



# **Pooled Water Exchange & Traderoom**

## **Trading Rules**

# Table of Contents

Guiding Principles.....	3
About Waterpool.....	4
Purpose of Trading Rules.....	5
Glossary of Terms.....	6
Trading Rules.....	7

# GUIDING PRINCIPLES

Waterpool conducts its water trading operation under the following guiding principles:-

- The Primary Objective of Waterpool is to provide a Pooled Water Exchange trading model that will:-
  - Support a fair and ethical trading environment.
  - Conduct trades in an open and transparent manner.
  - Provide a published current price reference point for market participants.
  - Ensure confidentiality of trade and trader information.
  - Publish and adhere to Pooled Water Exchange trading rules.
- The Secondary Objective is to provide a credible brokering service for water shares.
- Adherence to protocols ensuring appropriate disclosure of the water trading activities of Directors or other involved persons.
- Membership of Waterpool Co-op is open to all water users.
- The weekly Pooled Water Exchange trading process will be independently audited.
- Waterpool will not undertake private trades of allocation entitlement outside the mechanisms adopted for fair and transparent market disclosure.

## ABOUT WATERPOOL

Waterpool Trading Limited (Waterpool) is a company owned by water users to provide ethical and transparent water entitlement trading on behalf of water users.

The company is established under a co-operative constitution and provides equal rights to all member shareholders. Membership is a requirement to trading with Waterpool.

Waterpool will operate under its guiding principles and trading rules which are established to ensure the highest levels of integrity and price disclosure to market participants.

Modern systems and methods will provide fast and reliable processing of trades. Waterpool will utilize the electronic interface to the Victorian Water Register to ensure feasibility of offers and fast turnaround of trade lodgements.

A comprehensive website will be maintained providing up to the minute information on water issues, pooled trade results and downloadable trade forms.

Waterpool staff will maintain full membership of the AWBA.

## PURPOSE OF TRADING RULES

These trading rules are formed under the governance of the Board of Directors of Waterpool to clearly define the processes and rules of trading water entitlement within the Waterpool Pooled Water Exchange and Traderoom.

## GLOSSARY OF TERMS

Term	Meaning
Allocation Bank Account (ABA)	The account held in the Victorian Water Register that provides available water balances as a consequence of allocation, usage, trade in, trade out and write offs.
Cancellation	A direction to Waterpool by either hard copy or electronic means which effectively removes a buy or sell offer from entry into the Pooled Exchange.
Form 39	The required form to enact the transfer of water from one ABA to another. The form is identified by a unique six digit number following the letters ALL.
Lodge	The process by which traders provide offers to buy or sell in the Pooled Exchange.
Offer	A contractual agreement between the trader and Waterpool for the sale or purchase of an agreed water volume allocation at an agreed price.
Pooled Water Exchange	A system that matches any number of buyers and sellers of allocation water in certain trading zones according to price. Maximum trade volumes are achieved in the Pooled Water Exchange and ensure that the seller receives a price equal to or higher than his offer price and that a buyer pays a price equal to or lower than his offer price.
Trading Zone	A physical area in which water can be traded or used. Trading Zone rules govern

	trade between and within these areas.
Water Allocation	An allocation of water made under the Water Act 1989 with respect to a Water Share from water determined to be available in a given season.
Water Allocation Transfer	The transfer of water allocation in a given season.
Water Entitlement	A legally recognised entitlement to a volume of water.
Online Trade Room	A system that enables traders to list offers to buy and sell allocation water online outside of the Pooled Water Exchange. These offers can then be accepted by other traders 24/7.

## POOLED WATER EXCHANGE

### How the Pooled Exchange Works

A Pooled Water Exchange is conducted to provide trade of allocation water between any given numbers of sellers with any given number of buyers.

Seller offers in the Pooled Water Exchange are listed in ascending order and buyer offers are listed in descending order. A Pooled Water Exchange price is established at the price point where buyer and seller offers match and the volume of megalitres is available.

Sellers receive and buyers pay the established Pooled Water Exchange price.

The lowest priced seller offer and the highest price buyer offer are the first satisfied in a completed Pooled Water Exchange.

