

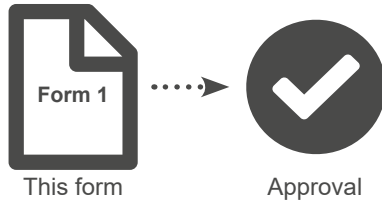


Transfer Ownership

# Form 1

## Pre-Approval to Transfer a Water Share

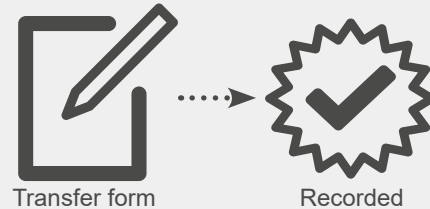
### Water Corporation



#### Approve the water share transfer

Lodge this application with your water corporation and when approved, the seller or seller's agent will be sent a **Transfer of Water Share form**.

### Water Registrar



#### Record the water share transfer

Both seller(s) and buyer(s) are required to sign the **Transfer of Water Share form** and submit to the Water Registrar for recording.

## Checklist to help you complete this application form

- [Water share owner identity check](#) for each water share owner, will need to be completed.
- All entitlement storage fees must be paid prior to submitting this application.
- Companies must attach an [ASIC company extract](#) that is less than 12 months old. **Two directors or one director & secretary** are required to sign.
- Incorporated associations must attach an [incorporated association extract](#) that is less than 12 months old. The listed secretary is required to sign.
- The application must be submitted complete with payment, to the seller's water corporation by mail, in person or emailing a scan of the original hand-signed application.

**Do not** use this form if you are selling your water with your land. Contact your water corporation who will provide you with a single pre-filled form tailored to meet your requirements.

### More information

If you require more information or wish to know the progress of this application you can track the application at [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au) or contact your **water corporation**. For payment options please contact your **water corporation**:

#### Goulburn-Murray Water

40 Casey Street  
PO Box 165  
Tatura 3616

☎ 1800 013 357

✉ [watershares@gmwater.com.au](mailto:watershares@gmwater.com.au)

#### Lower Murray Water

741-759 Fourteenth Street  
PO Box 1438  
Mildura 3502

☎ (03) 5051 3400

✉ [applications@lmw.vic.gov.au](mailto:applications@lmw.vic.gov.au)

#### Southern Rural Water

88 Johnson Street  
PO Box 153  
Maffra 3860

☎ 1300 139 510

✉ [srw@srw.com.au](mailto:srw@srw.com.au)

**A****Seller's agent or solicitor**

**i** By completing this section the seller has agreed for the agent to receive correspondence regarding this application, including the **Transfer of Water Share form**.

**Agent information**

Company name

Your reference

Given name

Surname

**Contact information**

Contact number

Email address

Postal address

Postcode

**B****Buyer's agent or solicitor**

**i** By completing this section the buyer has agreed for the agent to receive correspondence regarding this application.

Sellers agent is the same as the buyers agent

**Agent information**

Company name

Your reference

Given name

Surname

**Contact information**

Contact number

Email address

Postal address

Postcode



## D1 Individual seller's (continued ... )

**3** Personal information

Given name	Middle name(s)	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth	Signature	
<input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	

**Contact information**

Postal address	Postcode	
<input type="text"/>	<input type="text"/>	
Contact number	Mobile number	Email address
<input type="text"/>	<input type="text"/>	<input type="text"/>

**4** Personal information

Given name	Middle name(s)	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth	Signature	
<input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	

**Contact information**

Postal address	Postcode	
<input type="text"/>	<input type="text"/>	
Contact number	Mobile number	Email address
<input type="text"/>	<input type="text"/>	<input type="text"/>

## D2 Company seller's

 You must attach an [ASIC company extract](#) or an [incorporated association extract](#) less than 12 months old to this application.

**1** Company details

Company name
<input type="text"/>

I / we are authorised to sign for this company

Given name	Surname	Signature
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Contact information**

Postal address	Postcode
<input type="text"/>	<input type="text"/>
Contact number	Email address
<input type="text"/>	<input type="text"/>

To include more seller's use Annexure to Form 1 (annexure 1), download at <http://waterregister.vic.gov.au/about/forms-and-fees/water-share-forms>.

