

Information for Applicants

Requirements for Statutory Declaration and Consent of Land Owner



When is a Statutory Declaration required?

If the Water Share owner(s) are not the owner(s) of land specified in the Water Use Licence or Water Use Registration, and they:

- Intend to become the owner(s) of the land specified under the nominated WUL/WUR within 3 months of the water share transfer; or
- Occupy the land specified under the nominated WUL/WUR; or
- Intend to become the occupier of land specified under the WUL/WUR; or
- Satisfy the definition of being a 'related person' to the current owner or occupier or to a proposed owner or occupier of the land.

Who must sign the Statutory Declaration?

- If there is one owner of a water share the owner (or prospective owner) of the water share must complete a statutory declaration.
- If there is more than one owner and the water share is owned by joint tenants half or more of the joint tenants in the water share must complete a separate statutory declaration
- If there is more than one owner and the water share is owned by tenants in common, tenants in common owning half or more of the water share must complete a separate statutory declaration.
- If the water share is owned by a company (or multiple companies) an authorised officer of the company(s) must complete a statutory declaration and provide an ASIC Company Extract listing the Directors and authorised officers as evidence of their authority to sign the declaration.

When is a *Consent of Land Ownership to Association of a Water Share* required?

Written consent is required from all owners of the land to be associated, other than the owners who are applying to associate the water shares. The consent should be completed and signed as follows:

- Where the association is made on the basis of future ownership of land, land owners who are not the proposed owners of the water share. *Note: G-MW is only made aware of changes in land ownership upon receipt of a Notice of Acquisition/Disposition. If this is not lodged prior to the water share application, the future owners of land cannot be verified.*
- Where an association is on the basis of the proposed water share owner occupying land, any owners of land specified in the WUL/WUR who are not nominated on the water share application as a proposed owners of the water share.
- Where an association is on the basis of the water share owners being a related person to the land owners, any land owners, who are not nominated on the water share application as a proposed owners of the water share

Where parties seek to associate water to land which may be owned by them personally, and which may be owned by a company of which they are a Director or authorised person the following applies:

- Where water shares are owned (or proposed to be owned) by a company and the company seeks to associate the water shares to land owned personally by a company Director, the consent of the person as owner of the land must be provided.
- Where water shares are owned (or proposed to be owned) by a person and they seek to associate the water shares with land owned by a company of which they are a Director, a Consent should be completed by them, on behalf to the company. It is preferable that a different Director signs the Consent, but in the case of a company with a sole Director, the sole Director can sign the Consent.

For general information call or visit WaterLINE

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