

## Lodgement information

For help with lodging this application, or for more information about authorisations in New South Wales, contact:

Mining, Exploration and Geoscience

**Resource Operations**

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

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

### Note

- any reference to the '**Department**' in this form, refers to **Regional NSW**

### How to submit this form

- By email:** Send an electronic copy of the form including any attachments to [resource.operations@planning.nsw.gov.au](mailto:resource.operations@planning.nsw.gov.au)
- By mail:** Mail your form and any attachments to Mining, Exploration and Geoscience, Resource Operations, PO Box 344, Hunter Region Mail Centre NSW 2310
- In person:** Submit your application in person at the Department office, 516 High Street, Maitland, New South Wales. Office hours are 8.30am to 4.30pm
- Facsimile:** +61 2 4063 6973

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The information contained in this publication is based on knowledge and understanding at the time of writing (July 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Regional NSW or the user's independent adviser.

### Privacy statement

This information is collected by the Department for the purposes of assessing an application for an authorisation or an application associated with an authority as required by the *Mining Act 1992* or Mining Regulation 2016.

This information may also be used by the Department to confirm applicant details in the event that subsequent applications are made and may also be used to establish and maintain databases to assist the Department with its work generally.

Except for purposes required by law, the information will not be accessed by any third parties in a way that would identify the person without the consent of that person.

You may apply to the Department to access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.

## When to use this form

Complete this form if you are:

- the holder of a prospecting title and you are seeking the consent of the Minister administering the *Mining Act 1992* (Minister) to prospect on land that is an exempted area; and/or
- the holder of a standard exploration licence which is subject to a condition that prohibits the licence holder from prospecting on any land or waters within the licence area on which Native Title has not been extinguished under the *Native Title Act 1993 (Cth)* without the prior written consent of the Minister (“the native title condition”).

This form has been prepared for the purposes of [s30](#) and [s48](#) of the *Mining Act 1992* and for the purposes of complying with a condition on a licence requiring the Minister's consent before prospecting under the *Native Title Act 1993 (Cth)* (NTA).

## Important notes

Standard exploration licences are granted with a condition that requires Minister's consent prior to the holder prospecting on any place covered by the licence in circumstances where native title has not been extinguished.

[Section 30](#) and [s48](#) of the *Mining Act 1992* require the Minister's consent to be granted prior to any prospecting on exempted areas covered by a licence or an assessment lease. An 'exempted area' is an area of land:

- (a) reserved, dedicated, appropriated, resumed or acquired for public purposes (except land reserved for a temporary common or a commonage), whether vested in the Crown or in any person as trustee for public purposes, or
- (b) held under a lease for water supply by virtue of a special lease or otherwise, or
- (c) transferred, granted or vested in trust by the Crown for the purpose of a race-course, cricket-ground, recreation reserve, park or permanent common or for any other public purpose.

Where an exploration licence, is subject to the native title condition, the Minister's consent will not be granted unless it is demonstrated to the satisfaction of the Minister that native title has been extinguished over the land, or the provisions of Division 3 of Part 2 of the NTA have been complied with (ie: the right to negotiate process or an alternate process is undertaken, such as the negotiation of an Indigenous Land Use Agreement (ILUA) that provides an alternative process which excludes the operation of Subdivision P of the NTA). Documents/information set out in the [Protocol for evidencing proof of extinguishment of native title](#) must be provided when submitting evidence demonstrating that native title has been extinguished.

Guidance on the compliance with the NTA in relation to the *Mining Act 1992* is provided in the Industry Guidelines [Native title and the administration of exploration and mining legislation in New South Wales](#).

## Agents

If this application is lodged by an agent on behalf of the applicant/s, the Department may seek confirmation of the authority under which the agent operates and any limits of that authority. The agent will need to complete the declaration at the end of this form and supply evidence of their appointment, if not already supplied to the Department ([cl97](#) of the Mining Regulation 2016).

## How to submit this form

Refer to the cover page for details.

## Next steps

Once your application has been received, it will be considered and may be granted or refused.

The Minister administering the *Mining Act 1992* (or delegate) will advise you of the outcome of your application in writing.

# Application for Minister's Consent – Exempted Areas or Native Title Compliance



Regional  
NSW

Form AD19, *Mining Act 1992*

## 1 Application type

- I am seeking Minister's consent to prospect on land that is an exempted area ([s30](#) or [s48](#) of the *Mining Act 1992*), and/or
- I am the holder of a standard exploration licence which is subject to the standard native title condition and I am seeking Minister's consent to prospect on any place covered by the licence where native title may exist. Note that the requirements of [s138](#) and [s140](#) of the *Mining Act 1992* must be observed if any part of the licence is subject to native title that has not been wholly extinguished.

### Prospecting title information

Title type (EL, AL)	Number	Act	Expiry Date

### Additional prospecting titles

Provide the title number and expiry of any other prospecting titles to which the Minister's consent will apply.

**Additional prospecting titles**

## 2 Prospecting titleholder/s details

Provide the full name of prospecting titleholder/s and if applicable, the ACN or ARBN (for foreign companies).

1 <sup>st</sup> Prospecting titleholder details	
Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

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## 2<sup>nd</sup> Prospecting titleholder details

Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

## 3<sup>rd</sup> Prospecting titleholder details

Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

## Additional prospecting titleholders

Provide the full name, contact details, ACN or ARBN (for foreign companies), street address (individual), registered street address (company) and postal address details of additional prospecting titleholder/s.

