1 March 2023

Application for an extension or exemption from reporting

# *Form ER01, Mining Act 1992 and Petroleum (Onshore) Act 1991*

**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](mailto: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](mailto: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:** in person at the Department’s office, 516 High Street, Maitland, New South Wales between the hours of 9.30am and 4.30pm on any day other than a Saturday, Sunday or public holiday.
* **Facsimile:** +61 2 4063 6973

**© 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.

# When to use this form

**Complete this form if you are an authorisation holder or titleholder in New South Wales and you want to apply for an extension or exemption from reporting on one or more authorities or titles.**

To be considered for an extension of time or exemption from reporting requirements, this form must be lodged **no later than 30 days before the due date of the report** in accordance with cl67 and cl68 of the [Mining Regulation 2016](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498) (Regulation) and cl27 and cl28 of the [Petroleum (Onshore) Regulation 2016.](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0500)

Under the Regulation:

* an extension of time can be applied for in respect of the provision of annual reports under cl59 (see cl67); and
* an exemption can be applied for with respect to the provision of annual, final and partial relinquishment reports required under cl59 to cl61, or for any other report required with respect to operations (see cl68).

Under the Petroleum (Onshore) Regulation 2016:

* an extension of time can be applied for with respect to the provision of annual, final and partial relinquishment report and reports on drilling and seismic activities required under cl21 to cl24 (see cl27); and
* an exemption can be applied for with respect to the provision of annual, final and partial relinquishment report and reports on drilling and seismic activities required under cl21 to cl24 or with respect to operations under the petroleum title (see cl28).

Failure to provide any required reports without reasonable excuse is an offence under either s163C(3) of the *Mining Act 1992* (Mining Act) or s97C(3) of the [*Petroleum (Onshore) Act 1991.*](https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1991-084)

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

# Important notes

Exemptions from reporting are not generally granted unless in cases of extreme hardship or where there is unnecessary administrative burden such as duplication.

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 Regulation, cl34 of the Petroleum (Onshore) Regulation 2016).

Next steps

Once your application has been lodged, the Secretary (or delegate) will make a determination. The Department will notify you in writing of the decision.

For extensions and exemptions requested under cl67 and cl68 of the Regulation and cl27 and cl28 of the Petroleum (Onshore) Regulation 2016, the Secretary will notify the applicant of the determination in writing within 21 days of receipt of the application.

1. Authority/title information

List the authority/s or title/s you are seeking an extension or exemption for.

|  |  |  |
| --- | --- | --- |
| Type | Number | Act |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. Authority/title holder/s details

Provide the full name, contact details, registered street address, postal address details and if applicable, the ACN or ARBN (for foreign companies).

|  |  |
| --- | --- |
| 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 authority holders or 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 authority holders or titleholders.

|  |
| --- |
| Additional holders |
|  |

1. 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

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. Report/s for which you are seeking an extension

Annual activity report (licence condition)

Annual (geoscientific) report

Partial relinquishment (geoscientific) report

Final (geoscientific) report

Environmental management/rehabilitation report

Community consultation report

Well completion report (petroleum only)

Seismic survey report (petroleum only)

Other report – please specify

|  |
| --- |
|  |

1. Current due date of report/s

|  |
| --- |
| Current due date of report/s |
|  |

1. Exemption or period for extension

|  |  |  |
| --- | --- | --- |
| Exemption or period for extension | | |
|  | I am seeking an **exemption** | |
|  | I am seeking an **extension for the period of**  (eg ‘two weeks from the due date’) | Insert extension period sought |

1. Grounds for application

|  |
| --- |
| Provide the reason for your request |
|  |

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.

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

* (For companies and agents) I declare that I am authorised to complete and lodge this application.
* 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.

|  |  |
| --- | --- |
| 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 |

**OR**

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

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

# Office/Administrative use only

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

# Document control

Approved by: CEO Mining, Exploration and Geoscience, Regional NSW under delegation from the Minister administering the Mining Act*.*

CM9 Reference: RDOC22/118923

|  |  |  |
| --- | --- | --- |
| 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/MEG  Update contact details to reflect @regional email address  Updated footer: document number and date  Reviewed 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 |