTICE OF SPECIAL RESOLUTIONS

59. Notice of a special resolution shall be given to those persons, entitled to receive notice under Rule 58, at least 21 days before the general meeting. The notice shall specify:
- (i) the intention to propose the resolution as a special resolution at that meeting;
 - (ii) the reason for the making of the special resolution; and
 - (iii) the effect of the special resolution if passed.

BUSINESS OF GENERAL MEETINGS

- (a) The ordinary business of the annual general meeting shall be:



- (i) to confirm minutes of the last preceding general meeting (whether annual or special); and
 - (ii) for the board, auditors, or any officers of the co-operative to present reports upon the transactions of the co-operative during the financial year, including balance sheet, trading account, profit and loss account, statement of source and application of funds, and the state of affairs at the end of that year; and
 - (iii) to declare the rates of dividends and rebates in accordance with Rule 95; and
 - (iv) to elect and determine the remuneration of directors; and
 - (v) to elect (if necessary) an auditor, or to determine the auditor's remuneration, or both; and
 - (vi) to allow members a reasonable opportunity to ask questions about or comment on the management of the co-operative and to ask the auditor or their representative questions relevant to the conduct of the audit and the preparation and content of the auditor's report.
- (b) The annual general meeting may also transact special business of which notice has been given to members in accordance with these rules.
- (c) All business of a general meeting, other than business of the annual general meeting that is by this rule termed ordinary business, should be deemed special business.

QUORUM AT GENERAL MEETINGS

61. (a) No item of business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting is considering that item.
- (b) Except where these rules state otherwise, ten (10) active members present in person and entitled to vote constitute a quorum.
- (c) If within half an hour after the appointed time for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall be adjourned to the same day in the next week at the same time and place. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting the members present shall constitute a quorum.

CHAIRPERSON AT GENERAL MEETINGS

62. (a) The chairperson, if any, of the board shall preside as chairperson at every general meeting of the co-operative.
- (b) If there is no such chairperson, or if at any meeting the chairperson is either not present within 15 minutes after the time appointed for holding the meeting or is unwilling to act as chairperson, then the members present shall choose someone from their number to be chairperson until such time as the chairperson attends or is willing to act.



- (c) The chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place. The only business that can be transacted at any adjourned meeting is the business left unfinished at the meeting from which the adjournment took place. Where a meeting is adjourned for 14 days or more notice of the adjourned meeting shall be given just as in the case of the original meeting. Apart from this requirement it shall not be necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

STANDING ORDERS AT GENERAL MEETINGS

63. (a) The following standing orders shall be observed at the co-operative's meetings, subject to any suspension of, or amendment of, or addition to, these orders adopted for the purposes of that meeting by the members present at a meeting:
- (i) the mover of a motion shall not speak for more than 10 minutes. Subsequent speakers shall be allowed 5 minutes, and the mover of the proposition 5 minutes to reply. The meeting may however by simple majority extend in a particular instance the time permitted by this rule;
 - (ii) whenever an amendment to an original motion is proposed, no second amendment shall be considered until the first amendment is disposed of;
 - (iii) if an amendment is carried, the motion as so amended shall displace the original motion and may itself be amended;
 - (iv) if an amendment is defeated, then a further amendment may be moved to the original motion. However, only one amendment shall be submitted to the meeting for discussion at one time;
 - (v) the mover of every original motion, but not of an amendment, shall have the right to reply. Immediately after this the question shall be put from the chair. No other member shall speak more than once on the same question, unless permission is given for an explanation, or where the attention of the chairperson is called to a point of order;
 - (vi) any discussion on a motion or amendment may be closed by a resolution "that the question be now put" being moved, seconded and carried. Such resolution shall be put to the meeting without debate.
- (b) Motions and amendments shall be submitted in writing, if requested by the chairperson.
- (c) Any member, or visitor invited to attend the meeting by the board, may speak on any issue at a meeting with the permission of the chairman provided that the permission may be conditional.
- (d) Standing orders may be suspended for any period by ordinary resolution.



