

STATUTORY DECLARATION

To be attached to an application where a water share is to be associated with land specified in a water-use licence or water-use registration, under Division 10, Part 3A of the Water Act 1989.

I
[Print full name of applicant. If a company, print name of company and ACN]

of
[Print address of applicant]

do solemnly and sincerely DECLARE that:

1. I am an applicant under application number/s
[insert application number/s] for a water share dealing that would associate a water share with land.
2. The land is specified in water-use licence or water-use registration
..... [insert number].

3. I am, or expect to become within 3 months, **Tick relevant box**
 - (i) an owner of the land specified in paragraph 2; or
 - (ii) an occupier of that land; or
 - (iii) a related person to [insert name of owner/occupier]
who is (or will be) an owner/occupier [delete one] of that land, where the relationship is as follows:
(Describe relationship, including type of related person, eg. sister, brother, related body corporate, majority shareholder, director, etc].

4. I attach written consent to the proposed association from all owners (or, where applicable, future owners) of that land, other than owners who are applicants under the application referred to in paragraph 1.

I ACKNOWLEDGE that this declaration is true and correct and I make it with the understanding and belief that a person making a false declaration is liable to the penalties of perjury.

DECLARED at

in
(insert State, or country if not Australia)

this day of 20....

.....
Signature of person making the declaration
(to be signed in front of an authorised witness)

.....
Print full name of signatory

.....
Position if a company

BEFORE ME:

.....
Signature of authorised witness

The authorised witness must print or stamp his or her name, address, and title under section 107A of the Evidence Act 1958 [Vic.]

In Victoria, the authorised witness may be (among others) a Justice of the Peace, pharmacist, police officer, court registrar, bank manager, medical practitioner, dentist, municipal councillor, school principal, or minister of religion.

In other jurisdictions, the declaration will need to be made in accordance with provisions for statutory declarations in the jurisdiction in which it is being declared.

EXPLANATORY NOTES

When is this declaration required?

The declaration is required when -

- water share owners (or future owners) are using one of Forms 1, 3, 7 or 9 to apply under section 33AQ of the Water Act 1989 to associate a water share with land; and
- the applicants are not recorded in the water register as owners of the water-use licence or water-use registration on the land.

The completed declaration(s) must be attached to the application form (Forms 1, 3, 7 or 9).

Who must complete this declaration?

A declaration must be individually completed by –

- (a) the owner (or prospective owner) of the whole of the water share; *or*
- (b) **half or more** of the joint tenants (or prospective joint tenants) in the water share; *or*
- (c) tenants in common (or prospective tenants in common) **owning half or more** of the water share.

If the applicant is a company, the declaration must be made by an authorised officer of the company, and evidence of authorisation must be attached.

If the association depends on transfer of land or occupation of land

If association of the water share depends on transfer of land and the land transfer does not proceed or ceases, or it depends on the occupation of land and occupation does not proceed or ceases, the association will be revoked.

In that case, if the non water user limit for that water system is exceeded, the Water Act requires that the water share be otherwise associated, or else surrendered within 6 months.

Consent to be given by the owners of the land

Written consent of all the owners of the land, other than owners who are applying to associate the water share, must be obtained. If paragraph 3 of the Declaration is made on the basis of future ownership, or on the basis of being a related person to a future owner, consent is required from the future owners and not the current owners.

The written consent must be submitted with the Declaration. A consent form is attached. Where there are multiple owners, they may all sign the same consent form or each sign an individual consent form.

Who is a related person?

Section 3 of the **Water Act 1989** (Victoria) states -

related person means a person who is related to another person in accordance with any of the following provisions—

- (a) natural persons are related persons if one of them is a relative of the other;
- (b) companies are related persons if they are related bodies corporate within the meaning of the Corporations Act;
- (c) a natural person and a company are related persons if the natural person is a majority shareholder or director of the company or of another company that is a related body corporate of the company within the meaning of the Corporations Act;
- (d) a natural person and a trustee are related persons if the natural person is a beneficiary of the trust (not being a public unit trust scheme) of which the trustee is a trustee;
- (e) a company and a trustee are related persons if the company, or a majority shareholder or director of the company, is a beneficiary of the trust (not being a public unit trust scheme) of which the trustee is a trustee;

relative in relation to a natural person, means a person who is—

- (a) a child or remoter lineal descendant of the person or of the partner of the person;
- (b) a parent or remoter lineal ancestor of the person or of the partner of the person;
- (c) a brother or sister of the person or of the partner of the person;
- (d) the partner of the person or a partner of any person referred to in paragraph (a), (b) or (c);
- (e) a child of a brother or sister of the person or of the partner of the person;
- (f) a brother or sister of a parent of the person or of a parent of the partner of the person.

Section 50 of the **Corporations Act 2001 (Commonwealth)** states -

Where a body corporate is:

- (a) a holding company of another body corporate; or
 - (b) a subsidiary of another body corporate; or
 - (c) a subsidiary of a holding company of another body corporate;
- the first-mentioned body and the other body are related to each other.

CONSENT OF LAND-OWNER TO ASSOCIATION OF A WATER SHARE

To be obtained where a water share is to be associated with land specified in a water-use licence or water-use registration, under Division 10, Part 3A of the Water Act 1989

Note: Written consent of all the owners of the land, other than owners who are applying to associate the water share, must be obtained. If paragraph 3 of the Declaration is made on the basis of future ownership, or on the basis of being a related person to a future owner, consent is required from the future owners and not the current owners.

Privacy Collection Statement

The information from this form is collected under the Water Act 1989 in order to process this transaction. The information is used for the purpose of maintaining the water register and for the provision of statistical water market information. Most of the information in the water register is available to the public.

I/We
.....
.....
..... [print name of owner(s)/occupier(s)]

of
[insert address of first named owner/occupier]

DECLARE that I am/we are or will be the owners of the land described in the water-use licence or water-use registration [insert number]; and

CONSENT to the association, under application number/s ,
[insert application number/s] of a water share comprising megalitres [insert volume of water share] with that land.

Signature of owner: Date:

Signature of owner: Date:

Signature of owner: Date:

Signature of owner: Date: