



# Application Procedures

- Re-cap on processing queues
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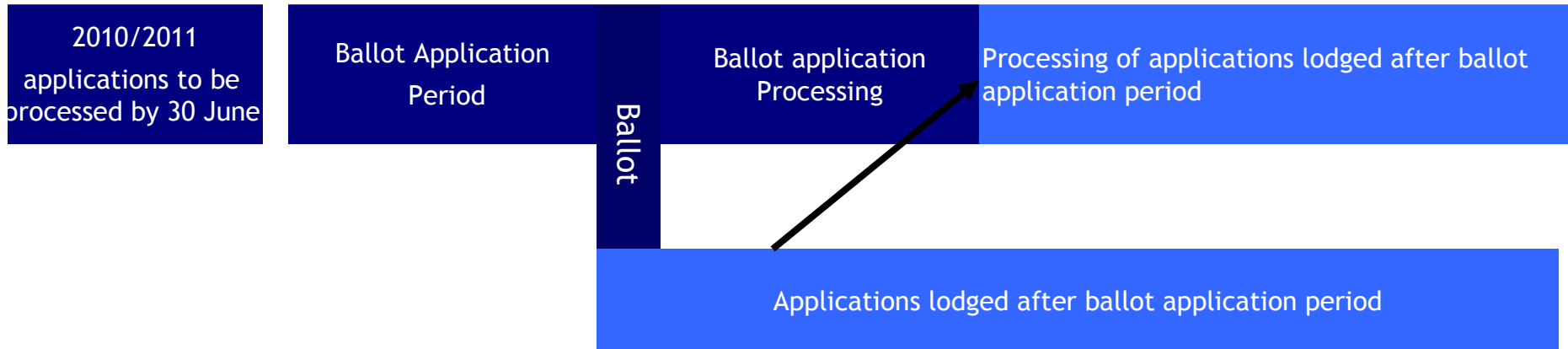


# Processing queues and timelines



## APPLICATIONS WHICH INTERACT WITH THE 4% LIMITS

(Transfers changing delivery systems that involve an 'Irrigation District')



