

# Application for Transfer of Ownership of a Water Licence or Water Allocation

Use this Application form to transfer the ownership of an entire single water licence or one or more water allocations on a water licence from one person, partnership or company to another under Section 97 of the *Water Management Act 1999*.

A water licence and associated allocations are a valuable personal asset and are no longer linked to land. When a property is sold any current water licence to take water that has previously been used on the property may also be sold. This includes allocations to take water in to dams on the property. In most instances the ownership of the entire licence is transferred to the purchasers of the property but this is not always the case. In some instances the water licence, or some or part of the allocations on it, may be retained by the original owner or sold to another person.

Alternatively, a licence holder may choose to lease their water licence or some of the allocations on it to another person. This is referred to as a Limited Period Transfer and may be for a period agreed to by both parties. In either case, this form must be used to formally transfer the ownership of these water rights.

If you wish to transfer part of an existing allocation then you will first need to subdivide (split) this allocation in to two separate allocations. There is a separate form on the Department's web site for this process that should be completed before attempting to transfer part of an allocation. Once this has been done you can choose which allocation you wish to transfer.

## **Steps to Completing this Form**

### **Licence Details**

Here enter the water licence number which is on the top right hand side of your water licence. This number can also be looked up on the WIST web site using the water entitlements section and searching by client name. If all the allocations are to be transferred then tick the box indicating this.

If you want to keep some allocations and only wish to transfer one or more allocations then still enter the water licence number but then also add the allocation numbers, their period amount and the name of the river or stream that the water is taken from. These additional details are used to make sure that the correct allocations are transferred.

### **Transfer Details**

Here you identify whether the transfer is absolute (permanent) or for a limited period. If the transfer is for a limited period then enter the date that the transfer is to start and the date when the transfer will end and the licence or allocations are to be returned to the original owner.

### **Transfer From (transferor)**

These are the details of the current owner of the water licence and allocations and it is important that this is signed by all individuals recorded as owners of the water licence. It is also critical that if there is a financial interest recorded against the water licence or allocation that either this interest is discharged before the transfer application is lodged or the interest holder (usually a bank or a financial institution) provides consent in writing to the change of ownership.

Where all allocations are being transferred to an existing licence unless the box to surrender the current licence is ticked then the licence will continue to exist without any allocations and will attract an annual administrative fee each year.

### **Transfer to (transferee)**

These are the details of the person to whom the water licence or allocations are to be transferred and who will become the new owner. If this is a company then complete a Company Information Form and Application to Record a Nominated Natural Person Application form. If the transfer is to two or more people then complete an Application to Record a Nominated Natural Person on behalf of a Joint Client. This allows the Department to record details of all of the owners of the licence and provides greater security for this valuable personal asset.

This section also allows the transferee to identify any current water licence they may hold so that allocations can be transferred to this.

If the transferee is receiving allocations and doesn't already hold a water licence then they must apply for a water licence and pay the additional fee. This is not required if the application is to transfer the entire water licence and all allocations or if the transferee already holds a water licence.

### **Statutory Declaration required where licence holder is deceased**

Where the licence holder may be deceased then the water licence and allocations may still be transferred. All the details above must be completed and in addition, the statutory declaration must be signed by the executor of the estate.

### **Submit the completed and signed application form**

There are two options for submitting the completed application form;

- Post the completed application form, with the prescribed fee, in the form of a cheque or money order (made payable to DPIPWE), to DPIPWE, Water Management & Assessment Branch, GPO Box 44, Hobart TAS 7001,  
**OR**
- Lodge the completed application form, with the prescribed fee, at any Service Tasmania outlet.

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**Water Management Act 1999**

**APPLICATION FOR TRANSFER OF OWNERSHIP OF  
A WATER LICENCE or WATER ALLOCATION**  
(pursuant to Section 97)

(Please note: This application form is effective from 1 December 2017 to 30 June 2018)

**Licence Details:**

Water Licence No: ..... and all allocations  (Tick if all allocations are to be transferred)

**OR**

Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....
Allocation No:.....	Period Amount:.....ML	Water Resource:.....

