

Notice

To Lodging Parties

13 February 2025 No. 269

1. **Succession Act 2023**
 2. **Property Sales Including Water Entitlements / Licences**
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Succession Act 2023

The *Succession Act 2023* (the Succession Act) commenced on 1 January 2025 and repealed the following:

- *Administration and Probate Act 1919* (SA)
- *Inheritance (Family Provision) Act 1972* (SA)
- *Wills Act 1936* (SA)

The Succession Act will result in some minor procedural changes for a small number of dealings.

Transmission Applications – Devolution of jointly owned property where order of is death uncertain

Section 127 of the Succession Act provides that where:

- a property is owned jointly and exclusively by 2 or more persons (other than as trustees),
- all of the owners die, and
- the order of death is uncertain,

the property will devolve as if the joint owners had, at the time of their deaths, held the property as tenants in common in equal shares.

Where section 127 applies, the production of a sealed copy of the Probate (with Will annexed)/Letters of Administration, and Registrar's Certificate will still be required. A court order to sever the joint tenancy will still be accepted with the lodgement of the Transmission Application (TA), however its production will no longer be mandatory.

The Certifier must include in the Applicant panel of the TA the additional wording "*the joint tenancy being severed pursuant to Section 127 of the Succession Act 2023*" and must retain the supporting evidence.

A TA under section 127 must be lodged in paper and cannot be lodged electronically.

Caveats

Caveat claims previously made pursuant to the *Inheritance (Family Provisions) Act 1972* should now refer to the Succession Act.

Office of the Registrar-General

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<https://www.dhud.sa.gov.au/responsibilities/office-of-the-registrar-general>

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Government of South Australia

Department for Housing and Urban Development

Property Sales including water entitlement / licences

The Department for Environment and Water (DEW) has announced new administrative requirements applying to property sales where a water entitlement / licence forms part of the sale.

It is important that legal practitioners and conveyancers are aware of these requirements.

For further information please refer to the [DEW Fact Sheet](#), visit the Australian Government Department of Climate Change, Energy, the Environment and Water website, or email water.markets@dcceew.gov.au.



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