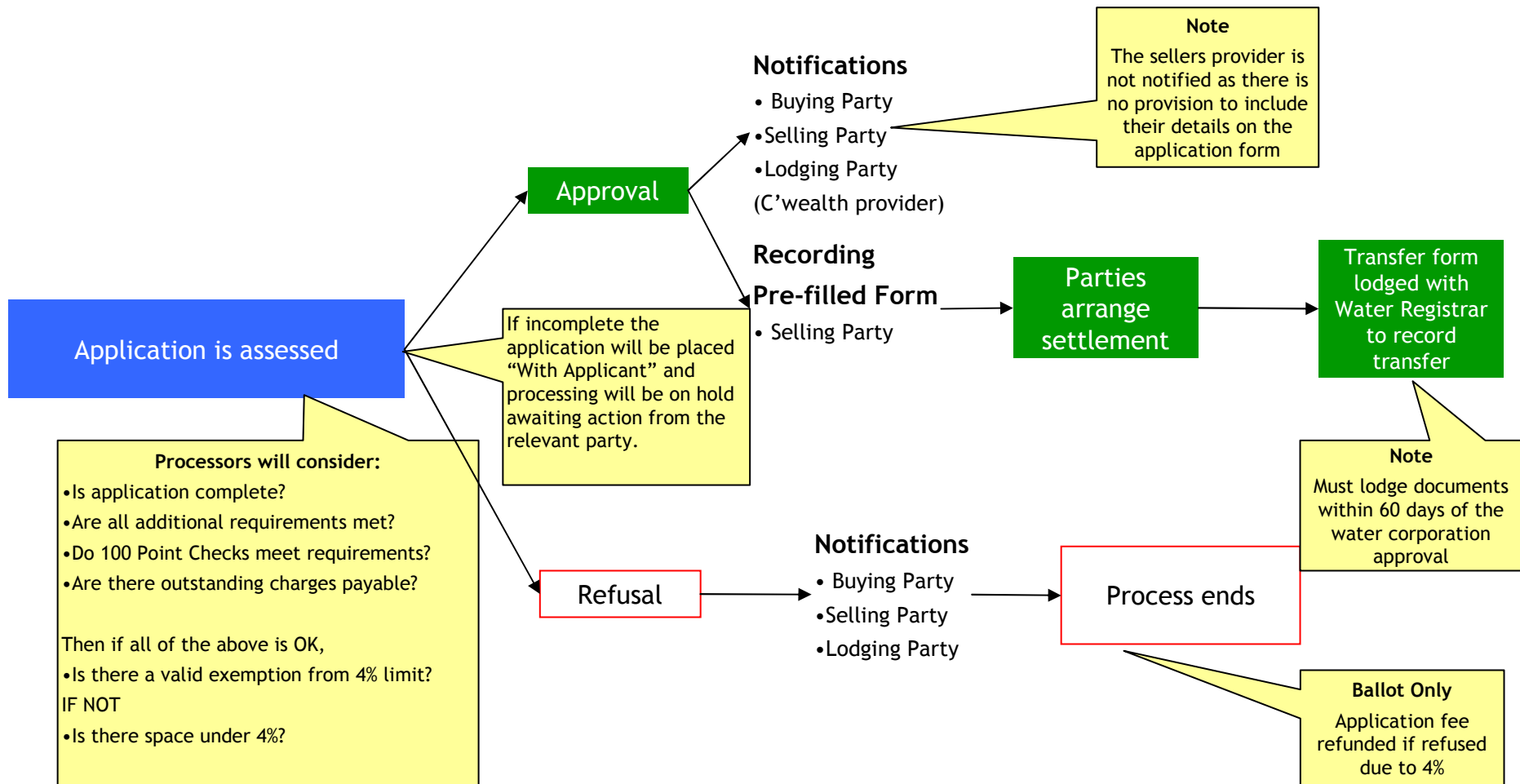
## APPLICATIONS WHICH DO NOT INTERACT WITH THE 4% LIMITS

(Transfers of water shares not associated with an irrigation area (river diverters or already dissociated water shares))

Lodgement and processing of applications for 2011/12



# Processing overview





# Requirements for Lodgement

- Application forms
  - Answer all questions as instructed - review the checklist in the explanatory notes.
  - Signatures of all recorded owners must be provided
  - All information must be legible
  
- Application Fee
  - Payment by cheque or credit card



# Application Forms

## Form 1 – Application to Transfer a Water Share

### Requirements to be completed by sellers (or their service providers)

- Water Share ID
  - Use WEE reference - make sure it is active (not cancelled) - check on up-to-date Copy of Record
- Water Corporation
  - Nominate the water corporation the water share is currently linked to (G-MW or LMW)
- Whole or Portion Transfer
  - Most transfers to Commonwealth will be for a whole share (not a portion)
  - Must clearly state volume in figures and words - if the volume written on the form is not the same as the water share, the application will be returned.
  - Monetary consideration must be provided - option to put \$0, but not recommended.
- Names and Signatures
  - ALL owners must sign - and this must reflect what is on the Copy of Record
  - Sellers names must match the person's identified in the 100 Point checks
  - If seller is a company leave this section blank and complete page 2 of the Annexure section "Name/s and Signature/s of company, if company is seller"
  - If seller is a company, a company extract or company report must be provided, which shows the office-holders - Secretary or Directors (at least one must sign the application form)



# Application Forms

## Form 1 – Application to Transfer a Water Share

### Requirements to be completed by Commonwealth service providers

- Water-Use Licence & ABA
  - Transfers to Commonwealth do not involve association with a Water-Use Licence
  - In question 5a - the “no” box should be nominated
  - In question 5b - the “yes box should be nominated
  - Commonwealth ABA for relevant trading zone should be listed (there is one ABA per trading zone)
  - Question 5c does not apply to Commonwealth purchases - leave blank
- Proposed Ownership Structure
  - Commonwealth providers should not complete ownership details in this section - ownership details should be included in Page 3 of Annexure “Name/s and Signature/s of company, if company is buyer”
- Annexure
  - Name of Company is “Commonwealth of Australia”
  - All details and the authorised signatory for Commonwealth must be included
  - Commonwealth do not have to provide any further documentation in relation to signatories



# Application Forms

## Form 1 – Application to Transfer a Water Share

### Requirements to be completed by Commonwealth service providers

#### Lodging Parties

- Commonwealth Provider must complete the Lodging Party Section (question 8)
- Minimum information should be
  - Name of the firm lodging the form
  - Postal address
  - Phone number
- Optional Information includes:
  - Party ID (if known)
  - Individual name of person dealing with the transfer in the legal firm - useful for contact purposes
  - Write in an email address if you want to - no specific place for this on the form.
  - Note that information from the covering letter is not recorded during processing -so contact details should be on the lodging party section of the application form itself
  - Except if a solicitors reference number is used on the covering letter, we will use it on correspondence.
- Note that the conveyancer acting for the seller is not generally nominated as the lodging party for Commonwealth applications so will not receive correspondence from G-MW in relation to the application.