ATTENDANCE AND VOTING AT GENERAL MEETINGS

64. (a) At any meeting of the co-operative a member, whose membership is required to be forfeited under Rule 19, is not entitled to attend.
- (b) A member of the co-operative is not entitled to vote at a meeting of the co-operative:
- (i) if the person is not an active member of the co-operative;
 - (ii) the person is excluded from voting under the Act or these rules.
- (c) At any general meeting a resolution put to the vote of the meeting shall (as provided in Section 201 of the Act) be decided on a show of hands. This is unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least 5 members. If no poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the co-operative shall be evidence of the fact. No proof is needed of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (d) If a poll is demanded, in accordance with Rule 64(c), it shall be taken in a manner which the chairperson directs. Unless the meeting is adjourned the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- A poll demanded on the election of a chairperson, or on a question of adjournment, shall be taken immediately.
- A poll demanded in accordance with Rule 64(c) may be withdrawn.
- (e) On a show of hands, or on a poll, every representative of a body corporate appointed in accordance with Section 68 of the Act, or every member (not under the age of 18) who is present at a meeting in person or represented by proxy or attorney, shall have one vote, except that on a poll every such member or person who holds shares pursuant to Rule 20 (a) shall have three votes. However, no member shall have a vote, or be entitled to vote, contrary to the Act.
- (f) In the case of joint membership, the joint members have one (1) vote only between them and that vote may be exercised (subject to the grant of any proxy or power of attorney) only by whichever of the joint members is the member whose name appears first in the register of members.
- (g) In the case of jointly held shares, each member (other than a joint member) holding the share is entitled to vote at a general meeting.
- (h) In the case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.
- (i) All resolutions, except special resolutions, shall be determined by a simple majority.



POSTAL BALLOT

65. The co-operative may hold a postal ballot to determine any issue or proposal by the members in the manner prescribed in Schedule 2 of the Co-operatives Regulation 1997.

SPECIAL RESOLUTION

66. (a) A special resolution means a resolution of which notice has been given of the intention to propose the resolution as a special resolution and which is passed either by two-thirds of the members who vote at a general meeting in person or by proxy in accordance with Rule 35; by two-thirds in a postal ballot; or by three quarters of the members who cast votes in a special postal ballot of members.
- (b) A special postal ballot for the purposes of passing a special resolution must be conducted in relation to the following matters:
- (i) a conversion of a trading co-operative to a non-trading co-operative and vice versa;
 - (ii) transfer of incorporation;
 - (iii) an acquisition or disposal of assets referred to in Section 285 of the Act;
 - (iv) the maximum permissible level of share interest in the co-operative;
 - (v) takeover;
 - (vi) merger;
 - (vii) transfer of engagements;
 - (viii) members' voluntary winding up.
- (c) A special resolution has effect from the date it is passed except in the following circumstances:
- (i) the removal of an auditor;
 - (ii) the expulsion of a member;
 - (iii) the alteration of a rule;
 - (iv) any matter for which a special resolution is required to be passed by special postal ballot (other than a special postal ballot in favour of a voluntary winding up),

in which case it has effect from the time it is registered by the Registrar.



BOARD OF DIRECTORS

67. (a) There shall be a board of seven (7) directors each of whom shall be a natural person and at least 18 years old and four (4) of whom shall be holders of shares pursuant to Rule 20 (a).
- (b) The business of the co-operative is to be managed by the board of directors, and for that purpose the board may exercise all the powers of the co-operative that are not, by the Act or these rules, required to be exercised by the co-operative in general meeting.
- (c) The acts of a director are valid despite any defect that may afterwards be discovered in the appointment or qualification of the director.

QUALIFICATIONS OF DIRECTORS

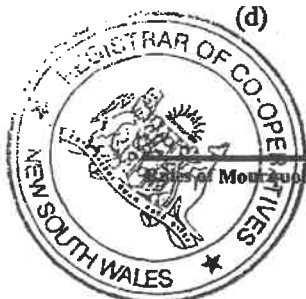
68. A person is not eligible to be elected as director of the co-operative unless the person is:
- (i) an active member of the co-operative, or a representative of a body corporate which is an active member of the co-operative (active member director); or
- (ii) an employee of the co-operative.

RETIREMENT OF DIRECTORS

69. (a) At the annual general meeting each year the directors shall retire in rotation of four (4) and three (3).
- (b) The directors to retire in any year shall (subject to the provision as to filling casual vacancies) be those who have been longest in office since their last election. As between persons who became directors on the same day, retirement shall (unless they otherwise agree among themselves) be determined by lot. In such case, the order for retirement shall be the order in which the names are withdrawn.

ELECTION OF DIRECTORS

70. (a) A retiring director shall be eligible for re-election without nomination, subject to the person holding the qualifications specified in Rule 69.
- (b) At an annual general meeting at which a director retires or a casual vacancy occurs the vacated office may be filled by electing a person to it.
- (c) Nominations for candidates to fill the vacant positions shall be sought in such manner as the board determines.
- (d) The election of directors shall be conducted by the chairperson directing, at his/her discretion, that either a show of hands or a poll be taken and determined by a simple majority.



DIRECTORS' REMUNERATION

71. (a) The directors shall receive such remuneration for their services as shall be determined at a general meeting, and all necessary expenses incurred by them in the business of the co-operative shall be refunded to them.
- (b) For the purposes of this rule "remuneration" means any money, consideration or benefit but does not include:
- (i) amounts in payment or reimbursement of out-of-pocket expenses incurred for the benefit of the co-operative or any subsidiary of the co-operative;
 - (ii) in relation to an employee director - remuneration received or due and receivable as an employee.

