

Department of Planning and Environment

dpie.nsw.gov.au



Draft model rules for joint private works schemes

Consultation paper

November 2022





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Draft model rules for joint private works schemes

First published: November 2022

Department reference number: DOC22/330910

Copyright and disclaimer

© State of New South Wales through Department of Planning and Environment 2022. Information contained in this publication is based on knowledge and understanding at the time of writing, November 2022, and is subject to change. For more information, please visit dpie.nsw.gov.au/copyright

TMP-MC-R-LC-V1.2

Contents

Introduction.....	4
Purpose of this paper	5
Have your say.....	5
About the model rules.....	7
Features of good corporate governance.....	7
Key issues to consider	7
Presentation of the model rules.....	9
Model rules for private water corporations.....	11
Membership	11
Members' meetings and decisions.....	15
Board membership.....	19
Board meetings and decisions.....	23
Office bearers	26
Works plans	29
Giving notice.....	30
Rates and charges	33
Enforcement powers	36
Financial records.....	38
Changing the rules	40
Dispute resolution.....	41
Winding up.....	42
Dictionary.....	43
Model rules for private water trusts.....	44
Members' meetings and decisions.....	44
Trustees.....	45
Trustee meetings and decisions	46
Office bearers.....	47
Enforcement powers	48
Forms	49

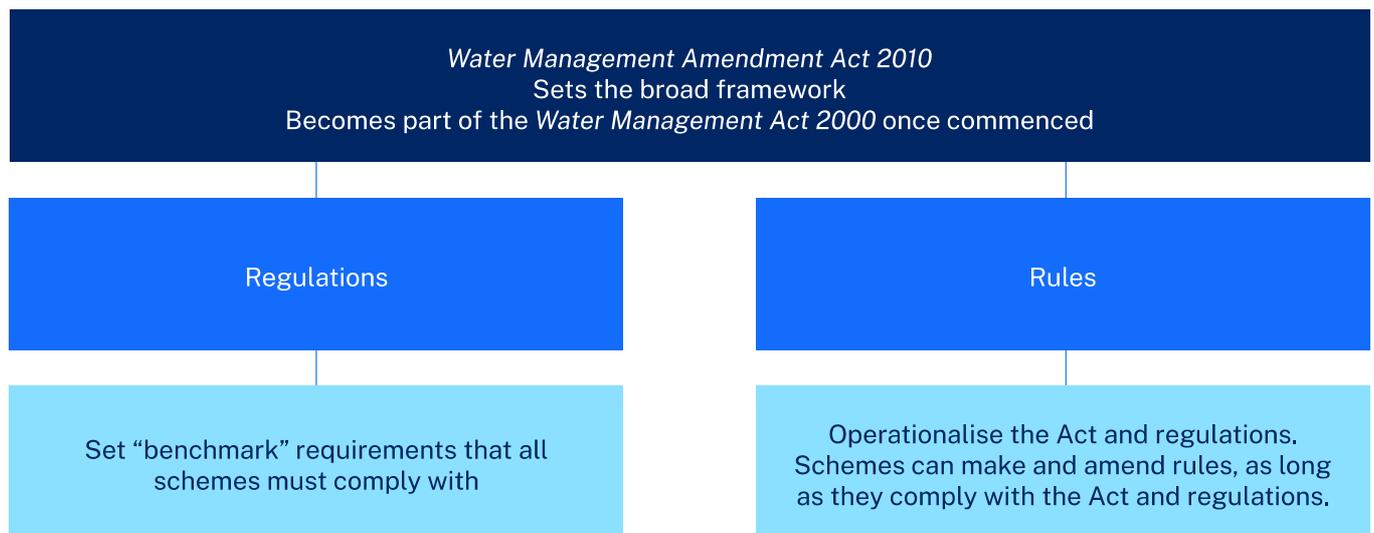
Introduction

The NSW Government is simplifying the laws managing private irrigation boards, private drainage boards, and private water trusts (joint private works schemes). Applying parts of the *Water Management Amendment Act 2010* (NSW) enables us to:

- cut red tape – we will reduce the need for the governor or minister’s approval for administrative matters
- give schemes more flexibility to make and amend their own rules
- allow the creation of new corporations and the conversion of private water trusts to private water corporations.

To implement the changes, we are collaborating with joint private works schemes to make clear and simple regulations and model rules. Figure 1 illustrates our tiered approach to achieving this. The approach gives schemes flexibility to customise the rules when managing their operations while providing fundamental safeguards to scheme members.

Figure 1. The new laws



This discussion paper is one of 3 we have prepared to guide consultation on the changes:

1. **Overview** paper – background information about the changes and key areas for consideration.
2. **Proposed matters for regulations** paper – addresses administrative and operational matters where we think regulations need to state the minimum standards expected of private water corporations and private water trusts.
3. **Draft model rules** paper (this paper) – an example of the internal governance rules private water corporations and private water trusts need to operate efficiently and fairly.



Purpose of this paper

When the new laws start, private water corporations and private water trusts must make their rules of administration (internal governance rules).

The purpose of this paper is to:

- present draft model rules
- highlight specific questions for feedback.



Have your say

We seek input from stakeholders. We would like to know if:

- the draft model rules give private water corporations and private water trusts sufficient guidance to develop their own rules that comply with the requirements in *the Act* and regulations
- private water corporations and private water trusts can use the flexibility available in the rules to meet their individual business needs.

This discussion paper highlights some areas where we are seeking specific feedback.

To provide feedback:

- call 1300 081 047
- email jpws@dpie.nsw.gov.au



Questions for all schemes

- What do you think about the number of members needed to ask for a general meeting and the number of members needed to make a *quorum* at a general meeting? For example, are the proposed numbers sufficient to protect minority interests? Should we specify different numbers?

- Should members or the board make decisions regarding water supply water or drainage services to a person who is not a member of the corporation?
- How many members are in your scheme? Do you have at least 3 members?
- Should the board set the employment conditions of office bearers?
- What other events may result in changes to landholdings and works?
- Do you provide services to landholdings outside your current districts? Do you require model rules setting rates for non-member landholdings?
- Do you require model rules about recovering unpaid rates and charges?
- Do you have experience investigating potential illegal take of water or damage to works? Do you think the suggested process before exercising enforcement powers are adequate to provide protection for members and mitigate risks for the corporation?

Questions for schemes that supply water only

- Have you suspended/restricted or refused to supply water?
- If so:
 - what was the issue that resulted in this decision?
 - what impacts have arisen from this decision? For example, added costs to reroute works?

About the model rules

When the new laws start, private water corporations and private water trusts must make their internal governance rules.

Internal governance rules are important for the efficient and fair operation of corporations and trusts. To help corporations and trusts make their rules, we have developed draft model rules that:

- comply with the *Water Management Amendment Act 2010*¹ and proposed regulations²
- identify flexibility in the rules
- align with general principles of good corporate governance.

