August 2023

**Application for renewal of a mineral claim within the Lightning Ridge Mineral Claims District**

# *Form LR6A Mining Act 1992*

## **When to use this form**

**Complete this form if you are applying to renew a mineral claim within the Lightning Ridge Mineral Claims District.**

This form is approved under s 382 of the Mining Act for the purposes of s 197 of the Mining Act and cl 44 and 44A of the Mining Regulation 2016. Any reference to the '**department**' in this form refers to the Department of **Regional NSW**.

## **How to lodge**

An application for the renewal of a mineral claim must be lodged in person at, or by post or facsimile to, the Lightning Ridge office of the department:[[1]](#footnote-2)

* **By mail:** Mining, Exploration and Geoscience, Title Assessments, PO Box 314, Lightning Ridge NSW 2834
* **In-person:** at the department's office, 41 Opal Street, Lightning Ridge, New South Wales, between the hours of 9.30 am to 1:00 pm and 2:00 pm to 4:00 pm on Monday to Thursday or 9:30 am to 1:00 pm on Friday
* **Facsimile:** +61 2 6829 0825

Lodgement of your form in this manner is taken to be lodgement with the Secretary under the Mining Act.

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

**Mining, Exploration and Geoscience – Small-Scale Titles Team**

**Phone:** +61 2 6820 5200

**Facsimile:** +61 2 6829 0825

**Email:** lightningridge.office@regional.nsw.gov.au

**© 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 in August 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.

# Important notes

This application must be lodged by the holder of the mineral claim to which the application relates.[[2]](#footnote-3)

Proof of identity

Applicants must provide proof of identity documentation, such as a copy of a valid driver's licence for sighting and verification by Lightning Ridge office staff. The proof of identity document must include your name, date of birth, address, photograph and signature. If any details on your proof of identity document do not match the details provided in this form (e.g. address), then an explanation is to be provided. Further evidence may also be requested.

Accompanying documentation

All information specified in this form, and everything required to be lodged with this form, should be provided at lodgement.

A decision-maker may require you to furnish further information in connection with your application and may refuse the application if you do not furnish that information within the specified period.[[3]](#footnote-4)

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

Clause 6 of Schedule 1B of the Mining Act also provides separate grounds for the decision maker to refuse an application on the basis that you have failed to lodge any information required to accompany the application within 10 business days after the application is lodged.

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.

When to lodge this application

Renewal applications for mineral claims must be lodged with the Secretary within two months before the day on which the claim is set to expire.[[4]](#footnote-5)

Full or partial renewal

A mineral claim may be renewed as to the whole or any part of the claim area. If it is renewed as to only part of the claim area, the remainder will be excluded from the claim area when the renewal takes effect.[[5]](#footnote-6)

If an application is made over part of the claim area, and the application is not determined before the expiry of the current term, only the area for which renewal has been sought continues in effect under the mineral claim until the renewal application is disposed of. [[6]](#footnote-7)

Term of renewal

If your application for renewal is granted, the renewal will take effect on the date on which it is renewed, unless the Secretary specifies a later date. Your renewal ceases to have effect on the date specified by the Secretary (which will be no more than 5 years from the date it takes effect).[[7]](#footnote-8)

Any amendment of the conditions of a mineral claim will take effect on the date on which the renewal of the mineral claim takes effect.[[8]](#footnote-9)

Compensation under mineral claim

On the granting of a renewal of a mineral claim, the affected landholder becomes entitled to compensation determined under s 266 of the Mining Act in lieu of compensation for any compensable loss suffered, or likely to be suffered, by the landholder as a result of the exercise of the rights conferred by the mineral claim.[[9]](#footnote-10)

The Secretary must not grant the renewal unless satisfied that you have paid standard compensation[[10]](#footnote-11) or entered into a compensation agreement with the landholder(s).[[11]](#footnote-12)

Also, the Secretary must not grant the renewal unless satisfied that you have given landholder(s) notice of intention to exercise rights under the renewed mineral claim.[[12]](#footnote-13)

Further, the Secretary must not grant the renewal unless satisfied that you have, no later than 28 days after lodging this application, paid all outstanding amounts of compensation payable by you to such landholders under the mineral claim (other than compensation that may be payable under a compensation agreement).[[13]](#footnote-14)

However, the Secretary may grant the renewal despite a failure to satisfy the above requirements if you have, after taking all reasonable steps, been unable to sufficiently identify a landholder for the purposes of s 266 of the Mining Act.[[14]](#footnote-15)

Deciding your application

Your completed application will be considered in accordance with the Mining Act and Regulation.[[15]](#footnote-16) You will be given written notice to tell you if your application has been granted or refused.

If the application for renewal is not finally dealt with before the date on which the mineral claim would otherwise cease to have effect, the mineral claim continues to have effect in relation to the land to which the application relates (but no other land) until the application is finally determined.[[16]](#footnote-17)

1. Mineral claim details

|  |  |
| --- | --- |
| Mineral claim details |  |
| Mineral claim number |       |
| Expiry date |       |

1. Mineral claim holder(s) details

|  |
| --- |
| 1st Holder details |
| Name (or contact person for a company)  |      [ ]  Proof of identity document (e.g. valid driver's licence) is attached.  |
| Company name (if a company is applying)  |       |
| ACN  |       |
| Name(s) of all company director(s) (if a company is applying)  |       |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |

|  |
| --- |
| 2nd Holder details |
| Name (or contact person for a company)  |      [ ]  Proof of identity document (e.g. valid driver's licence) is attached  |
| Company name (if company is applying  |       |
| ACN (if a company)  |       |
| Name(s) of all company director(s) (if a company is applying)  |       |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |

* 1. Additional mineral claim holders

If there are more than two holders of the mineral claim, please provide their names and details as an attachment. The attachment must include all the information requested in the holder table above.

 [ ]  I have attached additional mineral claim holder details

1. Contact for this application and service

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.

|  |
| --- |
| Details |
| Contact name |       |
| Position held (if company) |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |

**Note: It is the responsibility of the mineral claim holder to ensure any renewal application is made within required timeframes. The department will not issue any renewal reminder notices via postal mail. If an email address is provided, future reminder notices may be sent to this address.**

* 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 email.

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

1. Full or partial renewal

I am applying for a:

[ ]  Full renewal of the mineral claim

[ ]  Partial renewal of the mineral claim

If you are applying for a partial renewal of the mineral claim, describe the part of the claim area to which the renewal relates and attach a map clearly identifying that part of the claim area.

|  |
| --- |
| Description of the part of the claim area to which the renewal relates.  |
|       |

[ ]  I have attached a map of the part of the claim area to which the renewal relates

1. Class and renewal period sought for mineral claim

Please select the appropriate class and renewal period sought for your mineral claim:

|  |  |
| --- | --- |
| Class of mineral claim | Renewal period sought for mineral claim |
| Class A – Standard Mineral ClaimClass D – Mining Purpose – ProcessingClass E – Mining Purpose – Mullock StockpilingClass G – Open Cut Mining Operations | [ ]  1 year [ ]  2 years [ ]  3 years [ ]  4 years [ ]  5 years |
| [ ]  Class B – Mineral Claim granted after three-month Opal Prospecting Licence (Reward Claim) | [ ]  1 year |

1. Compensation arising under the mineral claim

Complete sections 6.1 and 6.2 below.

If you have not been able to identify a landholder, complete section 6.3.

* 1. What form of landholder compensation is applicable for this mineral claim?

[ ]  The standard compensation for the term of the mineral claim renewal (see further section 8.3), **OR**

[ ]  I have entered into a compensation agreement with the landholder(s) as an alternative to standard compensation.

