

NOTE: This document has been prepared for illustrative purposes only and may not reflect a final instrument of grant

Instrument of Grant

I, **[insert name]**, **[insert position]**, and pursuant to section 22 of the *Mining Act 1992*, determine to grant an Exploration Licence in satisfaction of **Exploration Licence Application No [insert number]** to **[insert name]**, **[insert ACN, if applicable]**:

- (a) In respect of **Group 9 minerals**;
- (b) For the term of **[insert period]**;
- (c) Over the exploration area described in Schedule 1; and
- (d) Subject to the conditions set out in Schedule 2 and Schedule 3 of this licence.

SIGNED

[Minister for Industry, Resources and Energy]

or

[As delegate for the Minister for Industry, Resources and Energy]

Dated:

EXPLORATION LICENCE

Issued under the Mining Act 1992

EXPLORATION LICENCE NUMBER:	[insert number] (formerly known as Exploration Licence Application No. [insert number])
GRANT DATE:	[insert date]
TERM:	[insert term]
DUE EXPIRY DATE:	[insert date]
LICENCE HOLDER:	[insert name] [insert ACN, if applicable]
EXPLORATION AREA:	See Schedule 1
RESOURCE:	Group 9 Minerals

Information about this licence

This exploration licence is issued under the *Mining Act 1992*. The licence holder may:

- Apply for the renewal of this exploration licence; or
- Apply for the transfer of this exploration licence to another person.

Renewal applications are to be submitted on or before the expiry date of the licence consistent with the *Mining Act 1992*.

The following fees are payable in connection with this licence:

- An annual rental fee; and
- An annual administrative levy.

Additional rights and responsibilities of licence holders are set out in the *Mining Act 1992* and the *Mining Regulation 2010*.

Please note that licence holders may also be required to obtain approvals and comply with requirements of other legislation when carrying out exploration activities, including (but not limited to):

- The *Environmental Planning and Assessment Act 1979*;
- The *Protection of the Environment Operations Act 1997*; and
- The *Water Act 1912* and the *Water Management Act 2000*.

Rights of the licence holder under this licence

This licence gives the licence holder an exclusive right to prospect for:

- The minerals or groups of minerals to which this licence relates; and
- In respect of the land to which this licence relates.

However, in accordance with section 45 of the *Aboriginal Land Rights Act 1983*, this licence does **not** give the licence holder the right to prospect for any minerals except coal on land vested in an Aboriginal Land Council or Local Land Council at the date of grant of this licence.

Restrictions on the exercise of rights under this licence

It is the responsibility of the licence holder to apprise themselves of the restrictions on the exercise of rights under this licence that exist under NSW and Commonwealth legislation.

Exploration Area (Schedule 1)

The land to which this licence applies is set out at Schedule 1 of this licence.

Licence Conditions (Schedule 2 and 3)

This licence is subject to the conditions in Schedule 2 and Schedule 3. The licence holder must conduct prospecting operations in accordance with these conditions. In particular:

- The conditions set out in Schedule 2 apply to the carrying out of all activities under this licence; and
- The conditions set out in Schedule 3 apply to the carrying out of specified activities under this licence.

The conditions of this licence may be amended in a number of circumstances, including (but not limited to):

- Upon renewal or transfer of the licence; and
- At any time, to include conditions for protecting the environment.

Contravention of licence conditions is an offence under the Act.

Further Approvals under this licence (Schedule 4)

The licence holder may need to obtain further approvals or Ministerial consent before carrying out prospecting operations on the land subject to this licence (see in particular conditions 2 and 5 of Schedule 2 of this licence). Approvals or consents which have been granted after commencement of this licence, and after 1 July 2015, are attached at Schedule 4 of this licence.

Work Program (Schedule 5)

Condition 1 of Schedule 2 of this licence requires the licence holder to comply with the work program. The work program is set out at Schedule 5 of this licence, and may be varied on application of the licence holder, with the approval of the Minister.

Licence History

Version	Effective date	Notes
1	[insert date of grant]	Grant of EL [insert number]
2	[insert effective date of first variation]	[insert reason for variation, e.g. name of assessable activity approved] <ul style="list-style-type: none">• [insert nature of changes]• <i>Condition 1 – 2, Schedule 3 imposed</i>• <i>Schedule 4 updated</i>• <i>Definition of X inserted</i>

EXAMPLE ONLY

DEFINITIONS

In this licence:

- (a) A reference to a Code or Guideline is a reference to that document as amended or replaced from time to time, and
- (b) Words have the meaning given to those terms in the *Mining Act 1992* unless otherwise defined below:

Assessable prospecting operation means any prospecting operation which is not an exempt prospecting operation.

Associated person of a licence holder means a person who is an employee, agent, licensee, contractor or subcontractor of the licence holder.

