

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

Transfer – full and part

All parties registered as holding an interest in the exploration licence or assessment lease must be notified before you lodge the application.

The *transferor* (the existing holder/s of the exploration licence or assessment lease) remains liable for any rent and levy liability up until the transfer is registered.

We will advise you in writing if any fees are overdue.

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 *Mining Act 1992*, any approval of the transfer will be conditional upon evidence being provided prior to registration.

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.

For a partial transfer, a plan identifying the area over which the new authority will apply must be supplied. If the 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.

Either the *transferor* or the *transferee* may apply for registration.

Applying for approval to transfer in full or part, an exploration licence, assessment lease or mining lease

Information sheet (preface)



Table 1. Notes for various dealing types that can be submitted via TMS following launch of Phase 3

Dealing type	Specific terms to note
Transfers – full and partial	<p>All parties registered as holding an interest in the exploration licence or assessment lease must be notified before you lodge the application.</p> <p>The transferor (the existing holder/s of the exploration licence or assessment lease) 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 A C N (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 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.
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>

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Register a sublease

Any person claiming to have been granted a mining sublease may apply for registration of the sublease.

An application cannot be made without Minister's approval, unless exempt under clause 38(3) of the Mining Regulation 2016.

A copy of the sublease document must be provided at lodgement.

The consent of any persons with a registered interest in the mining lease being sublet must be supplied.

More information

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

Mining Exploration and Geoscience - Resource Operations Branch

Department of Regional NSW

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

Email: resource.operations@planning.nsw.gov.au

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