When the new laws start, corporations and trusts can either customise the model rules or develop their own rules consistent with the Act and regulations.

Features of good corporate governance

In developing the model rules, we took account of generally accepted and applied corporate governance principles. We recommend corporations and trusts have the following features to carry out their affairs effectively, and to minimise financial and legal risks.

- **Structure:** clearly defining how the corporation or trust is organised and communicating that structure.
- **Accountability:** establishing leadership and oversight roles, with a clear outline of responsibilities, as well as clear processes for evidence-based decision making and the review of decisions.
- **Direction setting:** building mechanisms for leaders and members to set their objectives and strategic intent in a way that aligns with the corporation or trust's purpose and powers.
- **Integrity:** establishing mechanisms for monitoring risks and compliance with policies, laws, and procedures that bind the corporation or trust, including processes for addressing any breaches.
- **Engagement:** ensuring all members and stakeholders have a clear sense of their rights and the governance processes available to protect those rights.

Key issues to consider

There are some areas of the model rules that may present more significant changes for corporations and trusts. These are outlined below.

¹ When the *Water Management Amendment Act 2010* starts it will become part of the *Water Management Act 2000*.

² For information about the proposed regulations see [regulations outline](#).

Works plans

What is new?

All corporations and trusts must have an up-to-date plan that specifies the:

- existing or proposed works of the scheme
- location of the existing or proposed works
- land to which the plan applies.

How can model rules support trusts and corporations to minimise risks?

Having current records sets the limit for scheme operations. The model rules can provide the following to ensure accessibility and transparency:

- make a copy of the works plan available to a member on request, or upon visiting the office
- update the works plan if land is subdivided, land is sold, and if there have been any changes to the works or proposed works.

Rates and charges

What is new?

Corporations and trusts have greater flexibility in setting their rates and charges for providing, maintaining, or operating a water supply system, water distribution system, or drainage system; or for providing water or drainage services.

How can model rules support corporations to minimise risks?

For transparency, model rules can provide the basis for calculating rates and charges, and the process for making any changes to these calculations.

Membership

What is new?

Trusts and corporations have greater flexibility to accept new members who are not landowners, which should help with better succession planning.

How can model rules support corporations to minimise risks?

Model rules can support due process in accepting new members who are not landowners, such as:

- requiring an application in writing
- requiring the board to decide applications within a certain timeframe
- notifying applicants.

Powers of entry for investigations

What is new?

For **private water corporations only**, authorised people will have the power to enter private land to investigate if there is a suspected breach of an irrigation, water supply, water distribution, or drainage agreement.

How can model rules support corporations to minimise risks?

Model rules can support due process before exercising the power of entry to minimise risks of disputes. Due process could include:

- written notice before entry
- a grievance process that allows time for the member suspected of breach to make a submission
- specifying circumstances where you might use this power of entry.

Enforcement

What is new?

If the minister approves, **private water corporations only** will have the power to charge for:

- water illegally taken from works the corporation owns or manages (such as pumps, storages, or drains)
- destructing, damaging, or interfering with works the corporation owns or manages.

How can model rules support corporations to minimise risks?

Model rules can support due process before exercising this power to minimise risks of disputes. Due process could include:

- written notice before charging
- a grievance process that allows time for the member suspected of breach to make a submission.

Winding up

What is new?

Schemes can wind up voluntarily, and the minister can appoint an administrator in certain circumstances.

How can model rules support trusts and corporations to minimise risks?

Model rules can assist when winding-up assets, for example, through remediation, removal, or transfer to another entity.

Presentation of the model rules

The model rules we have proposed include:

- areas where corporations and trusts must comply with the laws (“Required”). “Required” sections also highlight where the Act limits model rules.
- suggestions based on best practice for good governance (“Suggested”)
- areas where the trust or corporation may consider further rules beyond those proposed, or areas where there are options from which to choose (“Consider”).

Within the model rules:

- [square brackets] show the parts of rules where corporations and trusts should insert the information as it applies to the corporation or trust. For example, the number of members required for a *quorum* at a meeting depends on the number of members within a corporation or a trust.
- *italicised* text shows words defined in the dictionary.

Model rules for private water corporations

Membership

Having an up-to-date record of members makes it easier for schemes to function efficiently, for example, to send rates notices. This section includes rules about recording members' contact details, changing memberships, and members' rights and responsibilities.

Instructions	Model rules
<p>Register of members</p> <p>Proposed regulations</p> <p>Corporations must keep a register of members and their current contact details.</p> <p>Suggested</p> <p>Rules about register contents and corporations' use of that information.</p>	<p>Register of members</p> <p>The corporation must keep a register of members at its <i>head office</i> or <i>registered office</i>.</p> <p>The register must contain:</p> <ul style="list-style-type: none">• members' names, residential address, and contact details such as postal address, telephone number, or email address• the date on which a person became a member• [if the corporation has established classes of members under these rules, the member's membership class]• the date on which a person ceased being a member• the member's water entitlement if the corporation holds a water access licence and has determined that entitlement. <p>The secretary must make the register available at the annual <i>general meeting</i>.</p> <p>Using information on the register</p> <p>A member must not:</p> <ul style="list-style-type: none">• use information from the register to contact or send material to another member advertising for political, religious, charitable, or commercial purposes

- disclose information from the register to someone else who is not a member, or otherwise employed by or associated with the corporation.

This rule does not apply if the board approves the use or disclosure of the information.

New members

Required

- A person who purchases land to which the corporation provides/can provide water supply or drainage services automatically becomes a member of the corporation.
- If changes to membership require changes to the works plan, the changes to the works plan must be approved first.

Suggested

Rules for making and deciding membership applications in circumstances other than those *the Act* requires.

Consider

- Specifying additional eligibility criteria for new members. Any additional criteria should be fair and equitable, relate to your functions, and apply only in circumstances *the Act* does not already require.
- Extending membership to family members. For example, extending membership to children where parents own land, but their children manage it.
- Allowing for automatic membership when, for example, a person:
 - receives a gift or bequest of land to which the corporation provides/can provide water supply or drainage services
 - leases land to which the corporation provides/can provide water supply or drainage services.
- Specifying a timeframe for the board to consider membership applications.

New members

To become a new member, other than by purchasing land to which the corporation provides/can provide water supply or drainage services:

- a person must be at least 18 years of age and make an application in writing using the application for new membership form
- the board must consider applications for membership [as soon as practicable OR within a specified timeframe] after receiving the application
- the board must decide whether to accept or refuse an application
- the board must notify the applicant of its decision in writing.
- if the board accepts an application, the corporation must record the person's membership in the register.

Members' rights and responsibilities

Proposed regulations

Members' rights

A member can:

Members who sell land to which the corporation provides/can provide water supply or drainage services must notify the corporation of the sale.

Suggested

Rules about members' rights and responsibilities, including allowing members to ask the board to call a *general meeting*.