In the case where more than one seller or buyer are at an equal offer price and there is not enough volume in megalitres available to satisfy all offers Waterpool will conduct a ballot to establish the successful trader.

One sell or one buy offer may be reduced in each Pooled Water Exchange to ensure the maximum volume is traded.

Waterpool will conduct trades in any prescribed Trading Zone where demand exists. When trading rules permit, Waterpool will aggregate all offers into a single exchange to increase liquidity and depth of market for trader's subject to approval by the Department of Sustainability and Environment.

### **How to participate in the Pooled Water Exchange**

Entry into the Pooled Water Exchange can be made electronically via the Waterpool website or by the completion of a hand written form.

Electronic access is only available to traders who have registered for online trading.

Forms are available for both buyers and sellers and can be downloaded from [www.waterpoolcoop.com.au](http://www.waterpoolcoop.com.au) or by contacting the Waterpool office.

The forms need to be completed in full and provided to Waterpool according to the schedule below. Waterpool will endeavour to liaise with traders to correct errors and omissions on trading forms in a timely manner. Waterpool reserves the right to refuse participation of offers in any Pooled Water Exchange where inadequate or inaccurate information is provided on trading forms.

### **Payments**

Waterpool guarantees payment to successful sellers of allocation water sold through Pooled Water Exchange. Payments are made in accordance with the Schedule of Actions details below.

Buyers of allocation water are required to pay for their water purchase within 7 days of their participation in a successful Pooled Water Exchange. Buyers are required to pay any invoices prior to Waterpool notifying the relevant Water Authority to transfer the allocation to the buyer's Allocation Bank Account.

### **Schedule of Actions**

Action	Timeline
Offers Lodged	<b>12 noon one day prior</b> to being included in the next scheduled Pooled Water Exchange
Cancellation of Offers Lodged	<b>12 noon one day prior</b> to the running of the Pooled Water Exchange that the offer is intended for
Operation of the Pooled Water Exchange	<b>By 12 noon</b> on the scheduled day
Feasibility check, on lodged offers, with the Victorian Water Register	Conducted via Waterpool's Auto Lodgement process prior to the running of the Pooled Water Exchange

Lodgement of Form 39's (Application to Transfer an Allocation) to the Water Register	By 5 pm the day of the Pooled Exchange for sellers and upon payment by buyers
Approval by the Water Authority	Waterpool will process buyer allocation trades in the Pooled Exchange and Traderoom as soon as payment has been received. Water will be available to traders within 4 hours of transfer. Seller trades in the Pooled Exchange will be processed upon completion of the pool. Seller trades in the Traderoom will be processed upon payment by the buyer.
Waterpool results uploaded to the website <a href="http://www.waterpoolcoop.com.au">www.waterpoolcoop.com.au</a>	By 2 pm the day of the Pooled Exchange. Traderoom trades will be displayed on the website upon settlement.
Newspaper advertisements	Advertisement placed on the back page of the Country News edition immediately following the running of the Pooled Water Exchange.
Results distributed via email	By 2 pm the day of the Pooled Water Exchange.
Written advice to sellers and buyers and invoice to buyers	By 3 pm the day after the Pooled Water Exchange.
Ordering of purchased water	Within four hours of transfer by Waterpool.
Payment by buyers	Within 7 days of a successful Pooled Water Exchange and 48 hours following a successful match in the Traderoom
Payment to sellers	EFT – within 10 days of the Water Corporation's approval of the trade.  Cheque – within 25 days of the running of the exchange.

# TRADING RULES

## **RULE 1 - SUBMISSION OF OFFERS**

1. Offers may be lodged online, by mail, in person, fax or email.
2. Offers must be made online or on pre-printed forms.
3. Offer numbers are unique and can only be used once.
4. Offers must be received by 12 noon one day prior to the scheduled Pooled Exchange.
5. Traders who lodge offers in the Pooled Exchange contractually agree to the Terms & Conditions of that offer. Terms & Conditions are posted on the Waterpool website.
6. The forms must be completed in full and must contain;
  - a) The Allocation Bank Account (ABA) number;
  - b) The Zone that the ABA belongs to;
  - c) The water authority that the ABA is attached to;
  - d) The volume of allocation offered;
  - e) The minimum price sellers seek for the volume offered or the maximum price buyers are prepared to pay for the volume offered;
  - f) The water trading zone in which the allocation is to be traded;
  - g) The number of exchanges for which the offer is valid;
  - h) The names of the owners of the ABA;
  - i) The postal address of the owners of the ABA;
  - j) All required signatures of the trader;
  - k) For sellers an ABN or Statement by Supplier;
  - l) For companies the company name; and
  - m) For seller companies a *Company Extract* of no more than 12 months old.
7. Waterpool, at its absolute discretion under the Terms & Conditions, retain the right to refuse to include any offer to buy water allocation in any Pooled Exchange.