REQUISITION AND NOTICE OF BOARD MEETING

72. (a) A meeting of the board of directors may be called by a director giving notice individually to every other director.
- (b) Except in special circumstances determined by the chairperson, at least 48 hours notice shall be given to the directors of all meetings of the board.
- (c) Meetings of the board (including those conducted in accordance with Rule 74) must be held at least once every 3 months and may be held as often as may be necessary for properly conducting the business and operations of the co-operative.

PROCEEDINGS OF THE BOARD

73. (a) Questions arising at any board meeting shall be decided by a majority of votes.
- (b) In the case of an equality of votes, the chairperson may have a casting vote.
- (c) A director shall not vote in respect of any contract or proposed contract with the co-operative in which he is in any way, whether directly or indirectly, interested or in respect of any matter arising out of such a contract or proposed contract and, if he votes in contravention of this Rule, his vote shall not be counted.

TRANSACTION OF BUSINESS OUTSIDE BOARD MEETINGS

74. (a) The board may in accordance with Section 210 of the Act transact any of its business:
- (i) by the circulation of papers among all the members of the board, and a resolution in writing by a majority of those members is to be taken to be a decision of the board;



- (ii) at a meeting at which board members (or some board members) participate by telephone, closed-circuit television or other means, but only if any board member who communicates on a matter before the meeting can be understood by the other members of the board.
- (b) For the purposes of this rule the chairperson of the board and each member of the board have the same voting rights as they have at an ordinary meeting of the board.
- (c) A resolution approved under paragraph (a)(i) is to be recorded in the minutes of the meetings of the board.
- (d) The secretary may circulate papers among members of the board for the purposes of paragraph (a)(i) by facsimile or other transmission of the information in the papers concerned.

QUORUM FOR BOARD MEETINGS

75. The quorum for a meeting of the board shall be four (4) directors, being 50% or more of the number of directors, in accordance with Section 209(4) of the Act.

APPOINTMENT OF DIRECTORS TO CONSTITUTE A QUORUM

76. (a) A casual vacancy on the board may be filled by the directors appointing a person, or persons, to constitute a quorum until the next annual general meeting.
- (b) For the purpose of enabling the board to make such appointment(s), the number of directors at that time is deemed to be a quorum.
- (c) In all other circumstances where a casual vacancy occurs, Rule 82 applies.

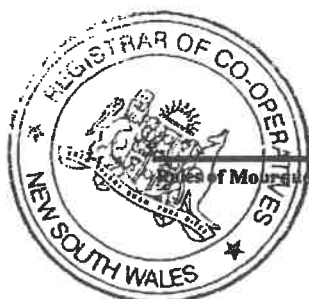
CHAIRPERSON OF BOARD

77. The chairperson of the board may be elected or removed either by the board or at a general meeting of the co-operative. However, if no such chairperson is elected, or if at any meeting the chairperson is not present within 5 minutes after the time appointed for holding the meeting, or is unwilling to act as chairperson of the meeting, the directors present may choose one of their number to be chairperson of the meeting, until such time as the chairperson attends and is willing to act in that capacity.

DELEGATION AND BOARD COMMITTEES

78. (a) The board may (in accordance with Section 213 of the Act) by resolution delegate the exercise of such of the board's functions (other than this power of delegation) as are specified in the resolution to:

- (i) a director; or
- (ii) a committee of 2 or more directors; or



- (iii) a committee of members of the co-operative; or
- (iv) a committee of members of the co-operative and other persons if members comprise the majority of persons on the committee.
- (b) The co-operative or the board may by resolution revoke wholly or in part any such delegation.
- (c) A power, the exercise of which has been delegated under this rule may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.
- (d) A delegation under this rule may be made subject to conditions or limitations as to the exercise of any of the powers delegated, or as to time or circumstance.
- (e) Notwithstanding any delegation under this rule, the board may continue to exercise all or any of the powers delegated.

EXERCISE OF DELEGATED POWER BY DIRECTORS

79. (a) Where a power is exercised by a director (either alone or with other directors) and the exercise of the power is evidenced in writing, signed by the director in the name of the board or in the director's own name on behalf of the board, then the power shall be deemed to have been exercised by the board.
- (b) Rule 79(a) applies whether or not a resolution delegating the exercise of the power to the director was in force when the power was exercised, and whether or not any conditions or limitations referred to in Rule 78(d) were observed by the director exercising the powers.
- (c) An instrument purporting to be signed by a director as referred to in Rule 79(a) shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the co-operative under seal. Furthermore, until the contrary is proved, it shall be deemed to be an instrument signed by a delegate of the board under this rule.
- (d) A committee may elect a chairperson of their meetings. If no such chairperson is elected, or, if at any meeting the chairperson is not present within 5 minutes after the time appointed for holding the meeting, then the members present may choose one of their number to be chairperson of the meeting.
- (e) A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and voting and in case of an equality of votes the chairperson shall have a second or casting vote.