- attend and speak at *general meetings*
- put forward resolutions at *general meetings*
- ask board members to call a *general meeting*
- look at the records of the corporation if the board members have authorised them to do so, or if the members have passed a resolution letting them do so.

Members' responsibilities

A member must:

- inform the corporation in writing if they change their name, residential address, or contact details such as postal address, telephone number, or email address
- treat other members with respect.

Ending a membership

Required

- Membership automatically ends when a member sells land to which the corporation provides/can provide water supply or drainage services.
- In some cases, membership automatically ends when a member's water entitlement is transformed into an access licence.
- If changes to membership require changes to the works plan, the changes to the works plan must be approved first.

Suggested

Provide other ways for membership to end, for example, a member does not comply with the rules of the corporation.

Consider

Specifying additional circumstances when a person whose water entitlement has been transformed stops being a member.

Note: transformation occurs where a corporation holds a water access licence only.

Ending a membership

A person stops being a member of the corporation if:

- they are not a holder of land to which the corporation provides/can provide water supply or drainage services
- they resign in writing
- they die
- a resolution passed at a *general meeting* cancels their membership.

Resolutions passed at a *general meeting* may cancel a person's membership if the member:

- is a holder of land to which the corporation provides/can provide water supply or drainage services and has applied to end their membership
- cannot be contacted for 2 years
- does not comply with the rules of the corporation
- acts in a manner that may be prejudicial to the interests of the corporation
- is convicted of an indictable offence
- has been liable for the payment of unpaid rates and charges to the corporation for more than 2 years
- ceases to meet to the eligibility criteria for new members.

If a resolution passed at a *general meeting* cancels a person's membership, the corporation must send a copy of the resolution to their last known address, as soon as practicable after passing the resolution.

The corporation must record in the register of members the date when a person's membership ends.

Members’ meetings and decisions

This section sets members’ expectations about the frequency of meetings and their structure, and putting forward their views.

Questions on which we seek specific feedback.

- What do you think about the number of members needed to ask for a *general meeting* and the number of members needed to make a *quorum* at a *general meeting*? For example, are the proposed numbers sufficient to protect minority interests? Should we specify different numbers?
- Should members or the board make decisions relating to water supply or drainage services to a person who is not a member of the corporation?

Instructions	Model rules
<h3>Types of meetings</h3> <p>Required</p> <p>Financial statements must be verified and certified by the <i>auditor</i> before being presented to the annual <i>general meeting</i> (AGM).</p> <p>Consider</p> <ul style="list-style-type: none">• Requiring the presentation of an annual report at the AGM.• Establishing a regular schedule for <i>general meetings</i>.• Determining the number of members needed to ask for a <i>general meeting</i> before it is held and the timeframe for calling a meeting.	<h3>Annual general meeting</h3> <p>The corporation must hold an AGM.</p> <p>The AGM must be held within six months of the end of the corporation’s financial year.</p> <p>The AGM is for:</p> <ul style="list-style-type: none">• viewing the register of members• presenting the audited financial statement for the previous financial year• any other business members nominate. <h3>Calling general meetings</h3> <p>The board [may call a <i>general meeting</i> at any time OR must call a <i>general meeting</i> every (select a specific amount of time)].</p> <p>Members may ask the board to call a <i>general meeting</i> [at any time].</p> <p>The following number of members is required to ask for a <i>general meeting</i>:</p> <ul style="list-style-type: none">• [if the corporation has 2-10 members, 1 member]• [if the corporation has 11-20 members, 3 members]• [if the corporation has 21-50 members, 5 members]

- [if the corporation has 51 or more members, 10% of members].

If the requisite numbers of members have asked for a *general meeting*, the board must call a *general meeting* within [21 days].

Business of general meetings

General meetings are for:

- confirming the minutes of the previous *general meeting*
- completing the business specified in the notice of the meeting, which may include:
 - cancelling memberships
 - electing board members
 - removing board members
 - deciding to supply water or drainage services to a person who is not a member
 - setting rates and charges payable for each year
 - resolving disputes
 - any other business members nominate.

Using technology at meetings

Suggested

Provide flexibility for virtual meetings.

Using technology

The corporation can hold meetings at more than one place using any technology that gives members a way of taking part.

Members taking part using technology are taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Chairing meetings

Suggested

Clarify the role of the meeting chair.

Chairing meetings

The board members may elect a person to chair meetings. If they do not, the members must elect a person to chair meetings.

Chairing meetings includes:

- directing overall business and behaviour
- controlling the timing of meetings
- controlling the order of speakers
- keeping discussions on track

- deciding when discussions should finish
- summarising frequently
- telling members of any *proxy* nominations and who they are
- declaring the results of votes.

Quorum for meetings

Suggested

Set a *quorum* for meetings.

Consider

Specifying a different *quorum* or timeframe for reconvening meetings.

Quorum for meetings

A *quorum* must be present during the whole meeting.

The following number of members is required to make a *quorum*:

- [if the corporation has 30 or fewer members, 2 members]
- [if the corporation has 31-90 members, 5 members]
- [if the corporation has more than 91 members, 10 members].

If there is no *quorum* after 30 minutes or the *quorum* is lost during the meeting, the meeting is adjourned until [the next week at the same time and place].

Notice of the reconvened meeting is to be given according to the rule for notice of meetings, except for the requirement for [21 days] notice.

If there is still no *quorum* at the reconvened meeting, the meeting may proceed without a *quorum*.

Proxies

Suggested

Allow members to appoint proxies to attend meetings on their behalf. For example, if they are unable to attend.

Consider

Specifying a different timeframe for receiving *proxy* appointments.

Proxies

Members may appoint a person as *proxy* to attend meetings.

A *proxy* appointment must be in writing, using the appointment of *proxy* form.

The secretary must receive the *proxy*'s appointment at least [48 hours] before the meeting.

A *proxy* has the same rights and responsibilities as a member, including the ability to vote and demand a count.

Decisions at meetings

Suggested

Provide the voting rights of members.

Decisions at meetings

Decisions of the members of the corporation must occur by resolutions passed by a majority of votes.

Consider

Including rules for making decisions outside of meetings.

Each member has one vote.

If the votes are tied, the person chairing the meeting has a *casting vote*. If the person chairing the meeting is a member, the *casting vote* is an additional vote.

A member may only challenge a right to vote at a *general meeting*. The person chairing the meeting will determine the challenge, and their decision is final.

Voting

A simple majority on a show of hands can decide resolutions put to a vote at a *general meeting*, unless a member demands a count.

Any member entitled to vote on the resolution or the person chairing the meeting can demand a count.

A count can occur before or after a show of hands.

Board membership

A corporation's board is authorised to make operational decisions to direct, control, and manage the corporation's affairs. This section includes rules for electing board members, and their responsibilities.

Questions on which we seek specific feedback.

- How many members are in your scheme? Do you have at least 3 members?