## **RULE 2 – CANCELLATION OF OFFERS**

1. Cancellations of offers may be lodged online, by mail, in person, fax or email.
2. Cancellations must be made online or on pre-printed forms.
3. Cancellations will only be accepted prior to 12 noon one day before the scheduled running of the Pooled Exchange.
4. The signatures on the offer form and the cancellation form must be the same.
5. Online cancellations can only be made via secure log-in.
6. Acknowledgement of successful cancellation will be provided by Waterpool via email, mail or fax. The cancellation number will be part of this acknowledgement.

### **RULE 3 – FEASIBILITY CHECKING**

Waterpool will check all offers are eligible for entry into the Pooled Exchange.

1. Feasibility checking by uploading a file to the electronic interface of the Victorian Water Register or by Waterpool's Auto Lodgement system will provide the following checks;-
  - a) The validity of the ABA number;
  - b) The ABA holders' names;
  - c) ABA signatories and authorisations;
  - d) Tradability based on Trading Zones;
  - e) The validity of the Water Authority;
  - f) That sufficient allocation is available in the case of the seller;
  - g) That the water use entity is valid.
2. Waterpool staff will manually check offers based on information returned from the feasibility check process and carry out further checks to ensure the eligibility of the offer. Those checks are;-
  - a) Name;
  - b) Signature and Authorisation;
  - c) ABN or Statement by Supplier;
  - d) Debt indicators for the buyer.

### **RULE 4 – ISSUE RESOLUTION**

1. Waterpool will attempt to contact traders whose offers fail feasibility to resolve issues.
2. These issues will require resolution by 12 noon one day prior to the running of the Pooled Exchange to enable the offer to be resubmitted to the Water Register for feasibility checking.
3. Offers with unresolved issues after 12 noon one day prior to the running of the exchange will not be considered for that exchange.
4. If the issue remains unresolved for 14 days after notification of the issue to the trader Waterpool will cancel the offer and advise the trader of this action.

### **RULE 5– EXCHANGE & AUDIT PROCESS**

1. A professional auditor independent of Waterpool will be appointed to confirm the integrity of each Pooled Exchange. The auditor, in his assumed role as Pooled Exchange Controller, will confirm;-
  - a) That the Pooled Water Exchange prices were calculated correctly;
  - b) That volumes and any adjustments to volumes, made to balance the Pooled Water Exchange were correct.
  - c) That ballots were conducted correctly and not subject to human intervention;
  - d) That all offers listed in the exchange are genuine;
  - e) That offers withdrawn from the Pooled Exchange were based on cancellations provided under these rules.

2. The Pooled Exchange Controller cannot be a holder nor have an interest in a water entitlement.
3. The Waterpool system will automatically run the Pooled Exchange and determine the successful buyers and sellers and establish the Pooled Water Exchange price based on the following rules;
  - a) There will be no human intervention in the calculation of the Pooled Water Exchange price or in the balloting of offers where price is equal and volumes are exhausted;
  - b) A successful seller must receive a price equal to or higher than the price nominated on the offer form;
  - c) A buyer must pay a price equal to or lower than the price nominated on the offer form.
  - d) That sellers are included in ascending price order and buyers in descending price order and that the lowest price seller and the highest price buyer are the first successful trades;
  - e) The system will determine that the highest volume of trade achievable will occur in each Pooled Water Exchange;
  - f) All sellers and buyers will receive the same price;
  - g) The system will automatically alter the volume of a buyer or seller to achieve the maximum achievable volume in each Pooled Water Exchange. Only one offer in each Pooled Water Exchange will be altered;
  - h) The system will conduct a ballot, where more than one offer is equal based on price and where volumes are exhausted at that price point, to determine the successful offer(s);
  - i) Detailed Pooled Exchange results will be produced by the system;
  - j) The Pooled Exchange Controller will determine that the process has been conducted according to the rules.
4. The Pooled Exchange Controller will sign a declaration that the process has run in accordance with the rules and the declaration will be countersigned by the Pooled Exchange Supervisor of Waterpool.