REMOVAL OF DIRECTOR FROM OFFICE

The co-operative may, by ordinary resolution, remove any director before the expiration of the director's period of office, and may by a simple majority appoint another person in place



of the director. The person so appointed shall retire at the same time as the removed director would have done if not removed.

VACATION OF OFFICE OF DIRECTOR

81. A director vacates office in such circumstances (if any) as are provided in the rules of the co-operative and in any of the following cases:

- (i) if the person is an insolvent under administration (as defined in the Law);
- (ii) if the person has been convicted of an offence and that conviction disqualifies a person from being a director, as provided by Section 208 of the Act;
- (iii) if the director absents himself/herself from 3 consecutive ordinary meetings of the board without its leave;
- (iv) if the director resigns from office by notice in writing given by the director to the co-operative;
- (v) if the director is removed from office by ordinary resolution of the co-operative;
- (vi) if the person ceases to hold the qualification by reason of which the person was qualified to be a director;
- (vii) if the director becomes an employee of the co-operative, unless elected under Section 216 of the Act;
- (viii) if an administrator of the co-operative's affairs is appointed under Division 6 of Part 12 of the Act;
- (ix) as provided by Section 217 of the Act;
- (x) if the director is directly or indirectly interested in any contract or proposed contract with the co-operative and fails to declare his/her interest as required under Section 234 of the Act;
- (xi) if the director who holds an office or has an interest in property whereby, whether directly or indirectly, duties or interests might be created that could conflict with the director's duties or interests as a director and the director fails to declare the fact and the nature, character and extent of the conflict;
- (xii) if the director is removed from office, by a voluntary administrator of the co-operative appointed under Part 5.3A of the Law, as applying under Section 332 of the Act.

FILLING OF CASUAL VACANCIES

82. (a) In the event that the board does not make an appointment under Rule 76, a casual vacancy is to be filled:

- (i) by election by the members held:



Co-operative Rural Society Limited

- (A) at a meeting of the co-operative; or
- (B) by means of a postal ballot; or
- (C) in the manner specified in the rules of the co-operative for the ordinary election of directors; or
- (ii) by appointment by the directors; or
- (iii) in such other manner as the Registrar may approve in a particular case.
- (b) The person elected pursuant to Rule 82(a)(i) shall retire at the same time as the director who vacated the office would have done if that director had not vacated it.
- (c) The person appointed pursuant to Rule 82(a)(ii) shall hold office until the next annual general meeting only.
- (d) For the purposes of this rule, a casual vacancy shall arise where the office of a director is vacated in accordance with Rule 81.

DEPUTY DIRECTORS

83. (a) Any director may from time to time apply, in writing, for any active member (other than an employee of the co-operative, the auditor or a partner or employer or employee of the auditor) to be appointed by the board as a deputy director to sit in the director's place on the board.
- (b) A deputy director appointed by the board shall be entitled to notice of meetings of the directors and, in the absence of the nominating director, to attend and vote at those meetings and to sign resolutions and to exercise such powers, authorities and discretions as are vested in or would otherwise be exercisable by the nominating director.
- (c) A deputy director shall vacate office if the nominating director ceases to be a director or on a majority of the other directors removing him from office.
- (d) An appointment or removal under this rule must be in writing and notice thereof must be served on the deputy director and the appointment or removal shall take effect forthwith upon the service thereof. Service of any such notice may be effected in accordance with Rule 100.
- (e) A deputy director whilst acting in the absence of the nominating director shall not be an agent of the nominating director and the nominating director shall not be liable for the actions of the deputy director.
- (f) The remuneration of any such deputy director shall be payable out of the remuneration payable to the nominating director and shall consist of such portion of the last mentioned remuneration as shall be agreed between the deputy director and the nominating director.
- (g) The attendance of the deputy director at any meeting of the board shall be deemed to be attendance by the nominating director.



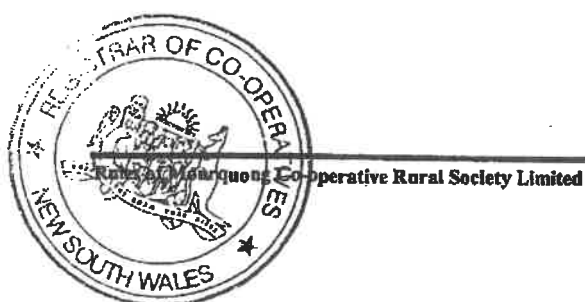
- (h) For the purposes of this rule a meeting of the directors shall include a meeting conducted pursuant to Rule 74.