Instructions	Model rules
<h3>Board membership</h3> <p>Required</p> <ul style="list-style-type: none">• Boards must have between 3 and 10 members• Board members' terms must be specified.• Board members must be members of the corporation.• Board members removed from office are ineligible for re-election unless the minister declares otherwise. <p>Consider</p> <ul style="list-style-type: none">• Additional eligibility criteria for board members. Additional criteria should be fair and equitable and relate to your functions.• Limiting board members' terms. For example, board members can be elected on a staggered basis so that half of the board members' appointments expire at an appointed time.	<h3>Board membership</h3> <p>The board must consist of [select a number between 3 and 10] members of the corporation.</p> <p>Board members are appointed for a term of [1] year.</p> <p>Subject to section 175 of <i>the Act</i>, board members may be re-elected.</p> <p>Board members must be at least 18 years old.</p>
<h3>Register of board members</h3> <p>Proposed regulations</p> <p>Corporations must keep a register of board members and their current contact details.</p>	<h3>Register of board members</h3> <p>The corporation must keep a register of board members at its <i>head office</i> or <i>registered office</i>.</p> <p>The register must contain:</p> <ul style="list-style-type: none">• board members' names, residential address, and contact details such as postal address, telephone number, or email address• copies of written consents to act as board members

	<ul style="list-style-type: none"> • the date on which a person became a board member • date on which a person ceased being a board member. <p>The secretary must make the register of board members available at the AGM.</p>
--	--

Electing the board

Proposed regulation

Provide the rules for electing the first board of existing private irrigation boards and private drainage boards where:

- the private irrigation and drainage boards are converting to private water corporations
- the board members were elected more than 2 years before conversion.

Suggested

Rules for holding elections, other than those included in the proposed regulations.

Consider

Setting a timeframe for seeking nominations for board membership.

Electing the board

Members of the corporation must elect the board by resolution passed at a *general meeting*.

Before electing the board, the corporation must:

- seek nominations from members
- hold a ballot or series of votes to elect the board if the number of nominations exceeds the number of board members.

Board members must consent to becoming a board member in writing using the consent to become a board member form.

Filling casual vacancies on the board

Suggested

Rules for filling casual vacancies on the board.

Consider

Setting a timeframe for notifying members of vacancies and seeking nominations to fill vacancies

Filling casual vacancies on the board

Board members can appoint a member to fill a casual vacancy on the board.

Before appointing a member, the board must:

- notify members of the vacancy
- seek nominations from members

A resolution passed at the next *general meeting* must confirm the appointment of a member to fill a casual vacancy on the board, or the member's board role ceases.

Board members' duties

Suggested

Rules outlining board members' duties.

Board member's duties

Board members have duties:

- of care and diligence
- of good faith

- to disclose conflicts of interest
- not to improperly use position or information
- to provide sound financial management of the corporation
- not to carry out duties while insolvent.

Conflicts of interest

Required

A person must not participate in determining a member's water entitlement if they, or a member of their immediate family, have an interest in the entitlement.

Note: determination of a member's water entitlement occurs where a corporation holds a water access licence only.

Suggested

Limit board members' involvement in decision-making where they have a conflict of interest.

Conflicts of interest

A board member who has a material personal interest in a corporation matter must tell the other board members.

The board member must provide information about their interest and how it relates to the corporation.

These details must be:

- given at a board meeting as soon as possible after the member becomes aware of the conflict
- recorded in the minutes of the board meeting.

A board member who has a material personal interest must not, without the consent of the majority of the other board members:

- be present at a board meeting while it considers the matter in question
- vote on the matter.

Using corporation money and property

Suggested

Clarify the use of corporation money and property.

Using corporation money and property

The board may use the corporation's money and property to carry out its business.

The board cannot give the corporation's money and property to members of the corporation.

This rule does not stop the corporation from making reasonable payment to:

- a member or board member in their capacity as an employee
- a member or board member under a contract for goods or services provided.

Paying board members

Suggested

Paying board members

Board members cannot receive a salary or sitting fee for their work as board member.

Board membership is voluntary.

This does not preclude the corporation from employing board members, or a board member having a contract to provide goods and services to the corporation, so long as the member has exercised their duty to disclose a conflict of interest.

The corporation may pay board members' reasonable travelling and other expenses for attending meetings or other corporation business.

Ending board membership

Proposed regulations

A board member stops being a board member if they:

- resign in writing
- die
- are absent from 3 consecutive meetings without the leave of the board
- become bankrupt
- become mentally incapacitated
- are convicted of fraud or a serious criminal offence.

Suggested

- Additional ways board membership can end.
- Procedure for cancelling board membership.

Ending board membership

A board member stops being a board member if:

- they are disqualified from managing a corporation
- a resolution passed at a *general meeting* cancels their membership.

For a board membership to be cancelled at a *general meeting*:

- members of the corporation must be given notice of the resolution at least [21 days] before the meeting
- the board member concerned must be given a copy of the notice as soon as possible
- the board member concerned can give a written statement to members of the corporation and speak at the meeting
- if the resolution is passed, removal takes effect immediately.

Board meetings and decisions

Setting clear rules for how boards conduct business and make decisions reduces the risk of disputes and addresses issues efficiently.

Instructions	Model rules
<p>Board meetings</p> <p>Suggested</p> <ul style="list-style-type: none">• Establish a regular schedule for board meetings.• Inform board members when board meetings are being held. <p>Consider</p> <p>Specifying a timeframe for giving notice of a board meeting.</p>	<p>Board meetings</p> <p>The board must meet at least [every six months].</p> <p>A board member may call a meeting by giving [reasonable OR specify an amount of time] notice to all other board members and office bearers.</p> <p>The notice must set out:</p> <ul style="list-style-type: none">• the place, date, and time for the board meeting• the business of the meeting. <p>The business of board meetings includes deciding the time and place of the next meeting.</p> <p>Office bearers may attend board meetings.</p>
<p>Using technology</p> <p>Suggested</p> <p>Provide flexibility for virtual board meetings.</p>	<p>Using technology</p> <p>Board meetings can be held at more than one place using any technology that gives board members a way of taking part.</p> <p>Members taking part using technology are taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.</p>
<p>Chairing board meetings</p> <p>Suggested</p> <p>Clarify the role of the meeting chair.</p> <p>Consider</p> <p>Specifying a different timeframe for the term a board member chairs meetings.</p>	<p>Chairing board meetings</p> <p>The board may elect a board member or office bearer to chair their meetings.</p> <p>Chairing board meetings includes:</p> <ul style="list-style-type: none">• directing overall business and behaviour• controlling the timing of meetings• controlling the order of speakers• keeping discussions on track• deciding when discussions should finish• summarising frequently

- declaring the results of votes.

The elected person is to chair board meetings for [1] year.

Quorum for board meetings

Suggested

Set a *quorum* for board meetings.

Consider

Specifying a different *quorum* or timeframe for reconvening meetings.

Quorum for board meetings

A *quorum* is a majority of board members.

A *quorum* must be present during the whole board meeting.

