

Secured interest registration by holders of replacement water access licences

If there was a registered mortgage* in the land benefited by a 'prior' Water Act 1912 licence granted before issue of a replacement water access licence (WAL), you will not be able to register dealings in the replacement water access licence until the holder(s) of that mortgage has had the opportunity to have that interest(s) registered against the replacement WAL(s).

* registered on the Land Titles Register (managed under the Real Property Act 1900).

Use this form to:

- provide registered interest holders with an opportunity to register their interest against the replacement WAL.
- initiate issue of the Water Access Licence Certificate where all parties nominate the certificate holder.

You are advised to read the *Guide to secured interest registration by holders of replacement water access licence* before filling in this form. No fee applies for registration of secured interests.

You can either complete this form by typing in the PDF or writing using a black/blue ink pen using BLOCK letters.

Submitting the form

The completed form should be sent to:

Security Interest Administrator

WaterNSW, 1243 Bruxner Highway, Wollongbar NSW 2477

Processing will be delayed if the form is incomplete or incorrect.

SECTION A: Licence

<p>A1 Insert 'prior' water licence (<i>Water Act 1912</i>) number. For bore licences, insert only the relevant 'property account' number</p>	
<p>A2 Insert the number of the Water Access Licence* (WAL) replacing the water licence or property account specified at A1 above.</p> <p>Note: One prior licence may be replaced by multiple WALs.</p>	<p>A3 WAL</p>
	<p>A4 WAL</p>
	<p>A5 WAL</p>

* A reference to a WAL is also a reference to an Aquifer Access Licence or a Supplementary Water Access Licence.

SECTION B: Contact details

WAL holder or their agent

<p>B1 Title (<i>Mr, Mrs, Ms</i>)</p>	<p>B2 Surname</p>	<p>B3 Given name(s)</p>	
<p>B4 Corporation name (<i>if applicable</i>)</p>			
<p>B5 ACN (<i>if applicable</i>)</p>		<p>B6 Position held (<i>if applicable</i>)</p>	
<p>B7 Address</p>			
<p>B8 Town</p>	<p>B9 State</p>	<p>B10 Postcode</p>	<p>B11 Country</p>
<p>B12 Phone</p>		<p>B13 Alternate phone</p>	
<p>B14 Fax</p>			
<p>B15 Email</p>			

SECTION C: Register a security interest in a replacement water access licence

Complete this section if the registered security interest holder* elects to have the interest registered against the replacement WALs. In relation to a particular security interest, complete either Section C or Section D, not both.

* registered on the Land Titles Register (Real Property Act 1900)

c1 Secured interest details

Name of security interest holder

In the case of a **registered** interest, the mortgage reference is _____ (registration number) registered pursuant to the *Real Property Act 1900* (in the NSW Land Titles Register)

Note: A person holding any other prior interest such as unregistered interests or those registered under the *Conveyancing Act 1919* may apply for registration for up to three years after conversion of the 'prior' *Water Act 1912* licence provided the water access licence holder is advised of the proposed application and has an opportunity to object.

The mortgage was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot / Deposited Plan

Lot	DP	Lot	DP	Lot	DP
Lot	DP	Lot	DP	Lot	DP

c2 Replacement water access licences

I seek to have this security interest registered in the name of the security interest holder in the water access licences that replaced the above-mentioned *Water Act 1912* licence.

Note: Do not include any Specific Purpose WALs as security interests cannot be registered against them.

WAL	WAL	WAL
-----	-----	-----

c3 Interest holder declaration

I make this solemn declaration conscientiously believing the same to be true.

Name of authorised representative for the secured interest holder						
Declared	(Place)	this	(Date)	day	(Month)	(Year)
Signature of declarant						
Before me (Name of Justice of the Peace or other party legally authorised to witness)						
Signature of Justice of the Peace or other party legally authorised to witness						

c4 **Water access licence holders declaration**

The water access licence holders can either acknowledge the existence of the interest or request that an 'Objection' be noted against the interest. Please tick appropriate box below:

- Acknowledge the existence of the interest and proceed with registration **OR**
- Object to the security interest holder's claim but proceed with the registration

I request the registration of the interest noted above in the water access licences specified in Section A above and understand that I will not be entitled to a 90 day notification period by reason of this request. Furthermore I have no objection to the Water Access Licence Certificate being issued to the security interest holder.

