

## Applications under the *Mining Act 1992*

Applications must be prepared in accordance with requirements of the *Mining Act 1992* and Mining Regulation 2016.

### Accompanying documentation

Any information or documents required to accompany your application should be lodged within 10 business days from the date the application is lodged. Failure to supply the information within this time frame may be considered grounds for refusing the application.

### Fees

Application fees (if applicable) are calculated in accordance with [Schedule 9](#) of the Mining Regulation 2016. A payment surcharge applies for credit card transactions.

## Important information for dealings other than applications for grant or renewal

**Table 1. Notes for various dealing that can be lodged in TMS following launch of Phase 4**

Dealing type	Specific terms to note
Transfers – full and partial	<p>All parties registered as holding an interest in the authority/s must be notified before you lodge the application.</p> <p>The transferor (the existing holder/s of the authority) remains liable for any rent and levy liability up until when the transfer is registered. We will advise you in writing if any fees are overdue.</p> <p>If the authority/s to be transferred is for privately owned minerals, evidence that the transferee/s is the owner of the mineral/s must be provided to the Department. If evidence is not provided with the application under s121(3) of the <i>Mining Act 1992</i>, any approval of the transfer will be conditional upon evidence being provided prior to registration.</p> <p>Only the transferor may complete the application for approval to transfer (it cannot be lodged by the transferee). The consent of the transferee must be supplied. If the transferee does not exist in TMS, the name, address, and ACN (if applicable) must be provided at lodgement.</p> <p>For a partial transfer, a plan identifying the area over which the new authority will apply must be supplied.</p> <p>If the transfer/part transfer of an authority is approved, it may be registered within three months of being notified of the approval. The transfer will take effect upon registration.</p> <p>Either the transferor or the transferee may apply for registration.</p>
Part cancellation	A description of the area to be cancelled must be provided.

# Additional information for other dealings under the *Mining Act 1992*



## Information sheet (preface)

Suspension of conditions	<p>Authority holders must continue to comply with all the conditions of the authority until such time as an approval to suspend a condition is granted.</p> <p>To avoid potential compliance action by the Department, authority holders should lodge applications to suspend conditions in a timeframe that allows adequate time for the processing and determination of the application by the Department.</p> <p>A condition that is prescribed by the Mining Regulation 2016 cannot be suspended.</p>
Suspension of mining operations	Does not apply to a mining lease granted in relation to an ancillary mining activity or activities only.
Register a legal equitable interest	<p>Any person claiming a legal or equitable interest in an authority may apply for registration of the interest.</p> <p>A copy of the interest must be provided at lodgement.</p>
Register a sublease	<p>Any person claiming to have been granted a mining sublease may apply for registration of the sublease.</p> <p>An application cannot be made without Minister's approval, unless exempt under clause 38(3) of the Mining Regulation 2016.</p> <p>A copy of the sublease document must be provided at lodgement.</p> <p>The consent of any persons with a registered interest in the mining lease being sublet must be supplied.</p>
Request approval for a change in control	<p>In accordance with the condition of your exploration licence or assessment lease you may need to seek approval for</p> <p>(a) Change in effective control of the licence holder; or</p> <p>(b) Foreign acquisition of substantial control in the licence holder.</p> <p>The Minister's approval is not required where a change in effective control of the holder, or a foreign acquisition of substantial control of the holder, occurs as a result of the acquisition of shares or other securities on a registered stock exchange.</p>
Add a mineral to a mining lease	<p>Relevant for any mining lease that was granted in respect of a mineral/s. Excludes those mining leases granted for ancillary mining activities only. Landholders must be served with a copy of the application within 21 days of lodging the application.</p>
Add an ancillary mining activity to a mining lease	Please read <a href="#">Section 6</a> of the <i>Mining Act 1992</i> and visit our <a href="#">website</a> for more information.
Request appointment of an arbitrator	<p>Relevant for exploration licences and assessment leases only.</p> <p>Please read <a href="#">Part 8 Division 2</a> of the <i>Mining Act 1992</i> and visit our website for more information.</p> <p>The holder of the authority or the landholder may request appointment of an arbitrator.</p>

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## Information sheet (preface)

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Nominate a person to whom an authority should be granted	Nominees must meet the minimum standards for financial capability. Visit our website for more information.
Vary the application area	The applicant may vary the application area. The new area cannot include any area that is not within the current application area. A description of the new area must be provided.
Lodge a caveat	A person claiming a legal or equitable interest in an authority may lodge a caveat with the Secretary. The caveat remains in force for three months from lodgement date and will prevent the registration of a transfer unless the Supreme Court orders otherwise.
Consolidation of mining leases	Any two or more existing leases may be consolidated if the leases are held by the same person and relate to contiguous parcels of land or parcels of land that are separated only by a road, stream, or railway.

## More information

For help or more information about exploration and mining authorities in NSW, please contact:

**Mining Exploration and Geoscience – Assessments and Systems Branch**

**Department of Regional NSW**

**Phone: +61 2 4063 6600 (8.30am – 4.30pm EST)**

**Email: [resource.operations@planning.nsw.gov.au](mailto:resource.operations@planning.nsw.gov.au)**

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