If there is no *quorum* after 30 minutes or the *quorum* is lost during the board meeting, the board meeting is adjourned until [the next week at the same time and place].

Notice of the reconvened meeting is to be given according to the rule for notice of meetings.

If there is still no *quorum* at the reconvened meeting, the meeting may proceed without a *quorum*.

Decisions and representations the board makes

Suggested

Clarify how the board can make decisions.

Consider

How to execute documents.

Board resolutions

Decisions of the board, including decisions to enter into irrigation, water supply, water distribution, or drainage agreements, must occur by resolution passed by a majority of votes.

Each board member has one vote.

If the votes are tied, the person chairing the meeting has a *casting vote*. If the person chairing the meeting is a board member, the *casting vote* is an additional vote.

Resolutions may be passed without a board meeting if all board members sign a statement attaching a copy of the resolution and saying they are in favour of it.

Representations

An act performed by the board or a person acting as a board member is valid, even if the act was performed when:

- there was a defect in the appointment of the board member, or person acting as a board member

- the board member or person acting as a board member was disqualified from being a board member.

Executing documents

Documents may be executed if signed by [two board members].

Office bearers

Appointing persons as office bearers, such as a secretary, may make it easier to manage the administration of the corporation. This improves transparency as members know who to contact for information about the corporation's affairs.

A question on which we seek specific feedback.

- Should the board set the employment conditions of office bearers?

Instructions	Model rules
<h3>Appointing office bearers</h3> <p>Suggested</p> <p>Corporations should have a secretary.</p> <p>Consider</p> <ul style="list-style-type: none">• Appointing and specifying the roles of other office bearers such as a treasurer or chairperson.	<h3>Appointing office bearers</h3> <p>The board must appoint a secretary.</p> <p>The secretary:</p> <ul style="list-style-type: none">• must be at least 18 years old• must ordinarily reside in Australia• may be a member of the corporation or the board. <p>The secretary must consent to holding the position in writing using the consent to become an office bearer form.</p> <p>The [board OR members of the corporation] may decide the secretary's pay and terms and conditions of employment, if any.</p> <p>Board members may fill casual office bearer vacancies.</p>
<h3>Role of the secretary</h3> <p>Suggested</p> <p>Clarify the role of the secretary.</p>	<h3>Role of the secretary</h3> <p>The secretary is the main administrative officer of the corporation.</p> <p>The secretary must:</p> <ul style="list-style-type: none">• maintain the corporation's administrative records, including the registers of members and board members• receive the corporation's correspondence and pass it on to at least one board member within 7 days of receiving it• send out notices required as per the rules, including notices of <i>general meetings</i>

- make documents of the corporation available for inspection in accordance with the rules.

Records the secretary must keep

Suggested

Rules about the records the secretary must keep on behalf of the corporation.

Rules of the corporation

The secretary must keep a record of the rules of the corporation, as amended or replaced from time to time.

A member can request a hard copy or electronic copy of the rules from the secretary. Where a request is made, the secretary must provide a copy within 5 business days.

Records of meetings

The secretary must keep a record of all *general meetings* and board meetings, including:

- minutes of the meeting
- names of the members or board members in attendance, including proxies
- business considered at the meeting
- any resolution on which a vote was taken and the result of the vote
- any disclosure of material personal interests.

The record of a meeting may be in writing, or audio or video recording.

Register of office bearers

In addition to the registers of members and board members, the secretary must keep a record of the office bearers of the corporation, including:

- names, residential addresses, and contact details such as postal address, telephone number or email address
- copies of written consents to act as office bearers
- the date on which a person became an office bearer
- the date on which a person stopped being an office bearer
- copies of any pay and terms and conditions of employment.

Works plans

The secretary must keep a record of the works plan of the corporation, as amended or replaced from time to time.

A person can request a hard copy or electronic copy of the works plan from the secretary. If a request is made, the secretary must provide a copy within 5 business days.

Works plans

A works plan sets out the existing and proposed works of the corporation, their location, and the land to which the plan applies. Having current records is important as they set the limits for the corporation's operations.

A question on which we seek specific feedback.

- What other events may result in changes to landholdings and works?

Instructions	Model rules
<h3>Works plans</h3> <p>Required</p> <ul style="list-style-type: none">• The works plan must identify the corporation's water management works or proposed works.• The works plan must describe the works, specify the location of the works, and specify the land to which the works plan applies. <p>Proposed regulations</p> <ul style="list-style-type: none">• Current works plan must be kept at the corporation's head office.• When a member asks for a plan of corporation works on their property, the corporation must provide it within 2 months.• You may set a fee to cover the cost of producing maps and surveying works.• If a member requests a plan of corporation works on their landholding and that plan is inconsistent with the works plan, the corporation must update the works plan. <p>Consider</p> <ul style="list-style-type: none">• Setting a fee for producing maps and surveying works.• Identifying the land to which the works plan applies by reference to lots and deposited plans.• Including additional details you would like to see in a works plan.• How you will keep the works plan current.	<h3>Works plans</h3> <p>The works plan must include a map or diagram of corporation works.</p> <p>The corporation must update the works plan if:</p> <ul style="list-style-type: none">• land is subdivided• land is sold• the works or proposed works have changed.

Giving notice

This section provides due process, ensuring members are notified of key events or matters. For example, given notice of *general meetings* and payment of rates and charges.

Irrigation boards can already suspend/restrict water supply or refuse to supply water.

Questions on which we seek specific feedback from existing irrigation boards.

- Have you suspended/restricted or refused to supply water?
- If so:
 - what was the issue that resulted in this decision?
 - what impacts have arisen from this decision? For example, added costs to reroute works?

Instructions	Model rules
<p>General requirements for all notices</p> <p>Suggested</p> <p>Corporations must give all notices must in writing and assume a standard timeframe for delivery.</p>	<p>General requirements for all notices</p> <p>The corporation can give notices to the person, post them, or use electronic means such as email.</p> <p>A notice is taken to be given to the person if sent:</p> <ul style="list-style-type: none"> • by post, 5 business days after it was posted • by electronic means such as email, on the business day after it was sent.
<p>General meetings</p> <p>Suggested</p> <p>Inform members when <i>general meetings</i> are being held.</p>	<p>General meetings</p> <p>The corporation must give members at least [21 days] notice of a <i>general meeting</i>.</p> <p>The notice for a <i>general meeting</i> must set out:</p> <ul style="list-style-type: none"> • the place, date, and time • the business • if a special resolution is being proposed, and its nature.
<p>Rates and charges</p> <p>Required</p>	<p>Rates and charges</p> <p>The corporation must notify members of fees and charges payable no more than [21 days] after fixing the fees and charges each financial year.</p>

Corporations must give notice of their fees and charges, including the basis on which they calculate them.

Proposed regulations

Rules will prescribe how members are notified of fees and charges.

Consider

Changing the timeframe for giving notice.

