



**G.21**

## Notice of proposed enforcement of a security interest on The Water Register

Pursuant to Schedule 4 Clause 13 of the *Landscape South Australia Act 2019* and Regulation 18 of the *Landscape South Australia (Water Register) Regulations 2020*

**Note:** Pursuant to regulation 18 of the Landscape South Australia (Water Register) Regulations 2020:

- This notice of proposed enforcement of a security interest must be served on the defaulter, any other person with a registered interest in the water licence or water access entitlement, any other person with a security interest or caveat registered over the water licence or water access entitlement and the Minister. This notice must be served in accordance with Section 222 of the *Landscape South Australia Act 2019*.
- The defaulter must be given a period of 30 days (or such longer period as the claimant may allow) from service of this notice to rectify the default.
- If the default is not rectified within that time, the holder of the security interest may proceed to offer the interest in the water licence or water access entitlement for sale, after first giving notice of the proposed course of action in accordance with Section 222 of the *Landscape South Australia Act 2019*.

**Parties served with this notice are hereby notified that the security interest holder described in Section 1 of this notice proposes to enforce the security interest held over the water licence/water access entitlement described in Section 2 of this notice, pursuant to regulation 18 of the Landscape South Australia (Water Register) Regulations 2020. Details of the default and proposed enforcement action are described in Section 3 of this notice. The defaulter will have 30 days from the date of service of this notice (or such longer period as the claimant may allow) to rectify the default before enforcement action can proceed. A person who is entitled to receive this notice may apply to the Environment, Resources and Development Court under regulation 18(12) of the Landscape South Australia (Water Register) Regulations 2020 within 21 days of this notice for an order that the sale of the relevant interest in the water licence/water access entitlement should not proceed.**

*A person who furnishes information to the Minister or another authority under the Landscape South Australia Act 2019 that is false or misleading in a material particular is guilty of an offence. Maximum penalty: \$20 000.*

### 1 Security Interest Holder Detail

Full Name(s) of Security Interest Holder

Contact Person

If Body Corporate, ACN

Contact Address

State

P/Code

Telephone

Mobile

E-mail

### 2 Water Licence / Water Access Entitlement Detail

Water Licence / Water Access Entitlement Number

Full names(s) of Water Licence / Water Access Entitlement Holder(s) as they appear on the Water Licence

Contact Person

If Body Corporate, ACN

Contact Address

State

P/Code

Telephone

Mobile

E-mail

### For Office Use Only:

Date Received



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### 3. Details of Security Interest Enforcement Action

3.1 Please confirm that the security interest relates to a debt by ticking the box below:

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This security interest relates to a debt and is therefore enforceable under Regulation 18(1)(a) of the *Landscape South Australia (Water Register) Regulations 2020*

3.2 Indicate the security interest number to which this notice relates:

\_\_\_\_\_

3.3 Indicate the amount (\$) in which the holder of the water licence is in default as at the date of this notice:

\_\_\_\_\_

3.4 Indicate the date on which enforcement action is proposed to take place (must be a minimum of 30 days from service of this notice):

\_\_\_\_\_

3.5 Indicate the total amount (\$) of the debt to be recouped by the enforcement action (ie – the total value of the loan contract secured by the security interest):

\_\_\_\_\_

### 4. Signatures of the Security Interest Holder(s)

Signatures of the security interest holder(s):

- I/We declare that the information provided on this application is true and correct.
- I/We declare that upon request by the Department, copies of mortgage or other relevant documents relating to the security interest (including Statutory Declaration if required) will be provided to the Department.
- I/We declare that the parties understand that enforcement of the registered security interest will be governed by the Act and the Regulations.

**Note:** Each applicant must *either* sign as a person *or* sign as a company. If signing as a company, two position bearers must sign e.g. Director and Secretary. If the company has only one Director, a single signature is required and Sole Director must be stated as position held.

4.1 Where the applicant is one or more persons:

Sign Here

Print Name

Date

Sign Here

Print Name

Date

4.2 Where the applicant is a company or an incorporated association

Name of company or incorporated association

Sign Here

Name of authorised person

Position held

Date

Sign Here

Name of authorised person

Position held

Date

Affix seal in box

FOR SERVICE ON THE MINISTER PLEASE RETURN NOTICE TO:

<b>Berri:</b> Department for Environment and Water 28 Vaughan Terrace, Berri PO Box 240 BERRI SA 5343 Telephone Enquiries: (08) 8595 2053 Email: <a href="mailto:DEFWaterTrade@sa.gov.au">DEFWaterTrade@sa.gov.au</a>	<b>Mount Gambier:</b> Department for Environment and Water 11 Helen Street, Mt Gambier PO Box 1046 MT GAMBIER SA 5290 Telephone Enquiries: (08) 8735 1134 Email: <a href="mailto:DEW.LCWaterLicensing@sa.gov.au">DEW.LCWaterLicensing@sa.gov.au</a>	<b>Other Regions:</b> Department for Environment and Water 81-95 Waymouth Street, Adelaide GPO Box 1047 ADELAIDE SA 5001 Telephone Enquiries: (08) 8463 6876 Email: <a href="mailto:DEFWaterlicensing@sa.gov.au">DEFWaterlicensing@sa.gov.au</a>
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