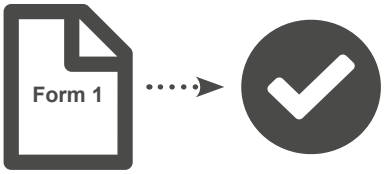
WEE

Transfer Ownership

Form 1

Pre-Approval to Transfer a Water Share

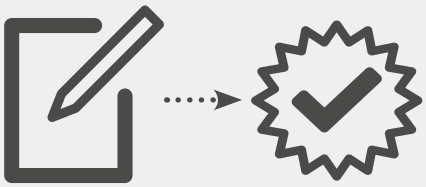
Water Corporation



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 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

Lower Murray Water
741-759 Fourteenth Street
PO Box 1438
Mildura 3502
(03) 5051 3400
applications@lmw.vic.gov.au

Southern Rural Water
88 Johnson Street
PO Box 153
Maffra 3860
1300 139 510
srw@srw.com.au

A Seller's agent or solicitor

*By competing 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

By competing 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

C About the water share transfer (seller to complete)

Current water share information

Water share number

W E E

Current volume of water share

ML

Reliability of the water share

High ☐ **Low** (or spill for Ovens) ☐

Transferring information

How much of the water share do you wish to transfer?

Whole ☐ or

Part ☐

How much are you transferring? → ML

How much of the water share are you retaining? → ML

You can transfer to one decimal place, example 23.6 ML.

Total dollar value of the water share being transferred?

$

[Volume transferred] x [$ per ML]
You must disclose the true agreed value of transfer. We use this information to estimate the market value for water.

D Seller(s) of the water share

Each seller must complete a separate water share owner identity check and include it with this application.

D1 Individual seller's (provide your full legal names)

For company seller go to D2 company seller's.

1 ***Personal information***

Given name | Middle name(s) | 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

D1 Individual seller'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

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

I / we are authorised to sign for this company

Given name | Surname | **Signature**

1

2

Contact information

Postal address | Postcode

Contact number | Email address

☐ 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.

A B A

Water-use licence/registration

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

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.

W U

W U

W U

W U

F Buyer(s) of the water share

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)

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

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**

1

2

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

Form 1

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

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. 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.watergister.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

Lower Murray Water

741-759 Fourteenth Street
PO Box 1438
Mildura 3502

(03) 5051 3400

applications@lmw.vic.gov.au

Southern Rural Water

88 Johnson Street
PO Box 153
Maffra 3860

1300 139 510

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.