Change in effective control of the licence holder means any occurrence which results in any person, not being a related body corporate of the licence holder, newly being in one or more of the following positions:

- (a) having the capacity to appoint or control more than 50% of the number of directors of the licence-holder's board;
- (b) being entitled to exercise (directly or indirectly) more than 50% of the votes entitled to be cast at any general meeting of the licence-holder; or
- (c) holding more than 50% of the issued share capital (other than shares issued with no rights other than to receive a specified amount in distribution) of the licence-holder.

Environmental incident notifications and reports means any notifications and reports to be provided to relevant authorities under Part 5.7 or Part 5.7A of the *Protection of the Environment Operations Act 1997*.

Exempt prospecting operation means any prospecting operation to which clause 10(2) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* applies.

Foreign acquisition of substantial control in the licence holder means any occurrence which results in a foreign party, not being a related body corporate of the licence holder, newly being in one or more of the following positions:

- (a) having the capacity to appoint or control 15% or more of the number of directors of the licence-holder's board;
- (b) being entitled to exercise (directly or indirectly) 15% or more of the votes entitled to be cast at any general meeting of the licence-holder; or
- (c) holding interests in 15% or more of the issued share capital (other than shares issued with no rights other than to receive a specified amount in distribution) of the licence-holder.

National park, regional park, historic site, nature reserve, karst conservation reserve and Aboriginal area have the meaning given to those terms in the *National Parks and Wildlife Act 1974*.

Related Body Corporate has the same meaning given to that term in the *Corporations Act 2001 (Cth)*.

Relevant authorities has the meaning given to that term in section 148 of the *Protection of the Environment Operations Act 1997*.

Third Party means any person who is not a Related Body Corporate of the licence holder.

Work Program means the approved work program attached as Schedule 5 of this licence, as amended from time to time with the approval of the Minister.

EXAMPLE ONLY

EXPLORATION AREA

The exploration area comprises of an area of **[Click here and type Area]** as shown on Plan No **[Click here and type Plan Number]**, and exclusive of any land:-

- (a) excluded by section 19 of the *Mining Act 1992*;
- (b) being a residence area or business area referred to in clause 1, Part 1 of Schedule 11 of the *Mining Regulation 2003*, and over which an authority may not be granted in accordance with that clause;
- (c) subject of any mining reserve constituted under section 367 of the *Mining Act 1992* prior to the grant of this licence which prohibits the grant of new exploration licences;
- (d) vested in the Commonwealth of Australia; or
- (e) within any national park, regional park, historic site, nature reserve, karst conservation reserve or Aboriginal area at the date of the grant of this licence.

Note: *This exclusion includes reserves created under the National Parks & Wildlife Act 1974 and established under other legislation.*

The boundaries of the exploration area are indicated on the following diagram.

GENERAL CONDITIONS

Work Program

1. The licence holder must carry out the operations, and any other activities, described in the work program and comply with any commitments in relation to the conduct of operations specified in the work program, as for the time being in force, in respect of this licence.

Native Title

2. The licence holder must not prospect on any land or waters within the exploration area on which Native Title has not been extinguished under the *Native Title Act 1993* (Cth) without the prior written consent of the Minister.

Community Consultation

3. The licence holder must carry out community consultation in relation to the planning and conduct of activities under this licence in accordance with the NSW Government *Guideline for community consultation requirements for exploration* dated March 2012.

Note: Licence holders must comply with the *Guideline for community consultation requirements for exploration* even though it refers to a slightly different community consultation condition. However, this condition 3 does not require the licence holder to comply with the reporting provisions in that guideline (as reporting is required under condition 11 of this licence instead).

Protection of the Environment

4. The licence holder must prevent, or if that is not reasonably practicable, minimise so far as is reasonably practicable, any harm to the environment arising from activities carried out under this licence.

Further Approvals

5. The licence holder may undertake exempt prospecting operations, but must not carry out any assessable prospecting operation without the prior written approval of the Minister.

Security

[For individual securities]

6. The licence holder must provide a security deposit to secure funding for the fulfilment of obligations under this licence (including obligations that may arise in the future) as follows:
 - (a) Amount: **[\$insert amount]**
 - (b) Licence Holder's entitlement to interest: **none**

[For group securities]

6. The licence holder must provide and maintain a group security deposit to secure funding for the fulfilment of all obligations under all exploration licences under head title exploration licence no. [insert] (including obligations that may arise in the future) as follows:
 - (a) Amount: \$[insert amount]
 - (b) Licence holder's entitlement to interest: none

Note: Requests for information about licences covered by a group security deposit can be made via email to webmineral.titles@trade.nsw.gov.au.

Rehabilitation

7. The licence holder must carry out rehabilitation of all disturbance caused by activities carried out under this licence in accordance with the requirements in Part B of the *Exploration Code of Practice - Rehabilitation* (NSW Department of Industry, July 2015) to the satisfaction of the Minister.