#### **RULE 6 – UNSUCCESSFUL OFFERS**

1. Waterpool will notify all unsuccessful traders, whether buying or selling in the Pooled Water Exchange, by mail or email.
2. All offers that are unsuccessful and have exchanges remaining will be entered into the next available Pooled Water Exchange. Any unsuccessful offers in the last pool of the season, which have been entered for more than one pool, will not be carried into the first pool of the next season.
3. Unsuccessful offers will be presented for feasibility check prior to the next Pooled Water Exchange.
4. All unsuccessful offers will be displayed on the Pooled Water Exchange schedule and posted on the Waterpool website.
5. Unsuccessful offers that are entered into both the Pool and the Traderoom, subject to the rules above, will be automatically reinstated into the Traderoom following the completion of the Pool process.

## **RULE 7 – LODGEMENT**

1. Waterpool will produce a Form 39 from its system for all successful offers.
2. Waterpool will attach any other document required to gain approval of the trade.
3. Waterpool will be authorised to act in the signing of the Form 39.
4. All forms will be electronically uploaded for lodgement with the Victorian Water Register.
5. A return file from the Victorian Water Register will advise if the trades have been successfully lodged at the Water Corporation.
6. Waterpool will monitor the trade approval process.
7. Waterpool will delay lodgement of buy trades pending payment criteria being met under Rule 8.

## **RULE 8 – SETTLEMENT**

1. Successful buyers will be required to pay the value of the water, the Waterpool commission, buyer fee, plus GST and the Water Corporation lodgement fee.
2. Buyers must pay all invoices before paperwork will be lodged with the Relevant Water Authority to be processed.
3. Payment to sellers will not be made until after approval of the trade has been provided by the Water Corporation.
4. Payments to sellers who provide bank details will be made by EFT within 10 days of approval by the Water Corporation. Cheque payments will be made within 25 days of the completion of the Pooled Exchange.
5. All fees and commissions will be deducted from seller's proceeds.

## **RULE 9 – TRADE RESOLUTION**

1. Each individual offer shall be deemed a contract to buy or sell in the Pooled Water Exchange.
2. Waterpool has the absolute right to exclude any offer from a Pooled Exchange and is not liable for expenses or costs incurred by such an action.
3. If any offer is not included in a Pooled Water Exchange due to actions or omissions by Waterpool, then Waterpool will make every endeavour to remedy the situation.
4. The terms and conditions as published on the Waterpool website and the signing of offer forms will constitute a binding contract with Waterpool to submit that offer in the next available Pooled Water Exchange.
5. If issues are not resolved with offers, Waterpool will not submit that offer into the Pooled Water Exchange.
6. If Waterpool fails to submit a cancellation of trade which is correctly received prior to the 12 noon deadline Waterpool will be liable to rebalance the Pooled Water Exchange by purchasing or selling water of that exact same volume in the next Pooled Water Exchange from its ABA.
7. If a Water Corporation refuses an application to trade, Waterpool will use all means possible to resolve any issues and re-submit the trade application.
8. Waterpool will withhold payment to sellers until issues are resolved.

9. A seller will be given five working days to reinstate an adequate balance in their ABA to effect the trade application.
10. If the seller fails to reinstate an adequate balance in their ABA to effect the trade, Waterpool will re-purchase the volume at the next available Pooled Water Exchange.
11. Waterpool reserves the right to mitigate any potential loses by selling water allocation held on behalf of buyers who fail to make payment within the terms of trade.
12. If an application to trade by a buyer fails, and issues are unable to be resolved, Waterpool will sell the volume of allocation water in the next available exchange to enable the Pooled Exchange to balance.