E

## How will the water share be used (buyer to complete)

### Allocation account

Would you like to create a new allocation account?

**Yes**  Please create a new allocation account for the water share in the buyer's name(s).

**No**  Please use the following allocation account.

→

### Water-use licence/registration

If you would like to associate the water share with water-use licences/ registrations, list them here.

**i** To associate you must be an owner/occupier of that land or a related person to who is an owner/occupier of that land. By leaving the section blank the water share will become a non-water user.

F

## Buyer(s) of the water share

**i** The default will be for the water share purchased to be held as sole/joint owners by the buyer's named below. If you wish to record the buyer's as tenants in common tick this box  and complete F1 and/or F2 and [Annexure to Form 1 \(annexure 3\)](#).

### F1 Individual buyer's (provide your full legal names)

**i** For company buyers go to F2 company buyer's.

#### 1 Personal information

Given name  Middle(s) name  Surname

Date of birth   /   /

Signature

#### Contact information

Postal address  Postcode

Contact number  Mobile number  Email address

#### 2 Personal information

Given name  Middle name(s)  Surname

Date of birth   /   /

Signature

#### Contact information

Postal address  Postcode

Contact number  Mobile number  Email address

## F1 Individual buyer's (continued ... )

### 3 Personal information

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

#### Contact information

Postal address  Postcode

Contact number  Mobile number  Email address

### 4 Personal information

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

#### Contact information

Postal address  Postcode

Contact number  Mobile number  Email address

## F2 Company buyer's

**i** You must attach an [ASIC company extract](#) or an [incorporated association extract](#) less than 12 months old to this application.

### 1 Company details

Company name

I / we are authorised to sign for this company

Given name  Surname  Signature

#### Contact information

Postal address  Postcode

Contact number  Email address

To include more buyer's use Annexure to Form 1 (annexure 2), download at <http://waterregister.vic.gov.au/about/forms-and-fees/water-share-forms>.

## Explanatory notes

### Water Share Transfer Approval and Recording

Transferring a water share is a two-step process. Firstly, the water corporation must approve the transfer. Secondly, the transfer of ownership must be recorded by the Water Registrar. The transfer is not effective until the transfer has been recorded. The diagram below summarises the transfer process:

#### Water Corporation



##### This Form

Lodge this application with your Water Corporation to seek approval to transfer whole or part of a water share.

Form 1



##### Approval

Upon approval of this application the water corporation will send the seller or seller's agent a **Transfer of Water Share Form**.

#### Water Registrar



##### Transfer Form

Both the seller(s) and the buyer(s) need to sign the **Transfer of Water Share Form** and submit to the Water Registrar within two calendar months from the date of the water corporation's approval.



##### Recorded

The Water Registrar will record the transfer, and the buyer(s) will become the owners of the water share. Before the Water Registrar can record the transfer all mortgages on the water share must be discharged, or the mortgagee has consented to the transfer of the mortgage.

#### Recording information

- It is a statutory requirement for the Transfer of Water Share form to be lodged with the Water Registrar within two calendar months from the date of the water corporation's approval. If the Transfer form is not lodged within that time the Water Registrar cannot record the transfer, and the transfer will be rejected. If the buyer and seller still wish to proceed with the transfer they will need to reapply for the water corporation's approval.
- Before the Water Registrar can record the transfer all mortgages on the water share must be discharged, or the mortgagee has consented to the transfer of the mortgage.
- If a limited term transfer is recorded against the water share being transferred, it remains on the water share until it expires or is surrendered. A water share transfer does not expire a limited term transfer.
- The buyer does not own the water share until it has been recorded. This means any allocation received between the water corporation's approval and recording will go to the sellers' allocation account (ABA).

#### Transferring your water share with land

This application is to transfer your water share only. If you are transferring your water assets (i.e. water share, allocation, works licence, and delivery share) with your land contact your water corporation. The water corporation will provide you with a single pre-filled form that will facilitate the transfer of all these water assets in a single transaction.

#### Transferring part of a water share

Transferring part of a water share automatically cancels the original water share and creates two new water shares in the seller's name. The two new water shares will continue to exist even if the Water Registrar does not record the transfer.