Providing and maintaining corporation works

Required

If the corporation requires a member, or a landholder to whom the corporation supplies water, to provide water delivery systems/water storage works for stock or domestic purposes or maintain these systems/works (distribution works), the requirement must be:

- made in writing
- necessary for the efficient or effective operation of corporation works or relate to the corporation’s functions.

Note: this rule applies to corporations supplying water only.

Providing and maintaining corporation works

If the corporation requires a member or landholder to provide or maintain distribution works, the corporation must inform the landholder in writing and:

- describe the works required
- explain why the works are required
- propose a reasonable timeframe for completing the works.

Discontinuing water supply

Required

The corporation may suspend/restrict water supply or refuse to supply water in certain circumstances.

Suggested

- Give notice before suspending/restricting water supply or refusing to supply water.
- Give members and landholders an opportunity to make submissions and consider them before their supply is suspended/restricted or refused.

Consider

- Specifying a different notice period.
- Specifying how the corporation considers a submission.

Discontinuing water supply

Before suspending or restricting the supply of water or refusing to supply water to a member or landholder, the corporation must:

- write to the person giving them [30 days] notice and an opportunity to make a written submission
- consider and respond in writing to any submissions received.

These requirements do not apply if it is not reasonably possible in the circumstances. For example, the water available to the corporation during the notice period is not suitable for the required purpose.

- Requiring the corporation to explore alternatives, such as investing in additional works, before suspending or restricting supply.

Note: this rule applies to corporations supplying water only.

Entering land

Required

In some cases, a corporation’s employees and agents cannot enter land without giving prior notice to the landholder.

Suggested

Give prior notice in writing.

Consider

Specifying a different timeframe for giving notice.

Entering land

Before entering land under section 152 of *the Act*, the corporation must write to the landholder, giving them [3 days] notice.

This requirement does not apply:

- in an emergency
- if the entry is to read a meter measuring water the corporation supplies or monitor drainage for quantity or quality only.

Changing the rules

Proposed regulations

Corporations must notify members and any person with whom it has delivery agreements of any changes to the rules:

- in writing, including by post or email
- within 2 business days of the change being made.

Consider

Including additional rules about notifying people about changes to the rules of the corporation.

Nil.

Rates and charges

Corporations are given flexibility to set rates and charges that apply to their circumstances, as long as they relate to providing, maintaining, or operating a water supply system, water distribution system, or drainage system; or for providing water or drainage services in that year. For transparency, corporations should communicate the basis for calculating their rates and charges.

Questions on which we seek specific feedback.

- Do you provide services to landholdings outside your current districts? Do you require model rules setting rates for non-member landholdings?
- Do you require model rules about recovering unpaid rates and charges?

Instructions	Model rules
<p>Procedure for setting rates and charges</p> <p>Required</p> <ul style="list-style-type: none"> • Corporations must have procedures for setting rates and charges. • When setting rates and charges, corporations must consider: <ul style="list-style-type: none"> – the likely costs in providing irrigation, water supply, and drainage services – the corporation’s liabilities – the likely costs for corporation works, such as maintenance of works – providing for a sinking fund. <p>Suggested</p> <p>Members to determine procedure for setting rates and charges.</p>	<p>Procedure for setting rates and charges</p> <p>A resolution passed at a <i>general meeting</i> must approve the procedures for setting rates and charges.</p> <p>Once approved, the corporation must amend this rule to specify the procedures for setting rates and charges.</p>
<p>Basis for fixing rates and charges</p> <p>Required</p> <ul style="list-style-type: none"> • Existing rates and charges continue to apply until corporations fix new rates and charges. • Corporations must fix rates and charges for each year starting on 1 July. 	<p>Basis for fixing rates and charges</p> <p>The corporation must fix rates and charges based on:</p> <ul style="list-style-type: none"> • [the volume or quality of water supplied or proposed to be supplied to a landholding] • [the area of the landholding] • [whether or not water or drainage services are or are proposed to be provided to a landholding]

- Rates and charges must relate to providing, maintaining, or operating a water supply system, water distribution system or drainage system; or for providing water or drainage services in that year.
- If corporations fix rates and charges based on the area of a landholding, they must do so per hectare with fractions rounded up to the nearest hectare.

Consider

Specifying the basis on which you will fix rates and charges. For example, by choosing one or more of the suggested rules.

- [the purpose for which water services are supplied or proposed to be supplied to a landholding].

Transformation charges

Required

- Members can transform their water entitlement into an individual water access licence.
- Corporations can fix termination charges if they cease to supply water to the member or former member after they have transformed their water entitlement.
- Corporations can fix water delivery charges if they deliver water to the member or former member after they have transformed their water entitlement.

Consider

Setting transformation charges.

Note: transformation applies where a corporation holds a water access licence only.

Nil.

Paying rates and charges

Required

Corporations must set the period within which members pay rates and charges.

Consider

Changing the timeframe for payment.

Paying rates and charges

Members must pay rates and charges within [28 days] of receipt of invoice.

Interest on rates and charges

Proposed regulations

Nil.

If members do not pay rates and charges on time, the corporation:

- can set a rate of interest not more than 6% above the cash rate
- must notify the member the charge is payable before charging interest
- must specify the period from which interest will be payable.

Consider

Specify:

- the method of notifying members when interest is payable
- giving a specific timeframe of notice before charging interest.

Waiving or reducing rates, charges, or interest

Required

The corporation may waive rates, charges, and interest due if the *auditor* certifies the waiver is in accordance with the rules and the board approves.

Consider

Specifying rules about waiving or reducing rates, charges, or interest due.

Nil.

Enforcement powers

Corporations have greater powers of entry to investigate potential breaches of their irrigation, water supply, water distribution or drainage agreements. Corporations also have powers to charge for water illegally taken from works they own or manage (such as from pumps, storages, or drains) and for destructing, damaging, or interfering with works they own or manage.

This section provides transparency and due process when using these powers.

Questions on which we seek specific feedback.

- Do you have experience investigating potential illegal take of water or damage to works? Do you think the suggested process before exercising enforcement powers are adequate to provide protection for members and mitigate risks for the corporation?

Instructions	Model rules
<h3>Entering land for investigations</h3> <p>Required</p> <ul style="list-style-type: none">• To enter land to investigate an alleged breach of an irrigation, water supply, water distribution, or drainage agreement, a corporation must have rules about doing so.• Section 171 of <i>the Act</i> lists additional matters about entering land to investigate alleged breaches. <p>Proposed regulations</p> <ul style="list-style-type: none">• Authorised officers cannot be members of the corporation.• The corporation must keep records of authorised officers' actions.• Authorised officers must receive a written statement of duty and exercise their powers in relation to corporation works only. <p>Consider</p> <p>If you want to be able to investigate alleged breaches of agreements; and if so:</p> <ul style="list-style-type: none">• who will be authorised to investigate• how will you appoint them• how will you keep records of investigations?	<h3>Entering land for investigations</h3> <p>Before entering land under section 171 of <i>the Act</i>, the corporation must write to the landholder, giving them [3 days] notice.</p> <p>This requirement does not apply in an emergency.</p>

Charges for water illegally taken and damage to works

Required

- Corporations may impose charges for water illegally taken from works they own or manage (such as from pumps, storages, or drains) if the minister has approved the application of section 170.
- Maximum charge is 5 times the value of the water taken.
- Corporations may impose charges for destroying, damaging, or interfering with corporation works if the minister has approved the application of section 170.
- Maximum charge is 5 times the reasonable cost of the repair or replacement of the works.

