March 2023

Lodgement of caveat

# *Form AD5, 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.**

# Lodgement information

For help with lodging this application, or for more information

about authorisations in New South Wales, contact:

Mining, Exploration and Geoscience

**Assessments and Systems**

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

titles@regional.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 titles@regional.nsw.gov.au
* **By mail**: Mail your form and any attachments to Mining, Exploration and Geoscience, Assessments and Systems, 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

**© State of New South Wales through Regional NSW 2022**. 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.

# When to use this form

**Complete this form if you claim to have a legal or equitable interest and want to direct the Secretary not to register any transfer of an authority unless it complies with the provisions of the caveat.**

This form has been prepared for the purposes of s124 of the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029).

If there is insufficient room in any of the fields, please provide the information as an attachment.

# Important notes

Unless withdrawn, this caveat will remain in force for only three months from the lodgement date. During this period any transfer of the authority will not be registered. The Supreme Court may overrule this caveat or direct the Secretary not to register any transfer after the three month period has expired. If such an order is not made, at the expiration of the three months, the transfer will be registered.

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](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498) ).

Next steps

Once your caveat has been lodged with the Secretary, it will be reviewed and recorded in the public register.

1. Authority/s the caveat should be recorded against

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

1. Authority holder/s details

Provide the current full name of authority holder/s.

|  |
| --- |
| 1st Authority holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 2nd Authority holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 3rd Authority holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

Additional holders

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individual), registered street address (company) and postal address details of additional authority holders.

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

1. Details of caveator

|  |
| --- |
| 1st Caveator details |
| Name |       |
| Email |       |
| Contact phone |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 2nd Caveator details |
| Name |       |
| Email |       |
| Contact phone |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

1. Contact for this application

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

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 |       |

Your preferred contact method

The Department prefers to contact and service documents related to your application and any subsequent authority via email.

[ ]  Contact and serve me by email (for companies – ensure you provide a company email address that is regularly monitored rather than an individual employee's email address), or

[ ]  Contact and serve me by mail

1. Nature of interest claimed
	1. Reasons for lodgement

Briefly explain why you are lodging this caveat and the facts on which your claim is founded.

|  |
| --- |
| Reasons for lodgement |
|       |

* 1. Supporting evidence

Provide supporting evidence of caveatable interest

[ ]  I have attached evidence supporting caveatable interest (e.g.: formal correspondence, contract, deed or will)

* 1. Terms

Provide any terms you would like the caveat to be subject to:

|  |
| --- |
| Terms |
|       |

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Supporting evidence of caveatable interest | [ ]  | Question 5.2 |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the department | [ ]  | Question 7.2 |

1. 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.

* 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 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.

|  |
| --- |
| Agent details |
| Name |       |
| Position/title |       |
| Company |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |
| Date |       |
| Signature | 1st Applications Signature |

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: Chief Executive Officer Mining, Exploration and Geoscience under delegation from the Minister administering the Mining Act*.*

CM9 Reference: RDOC22/113797

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| 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 | New 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 |