

**Application to Confirm Ownership of Water Share
Water Act 1989, Schedule 15, Clause 18(2) – Unincorporated Associations**

Registrar's Guidelines on Unincorporated Associations

When a water share is unconfirmed pursuant to Clause 18(2) the confirmation process requires agreement between all members of the unincorporated association, or if no agreement can be reached, the members may seek arbitration under Clause 19(2).

As part of the Registrar's assessment of any agreement reached by members, the Registrar must be satisfied that each and every member of the unincorporated association as at 1 July 2007 is a party to the agreement. The agreement is to be prepared in conformity with the Registrar's guide *How to complete an Application for Confirmation of Ownership of a Water Share* and must be submitted to the Registrar in the form of the *Application to Confirm Ownership of a Water Share*.

The guidelines below outline the additional information required from applicants who are members of an unincorporated association. The Registrar's entitlement to develop these guidelines is contained in Clause 26 of the *Conversion Rules for Regulated Water Systems in Northern Victoria* determined by the Minister 20 June 2007 and in *Government Gazette G26 28 June 2007* at page 1376.

Evidence of membership of unincorporated association

The *Application to Confirm Ownership of Water Share* must be signed by all members of the unincorporated association and be supported by evidence of membership as at the relevant date being 1 July 2007. Documents that may be appropriate to establish membership are:

1. Copy of a written constitution, deed of partnership, or other documents of association that detail the membership of the association at the relevant date, e.g. last taxation return for partnership;
2. Other documents of association for example:
 - certified copy of minutes of meetings that evidence attendance of particular members over a period of time
 - financial members lists
 - other documents reciting names of members of the association e.g. Deed of Trust/Declaration of Trust in respect of the land or other property of the association;
 - copy of agreement under Water Act (s.235 or 244 Water Act) recorded (or intended to be lodged for recording) by the Registrar of Titles.

The Registrar may request additional documents or evidence, if the above documentation either cannot be provided or does not satisfy the Registrar.

Statutory declaration

The Application must be accompanied¹ by a supporting statutory declaration by each member to following effect:

- I am a current member of X Association (or partnership as the case may be);
- The purpose of the Association/partnership is
- The other current members of the association/partnership are X, Y, Z....;
- I acknowledge that I will/will not (delete as applicable) be named as the owner of a water share as a result of this application;
- To the best of my knowledge, there are no other members of (name of association/partnership) other than the persons named as 'Applicants' in the *Applicants to Confirm Ownership of Water Share* which accompanies this declaration.

¹ The Registrar may in some circumstances waive this requirement if satisfied that the other supporting documentation sufficiently identifies all the members of the association at the relevant date.