OTHER COMMITTEES

84. (a) The board may by resolution appoint committees comprising of members or other persons or both, to act in an advisory role to the board and to any committees of directors.
- (b) The provisions of Rules 78(d) and (e) apply to committees appointed under this rule, subject to any variations approved of by the board.
- (c) The quorum for any meeting of the committee shall be one-half (or where one-half is not a whole number the whole number next higher than one-half) of the number of members in the committee.

MINUTES OF MEETINGS

85. (a) The board shall have minutes of meetings made in books provided for the purpose, and, in particular:
- (i) of all appointments of officers and employees made by the directors;
 - (ii) of the names of the directors present at each meeting of the board and of any committee of the board;
 - (iii) of all resolutions and proceedings at all meetings of the co-operative and of directors and of committees.
- (b) Minutes must be recorded in the minute book within 28 days of the date of the meeting to which they relate.
- (c) The confirmation of such minutes, signed by the chairperson, shall be taken as the first business at the next succeeding meeting of the co-operative, board or committee to which the minutes relate. If it is impracticable for the minutes to be confirmed at that meeting, then the minutes shall be confirmed at the next succeeding meeting.
- (d) Every director present at any meeting shall sign their name in a book to be kept for that purpose.
- (e) The minutes are to be kept in the English language.
- (f) The minutes of board meetings and subcommittee meetings are to be available for inspection by members.



OFFICERS

86. (a) Without prejudice to the general powers conferred on the board by the Act or these rules, the board shall, subject to any applicable Industrial Award or Agreement, have power to appoint, remove or suspend employees, servants, agents and contractors, and to fix their powers, duties and remuneration.
- (b) For the purposes of this rule:
- (i) "Industrial Award or Agreement" means an Award or Enterprise Agreement made or approved under a State or Federal Act regulating industrial relations;
 - (ii) "Enterprise Agreement" includes an Enterprise Flexibility Agreement, Australian Workplace Agreement, or Certified Agreement.

INSURANCE

87. The board shall arrange insurance against loss, damage to or liability of the co-operative by reason of fire, accident or otherwise.

FINANCIAL YEAR

88. The financial year of the co-operative shall end on the 30th day of June.

ACCOUNTS

89. (a) The board shall have prepared the accounts, statements and directors' report in accordance with the Corporations Law, as adopted by Clause 15 of the Co-operatives Regulation 1997.
- (b) The board shall submit those accounts, statements and report, together with the auditors' report on those accounts, to the annual general meeting of the co-operative, in accordance with the Corporations Law as adopted by Clause 15 of the Co-operatives Regulation 1997.
- (c) The board shall also have a copy of everything required to be submitted under paragraph (b) displayed at the registered office of the co-operative for a period of not less than 14 days before the date of the annual general meeting of the co-operative.
- (d) The board shall send a copy of everything required to be submitted under paragraph (b) to each member 21 days before the date of the annual general meeting of the co-operative.



The board shall have a banking account or accounts in the name of the co-operative, into which all moneys received shall be paid as soon as possible after receipt.

- (b) All cheques drawn on such accounts and all drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative, shall be signed by 2 directors or by any 2 persons authorised by the board.

APPOINTMENT, DUTIES AND RESPONSIBILITIES OF AUDITORS

91. (a) One or more auditors shall be appointed, hold office, be remunerated, be removed and have qualifications, duties and responsibilities as provided in these rules or as otherwise provided in, or permitted by, the Corporations Law as adopted by Clause 15 of the Co-operatives Regulation 1997, or any order made by the Registrar pursuant to that Regulation or Section 244(1) of the Act.
- (b) Within one month after the date on which the co-operative is registered, the directors shall appoint an auditor of the co-operative, unless the co-operative at a general meeting has already appointed an auditor. An auditor appointed under this clause shall hold office until the first annual general meeting of the co-operative.
- (c) The co-operative shall at its first annual general meeting appoint an auditor of the co-operative; and at each subsequent annual general meeting, if there is a vacancy in the office of auditor, the co-operative shall appoint an auditor to fill the vacancy.
- (d) An auditor appointed under paragraph (c) of this rule shall hold office until death or removal or resignation from office or until ceasing to be capable of acting as auditor in accordance with the Corporations Law as adopted by Clause 15 of the Co-operatives Regulation 1997.
- (e) The board shall fill any vacancy in the office of auditor, other than a vacancy caused by the removal of an auditor from office, within one month of such vacancy occurring, unless the co-operative at a general meeting has already appointed an auditor to fill the vacancy. A person or firm appointed as Auditor of the co-operative pursuant to this paragraph holds office, subject to the Corporations Law as adopted by Clause 15 of the Co-operatives Regulation 1997 until the next Annual General Meeting of the co-operative.

While a vacancy in the office of auditor continues, the surviving or continuing auditor or auditors (if any) may act.

