

APPLICATION FOR REPLACEMENT LICENCE CERTIFICATE

(Section 87B Water Management Act 2000)

Dealing Form W-12PV: Instructions for Completion

Note: Where the certificate has been damaged but is still identifiable, i.e. the folio identifier or licence number is legible, **do not use this form. Use Request to Record Action form W-11R and attach the damaged certificate. No further evidence will be required.**

1. Completing the form

- 1.1 Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
- 1.2 Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
- 1.3 If the space provided at any point is insufficient, insert "See Annexure" at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper) using one side only. Insert a heading beginning "Annexure to ..." and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant heading on the form. In the case of signatures which cannot be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format "Page ... of ..."; the number must be placed at the foot of each page in the centre. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
- 1.4 The following instructions relate to the letters on the form.
 - (A) Insert the lodging party's LPI document collection box number. If the lodging party does not have a LPI document collection box, leave this panel blank.
 - (B) Insert the lodging party's name, postal address or DX number, telephone number, and listed lodging party number ("LLPN") if any. Show any LLPN as the first item of the first line in the format: "LLPN: 12345". Include a fax number and an e-mail address if available.
 - (C) Provision of a reference is optional.
 - (D) If the form is part of a sequence of dealing forms to be lodged for registration, indicate its priority within the sequence, e.g. "1 of 3". If it is not part of such a sequence insert "1 of 1".
 - (E) Insert the number of the relevant water access licence.
 - (F) Specify the licence tenure type, i.e. continuing, specific purpose, or supplementary.
 - (G) Insert the full name. Address and occupation are not required.
 - (H) Insert the full name and, if the applicant is not a registered holder, the capacity in which the applicant is applying
 - (I) As regards items i-iv, rule through those which are inapplicable.
 - (J) The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who knows the person signing or has ascertained that person's identity. Where the form is executed—
 - By an individual on his/her own behalf:* The signature must be witnessed.
 - By an attorney:* The power of attorney must be registered at LPI. In addition to the attorney's signature, a statement in the following format must be added: "John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567". The signature must be witnessed.
 - By a receiver or delegate:* Use the format given in "By an attorney" suitably modified. The signature must be witnessed.
 - Under authority:* Disclose the nature of the authority. The signature must be witnessed.
 - By a solicitor on behalf of the applicant:* Add the signatory's full name and capacity. It is not necessary for the signature to be witnessed.
 - By a corporation:* An authorised officer may sign on behalf of the corporation: the signature must be witnessed.

2. Evidence of the loss, etc, of the licence certificate which must accompany the application

- 2.1 A statutory declaration by all the registered holders in the following terms must accompany the application when lodged at LPI —
 - i. Fully describing the circumstances of the loss of the licence certificate (in the case of theft, specify the police station at which the theft was reported and the "event number" assigned to the matter by the police);
 - ii. Giving particulars of any unregistered mortgage or charge affecting the land;
 - iii. Stating that the licence certificate is not held by any person or corporation as security for a loan or for any other purpose;
 - iv. Stating that no registered holder has been bankrupt or insolvent, or assigned his/her estate for the benefit of creditors.
 - v. Giving the postal address of the applicant. A post office box is not acceptable; the address must be a street address.

2.2 Under the circumstances below, the specified additional evidence must be provided:

- (a) *Licence certificate is thought to have been lost in the post*: a written response by Australia Post to enquiries made by or on behalf of the applicant or registered holder.
- (b) *Licence certificate has been destroyed in a fire*: the Fire Brigade's report of the fire.
- (c) *Applicant's attorney has signed the application*: the original of the power of attorney.

3. Evidence of identity which must be provided

Any person, other than a solicitor, licensed conveyancer, law stationer or financial institution, lodging the application on behalf of a registered holder or applying on behalf of a registered holder must provide identification, preferably photo identification.

4. Lodging the application

- 4.1 The application will not be accepted through the post: it must be lodged personally at the Department of Lands, Land & Property Information Division (LPI) located at Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks).
- 4.2 For information regarding the fee to be charged when the application is lodged, contact LPI (see below).
- 4.3 LPI will investigate the application. A replacement licence certificate will be issued only if the result of the investigation is satisfactory.
- 4.4 All required evidence (see Instructions 2 and 3 above) must be lodged with the application. If the evidence supplied is insufficient to enable LPI to fully investigate the application, further evidence will be called for and this may result in delay in issuing any new licence certificate.
- 4.5 As LPI cannot provide the services of a justice of the peace or other qualified witness, all statutory declarations must be appropriately witnessed before lodgment at LPI.

5. Information for applicants who do not have access to a LPI document collection box

- 5.1 The replacement certificate will be posted by registered mail to the applicant's address given in the statutory declaration (see 2(1)(v)).
- 5.2 The person taking receipt of the new certificate from Australia Post will be required to sign a receipt.
- 5.3 Any original documents lodged as evidence will be returned to the party who lodged the application at LPI, e.g. the applicant, the applicant's solicitor.

ENSURE THAT THE TOTAL NUMBER OF PAGES, INCLUDING ANY ANNEXURE (SEE 3 ABOVE), IS INSERTED IN THE SPACE PROVIDED AT THE FOOT OF THE FORM.

If you wish to make an enquiry relating to the terms and conditions of the licence, please call the local office of the Department of Water and Energy or visit the Department's website at www.dwe.nsw.gov.au. If you have a question about the form, please call the Department of Lands, Land & Property Information Division on 02 9228 6713.