If a compensation agreement is in force, please supply details below and attach a document signed by the landholder that identifies the mineral claim and makes it clear that an agreement has been entered into which excludes the need to pay standard compensation.[[17]](#footnote-18)

|  |
| --- |
|       |

 [ ]  I have attached documentary evidence of the compensation agreement

* 1. Notice to landholder of intention to exercise rights

Before this application is determined, the decision-maker must be satisfied that the applicant has given notice under s 266(4)(b) of the Mining Act using *Form LR23,* which must be sent by mail to the landholder.

Evidence that *Form LR23* has been served on the landholder (such as a delivery receipt) is given using *Form LR6B.*

[ ]  I have attached a copy of Form *LR6B, Form LR23* and a map **with** this application.

[ ]  I will provide a copy of *Form* LR6B, *Form LR23* and a map **before** the determination of this application.

Note: should you fail to provide *Form LR6B* in a timely manner, the department may issue you a request to furnish further information (*LR6B Form)* in support of your application. Failure to provide such information is grounds for refusal of your application.

* 1. Evidence that you have taken all reasonable steps to identify a landholder (if applicable)

If you have not fulfilled the requirements of s 266(4) of the Mining Act, provide evidence that the failure has occurred because you, after taking all reasonable steps, have been unable to sufficiently identify a landholder for the purposes of s 266 of the Mining Act. This must include the steps you have taken to identify a landholder.

[ ]  I have attached evidence that I have taken all reasonable steps to identify a landholder

1. Fit and proper person test

Note: Under [section 393](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.393) of the *Mining Act* and cl 89E of the Regulation, the department will consider a range of factors to determine if you are a fit and proper person to have your mineral claim renewed.

* 1. Does the applicant or directors of the applicant have any history of non-compliance with *Mining Act 1992* since this mineral claim was originally granted or transferred?

 [ ]  No

 [ ]  Yes – if yes, provide details below1

|  |  |
| --- | --- |
| Offence Description | Response from applicant |
| Details of offence or non-compliance |       |
| Penalty Infringement Notice number (if any) |       |
| Name (person or company) on penalty infringement notice |       |
| Date of offence |       |
| Location of offence including property name or Mineral Claim number or Opal Prospecting Licence number |       |
| Offence provision or section breached under the *Mining Act 1992* |       |

1Note: If there is more than one offence, please provide additional offence details as an attachment. The offence details must include all the requested information in the table above.

* 1. Have the mineral claim holders(s) or company directors had a mineral claim or opal prospecting licence suspended, cancelled, or revoked?

[ ]  No

 [ ]  Yes – if yes, mineral claim or opal prospecting licence number(s):

|  |
| --- |
|       |

* 1. Have the mineral claim holder(s) or company directors contravened or committed an offence under any of the legislation listed in the table below:

|  |  |  |
| --- | --- | --- |
| **Compliance question** | **No** | **Yes1** |
| Have the applicant(s) or company directors or any related corporation or the corporation been convicted under any environment protection legislation or work health and safety legislation 2 in the last 5 years?  | [ ]  | [ ]  |
| Have the applicant(s) or company directors or any related corporation or the corporation had any consent, licence, permission, or approval under environment protection legislation2 revoked or suspended in the last five years? | [ ]  | [ ]  |
| Have the applicant(s) or company directors been convicted for an offence involving fraud or dishonesty in the last ten years?  | [ ]  | [ ]  |
| Have the applicant(s) or company directors been convicted of a serious offence3?  | [ ]  | [ ]  |

1Note: If answering ""Yes" to any of the compliance questions, you must provide details as an attachment. The details must include the offence's name, date and location, legislation contravened, and type of enforcement action.