- (f) An auditor filling a vacancy caused by the removal of the previous auditor shall be appointed by a three-quarter ($\frac{3}{4}$) majority of members at the same general meeting at which the previous auditor is removed, as long as notice of the nomination has been sent at least 7 days before the meeting to the members and nominated and current auditors. If the notice of nomination was not sent in accordance with Rule 91(h) or the resolution to appoint a new auditor is not passed, then the meeting may be adjourned 20 to 30 days later. At the adjourned meeting, the co-operative may appoint an auditor by ordinary resolution as long as notice of the nomination is received by the board from a member at least 14 clear days before the date of the adjourned meeting and the board gives notice of the nomination at least 7 days before the meeting to the members and nominated and current auditors. The auditor appointed under this subrule holds office until the next annual general meeting.

- (g) The co-operative or the board shall not appoint as auditor a person who has not consented in writing to the appointment or who has withdrawn such consent, or a



person of whose nomination notice has not been given in accordance with Rules 91(f) or (h).

- (h) Not being a meeting at which an auditor is removed from office, a co-operative is not entitled to appoint an auditor at its annual general meeting unless notice in writing of the nomination of the auditor was given to the board by a member before the meeting was convened or at least 21 days before the meeting. The board must have then given notice to the nominated and current auditors and members not less than 7 days before the meeting or at the time notice of the meeting is given.
- (i) A person is not qualified to be appointed auditor of the co-operative if:
 - (i) the person is not a registered company auditor;
 - (ii) the person or body corporate in which the person is a substantial shareholder, is indebted for an amount exceeding \$5,000 to the co-operative, to a related body corporate or to an entity that the co-operative controls; or
 - (iii) the person is:
 - (A) an officer of the co-operative;
 - (B) a partner, employer or employee of an officer of the co-operative;
 - (C) a partner of an employee of an officer of the co-operative; or
 - (D) an employee of an employee of an officer of the co-operative.
- (j) A firm is not qualified to be appointed auditor of the co-operative unless:
 - (i) at least 1 member of the firm is a registered company auditor who is ordinarily resident in Australia;
 - (ii) no member of the firm or a body corporate in which the firm is a substantial shareholder, is indebted for an amount exceeding \$5,000 to the co-operative, to a related body corporate or to an entity that the co-operative controls; or
 - (iii) no member of the firm is:
 - (A) an officer of the co-operative;
 - (B) a partner, employer or employee of an officer of the co-operative;
 - (C) a partner of an employee of an officer of the co-operative; or
 - (D) an employee of an employee of an officer of the co-operative;
 - (iv) no officer of the co-operative receives any remuneration from the firm for acting as a consultant to it on accounting or auditing matters;
 - (v) the business name under which the firm is carrying on business is registered under the Business Names Act 1962 or a return (in a form approved by the Registrar for the purpose) has been lodged, showing, in relation to each member of the firm, the member's full name and address at the time when the firm so consents, acts or prepares a report.



- (k) All reasonable fees and expenses of the auditor are payable by the co-operative.
- (l) The board shall enable the auditor to have access to all books, accounts, vouchers, securities and documents of the co-operative, and to be furnished with such information and explanation by the board members or any other officers as may be necessary for the performance of the duties of the auditor.
- (m) The auditor is entitled to attend any general meeting of the co-operative and to receive all notices of and other communications relating to any general meeting which any member of the co-operative is entitled to receive. The auditor is also entitled to be heard, at any general meeting which the auditor attends, on any part of the business of the meeting of concern to the auditor.

REMOVAL OF AUDITORS

92. (a) The auditor may be removed from office by special resolution at a general meeting.
- (b) Notice of intention to move the resolution must be given to the co-operative not less than 2 months before the meeting at which the resolution is moved, but if, after notice has been given, a meeting is convened for a date 2 months or less after notice has been given, subject to Rule 92(d), notice shall be deemed to have been properly given.
- (c) Where special notice of a resolution to remove an auditor is received by the co-operative, it shall as soon as possible send a copy of the notice to the auditor and lodge a copy of the notice with the Registrar.
- (d) The co-operative shall give notice of a resolution to remove the auditor to persons entitled to be given notice of a meeting of the co-operative at the same time and in the same manner as it gives notice of the meeting or, if that is not practicable, shall give notice of the resolution to them in any manner allowed by these rules not less than 21 days before the meeting.
- (e) Within 7 days after receiving a copy of the notice, the auditor may make representations in writing, not exceeding a reasonable length, to the co-operative and request that before the meeting at which the resolution is to be considered, a copy of the representations be sent by the co-operative at its expense to every member of the co-operative to whom notice of the meeting is sent.
- (f) Unless the Registrar on the application of the co-operative otherwise orders, the co-operative shall send a copy of the representations in accordance with the auditor's request. The auditor may require that the representations be read out at the meeting and may also speak at the meeting.
- (g) Within 14 days after the removal from office of the auditor, the Co-operative shall lodge with the Registrar a notice of the removal on the prescribed form, and, where there is a trustee for the holders of debentures of the co-operative, give to the trustee a copy of the notice lodged with the Registrar.



