

Approved form for Mortgagee/Chargee to give notice of registration of security interest issue to Water Access Licence holders

[Mortgagee's letterhead]

[Date: ___ 200_]

[Water Access Licence holder - name and address]

Dear [salutation]

Proposed registration of Mortgage / Charge affecting Water Act 1912 Licence (Licence Number ...) against the replacement Water Access Licence (Water Management Act 2000).

On *(insert date WSP commenced)*, the water licence you held under the *Water Act 1912* was replaced by one or more water access licences under the *Water Management Act 2000*. You would have received a letter from the Department of Water and Energy advising you of the details of this replacement water access licence.

The *Water Management Act 2000* provides that any security interest relating to a 'prior' licence under the *Water Act 1912* continues as an equivalent interest in the replacement water access licence. A security interest may include a mortgage or a charge.

A mortgage is typically held over land. The mortgagor (eg a bank) will have the power to sell the mortgaged land in the event that the mortgagee (eg. the landowner) defaults on the mortgage. Mortgages may be registered on the Real Property Act Register, otherwise known as the land titles register.

A charge may only be held against a corporation and is registered on the Corporations Act register administered by the Australian Securities and Investment Commission. This register is commonly known as the ASIC register.

Accordingly, *[name of mortgagee/chargee]* intends to apply to have the existing interest as a mortgagee of LotDP *[or if on another basis state that basis]* registered on the Water Access Licence Register against your interest in the new water access licence/s. A mortgage or charge over the land remains in place and continues to secure that land.

Please indicate below if you object to the mortgage/ charge being registered on the Water Access Licence Register as described and return the attached form to us at (address).

If you are unsure or disagree with our interest as mortgagee being noted on your water access licence/s you should contact us at the earliest opportunity.

[insert text about proposed dispute resolution procedures]

If you do object and we cannot resolve the dispute, both our security interest and your objection will be noted on the Register.

Please be aware that **failure to notify us in writing of any objection within the period of 90 days from the date of this letter will be taken to be deemed consent to the registration of our interest.**

If you do not object to the mortgage being registered on the Access Licence Register you do not need to respond to this letter.

Yours faithfully

[.....]

I / we

the holder/s of the above water access licence, object to the security interest relating to the 'prior' licence under the *Water Act 1912* being registered on the Water Access Licence Register.

.....
[SIGNATURE]