

## Leasing Murray Irrigation Water Entitlements or Landholdings

Murray Irrigation only recognises the legal owner/s of water entitlements or landholdings as recorded on Murray Irrigation's registers. Additionally, personal information about water entitlements, allocations, landholdings, etc. cannot be disclosed to persons other than the registered owner, in accordance with the company's Privacy Policy and *Privacy Act 1988* (Cth), without the owner's consent.

Where a customer (the owner) leases their water entitlements and/or landholding to another person, arrangements can be put into place to allow that person to carry out certain actions such as order water and to receive certain information. Without these arrangements in place however the lessee will be unable to perform these actions.

Notwithstanding any of these arrangements that may be put into place, the registered owner still has full authority in relation to their entitlements, landholding and water account, and are still accountable for all fees and charges.

Further, it remains the responsibilities of the parties to the lease to take whatever actions are necessary to give effect to the lease. Murray Irrigation will not become involved in interpreting a lease.

### How to authorise a lessee to carry out certain actions

Murray Irrigation recommends that both lessor (landlord) and lessee (tenant) seek their own independent legal advice prior to entering into any arrangements with regards to water allocation accounts or landholdings.

A customer (registered owner/lessor) may grant access to their water allocation account or landholding to a lessee or any other person, known formally as an agent using Form 15 – Deed of Account Authority.

The Deed creates a binding arrangement between the customer, the agent and Murray Irrigation in so far as Murray Irrigation recognises that the agent has been granted specific access rights.

The Deed may be revoked by either the customer or the agent at any time by using the 'Form of Notice of Revocation' which is included in the application.

Customers may choose to grant their agent a number of access rights including, but not limited to, the following;

- Ordering water – placing and changing orders
- Annual transfers
- Murray Irrigation Water Exchange sales and purchases
- Water accounting (allocation) information and enquiries

For full details of rights that can be granted, please refer to the Form 15 – Deed of Account Authority.

### What it means for customers and lessees acting as agents

In practical terms, the Deed of Account Authority allows Murray Irrigation to recognise the authorised agent and enable the agent to perform specific functions with regards to a water allocation account or landholding without the continued need to have verbal or written confirmation from the registered owner/s each time.

Where necessary a new customer number will be created for the agent, unless a customer number exists already in exactly the same name as the agent listed on the application. This is then used by the agent to log in to Murray Irrigation's website or the telephone Water Ordering line.

This separate customer number enables Murray Irrigation to ascertain which customer number was responsible for individual transactions should the need arise, and to ensure that the agent is only able to perform the functions for which they are authorised.

For both customer and agent this creates the ability to enable better water accounting practises and security for access purposes.

# Fact sheet



November 2014

## What an authorised agent CAN and CANNOT do.

An authorised agent can perform all access rights granted to them by the customer, regarding the water allocation account or landholding.

An authorised agent cannot sign on behalf of the customer with regards to permanent transfers, sales of land, subdivisions, amalgamations or any application which changes the landholding, entitlements held or customer details, including merging water accounts or change of contact details.

## Who pays the bills when a landholding is leased?

Murray Irrigation continues to regard the registered owner as being responsible for all accounts being paid regardless of whether the landholding is leased or not, and will be the person contacted by Murray Irrigation if accounts are unpaid.

The customer and the agent are responsible for any arrangements that they make between themselves for payment of accounts

## Common Questions

**Can the agent receive the bills?** – Yes, if the customer wishes the agent to receive bills directly then the customer must change their contact information to direct mail to the correct address. However please note that all written correspondence will then be sent to the address supplied and the customer may not receive vital information regarding their landholding. Currently we do not have the ability to split mail.

Alternatively, customers may nominate an email address other than their own for invoices to be sent to, without changing the postal address for the landholding.

**Why don't I just give the agent my current customer number and PIN?** – Murray Irrigation recommends that you do not give agents your customer number and PIN as this gives the agent full access rights to your water allocation account including Water Exchange purchases and sale as well as Water Ordering, to carry out those actions **in the customer's name**. In the event of a dispute between the customer and agent there is no way to determine who took the action in dispute.

**As an agent, can I just use my current customer number and not have a new one?** – Yes, if your current customer number is in the same name(s) as who is being authorised by the customer. That means that if you solely are leasing a landholding, and your existing customer number belongs to you and your spouse, then a new customer number would be needed. Alternatively the customer could authorise both you and your spouse. If however the customer does not wish to authorise all those whose names are listed on your current customer number, then you will have a new customer number created for the access rights you have been granted to ensure the appropriate security.

**What if I get a new customer number but I want to be able to log in once and see all my water allocation accounts?** – Agents who receive a new customer number can submit a Form 15 – Deed of Account Authority from their current landholdings/customer number to authorise the person with new customer number to carry out actions solely (not requiring the other owners to sign, etc.). This will provide the ability to log in with one number but also see their own water allocation accounts and perform the required functions as necessary.

As a further water accounting measure, this creates the ability to let partners not associated with the leased landholding to continue to perform their own regular water allocation account functions without being able to access the leased water allocation accounts. Giving the agent complete control over the access rights granted to them.

Alternatively, the Agent can establish a 'consolidated view' of their water accounts using Form 34 – Consolidate Water Account to allow the leased landholding to be viewed along with the Agent's own landholdings in a single report. For further information regarding consolidated view please see *Fact Sheet – Merging or Consolidating Water Accounts*.

**I want to merge my leased landholding with landholdings I own for water accounting purposes?** To merge leased landholdings with your current landholdings into a single water account for water accounting purposes, you will require a *Form 34 Merge/Consolidate Water Accounts* and the signature/s of the registered

# Fact sheet



November 2014

owners of all landholdings to be merged. A *Form 15 Deed of Account Authority* does not give the authorised agent any ability to change any details of an authorised account, that is merging or change of contact details, nor does it allow an authorised agent to perform permanent transfers on an authorised account.

## Contact us

For further information please contact Water Trade via reception on T. 1300 138 265.

## More Information

Please refer to Murray Irrigation's website [www.murrayirrigation.com.au](http://www.murrayirrigation.com.au).

*Form 15 – Deed of Account Authority* is available on the website under 'Customer' then 'Forms then 'General Forms'.

Fact sheets on other topics are available under 'Customers' then 'Customer Information'.