

CONSENT OF CAVEATOR (Section 71F Water Management Act 2000)

Dealing Form W-08XC: Instructions for Completion

1. Complete the lodging party's form in dense black or dark blue. If handwritten, and listed lodging party number ("LLPN") if any. Show any LLPN as the first item of the first line in the format: "LLPN: 12345".
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 by hand at Department of Lands, Land & Property Information Division (LPI), Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks).
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 caveat relates to the transferee, mortgagee or chargee of a term transfer, mortgage or charge affecting the licence, insert the number of that registered term transfer, mortgage or charge. Otherwise leave this panel blank.
 - (H) Insert the number of the relevant caveat.
 - (I) Insert the full name. Address and occupation are not required. If the caveator's name has changed, the form must be accompanied by form O8CX, Change of Name or Address for Service of Notices of Caveator, duly completed.
 - (J) In the heading, rule through the word which does not apply, then in the panel below insert the full name of the registered holder in regard to whose holding or interest consent is given. Address and occupation are not required.
 - (K) Specify precisely and unambiguously the dealing(s) to which the caveator consents, e.g. "Any transfer from James John Smith to the caveator", "mortgage from John James Smith to Commonwealth National Bank dated 1 June 2004", "any mortgage". Include the dealing number(s) if known. Under no circumstances must the consent be made contingent on the occurrence of any event or otherwise qualified.
 - (L) The inapplicable material must be ruled through (see also (2) above). The completed form must be signed by or on behalf of the caveator. In the case of a deceased caveator, the form may be signed by or on behalf of by the surviving caveator where the interest claimed is held jointly (this fact must be established by documentary evidence accompanying the form), or by the executor, administrator or trustee of the deceased caveator (probate, or a copy certified by a solicitor or barrister to be a true copy, must accompany the form).

Any witness must be an adult who is not a party to the transaction. Where the form is signed—

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 receiver or delegate: Use the format given in "By an attorney" suitably modified. The signature must be witnessed.

Under authority: Disclose the nature of the authority. The signature must be witnessed.

By a solicitor or barrister on behalf of the caveator or the caveator's executor, administrator or trustee: Add the signatory's full name and capacity. It is not necessary for the signature to be witnessed.

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

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.