# Application Forms

## Form 3 – Application to Divide and Transfer a Water Share

### Sellers Information

- Water Share ID
  - Must be Use WEE reference - make sure it is active (not cancelled) - check on Copy of Record
- Water Corporation
  - Nominate the water corporation the water share is currently linked to (G-MW or LMW).
- ML to be Transferred
  - Volume must be less than the total of the existing water share
  - Must clearly state volume in figures and words
  - Question 4 - must list current volume of the water share
  - Question 4a - is the transfer volume (must be the same figure as written in qu. 2)
  - Question 4b - Is the volume the seller is retaining
- Monetary consideration must be provided - option to put \$0, but not recommended.
- Names and Signatures
  - Same requirements as for Form 1

# Application Forms

## Form 3 – Application to Divide and Transfer a Water Share

### Buyers Information

Most information is the same as the Form 1 but question numbers differ.

- Water-Use Licence & ABA
  - Transfers to Commonwealth do not involve association with a Water-Use Licence
  - In question 8a - the “no” box should be nominated
  - In question 8b - the “yes box should be nominated
  - Commonwealth ABA for relevant trading zone should be listed (there is one ABA per trading zone)
  - Question 8c does not apply to Commonwealth purchases - leave blank
- Proposed Ownership Structure
  - Same requirements as for Form 1
- Annexure
  - Same requirements as for Form 1
- Lodging Party
  - Same as for Form 1



# 100 Point check of Identity

- All owners must complete a separate 100 Point check
- Includes anyone signing an application form as the seller (individuals, company officers, government agency officers etc)
- Who is authorised to conduct the 100 Point check
  - Officer of G-MW or LMW
  - Australian Legal Practitioner - solicitors, lawyers, barristers etc (not JP's) but in NT/WA a Commissioner of Oaths if party lives in remote community.
  - Fellow of the Institute of Legal Executives
  - Certified Practising Accountant or Chartered Accountant (CPA or CA)
  - Outside Australia
    - Notary Public
    - Australian consular official



# 100 Point check of Identity

Responsibilities of person taking 100 Point check.

Person must:

- Sight original documentation or certified copies of all forms of ID
- Make photocopies of photographic ID (ensuring the text on the photocopies can be read)
- Ensure that the correct combination of ID types are sighted
- Record the ID documents on the 100 Point check table and tally the points to ensure they are equal to at least 100 points.
- Ensure the form is signed by both themselves and the person being identified.
- All signatures must be original (photocopied signatures are not accepted)
- Include your stamp if possible to assist with verification of credentials.



# 100 Point Check of Identity

## Acceptable Forms of ID

- Must provide one form of either Type 1 OR Type 2 identification
- One of these documents **MUST** be photo ID\*
- All photo ID documents must be photocopied and attached to the form
- Details of all documents other than Type 1 must be written in the 100 Point Check Table - no need to provide photocopies of non-photographic documents.

## Type 1 includes:

- Passport, birth certificate, Australian citizenship certificate

## Type 2 includes

- Drivers Licence or other licence issued by State, Territory or Commonwealth of Australia – such as shooters licence, heavy vehicle etc)
- ID card issued to public employee
- Tertiary Student Card



# 100 Point check of Identity

## Type 3 and Type 4 ID

- ID under Type 3 or 4 must only be provided if the points provided under Type 1 and 2 equal less than 100.
- There is no requirement to photocopy Type 3 or 4 ID, details must be written in the 100 Point table.
- Points scored from documents from a particular source can only be used once (eg two bank accounts with same bank counts as 25 points only)

## Type 3 ID includes:

- Credit cards, rates notices, telephone account, foreign drivers licence, Medicare card, Health Care Card, Pension Card
- Credit card details should never be photocopied.

## Type 4 ID includes

- Water Corporation Account, Rates Notice (less than 12 months old)
- Utility etc or fixed line phone account (less than 60 days old)



# 100 Point Check of Identity

If Standard Type 1 or 2 ID documents cannot be provided

Statutory Declaration (counts as Type 2 ID - worth 40 points)

- The declaration must:
  - Be made by a party who has known the water share owner for a period of at least 2 years
  - Made before a person authorised to take a statutory declaration
  - Must state ... “I Bill Bloggs have known John Citizen for a period of 3 years.”
  - The person declaring they have known the water share owner for more than two years and the person taking the declaration must sign and provide name and address details on the declaration & provide identification stamp if possible.
- The statutory declaration should then be provided to the person being identified. They can then present this as part of the 100 Point check.



