



SUMMARY OF MAIN CHANGES MADE IN THE CONTRACT FOR THE SALE AND PURCHASE OF WATER ENTITLEMENT – 2016 EDITION

ITEM	CHANGE	RATIONALE
Front page	Insert new sections to stipulate the relevant water authority, water entitlement, water delivery entitlement, water sharing plan, water entitlement share component.	Expanding the scope of interests dealt with under the contract.
Front page, Clauses 3,10	“Completion date” changed to “date for completion”.	“Date for completion” better describes the scheduled date for completion, as distinguished from the date when completion actually occurs.
Page 2	Insert new sections setting out the water entitlement, share component and change to licence for water supply work approval.	Expanding the scope of interests dealt with under the contract.
Page 2 – List of documents -	Insert additional categories in the List of documents.	Updated to reflect the expanded scope of interests capable of being transferred.
Page 3, Warnings	Insert a new “Warnings” page.	Alert for parties and practitioners.
Page 4. Auction-conditions of sale	Amended to reflect legislative changes.	Currency.
Clause 1 Definitions	Definitions of “bank”, and “settlement cheque” revised and “DPI” relacing “DNR”. New definitions added for “Operator”, “party”, “PPSA”, “requisition”, “transfer” and “water authority”.	Updated for legislative change and clarity of meaning. New definitions added to give effect to the wider scope of the contract.
Clause 8 Vendor’s rights and obligations	Insert a new clause 8.2 and re-name the clause.	The new clause 8.2 sets out the purchaser’s rights to terminate due to the vendor’s default. The clause has been re-named to reflect this change.
Clause 12.10 Parties’ obligations on completion	Inserts an obligation on the parties to do everything reasonably required to ensure the water authority completes the transfer of the water entitlement.	The new term gives effect to the wider scope of interests that can be transferred under the contract.
Clause 13 Release of perfected security interests	New clause added.	This clause has been added to deal with security interests under the <i>Personal Property Securities Act 2009</i> (Cth).



ITEM	CHANGE	RATIONALE
Clause 16 Consents	New clause added to apply where it is necessary to obtain the consent of a water authority to the transfer of a water entitlement.	This clause gives effect to the expanded range of interests dealt with under the contract.
Clause 17 Surveys or assessments	Insert new clause 17.	The new clause regulates the parties' rights if the DPI requires a survey or assessment for the purchaser to extract water through specified works.
Clause 20 Obligation to complete	Replaces clause 22.	Clarity.
Clause 21 Sale of share component only	Insert a new clause.	This clarifies the position if the sale relates to a share component only.
Clause 24 WAL to be created to enable registration of dealings	Insert a new clause 24.	Currency, and to reflect common practice.
Clause 25 Water Entitlement Transfer requiring Section 74 Exit Application	Insert a new clause to regulate this transaction.	The new clause regulates the parties' rights in this transaction which is not covered in the earlier edition of the contract.
Clause 27 Transformation	Insert a new clause, where the water entitlement, which is being transferred, is a right against an operator which is to be transformed into a water access entitlement to be held by the purchaser.	The new clause facilitates a transfer that was not dealt with under the 2005 edition.
Clause 29 Amendments to the water entitlement	The clause was revised and renamed by replacing "WAL" with "water entitlement".	This change reflects the greater range of interests that can be transferred under the new edition.