#### **RULE 10 – RESULT NOTIFICATION**

1. Waterpool will advise all participants in a given Pooled Water Exchange of the outcome of their offer, whether successful or unsuccessful.
2. Notification of results in the first instance will be by email (where email addresses have been provided) and in the second instance by mail.
3. Tax invoices will be provided to successful traders in the same manner as the notification of results.
4. A schedule of results for each pool will be posted on Waterpool's website. This schedule will show all offers, whether successful or unsuccessful, the offer number, the number of megalitres sought or offered, the price of each offer, the overall number of megalitres traded and the Pooled Exchange price.
5. Schedules of historical Pooled Exchange results will be posted on the Waterpool website.
6. A summary of each Pooled Exchange result will be published in appropriate rural newspapers.

## **TRADE ROOM**

### **How the Trade Room Works**

The Trade Room is a system whereby registered traders lodge offers to buy and sell via authenticated website login. Once an offer is lodged it becomes 'live' and can be accepted by other registered traders resulting in the instant matching of trades.

The Trade Room will list available sell lots in ascending order, and available buy lots in descending order, based on their unique offer number. Traders will outline the ML they wish to buy, or sell, together with the price per ML they are willing to pay, or accept. The trader will also have the option of accepting offers on a portion of their offer volume. The prices will be fixed.

If a 'live' offer is accepted it will be removed from the trading screen and the successful trader will be notified that their offer has been accepted. Traders will be contractually bound to complete a trade once they have accepted an offer.

All offers available on Waterpool's Trade Room will be entered into the weekly Pooled Exchange unless the trader ticks the appropriate box to state otherwise. Offers valid for the Pooled Exchange will be

suspended from the Trade Room for a 24 hour period (from 12 noon the day prior to the pool, to 12 noon the day of the Pooled Exchange). Any offers successful in the Pooled Exchange will be removed from the Trade Room. All other offers will once again become 'live' and available to other traders in the Traderoom.

## **How to participate in the Trade Room**

In order to participate in Waterpool's Trade Room, all traders must first register at [www.waterpoolcoop.com.au](http://www.waterpoolcoop.com.au). Once all information has been completed online, an email will be sent advising the trader that they have registered online and certain evidence of entitlement ownership will be required along with the appropriate authority to act. The email will also advise that registration is pending the receipt of the required information. Once this information has been received and processed, Waterpool will email log-in details to the trader including a temporary password which they will be prompted to change at first log-in.

For those traders who are not familiar with the internet, Waterpool will offer to complete registration over the phone or in person. The necessary evidence of entitlement ownership will still be required, together with the appropriate authority to act.

Traders will need to upload their offers to include all requested information. Once they have approved their offer, it will become 'live', and available for viewing by all potential traders. Only registered traders can accept an offer on the Trade Room. All offers are subject to a feasibility check upon acceptance to ensure the trade is valid.

All steps are put in place to protect the privacy of all traders and Waterpool will ensure trader's identities remain confidential at all times.

## **Payments**

Buyers of allocation water via the Traderoom are required to pay for their water purchase within 48 hours of offer acceptance. Buyers are required to pay any invoices prior to Waterpool transferring allocation.

Waterpool guarantees payment to successful sellers once funds have been received from the buyer.

## **Schedule of Actions**

Action	Timeline
Offers Lodged	Live
Cancellation of Offers Lodged	Live (unless offer accepted)
Offer Acceptance	Live
Information about trades on website	Live

( <a href="http://www.waterpoolcoop.com.au">www.waterpoolcoop.com.au</a> )	
Feasibility checking of accepted offers	Live
Resolution of issues identified in feasibility check	Daily
Waterpool staff check accounts to confirm payments received from buyers	Daily
Lodgement of Forms 39's to Water Register	Daily upon receipt of buyer's payment.
Payments made to sellers	Daily upon receipt of buyer's payment and successful approval of the trade via Waterpool's Auto Lodgement system.
Traders online offer information is updated to reflect trades successfully matched	Live
Payment by buyers	Within 48 hours of offer acceptance.