Proposed regulations

- Ability to impose charges if provided for in a corporation's rules and the corporation has a works plan.
- Calculate charges for illegally taken water using the method for calculating the value of water under section 60G of *the Act*.

Suggested

- Seek approval from the minister before imposing charges.
- Provide due process for members suspected of taking water illegally or destroying, damaging, or interfering with corporation works.

Consider

Whether members or the board should make the decision to impose charges.

Charges for water illegally taken and damage to works

The decision to impose charges under section 170 of the Act must be made by resolution of the [members at a *general meeting* OR board].

Before imposing charges on a person under section 170 of *the Act*, the corporation must:

- table evidence of the suspected breach at a [*general meeting* OR board meeting]
- apply to the minister to impose charges under section 170 of *the Act*.

An application to the minister must include:

- evidence of the suspected breach
- the time for which the power is to be exercised
- the proposed charge and calculation of the charge.

Once the minister approves, the corporation must:

- give the person written notice that the corporation proposes to impose charges. The notice must include evidence of the suspected breach and the proposed charge
- give the person at least [21 days] to respond to the notice
- consider any submissions the person makes.

Financial records

Keeping up-to-date records of financial transactions is vital to the sustainability of the corporation and the confidence of its members. Good records help corporations meet their legal requirements.

Instructions	Model rules
<p>Keeping financial records</p> <p>Required</p> <p>Corporations must keep proper accounts and records about their operations.</p> <p>Consider</p> <p>Specifying how financial records are kept and whether they can be viewed, for example, by members.</p>	<p>Keeping financial records</p> <p>The corporation must keep financial records that correctly record and explain the corporation's transactions and financial position, and which would enable true and fair preparation and auditing of financial reports.</p> <p>The corporation must keep financial records at its <i>head office</i> or <i>registered office</i>.</p>
<p>Financial transactions and accounts</p> <p>Suggested</p> <p>Rules about financial management and systems, including 2 board members as signatories on corporation accounts.</p>	<p>Financial transactions and accounts</p> <p>The corporation must deposit all money it receives into its bank account at a financial institution as soon as practicable after receipt.</p> <p>The corporation must give receipts for all money it receives.</p> <p>Adequate documents explaining the nature and purpose must support all payments made from corporation money.</p> <p>A board meeting must approve all accounts for payment or in accordance with valid delegations.</p> <p>At least 2 board members must approve all cheques, withdrawal forms, electronic funds transfer (EFT) transactions, and other banking documents.</p>
<p>Financial statements</p> <p>Required</p> <ul style="list-style-type: none"> Corporations must prepare financial statements for each financial year and submit the statements to an auditor. The <i>auditor</i> cannot be a member of the corporation. 	<p>Appointing an auditor</p> <p>[A resolution passed at a <i>general meeting</i> OR resolution passed at a board meeting] must appoint the corporation's <i>auditor</i></p> <p>Auditing financial statements</p>

Proposed regulations

The *auditor* must be a registered company auditor within the meaning of the Commonwealth's *Corporations Act 2001*.

Consider

- Whether members or the board must appoint an auditor.
- Specifying a different timeframe for the audit of financial statements.

The corporation must submit financial statements to the *auditor* within [10 business days] of the end of the financial year.

Changing the rules

A feature of good corporate governance is integrity. For corporations to have integrity, the procedures for changing the rules of the corporation must be transparent to members.

Instructions	Model rules
<p>Changing the rules</p> <p>Required</p> <p>Two-thirds of members need to approve a change to the rules unless the rules authorise the change.</p> <p>Consider</p> <p>Specifying the types of changes this rule may allow.</p>	<p>Nil.</p>

Dispute resolution

To be accountable to members, corporations should have a clear process for resolving disputes.

Instructions	Model rules
<p>Dispute resolution</p> <p>Suggested</p> <p>Rules for dispute resolution.</p>	<p>Dispute resolution</p> <p>If a dispute arises under these rules, the parties affected must first try to resolve it themselves.</p> <p>If the parties do not resolve the dispute within [10 days], any party may give a dispute notice to the other parties.</p> <p>The dispute notice must:</p> <ul style="list-style-type: none">• be in writing• say what the dispute is about• be given to the board. <p>The board must help the parties resolve the dispute within [21 days] after it receives the notice.</p> <p>If the board cannot resolve the dispute, it must put it to the members to resolve at a <i>general meeting</i>.</p>

Winding up

In certain circumstances, it will no longer be appropriate for a corporation to continue its operations. Under the new laws, a corporation can be wound up if requested by the schemes or if recommended by an administrator.

Instructions	Model rules
<h3>Winding up</h3> <p>Required</p> <p>If at least 75% of members vote at a <i>general meeting</i> for a resolution winding up the corporation, the corporation can ask the minister to do so.</p> <p>Proposed regulation</p> <p>Any liquidator the minister appoints cannot be a member of the corporation or have an interest in the corporation.</p> <p>Suggested</p> <p>If the corporation is wound up, it must pay all debts, liabilities, and costs of winding up before distributing any remaining assets.</p>	<h3>Winding up</h3> <p>If the corporation passes a resolution to wind up, the corporation must:</p> <ul style="list-style-type: none">• determine a date for winding up• apply to the minister for winding up• pay all debts, liabilities and costs before distributing any assets• pass a special resolution on how the remaining assets are distributed.

Dictionary

Instructions	Model rules
<p>Dictionary</p> <p>The Act and proposed regulations constrain the meaning of some words in this Dictionary.</p> <p>You may specify the meaning of additional words.</p>	<p>auditor means the auditor the corporation appoints in accordance with section 166 of the Act</p> <p>casting vote means a deciding vote of the person chairing the meeting when votes are equally divided</p> <p>general meeting includes an annual general meeting</p> <p>head office means the place where the corporation keeps its official records</p> <p>proxy means an authorisation empowering a person to vote or act for another</p> <p>quorum means the number of members or board members required to be present to transact business</p> <p>registered office means the corporation's official address used for the service of documents</p> <p>the Act means the Water Management Act 2000</p>

Model rules for private water trusts

Most of the model rules for private water corporations apply to private water trusts.

When applying the model rules for corporations to trusts:

- corporations include trusts
- members of corporations include members of trusts
- board members of corporations include trustees of trusts.

This section highlights where the model rules for trusts are different from corporations.

