March 2023

Application to register the transfer or partial transfer of an authority

# *Form AD4, Mining Act 1992*

**Access the** [**Titles Management System (TMS) Portal**](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/titles-management-system) **to lodge this application electronically.**

**Any required fee payments and attachments can be submitted through the portal.**

## **When to use this form**

**Complete this form if you are applying to register the transfer or partial transfer of an authority in New South Wales. This includes exploration licences, assessment leases, mining leases, exploration (mineral owner) licences, assessment (mineral owner) leases and mining (mineral owner) leases.**

Either the transferor or the transferee can lodge this application.

This form is an approved form under s 382 of the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029) (Mining Act) for the purposes of s 122 (Registration of transfers) of the Mining Act. Any reference to the ‘**Department**’ in this form, refers to the Department of Regional NSW.

This form can be used by companies or individuals.

## **How to lodge**

You can lodge your application (this form and any attachments) in the following ways:

* **By email:** titles@regional.nsw.gov.au
* **By mail:** Mining, Exploration and Geoscience, Assessments and Systems, PO Box 344, Hunter Region Mail Centre NSW 2310
* **In person:** in person at the Department’s office, 516 High Street, Maitland, New South Wales business days, between the hours of 9.30am and 4.30pm.
* **Facsimile:** +61 2 4063 6973

Lodgement of your application in any of the above ways is taken to be lodgement with the Secretary under the Mining Act.

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

Mining, Exploration and Geoscience - Assessments and Systems

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

**Email:** titles@regional.nsw.gov.au

Important Notes

Accompanying documentation

All information specified in this form, and all required documents, things or information required to be lodged with your application, should be provided at lodgement.

An application to register a transfer must be made **within three months** of being notified of the Department’s approval to the transfer of the authority.[[1]](#footnote-2)

Section 122 of the Mining Act contains the requirements relating to the application for registration of a transfer of authorisation.

The application to register the transfer may not be receipted unless:

* the transfer of the authority has been approved;[[2]](#footnote-3)
* no caveats are in force that prevent registration;[[3]](#footnote-4)
* evidence has been provided that any required security deposit from the transferee is in place;[[4]](#footnote-5) and
* in the case of mineral owner authorities, the transferee is the owner of the minerals.[[5]](#footnote-6)

The transfer will not take effect and the transferor will remain liable for any rent and levy until the transfer is registered.

If there is insufficient room in any of the fields in this form, please provide the information as an attachment submitted with this form, marking clearly the field or other requirement to which the additional information relates.

Agents

If this application is lodged by an agent on behalf of the applicant/s, 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.[[6]](#footnote-7)

Determination of your application

Once your complete application has been received, the Secretary must register the transferee as the holder of the authority or (in the case of a partial transfer) the new authority, unless registration is prohibited by a caveat.[[7]](#footnote-8)

Next steps

The transfer registration only takes effect once this application is receipted and registered (see s122(3) of the Mining Act).

Receipting will occur when the application is fully submitted. The Secretary for the Department (or delegate) will then register the transfer providing it is not prohibited by a caveat.

**© State of New South Wales through Regional NSW 2023**. The information contained in this publication is based on knowledge and understanding at the time of writing March 2023. 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 comply with its public register and record-keeping requirements under the *Mining Act* *1992* and Mining Regulation 2016, to confirm applicant details in the event that subsequent applications are made and to establish and maintain databases to assist the Department with its work generally.

Except for purposes required by law, your personal information will not be disclosed to third parties unless the disclosure is directly related to the purpose for which the information was collected, and the Department has no reason to believe you would object to the disclosure, or you are reasonably likely to have been aware, or have been made aware, that information of that kind is usually disclosed to that other person or body, or the Department believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

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

1. Authority details

|  |  |  |
| --- | --- | --- |
| Type - eg EL, AL, ML | Number | Act |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |

1. Current authority holder/s details

Provide the full name of the current authority holder/s (transferor) and if applicable, the ACN or ARBN (for foreign companies).

|  |
| --- |
| Full name of the authority holder/s |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |

Additional lease holders

Provide the full name and if applicable, the ACN or ARBN (for foreign companies) of additional authority holders.

|  |
| --- |
| Additional details |
|       |

1. Transferee details

Provide the full name, registered street address and if applicable, the ACN or ARBN (for foreign companies) of the transferee/s. The registered street and postal address will be retained by the Department for administrative purposes.

|  |
| --- |
| 1st Transferee details |
| Name |       |
| [ ]  This is an individual and is at least 18 years old. |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 2nd Transferee details |
| Name |       |
| [ ]  This is an individual and is at least 18 years old. |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 3rd Transferee details |
| Name |       |
| [ ]  This is an individual and is at least 18 years old. |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

Additional transferees

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individual), registered street address (companies) and postal address details of additional transferees. For individuals you must provide a statement that the person is at least 18 years old.

|  |
| --- |
| Additional details |
|       |

1. Contact for this application and service
	1. Holder (transferor) contact details

Any correspondence in relation to this application and any subsequent authority will be sent to this person, including documents that the Department is required to serve.

|  |
| --- |
| Contact details |
| Contact name |       |
| Position held |       |
| Company |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email (required) |       |
| Email for service of documents (required) |       |

The Department will contact you and **serve** documents related to your application **via the email address specified above**.

