

BANKRUPTCY APPLICATION (Section 72 Water Management Act 2000)

Dealing Form W-04BAP: Instructions for Completion

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert "See Annexure" at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper) using one side only. Insert a heading beginning "Annexure to ..." and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant heading on the form. In the case of signatures which cannot be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format "Page ... of ..."; the number must be placed at the foot of each page in the centre. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Lodge the completed form (including the *Additional Information to be Provided* page) by hand at the Department of Lands, Land & Property Information Division (LPI), Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks). The licence certificate must be lodged with the form except where the application relates to the registered holder of a term transfer, mortgage or charge affecting the relevant water access licence.
5. The following instructions relate to the letters on the form.
 - (A) Insert the lodging party's LPI document collection box number. If the lodging party does not have a LPI document collection box, leave this panel blank.
 - (B) Insert the lodging party's name, postal address or DX number, telephone number, and listed lodging party number ("LLPN") if any. Show any LLPN as the first item of the first line in the format: "LLPN: 12345". Include a fax number and an e-mail address if available.
 - (C) Provision of a reference is optional.
 - (D) If the form is part of a sequence of dealing forms to be lodged for registration, indicate its priority within the sequence, e.g. "1 of 3". If it is not part of such a sequence insert "1 of 1".
 - (E) Insert the number of the relevant water access licence.
 - (F) Specify the licence tenure type, i.e. continuing, specific purpose, or supplementary.
 - (G) If the bankrupt/debtor is the transferee, mortgagee or chargee in a registered term transfer, mortgage or charge, insert the number of that term transfer, mortgage or charge. Otherwise leave this panel blank.
 - (H) Insert the full name. Address and occupation are not required. In the case of a corporation, include the ACN, ABN or ARBN. This form may be used where the registered holder has either
 - become bankrupt, or
 - has had a trustee appointed in respect of his/her property without bankruptcy occurring (Part X of the Bankruptcy Act 1966).
 - (I) Insert the full name, and if other than the Official Trustee in Bankruptcy, the capacity. Address and occupation are not required. In the case of a corporation, include the ACN, ABN or ARBN.
 - (J) Complete (i) and either (ii) or (iii). If completing (iii), give full details of the basis of the application citing the relevant documentation.
 - (K) Rule through the inapplicable words. If the application is being made pursuant to a sequestration order, rule through the blank space; if not, rule through "sequestration order" and insert a reference to the document(s) cited at (J)(iii) in the blank space.The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who is not a party to the transaction. Where the form is executed—

By an individual on his/her own behalf. The signature must be witnessed.

By an attorney. The power of attorney must be registered at LPI. In addition to the attorney's signature, a statement in the following format must be added: "John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567". The signature must be witnessed.

By a corporation: An authorised officer may sign on behalf of the corporation: the signature must be witnessed.

NOTE: it is not acceptable for a solicitor or barrister to sign on behalf of the applicant.

ENSURE THAT THE TOTAL NUMBER OF PAGES, INCLUDING ANY ANNEXURE (SEE 3 ABOVE), IS INSERTED IN THE SPACE PROVIDED AT THE FOOT OF THE FORM.

If you wish to make an enquiry relating to the terms and conditions of the licence, please call the local office of the Department of Water and Energy or visit the Department's website at www.dwe.nsw.gov.au. If you have a question about the form, please call the Department of Lands, Land & Property Information Division on 02 9228 6713.