#### If the seller or buyer is a company or incorporated association

Companies must attach an ASIC company extract that is less than 12 months old. Two directors or one director and secretary are required to sign. Incorporated associations must attach an incorporated association extract that is less than 12 months old. The listed secretary is required to sign.

#### Allocation

Transferring a water share does not transfer the allocation account (ABA) or any of the allocation held in the ABA.

If the allocation account holder wishes to transfer the allocation or amend the allocation account holders, the following can be completed:

- Form 39 Application to Trade Allocation; or
- Form 44 Application to Amend Allocation Account Holder's

#### Nominating an allocation account (ABA)

The buyer can nominate an existing allocation account (ABA) to link with the water share they are buying if the ABA has the trading zone as the water share.

If the water share and the nominated ABA are not compatible the water corporation will issue you a new ABA.

#### Using the water share on land

Allocation derived from the water share can be used on the land (water-use licence or registration licence) that is linked to the ABA without formally associating the water share with land.

The buyer can also formally associate the water share with land by nominating a water-use licence or water-use registration. To associate the water share to a water-use licence/registration the buyer must be either an owner or occupier of the land under the water-use licence or be related to the land owner. A water share cannot be associated if it would exceed the water-use licence/registration's holding limit.

#### Water share ownership

Like land, a water share can be owned as:

- **Sole owner** - where only one person/ legal entity owns the water share, or as
- **Joint owners** - where two or more people/ legal entities own a water share together and if one joint owner dies, the whole of the water share remains with the surviving joint owners, or as
- **Tenants in common** - where two or more people/ legal entities own a defined portion of a water share. Under this arrangement an owner can sell their portion without the approval of the other owners. If one of the owners dies the portion that they own passes in accordance with their Will.
- **Tenants in common owning their portions as joint owners** - where two or more people/ legal entities own a defined portion of a water share.

### Refusal of the Application

The water corporation will send a letter to the water share owner(s), lodging agent, and the proposed buyer(s) advising that the application was refused.

After refusal, if the water share owner(s) wish to resubmit the water share transfer again, a new application form will need to be lodge with another application fee.

### What is happening under the Water Act 1989

This form is an application, where applicable, for the Minister's approval to:

- transfer a water share (under section 33X);
- divide a water share (under section 33Y);
- vary the water share (under section 33R);
- associate the water share (or revoke its association) with a water-use licence or water-use registration (under section 33AQ);
- give a standing direction (under section 33TA);
- revoke a standing direction (under section 33TB);
- approval to take water outside the water system (under section 33AI);
- approval to use water from the water share on land which the water share is not associated (under section 64 K).

### Water share copy of record


A copy of the Water Share' record (copy of record) can be purchased from [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au). The copy of record provides full details of the water share including its ownership, volume, water system and reliability, and encumbrances that may be recorded against it like mortgages and limited term transfers.

## More information

If you require more information or wish to know the progress of this application you can track the application at [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au) or contact your **water corporation**. For payment options please contact your **water corporation**:

#### Goulburn-Murray Water

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 [applications@lmw.vic.gov.au](mailto:applications@lmw.vic.gov.au)

#### Southern Rural Water

88 Johnson Street  
PO Box 153  
Maffra 3860

 1300 139 510

 [srw@srw.com.au](mailto:srw@srw.com.au)

#### Privacy statement

The Department of Land, Environment, Water and Planning (DELWP), Goulburn-Murray Water, Lower Murray Water and Southern Rural Water (the water corporations) are committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws. The information you provide will be made available to water corporation staff, agents and contractors to the extent necessary to process this application and to provide services to you or the water corporation itself. Information on water entitlements are publicly available via the Victorian Water Register. The information you provide will be also used for de-identified statistical water information. Refer to the water corporations' website for more information on their privacy policies.

#### Access to information about you

You have the right to access and correct information about you that is held by the water corporations and DELWP. In most cases requests for access will be administered through the Freedom of Information Act 1982, particularly requests that in affect the privacy of another individual or relate to a commercial activity. More information on privacy is available from DELWP and your water corporation's websites. If you have any privacy concerns call the DELWP customer service centre on 136 186.