Contact Details

8. The licence holder must provide to the Secretary, and keep updated, the name and contact details of the person or position nominated by the licence holder to be the point of contact for the Secretary for all matters arising under this licence.

Note: This person or position will be the point of contact for **all** enquiries and general correspondence between the licence holder and the Department (including but not limited to administrative, geotechnical, environmental, and safety matters.)

Records

9. The licence holder must keep records required to be created and maintained under the Act, Regulations or this licence:
 - (a) In a legible form, or in a form that can readily be reduced to a legible form for production to any inspector; and
 - (b) For 4 years following the expiry or termination of this licence.

Environmental Incident Reporting

10. The licence holder must provide environmental incident notifications and reports to the Secretary no later than 7 days after those notifications and reports are provided to relevant authorities under the *Protection of the Environment Operations Act 1997*.

Annual Activity Reporting

11. Unless otherwise approved by the Minister, the licence holder must submit annual activity reports prepared in accordance with the *Exploration Guideline: Annual Activity Reporting for Prospecting Titles* (NSW Department of Industry, July 2015) at the following times:
- (a) Annually, within 30 days following the grant anniversary date of this licence;
 - (b) On any other date or dates directed by the Minister in writing; and
 - (c) Within 30 days of cancellation or expiry of this licence.

Change in Control

12. Subject to condition 13, if the licence holder is a corporation or a trust, the Minister's prior written approval is required before any:
- (a) Change in effective control of the licence holder; or
 - (b) Foreign acquisition of substantial control in the licence holder.
13. The Minister's approval is not required where a change in effective control of the licence holder, or a foreign acquisition of substantial control of the licence holder, occurs as a result of the acquisition of shares or other securities on a registered stock exchange.

Special Conditions

[Note: Special conditions will be imposed only by exception]

ACTIVITY SPECIFIC CONDITIONS

DEFINITIONS

In this Schedule 3:

Activity [insert name] means the activities described in the Activity Application and the Activity [insert name] – *Review of Environmental Factors* prepared by [insert name] Pty Ltd and dated [insert date] as amended by:

- (a) [insert any revision documents]
- (b) [insert any revision documents].

ACTIVITY [insert name] CONDITIONS (approval effective [insert date])

General

1. The licence holder must carry out Activity [insert name] in accordance with the [insert all initial application documents] submitted by the licence holder on [insert date], as amended by:
 - (a) [insert any revision documents]; and
 - (b) The conditions of this licence.

Exploration Code of Practice: Environmental Management

2. The licence holder must comply with Part B of the *Exploration Code of Practice: Environmental Management* (NSW Department of Industry, July 2015) in connection with Activity [insert name].

APPROVAL OF ASSESSABLE PROSPECTING OPERATIONS AND AMENDMENT OF LICENCE CONDITIONS

EL **[insert number]**
Activity **[insert name]**

APPROVAL

Pursuant to Condition 5, Schedule 2 of EL **[insert number]**, approval is granted to carry out the assessable prospecting operations which form part of Activity **[insert name]** from the date specified in the notice of amendment of licence conditions in connection with this approval.

AMENDMENT TO LICENCE CONDITIONS

SCHEDULE 2

In accordance with section 261B of the *Mining Act 1992*, condition 6(a) of Schedule 2 is amended to increase the required amount to \$**[insert new security amount]**.

SCHEDULE 3

In accordance with section 239(2) of the *Mining Act 1992*, the conditions set out in Schedule 3 of EL **[insert number]** are amended to impose the following conditions and all relevant definitions:

General

1. The licence holder must carry out Activity **[insert name]** in accordance with the **[insert all initial application documents]** submitted by the licence holder on **[insert date]**, as amended by:
 - (a) **[insert any revision documents]**; and
 - (b) The conditions of this licence.

Exploration Code of Practice: Environmental Management

2. The licence holder must comply with Part B of the *Exploration Code of Practice: Environmental Management* (NSW Department of Industry, July 2015) in connection with Activity **[insert name]**.

These amendments are effective from the date specified in the notice of amendment of licence conditions in connection with this approval.

DEFINITIONS

Words in this instrument have the meaning given to those terms in EL **[insert number]**, unless otherwise specified below.

EL **[insert number]** means Exploration Licence No. **[insert number]**.

Activity [insert name] means the activities described in the Activity Application and the *Activity [insert name] – Review of Environmental Factors* prepared by **[insert name]** Pty Ltd and dated **[insert date]** as amended by:

- (a) **[insert any revision documents]**
- (b) **[insert any revision documents]**.

Signed:

[insert name]

[insert title]

Under delegation from the Minister of Industry, Resources & Energy

[insert date]

EXAMPLE ONLY

WORK PROGRAM

[Insert Work Program]

EXAMPLE ONLY