**Transfer details**

Absolute (permanent) transfer

Limited Period Transfer (Lease)                      Start of Lease: .....                      End of Lease: .....

**Transfer from (transferor):**

Full Names: ..... ACN: (if applicable).....

Address: .....

Phone No: ..... Email:.....

Does any person have a financial interest in the water licence/allocation?                      Yes  (Attach consent)                      No

Signed: .....                      Date: .....

Signed: .....                      Signed: .....

The licence is no longer needed once all of the allocations have been transferred and will be surrendered to avoid attracting any future administrative fees.....

**Transfer to (transferee):**                      *If a transfer of allocations then current Licence No\*: .....*

Full Names: .....

ABN: (if applicable).....ACN (if applicable):.....

Address: .....

Phone No: ..... Email:.....

Date of Birth:.....

I have read and understand the Water & Marine Resources Division's privacy statement  (please tick)

Signed: .....                      Date: .....

**\* If an allocation transfer is lodged and the transferee does not hold a current Water Licence an application for a Water Licence and fee of \$100.75 must be lodged together with this application.**

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**Enclosed is payment of:**

**\$100.75** *Absolute transfer with change of ownership*

**\$302.25** *Limited period transfer (includes return of allocation/licence to original owner)*

**NOTE:**

1. Payment of the prescribed application fee **must** accompany this application.
2. **ALL** persons detailed on the water licence must sign the transfer application form. Should the licence holder (transferor or transferee) be deceased, the Executor of the estate must sign on their behalf. The Statutory Declaration must be completed and lodged with this application along with a copy of the death certificate and Will & Probate (if applicable).
3. Should a person hold a financial interest in this licence and/or allocation, written evidence must be provided that that person consents to the transfer of the licence and/or allocation.
4. If the transferee is in a Company or Joint name a Company Information Form and an Application to record a Nominated Natural Person or an Application to Record a Nominated natural Person on behalf of a Joint Client **must** accompany this application. (whichever applicable).
5. This is an application to transfer only. It does not constitute any form of approval for the transfer.
6. Conditions may be imposed or varied on the transfer of the water licence/ allocation.

**Personal Information and Privacy Statement**

Personal information will be collected from you for the purpose of managing Tasmania's water resource and will be used by DPIPWe for assessing, considering, advising upon, managing and/or determining the relevant application and may be used for other purposes permitted by the *Water Management Act 1999* and regulations made under this Act.

You are required to provide this information by the *Water Management Act 1999* and regulations made under this Act. Failure to provide this information may result in your application not being able to be processed or the service not being able to be provided.

Your personal information will be used for the primary purpose for which it is collected, and may be disclosed to contractors and agents of the Water & Marine Resources Division, law enforcement agencies, courts and other organisations authorised to collect it.

Your basic personal information may be disclosed to other public sector bodies where necessary, for the efficient storage and use of the information.

Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to DPIPWE. You may be charged a fee for this service.

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**OATHS ACT 2001**

**STATUTORY DECLARATION**

I,.....  
.....  
..... (full name, address and occupation)

**do solemnly and sincerely declare that:** I am the Executor of the Estate of  
..... (deceased licensee's name); neither  
*Probate nor Letters of Administration* will be obtained in respect of the deceased's estate; I am entitled to transfer  
the licence/s identified on this form; no-one has any better claim to exercise that authority; I will indemnify the  
Minister, the Crown its officers, employees and agents against any claim or demanding respect of the transfer of the  
licence; the indemnity will be a continuing obligation which will not merge on transfer of the licence.

I make this solemn declaration under the Oaths Act 2001.

**Declared at** \_\_\_\_\_  
(Place)

**on** \_\_\_\_\_  
(Date)

**by** \_\_\_\_\_  
(Signature of declarant)

**Before me,**  
\_\_\_\_\_  
(Justice/Commissioner for Declarations/authorised person)