* 1. Your preferred contact method

If you would **also** like a copy of documents to be sent to you by mail to the postal address indicated above, please check the box below.

[ ]  I request that copies of documents and communications are also sent to me by mail.

* 1. Transferee contact details

Any correspondence in relation to this application and any subsequent authority will be sent to this person, including documents that the Department is required to serve.

|  |
| --- |
| Contact details |
| Contact name |       |
| Position held |       |
| Company |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email (required) |       |
| Email for service of documents (required) |       |

The Department will contact you and **serve** documents related to your application **via the email address specified above**.

* 1. Your preferred contact method

If you would **also** like a copy of documents to be sent to you by mail to the postal address indicated above, please check the box below.

[ ]  I request that copies of documents and communications are also sent to me by mail.

1. Mineral owner authority/s

Is the authority/s to be transferred a mineral owner authority?

[ ]  No – **continue to Section 6**

[ ]  Yes – **go to Section 5.1**

* 1. Evidence of ownership of minerals

For the purposes of s121(3) of the Mining Act, the proposed transferee must be the owner of the minerals.

Evidence that the transferee/s is the owner of the mineral/s to which the authority/s to be transferred relate must be provided prior to registration. This may have been provided with the application for approval of the transfer or the transfer approval may have been conditional upon this being provided. For the purposes of confirming a transferee’s ownership of any mineral, the Secretary may require the applicant to provide further information, which may include written advice from an Australian legal practitioner certifying that the relevant evidence establishes that the transferee owns the mineral.

[ ]  I provided evidence of mineral ownership with the application for approval

[ ]  I have attached evidence of mineral ownership

1. Security deposit

A Security deposit may be required if the transfer relates to an authority that is not subject to a security deposit condition.[[8]](#footnote-9) For more information about the approved form, refer to s261D of the Mining Act and any notice given to the proposed transferee that the decision-maker proposes to impose a security deposit condition when the transfer is approved.

|  |
| --- |
| Total security deposit lodged |
| $       |

Check one of the boxes below to indicate how the security deposit is being provided.

[ ]  I have provided/I am providing with this application form a new security deposit as a security certificate\*

[ ]  I have provided/I am providing with this application form a new security deposit in cash or by direct deposit\*

[ ]  The transferor has authorised the cash security to remain with the authority (refer to Question 11 on the [AD2 transfer approval application](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms) or Question 10 on the [AD3 transfer approval application)](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms)

\*If selected the new security deposit must be included with or prior to this application. If the security deposit was lodged prior to this application, evidence of the security deposit must be included with this application.

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Evidence of transferee is the owner of the minerals (if applicable) | [ ]  | Part 5.1 |
| Security deposit – evidence that a security deposit has been provided | [ ]  | Part 6 |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department | [ ]  | Part 8.2 |

* 1. Have you lodged all the required information with this form

[ ]  Yes

1. Declaration

This form should be signed by either the transferor, transferee or their respective authorised representative or agent.

* 1. Applicant/s (individual or company) – transferor or transferee

Each applicant (or the authorised officer) must complete the declaration below and sign this form.

* 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 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.

|  |
| --- |
| 1st Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | 1st Applications Signature |

|  |
| --- |
| 2nd Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | 1st Applications Signature |
| 3rd Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | 1st Applications Signature |

* 1. Agent authorised to act for this applicant/s

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

* 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 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 3 of this form.

|  |
| --- |
| Agent details |
| Name |       |
| Position/title |       |
| Company |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |
| Date |       |
| Signature | Agent Signature |

1. Evidence of appointment:

 [ ]  I have attached evidence of appointment to this application

 [ ]  I have previously supplied evidence of appointment to the Department.

# Office/Administrative use only

|  |
| --- |
| Application received: |
| Time: |       | Date: |       |
| Officer’s Name |       |
| Signature | Office use only signature |

# Document control

Approved by: Executive Director, Assessments and Systems, Regional NSW under delegation from the Minister administering the Mining Act*.*

CM9 Reference: RDOC22/119376

|  |
| --- |
| 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 |
| August 2022 | 2.0 | Remove credit card detailsNew format to reflect new template Regional NSW/MEGUpdate contact details to reflect @regional email addressUpdated footer: document number and dateReviewed links |
| March 2023 | 3.0 | Form updated to reflect commencement of Mining Regulation 2016 on 1 March 2023. Included information on protected reserves and incomplete applications.Administrative amendments |

1. Section 122(1) Mining Act. [↑](#footnote-ref-2)
2. Section 121 & 122(1) Mining Act. [↑](#footnote-ref-3)
3. Section 124 Mining Act. [↑](#footnote-ref-4)
4. Section 122(2)(c) Mining Act. [↑](#footnote-ref-5)
5. Section 121(3)(b) Mining Act. [↑](#footnote-ref-6)
6. Clause 97, Regulation. [↑](#footnote-ref-7)
7. Section 122(3) Mining Act. [↑](#footnote-ref-8)
8. Section 261BAA Mining Act. [↑](#footnote-ref-9)