Members' meetings and decisions

<h3>Chairing meetings</h3> <p>This section should replace the corporation rules for chairing meetings.</p> <p>Required</p> <p>Trusts must have an elected chairperson.</p> <p>Suggested</p> <p>Clarify the role of the chairperson in <i>general meetings</i>.</p>	<h3>Chairing meetings</h3> <p>The chairperson must chair meetings.</p> <p>If the chairperson does not attend a meeting, the trustees may elect a person to chair the meeting. If they do not, the members must elect a person to chair the meeting.</p> <p>Chairing meetings includes:</p> <ul style="list-style-type: none">• directing overall business and behaviour• controlling the timing of meetings• controlling the order of speakers• keeping discussions on track• deciding when discussions should finish• summarising frequently• telling members of any <i>proxy</i> nominations and who they are• declaring the results of votes.

Trustees

Instructions	Model rules
<p>Trustees</p> <p>This section should replace the corporation rules for board membership.</p> <p>Required</p> <p>While the board of a corporation must have between 3 and 10 members, the number of trustees of a trust is set as the number of trustees on 1 January 2001.</p> <p>Suggested</p> <ul style="list-style-type: none">• Rule specifying the number of trustees on 1 January 2001.• Additional rule specifying that a trustee must be a member of the trust.	<p>Trustees</p> <p>The number of trustees must be [specify the number of trustees on 1 January 2001].</p> <p>Trustees are appointed for a term of [1] year.</p> <p>Subject to section 239N of the Act, trustees may be re-elected.</p> <p>Trustees must be:</p> <ul style="list-style-type: none">• at least 18 years old• a member of the trust.

Trustee meetings and decisions

Instructions	Model rules
<p>Chairing trustee meetings</p> <p>This section should replace the corporation rules for chairing board meetings.</p> <p>Required</p> <p>Trusts must have an elected chairperson.</p> <p>Suggested</p> <p>Clarify the role of the chairperson in <i>general meetings</i>.</p>	<p>Chairing trustee meetings</p> <p>The chairperson must chair trustee meetings.</p> <p>If the chairperson does not attend a trustee meeting, the trustees may elect a trustee or office bearer to chair the meeting.</p> <p>Chairing trustee meetings includes:</p> <ul style="list-style-type: none">• directing overall business and behaviour• controlling the timing of meetings• controlling the order of speakers• keeping discussions on track• deciding when discussions should finish• summarising frequently• declaring the results of votes.
<p>Executing documents</p> <p>This section should replace the corporation rules for executing documents.</p> <p>Required</p> <p>Trusts must have an elected chairperson.</p> <p>Consider</p> <p>How to execute documents.</p>	<p>Executing documents</p> <p>For trusts to execute documents [2 trustees OR the chairperson or their delegate] must sign them.</p>

Office bearers

Instructions	Model rules
<p>Appointing office bearers</p> <p>This section should replace the corporation rules for appointing office bearers.</p> <p>Required</p> <p>Trusts must have an elected chairperson.</p> <p>Suggested</p> <ul style="list-style-type: none">• Rules for electing the chairperson and the role of the chairperson.• Trusts should have a secretary. <p>Consider</p> <ul style="list-style-type: none">• Appointing and specifying the roles of other office bearers.• Whether trustees or members should set the pay and employment conditions of office bearers.	<p>Electing a chairperson</p> <p>The trustees must elect a trustee as chairperson of the trust.</p> <p>The chairperson must consent to holding the position in writing using the consent to become an office bearer form.</p> <p>The trustees must appoint the chairperson for [1] year.</p> <p>Role of the chairperson</p> <p>The chairperson must:</p> <ul style="list-style-type: none">• represent the trust• be a supportive leader for members• facilitate trust activities• plan and budget for the future as per the wishes of members• chair <i>general meetings</i> and trustee meetings. <p>Appointing other office bearers</p> <p>The trustees must appoint a secretary.</p> <p>The secretary:</p> <ul style="list-style-type: none">• must be at least 18 years old• must ordinarily reside in Australia• may be a member of the trust or a trustee. <p>The secretary must consent to holding the position in writing using the consent to become an office bearer form.</p> <p>The [trustees OR members of the trust] may decide the secretary's pay and terms and conditions of employment, if any.</p> <p>Trustees may fill casual office bearer vacancies.</p>

Enforcement powers

Enforcement powers apply to private water corporations only. Trusts cannot have model rules about:

- charges for water illegally taken and damage to works
- entering land for investigations.

Forms

Application for new membership of [name of corporation or trust]

Use this form to apply to become a new member of [name of corporation or trust]

Applicant details

Title

Surname

First name

Postal address

Preferred phone number

Alternative phone number

Email address

Property details

Property name

(if applicable)

Property address

Lot and deposited plan (DP)

Declaration

I am at least 18 years of age.

I understand the information I provide for this application is accurate and true.

Name

Signature

Date

Office use only

Date received	
Date tabled at [board or trustee] meeting	
Applicant is eligible to be a member	Yes / No
Application accepted by resolution of [the board or trustees]	Yes / No
Signature of person chairing the meeting	

Consent to become a [board member or trustee] of [name of corporation or trust]

Member details

Title

Surname

First name

Postal address

Preferred phone number

Alternative phone number

Email address

Election date

Date of meeting for election of [board members or trustees]

Declaration

I am a member of [name of corporation or trust].

I give consent to become a [board member or trustee] of the [private water corporation or trust] as nominated at the meeting of the [corporation or trust] held on the abovementioned date.

I also acknowledge a person is automatically disqualified from managing [corporations or trusts] if:

- the person has been convicted of fraud or a serious criminal offence punishable by imprisonment for more than 12 months
- the person has been convicted of an offence against the law of a foreign country punishable by imprisonment for more than 12 months
- the person is an undischarged bankrupt
- the person has signed a personal insolvency agreement and has not kept to the agreement
- the person has been disqualified from managing corporations under the *Corporations Act 2001*.

Name

Signature

Date

Office use only

Date received

Consent to become an office bearer of [name of corporation or trust]

Use this form to give consent to act as an office bearer of the [private water corporation or trust].

Personal details

Title

Surname

First name

Postal address

Preferred phone number

Alternative phone number

Email address

Role

Tick selected role

Secretary

Other

Please specify:

Declaration

I give consent to be appointed to the above role for the [name of corporation or trust].

Name

Signature

Date

Office use only

Date received

Appointment of proxy for [name of corporation or trust]

Use this form to appoint a person as proxy to attend meetings of the [private water corporation or trust].

Member details

Title

Surname

First name

Postal address

Preferred phone number

Alternative phone number

Email address

Proxy's details

Title

Surname

First name

Postal address

Preferred phone number

Alternative phone number

Email address

Meeting date

Date of meeting(s) at which the proxy appointment may be used

Member declaration

I appoint my proxy to vote for me on my behalf at the meeting(s) of the [corporation or trust] at which this proxy appointment may be used, and at any adjournment of that meeting.

Name

Signature

Date

Office use only

Date and time received