## TRADING RULES

### **RULE 1 – Trader Registration**

1. Log on to [www.waterpoolcoop.com.au](http://www.waterpoolcoop.com.au) and click on the Register button.
2. Traders will register online and provide the following:
  - a. Contact Name
  - b. Full name(s) of entitlement holder(s)
  - c. Address
  - d. Contact details, to include, phone and email
  - e. Entitlement details - ABA, WAL etc.
  - f. Trading Zone
  - g. Water Authority
  - h. Waterpool Membership Number (if already a member)
3. Registration must be completed for each individual trading entity.
4. Each trader must accept Waterpool's Term and Conditions before Registration can be completed.
5. An email will be sent to traders confirming registration has been successful but further documentary evidence must be provided to Waterpool before log-in details will be provided. This evidence will include, but may not be limited to:
  - a. Evidence of entitlement ownership such as up-to-date ABA statement
  - b. Appropriate Authority to act (Form 39b)

- c. Company extract (if trading entity is a company)
  - d. Power of Attorney (if applicable)
6. Once these documents have been received by Waterpool, Waterpool will email log-in details to the traders advising Login ID and temporary password which, when entered will prompt traders to change upon initial log-in.

## **RULE 2 – SUBMISSION OF OFFERS**

1. Registered traders lodge offers to buy and sell via authenticated website login.
2. Traders are required to agree to Waterpool's trading terms and conditions when the offer is lodged on the website.
3. Successfully lodged offers are allocated a unique Offer Number by the system. The offer is in the form BXXXX for buyers and SXXXX for sellers.
4. The following information must be provided for an offer to be deemed available:
  - a. Allocation Bank Account number
  - b. The price acceptable or payable
  - c. Volume for sale or purchase
  - d. Water Trading Zone
  - e. Nomination of any volume split available for the offer
  - f. Nominate the number of days that the offer is valid for (maximum 28 days)
  - g. Choose as appropriate whether the offer is to be exclusive of the Pooled Exchange or the Traderoom (Offers default to be entered in both)

## **RULE 3 - OFFER CANCELLATION AND EXPIRY**

1. Traders can cancel their offers by selecting the offer under the 'My Water' tab and clicking 'Cancel Offer'
2. Cancellations will not be accepted on an offer that has been accepted by another trader or if it has been entered in the Pooled Exchange and has been suspended from the Trade Room pending Pool completion
3. The Waterpool system will automatically remove cancelled offers from the Trade Room
4. Traders who successfully cancel an offer will be forwarded a cancellation acknowledgement from Waterpool via email
5. Offers will automatically expire after 28 days and will be removed from the trading screen

## **RULE 4 – OFFER ACCEPTANCE AND FEASIBILITY**

1. Registered traders may accept an offer by clicking the 'Accept Offer' button opposite the relevant offer
2. Once an offer has been accepted, the trader who has accepted the offer will be asked to complete their trading information to ensure the trade is feasible
3. Once information has been completed, a feasibility check will be carried out to confirm the trade is eligible – this will be instantaneous

4. If there are any issues with feasibility, a screen will open immediately to inform the trader of any issues.
5. If feasibility is successful, the accepted offer will be removed from the trading screen
6. Offer owners and successful traders will be notified by email once feasibility has been approved. This email will include an invoice for the purchaser.
7. Purchasers must pay the full amount of the trade within 48 hours
8. Purchasers who have taken more than 48 hours to pay will be subject to Waterpool's Debtor Policy.

#### **RULE 5 – ISSUE RESOLUTION**

1. Offers which do not pass feasibility will be referred back to traders to resolve and will not be submitted for approval at the Water Register.
2. Waterpool will contact customers and attempt to resolve issues
3. If issues are resolved, offers must be resubmitted for feasibility checking prior to lodgement for approval at the Water Register

#### **RULE 6 – LODGEMENT AND SETTLEMENT**

1. Buyers will be required to pay the full amount payable for the water, to include Waterpool's commission, buyer fee, Water Authority fee and Membership fee (where applicable).
2. Waterpool will ensure all required documentation has been received before trade applications will be lodged
3. Waterpool will lodge all trades where payments have been made to the Victorian Water Register Broker Portal for processing
4. Payments will not be made to sellers until Waterpool has been informed that an application has been approved
5. Payments made to water allocation sellers by electronic funds transfer may take up to 10 days to be paid from the day of approval by the Victorian Water Register. Cheques may take up to 25 days to be raised by Waterpool.