

# Circular

Division: Land and Property Information  
No: 2004/10  
Date: July 2004

## Commencement of Water Access Licence Register

A new Register of water access licences (WAL Register) commences on 1 July 2004 under the *Water Management Act 2000*. The Department of Lands' Land and Property Information Division will maintain the WAL Register on behalf of the Department of Infrastructure, Planning and Natural Resources (DIPNR). The WAL Register will initially comprise over 3000 water access licences associated with the 36 existing water sharing plans. As other water sharing plans are developed by DIPNR, water access licences covered by those plans will be added to the Register.

### The WAL Register

The WAL Register is a computerised system designed to provide an accurate record of every water access licence in New South Wales. It will operate in a way very similar to the Torrens Title Register.

A separate record for each water access licence issued will be maintained as a folio of the WAL Register. Each WAL folio will have a unique number for identification purposes, eg. "WAL12345". The folio will show water access licence details including:

- current ownership
- registered security interests (ie. mortgages and charges), caveats, and related transactions
- unregistered WAL dealings and other relevant information
- Water Access Licence Details:
  - category of WAL
  - share component of available water in the specified water source
  - extraction component
  - nominated works where the WAL is connected to a pump
  - conditions
  - the DIPNR reference number.

### WAL certificates

In the same way that Certificates of Title are issued for land under the *Real Property Act 1900*, WAL certificates will be issued from August 2004 to water access licence holders,

or to other parties entitled to hold the WAL certificate, eg the mortgagee. As WAL folios are created, licence holders or other entitled parties will be issued with their new WAL certificate free of charge. The WAL certificate will be required in order to register certain transactions such as transfers, mortgages and charges.

### **Searches of the WAL Register**

Searches of the WAL Register can be made online at [www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au) via the land and property searches page and over the counter at LPI's Queens Square Sydney office. WAL register searches are also to be made available through LPI's authorised information broker network during 2004.

### **Transactions Affecting the WAL Register**

Water access licence transactions, including transfers of ownership, mortgages, charges, caveats, and related transactions are registered on the appropriate folio of the WAL Register by means of approved forms called WAL dealings. (Please note that other transactions requiring the Minister's Consent will also need to be lodged, as detailed in the 'Role of DIPNR' below). Registration of transactions will require lodgment of WAL dealings, together with the relevant WAL Certificate(s) and where applicable, a Notice of Sale, at LPI's Queens Square Sydney office. On lodgment, WAL dealings will be given a unique number by LPI and the transaction recorded on the WAL Register. Following registration, a new edition of the WAL certificate, if furnished, will issue to the entitled party.

WAL dealing forms and instructions for completion are available at [www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au) on the forms page. A WAL Dealings Manual is also available within the Registrar General's Directions published on the website.

### **WAL Register transaction fees from 1 July 2004**

By agreement with DIPNR, the fee for WAL searches will be the same as the fees applicable for equivalent Torrens title searches. Fees for lodgment of WAL dealings are not equivalent to lodgment fees applicable for dealings lodged under the *Real Property Act 1900*. This is because a Torrens Assurance Fund levy of \$4.00 is included in the fee for each Real Property Act dealing. As indefeasibility of title is not yet offered for water access licences, no levy is applied to WAL dealings.

<b>Product/Service</b>	<b>Fee</b>
WAL dealing lodgment (note exception below)	\$71.00
Application for replacement WAL Certificate	\$146.00
WAL searches (Over the counter delivery)	\$10.00
WAL searches (via Lands Online)	\$8.00
WAL owner name search (Over the counter delivery)	\$2.00

Please note that the above fees relate only to transactions on the WAL Register. Licensing and other fees are applied by DIPNR.

### **Role of DIPNR**

DIPNR maintains overall responsibility for accepting and assessing applications to change water access licences including:

- change of water source (eg. from a regulated river to a connected unregulated river)
- change of category (eg. from general security on a regulated river to high security)
- subdivision, ie. dividing the water access licence into parts (eg. a licence for 10 unit shares divided into one licence for 7 unit shares and another licence for 3 unit shares)
- consolidation, ie. amalgamation of a number of water access licences into one, and
- change of nominated water supply works, ie. changing the location from which water may be extracted.

Once approved, DIPNR will provide a Notification dealing form to the applicant for lodgment with LPI for updating of the WAL Register.

DIPNR will provide an Application number for inclusion on or with the transfer form where the written consent of the Minister is required for a change of the holder. Where applicable, the requirement for Minister's consent will appear on the WAL folio. The written consent of term transferees, mortgagees and chargees is also required for certain transactions.

Several other registers apart from the WAL Register are required under the *Water Management Act 2000*. These registers are maintained by DIPNR. They are:

- Applications and approval register
- Available water determination register
- Register of irrigation corporations.

### **Further Information**

For further information on the WAL Register and associated transactions, contact Land and Property Information Division by telephone on 02 9228 6713, visit our website at [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au) or inquire in person at our Client Service Counter, ground floor, 1 Prince Albert Road Queens Square Sydney.

For further information on all other matters relating to the *Water Management Act 2000*, contact the Department of Infrastructure, Planning and Natural Resources by telephone on 1800 353 104 or visit the DIPNR website at [www.dipnr.nsw.gov.au](http://www.dipnr.nsw.gov.au).

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