RESIGNATION OF AUDITOR

93. (a) The auditor may, by notice in writing given to the co-operative, resign as auditor of the co-operative if:
- (i) the auditor has, by notice in writing given to the Registrar, applied for consent to resign and stated the reasons and, at or about the same time, notified the co-operative in writing of the application; and
 - (ii) the auditor has received the consent of the Registrar.
- (b) The resignation of the auditor takes effect:
- (i) on the date (if any) specified for the purpose in the notice of resignation;
 - (ii) on the date on which the Registrar consents to the resignation; or
 - (iii) on the date (if any) fixed by the Registrar for the purpose,
- whichever last occurs.
- (c) Within 14 days after the receipt of a notice of a resignation from an auditor, the Co-operative shall lodge with the Registrar a notice of the resignation on the prescribed form, and, where there is a trustee for the holders of debentures of the co-operative, give to the trustee a copy of the notice lodged with the Registrar.

DISTRIBUTION OF SURPLUS OR RESERVES TO MEMBERS

94. (a) The board may resolve to retain all or part of the surplus arising in a year from the business of the co-operative to be applied for the benefit of the co-operative.
- (b) Subject to paragraph (a), the board may apply part of the surplus arising in a year from the business of the co-operative or any part of the reserves to:
- (i) be paid to a member by way of rebate based on the business done by the member with the co-operative; or
 - (ii) be applied by the issue of bonus shares to a member; or
 - (iii) be paid to a member by way of a limited dividend for the shares held ("limited dividend" means that the surplus allocated for distribution to members is no more than 20 cents for each dollar invested in the shares of the co-operative or as prescribed by the Regulation);
- (c) The amount of a rebate or dividend payable to a member under (b)(i) and (iii) may, with the consent of the member, be applied:
- (i) in payment for the issue to the member of bonus shares; or
 - (ii) as a loan to the co-operative.

A part of the surplus, not more than 10%, arising in any year from the business of the co-operative may be applied for:



- (i) charitable purposes; or
 - (ii) supporting any activity approved by the co-operative.
- (e) "Surplus" means the excess of income over expenditure after making appropriate allowance for taxation expense, depreciation in value of the property of the co-operative and for future contingencies.

DECLARATION OF DIVIDEND OR REBATE

95. (a) A dividend or rebate shall be declared at any general meeting of the co-operative but shall not exceed the amount recommended by the board, nor exceed the percentage permitted by the Act or Regulations.
- (b) Notice of any dividend or rebate that may have been declared shall be given by displaying it at the registered office of the co-operative and in any other manner the board shall determine.

PAYMENT OF DIVIDEND OR REBATE

96. (a) Any part of the surplus arising in any year from the business of the co-operative may be credited to any person who is not a member, but is qualified to be a member, by way of rebate in proportion to the business done by him or her with the co-operative, if:
- (i) the person was a member at the time the business was done and the membership has lapsed; or
 - (ii) the person has applied for membership after the business was done.
- (b) Nothing in this section precludes the payment of a bonus to an employee under the terms of the employee's employment.
- (c) Any dividend or rebate which shall accrue to the holder of shares on which all calls due have been paid shall be paid to that holder. However, any dividend or rebate which shall accrue to the holder of partially paid up shares shall be applied to paying off any subscriptions or calls on shares which may (at the time the dividend becomes payable) be due and unpaid by that holder.
- (d) If several persons are registered as joint holders of any share any one of them may give a valid receipt for any dividend or other money payable on or in respect of the share.
- (e) No dividend or rebate shall bear interest against the co-operative.

DETERMINATION OF DIVIDEND

97. The board may recommend:

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- (i) a higher rate of dividend in respect of shares held by a member in excess of a specified number of shares; or
- (ii) different rates of dividend on shares based on the business done by shareholders with the co-operative,

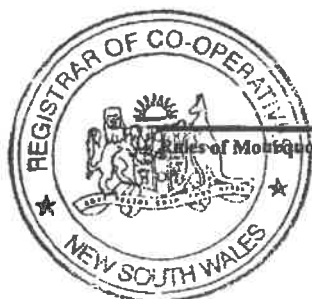
to be declared at a general meeting in accordance with Rule 96 and if declared, the board shall be authorised to pay the dividend to members, subject to the provisions of Rule 96(c).

PROVISION FOR LOSS

98. The board shall provide for any loss which may result from the transactions of the co-operative in accordance with current Accounting Standards as adopted by the Regulation.