# 100 Point Check of Identity

## Differences between name recorded in Water Register and on ID documents

- Marriage - If a person's surname has changed due to marriage, a certified copy of a marriage certificate showing the link between the two names must be attached.
- Divorce or Deed Poll - If a name is different and reverted to a maiden name or a person has changed a name through Deed Poll, a certified copy of a document relating to the name change must be provided.
- If either of these cannot be provided, a statutory declaration will be accepted providing it states that the person has changed names but they are one in the same person.



# 100 Point Check of Identity

## Name discrepancies - acceptable

- Some name discrepancies between documents can be allowed - common sense situations, but
- In all cases the surname on the photo ID must match the other documents and the water share record.
- Acceptable differences between photo ID and Type 3 or 4 documents:
  - Middle name discrepancies - one middle name missing, or is only an initial on some documents
  - Spelling of the same first name is different - only if the surname and address of other documents matches photo ID (eg Stuart and Stewart)
  - Initials on some documents and names on others - only if the initials match and the address of other documents matches photo ID



# 100 Point Check of Identity

Name discrepancies - unacceptable - requires a statutory declaration

- Unacceptable spelling or name differences
  - A completely different first name than the photo ID, regardless of the address being the same
  - A different spelling of the surname than the photo ID.
  - Anglicisation  
If a name has been anglicised - for example Giovanna to Joanne and the legal name has not been changed on any of the documents.
  - As a rule, the name on the photo ID must match the other ID, if in doubt check with G-MW.
- Under these circumstances the person must make a declaration to a person authorised to take a stat dec stating that the documents they have presented were issued to them under the two different names but they are one in the same person.



# Other Documents

## Companies

- All party/s who execute the forms on behalf of a company must complete 100 Point Checks
- Applications must be accompanied by a company extract (a company report will also be accepted if issued within last 12 months)
- This must list the office bearers who have signed the transfer form, including at least:
  - One director of the company; or
  - The company secretary
  - If a company extract indicates the company is in liquidation or an administrator/ receiver has been appointed, a representative of the liquidator or administrator must sign the transfer forms and attach a copy of a document indicating the name and officer of the firm appointed.
  - This is generally listed on the company extract or report but it is worth checking before the application is lodged.
- If a company has been de-registered, ASIC will be required to sign the transfer forms



# Other Documents

## Incorporated Associations (Inc. , Owners Corporations)

- These organisations must provide proof of who is authorised to execute documents on their behalf. This may be a copy of a legal document, such as the minutes of a meeting confirming the names of any authorised persons.
- This document must include the names of the office bearer/s who have sign the transfer forms.
- The party/s signing must complete the 100 Point Check forms.

## Court Orders

- If a party is signing an application form on behalf of another party as the result of an order of the Courts, a copy of the Court order must be provided stating that the party is authorised to execute documents relating to the transfer of water shares.
- The party signing must complete a 100 Point Check form.
- G-MW encourages service providers to contact us prior to lodging a transfer application which is to be executed under a Court Order.



# Other Documents

## Trustees

- As the legal owner of a water share (even if acting in the role of trustee for another party) trustee/s must sign the application form.
- If a company is the legal owner of the water share under a trustee arrangement , the normal company rules apply
- The person/s signing the forms must complete a 100 Point Check form.

## Legal Personal Representatives - LPR (deceased estates etc)

- Must have recorded their status of LPR for the owner of the water share with the Water Registrar before lodgement of application to transfer with G-MW.
- The LPR has same obligations as any other legal person with regard to executing an application.



# Common issues which delay approval

## Unpaid water share charges:

- G-MW will provide details of outstanding charges to sellers (or their providers if requested) prior to or during the ballot application period.
- Outside the ballot period, sellers should check to ensure fees are paid before the application is lodged.

## Incomplete applications:

- 100 Point checks not completed / incorrect / missing documents. If in doubt about confirm with G-MW.
- Company Extracts not provided if sellers own water shares in company names
- Incorrect WEE provided - cancelled (as a result of a prior transaction). If in doubt obtain a Copy of Record or check with G-MW before lodging - we can confirm if a WEE number is active.

## Sellers not responding to requests for information quickly:

- Will delay processing and approval.
- Delays often occur if sellers are not aware they need to respond.
- Sellers providers do not receive notification directly from G-MW.

## Post G-MW approval

- Sellers not aware of the requirement to lodge transfer documents with the Water Registrar within 60 days.

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# Ballot rules and procedures

Questions...