Signature of water access licence holders *[attach schedule if more than two WAL holders]*

Name	Signature	Date
Name	Signature	Date

SECTION D: Security interest holder does NOT want to register a security interest

This section is to be completed if the security interest holder does **not** intend to register the interest. Only the security interest holder need complete and sign this section.

D1 Secured interest details

Name of security interest holder

In the case of a **registered** interest, the mortgage reference is _____ (*registration number*) registered pursuant to the *Real Property Act 1900* (in the NSW Land Titles Register)

The mortgage was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot / Deposited Plan

Lot	DP	Lot	DP	Lot	DP
Lot	DP	Lot	DP	Lot	DP

D2 Interest holder declaration

(<i>Name of security interest holder</i>) _____ does not require the security interest identified in D1 above to be registered against the access licences specified in A2 (<i>pursuant to Schedule 10, clause 19 (1) of the Water Management Act 2000</i>).
Name of security interest holder or authorised representative
Position of authorised representative
Signature
Bank stamp (<i>if applicable</i>)

SECTION E: Issue WAL Certificate

This section is to be completed if the registered security interests* have had the opportunity to register their interests against the replacement WAL (Sections C and D) and all holders and all security interest holders registered on the WAL Register or referred to in Section C agree on who should hold the certificate.

* registered on the Land Titles Register (Real Property Act 1900).

I/We request that the Water Access Licence Certificates be issued by NSW Land Registry Services (NSW LRS) to:

E1 Name of party to hold the certificate
E2 Delivery address
E3 Name of contact person (for corporations)

All security interest holders to complete

E4 Name of security interest holder	E5 ACN
E6 Name of authorised person (for corporations)	
E7 Position (for corporations)	
E8 Signature	E9 Date
E10 Name of security interest holder	ACN
Name of authorised person (for corporations)	
Position (for corporations)	
Signature	Date

Additional interest holders should copy this page, complete and attach to this form.

All WAL holders to complete

E11 Name of WAL holder	
E12 Name of authorised person (for corporations)	
E13 Position (for corporations)	
E14 Signature	E15 Date
E16 Name of WAL holder	
Name of authorised person (for corporations)	
Position (for corporations)	
Signature	Date

E17 Name of WAL holder	
Signature	Date
E18 Name of WAL holder	
Signature	Date

Additional interest holders should copy this page, complete and attach to this form.

Privacy note The personal information you provide in this form will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction. Your personal information will be used for assessing and processing your application or in connection with the operation of any water access licence granted and may be disclosed to State or Commonwealth public authorities and other parties: (i) for any of the above mentioned purposes; or (ii) for research related purposes; or (iii) as required by law. If a water access licence is granted, the *Water Management Act 2000* requires that various details relating to the water access licence are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the Water Access Licence Register is publicly available.

Offences and suspension or cancellation It is an offence, under section 344 of the *Water Management Act 2000*, to make a statement that you know to be false or misleading in a material particular in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500. An access licence may be suspended or cancelled, under section 78 of the *Water Management Act 2000*, if: (a) the holder of the licence has failed to comply with any term or condition to which the licence is subject, (b) the holder of the licence has been convicted of an offence against the Act or the regulations, (c) if any fees, charges or civil penalties in respect of the licence have not been paid, whether or not those fees, charges or civil penalties were incurred by the current holder of the licence, (d) the holder of the licence has failed to comply with any direction given to the holder under this Act in connection with the licence, or (e) the licence was granted as a result of false, misleading or materially inaccurate information supplied by or on behalf of the applicant.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2017). However users are reminded of the need to ensure that the information upon which they rely on is up to date and to check currency with WaterNSW or with the user's independent adviser.

Published by WaterNSW.