DISPUTES

99. (a) In this rule:
- (i) "party" includes:
 - (A) members of the co-operative;
 - (B) any aggrieved person who has ceased to be a member in the last three months;
 - (C) any person claiming through or under a member or any aggrieved person referred to in Rule 99(a)(i)(B); and
 - (D) the co-operative, including the board and any other officer of the co-operative.
 - (ii) "dispute" may only refer to a matter affecting a person of the type mentioned above in (A) - (C).
- (b) If a dispute arises a party may not commence any court or arbitration proceedings relating to the dispute unless it has complied with the following paragraphs of this Rule except where the person seeks urgent interlocutory relief.
- (c) A party claiming that a dispute has arisen must give written notice to the other party or parties specifying the nature of the dispute.
- (d) On receipt of that notice by that other party or parties, the parties must endeavour to resolve the dispute expeditiously, using the mediation rules of the NSW Law Society. (Copy available from the Registry of Co-operatives on 1800 502 042).
- (e) If the parties do not agree within seven days of receipt of the notice (or such further period as agreed in writing between them) as to:
- (i) the timetable for all steps in the procedures; and
 - (ii) the selection and compensation of the independent person required for mediation;



then the dispute shall be settled by arbitration in accordance with the Commercial Arbitration Act 1984.

- (f) Nothing in this rule shall extend to any dispute as to the construction or effect of any mortgage or contract contained in any document other than these rules.

NOTICES

100. (a) A notice may be given by the co-operative to any member either personally or by post to the member's registered address, or by some other form of technology, for example by facsimile or email, where the member has notified the co-operative of the relevant contact details. If the member has no registered address then the notice can be sent to any address supplied by the member to the co-operative for the giving of notices.
- (b) Where a notice is sent by post, service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice. In the case of a notice of a meeting, service is deemed to be effected at the expiration of 24 hours after the letter containing the notice is posted. In every other case service is deemed to be effected at the time at which the letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the envelope containing the notice was properly addressed and posted.
- (c) If a member has no registered address (and has not supplied to the co-operative an address for the giving of notices) a notice addressed to the member and advertised in a newspaper circulating in New South Wales or in the neighbourhood of the registered office of the co-operative shall be deemed to be duly given to the member on the date on which the advertisement appears.
- (d) A notice forwarded by a nother form of technology shall be deemed to have been served, unless the sender is notified of a malfunction in transmission, on the day of transmission if transmitted during a business day, otherwise on the next following business day.
- (e) A notice may be given by the co-operative to the joint members or holders of a share by giving the notice to the joint member or holder named first in the register of members and shares.
- (f) A notice may be given by the co-operative to the person entitled to a share in consequence of the death, incapacity or bankruptcy of a member by sending it through the post in a prepaid letter addressed to that person by name. Alternatively it can be addressed to the person by the title of representative of the deceased, or incapacitated person, or trustee of the bankrupt, or by any like description. The address should be that supplied for the purpose by the person claiming to be entitled. Alternatively, if no such address has been supplied, the notice can be given in the manner in which it could have been given if the death, incapacity or bankruptcy had not occurred.
- (g) For the purpose of this rule "registered address" means the address of the member as appearing in the register of members and shares.



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WINDING UP

101. (a) The winding up of the co-operative shall be in accordance with Part 12 of the Act.
- (b) If on the winding up or dissolution of the co-operative there remains after the satisfaction of all its debts and liabilities (including the refund of the amounts paid up on the shares) any property, this shall be paid to or distributed among the members of the co-operative in proportion to members' shareholdings.
- (c) Subject to Sections 139 and 331 of the Act, ex-members may also share in the distribution of any surplus or be liable to contribute to the property of the co-operative.

FINES PAYABLE BY MEMBERS

102. (a) The board may impose on a member a maximum fine in accordance with Rule 103, Schedule of Fees for any infringement of the rules or by-laws.
- (b) A fine exceeding \$20 shall not be imposed on a member pursuant to Paragraph (a) unless:
- (i) written notice of the intention to impose the fine and the reason for it has been given to the member; and
- (ii) the member has been given a reasonable opportunity to appear before the board in person (with or without witnesses), or to send to the board a written statement, for the purpose of showing cause why the fine should not be imposed.

SCHEDULE OF FEES

103. Copy book of rules:.....	\$10.00	Rule 6(b)
Copy of Register:.....	\$5.00	Rule 16(b)
Nominal Value of Shares:.....	\$2.00	Rule 24(a)
Inspection of Register of Notifiable Interests:.....	\$0.00	Rule 28(b)
Duplicate Share Certificate or Statement:.....	\$ 1.00	Rule 39(c)
Transfer of Shares:.....	\$ 0.00	Rule 44(f)
Transfer of Debentures:.....	\$50.00	Rule 52(e)
Maximum Fine:.....	\$1100	Rule 102(a)



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