## Additional prospecting titlesholders

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## 3 Contact for this application

Any correspondence in relation to this application will be sent to this person.

Contact details	
Contact name	
Position held	
Company	
Postal address	
Phone (incl area code)	
Mobile	
Email	

Your preferred contact method

- Email (for companies - provide a company email address which is regularly monitored rather than an individual employee's email address)
- Mail (including DX)

## 4 Exempted area details

Is the application for Minister's consent to prospect in an exempted area?

- No - **go to Question 5**
- Yes - provide details of the exempted area and a copy of the access agreement from the controlling body (eg Council, NSW Forestry)

Exempted Area	Controlling body

Additional exempted areas

Provide details of any additional exempted areas and the relevant controlling body.

Additional exempted areas

- I have attached a copy of an access agreement for each relevant controlling body

## 5 Land information

Is the application for Minister's consent to prospect on a place covered by the exploration licence or assessment lease where native title may exist?

- No - **go to Question 8**
- Yes - provide details of the prospecting operations:
  - This application is related to all land within the exploration licence/s or assessment lease/s – **go to Question 7**
  - This application is only for the land described below – note that the consent will be subject to a direction that the Minister's consent does not extend to land outside the land described and that access arrangements under the *Mining Act 1992* are required.

Provide land description such as lot and deposited plans, road name and extent, etc

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## 6 Native title extinguishment

Prior to the granting of consent, the Minister must be satisfied that native title has been wholly extinguished, or that the 'right to negotiate' process has been completed, or that a registered Indigenous Land Use Agreement (ILUA) to which the holder is a party provides for the Minister's consent to be given without entering the right to negotiate. Indicate which option you choose to do.

- I am unable to demonstrate to the satisfaction of the Minister that native title is wholly extinguished - **go to Question 7**
- I assert that native title has been extinguished over the land
  - I have attached all information/documentation required by the [Protocol for evidencing proof of extinguishment of native title](#) demonstrating native title is extinguished. - **go to Question 8.**

## 7 Right to negotiate/alternate process

The Minister must not grant consent where native title has not satisfactorily been demonstrated to have been extinguished unless the 'right to negotiate process' has been completed, or the act can be validated in some other way under Division 3 Part 2 of the NTA, such as an ILUA that provides an alternative process which excludes the operation of Subdivision P of the NTA has been completed. The 'right to negotiate' process is initiated by specific notification requirements in s29 of the NTA. It may be subject to public notification (at the applicant's cost), a wait period and if there are registered claimants, you will need to enter into an agreement prior to the Minister's granting consent. For more information visit the [National Native Title Tribunal website](#).

If a public notice is required, the Department will contact you to request the payment of the advertising fee (currently \$2,221.51 per advertisement) and a plan that complies with the Department's advertising requirements for [s29](#) notices under the NTA.

- I wish to commence the 'right to negotiate' process
- I wish to claim that the future act is provided for in the NTA (eg procedure under an ILUA that excludes the operation of Subdivision P of the NTA)

Provide details:

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## 8 Checklist of items to be included with this application

Item		Reference
Access agreement for exempted area (if applicable)	<input type="checkbox"/>	Question 4
Documents/information demonstrating proof of extinguishment (if applicable)	<input type="checkbox"/>	Question 6
For agents only – evidence of appointment as agent, if this has not been previously supplied to the department	<input type="checkbox"/>	Question 9

### 8.1 Have you lodged all the required information with this form?

- Yes
- No - I will provide outstanding information within 10 business days of lodging this application\*

\*Failure to supply the information within this timeframe may be considered as grounds for refusing the application under cl6(d) sch1B.

## 9 Declaration

This form should be signed by the applicant/s (in the case of a company a duly authorised officer) or an agent authorised to act on behalf of the applicant/s.

### 9.1 Applicant/s (individual or company)

For each applicant (signed below):

I certify that the information provided is true and correct to the best of my knowledge and belief. I understand under the *Crimes Act 1900 NSW* Part 5A, that knowingly or recklessly giving false or misleading information is a serious offence, and under the *Mining Act 1992* section 378C, any person who provides information that the person knows to be false or misleading is guilty of an offence, for which they may be subject to prosecution.

(For companies only) In addition to the declaration above, by signing below, I **also** certify that I am authorised to complete and provide the information in this form on behalf of the company listed in section 2 of this form.

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Regional  
NSW

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1 <sup>st</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

2 <sup>nd</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

3 <sup>rd</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

## 9.2 Agent authorised to act for this applicant/s

Evidence of appointment is required if this has not been previously supplied to the Department.

Agent details	
Name	
Position/title	
Date	
Signature	



# Application for Minister's Consent – Exempted Areas or Native Title Compliance



Regional  
NSW

Form AD19, *Mining Act 1992*

## Office/Administrative use only

Application received:	
Time:	Date:
Officer's Name	
Signature	

## Document control

Approved by: Executive Director, Resource Operations, Regional NSW under delegation from the Minister administering the *Mining Act 1992*.

CM9 Reference: DOC20/442512

Amendment schedule		
Date	Version #	Amendment
July 2020	1.0	New format for Regional NSW. Form updated to reflect new Departmental name and branding, and updated links.