2Note: Environment protection legislation includes: [*Contaminated Land Management Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-140)*;* [*Dangerous Goods (Road and Rail Transport) Act 2008*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2008-095)*;* [*Environmental Trust Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-082)*;* [*Environmentally Hazardous Chemicals Act 1985*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1985-014)*;* [*Ozone Protection Act 1989*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1989-208)*;* [*Pesticides Act 1999*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1999-080)*;* [*Protection of the Environment Operations Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156)*;* [*Radiation Control Act 1990*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1990-013)*;* [*Recreation Vehicles Act 1983*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1983-136)*; Work Health and Safety Act 2011,and* [*Waste Avoidance and Resource Recovery Act 2001*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2001-058)*.*

3Note: A serious offence is considered imprisonment for life; or imprisonment for term of five years or more; or by a fine of $500,000 or more.

1. Fee payment
	1. Fee payment

The renewal application fee is prescribed under Schedule 9 of the Regulation. The class of mineral claim determines the renewal application fee, which must accompany this application.[[18]](#footnote-19)

|  |  |
| --- | --- |
| Class of mineral claim | Renewal application fee |
| Class A – Standard Mineral Claim  |  |
|  |  If mineral claim area is no more than 0.25 of a hectare—**per year of tenure** | $100 |
| If mineral claim area is more than 0.25 of a hectare and less than or equal to 1 hectare—**per year of tenure** | $300 |
| If mineral claim area is more than 1 hectare and less than or equal to 2 hectares—**per year of tenure** | $470 |
| Class B – Mineral Claim granted after three-month Opal Prospecting Licence | $470 |
| Class D – Mining Purpose – Processing | $470 |
| Class E – Mining Purpose – Mullock Stockpiling | $470 |
| Class G – Open Cut Mining Operations | $470 |

|  |
| --- |
| Select payment method |
| [ ]  | **Cash** |
| [ ]  | **Credit card\*** To pay by credit card, please tick the credit card box and contact (02) 6820 5200 to speak to a customer service representative. \*Credit card merchant fees apply to all credit card payments and will be added to the payment amount at the following rates: Visa & Mastercard: 0.4%  |

Note that there are also additional fees and levies that must be paid before a mineral claim renewal is granted. Please see table below. The payment amount is determined by the proposed renewal term of the mineral claim.

|  |  |
| --- | --- |
| Levy | Payment amount |
| Term administrative levy | $100/year of mineral claim term |
| Road levy | $25/year of mineral claim term |
| Mullock levy | $10/year of mineral claim term |
| Environmental and rehabilitation levy | $10/year of mineral claim term |
| Standard Landholder compensation  | $118/year of mineral claim term[[19]](#footnote-20) |

* 1. Payment of outstanding amounts of compensation

You must, no later than 28 days after lodging this application, pay all outstanding amounts of compensation payable by you to the landholder under the mineral claim, other than compensation that may be payable under a compensation agreement.[[20]](#footnote-21)

Standard compensation is to be paid to the Secretary in cash or via EFTPOS as methods approved by the Secretary.[[21]](#footnote-22)

If applicable, you are required to discuss payment of any outstanding compensation when you lodge this application.

* 1. Payment of standard compensation for renewal term

Your application for renewal cannot be granted until you have paid the standard compensation for the renewal term unless you have entered into a compensation agreement with the landholder.[[22]](#footnote-23)

Standard compensation at July 2023 is $118 per annum and is indexed to CPI annually.[[23]](#footnote-24)

The department will ensure applicable payments amount are requested and made prior to determining your application.

1. Checklist of items to be included with this application

Note: The two checklists below are to be completed by the applicant before signing the declaration.

|  |  |  |
| --- | --- | --- |
| Mandatory items to be attached to this application | Yes | Reference |
| Proof of identity document (e.g. valid driver's licence) | [ ]  | Question 2 |

|  |  |  |  |
| --- | --- | --- | --- |
| Items to be attached to the application if applicable  | Yes | N/A | Reference |
| Additional applicant details and proof of identity document (e.g. valid driver's licence) | [ ]  | [ ]  | Question 2.1 |
| Map of the part of the claim area to which the renewal relates | [ ]  | [ ]  | Question 4 |
| Documentary evidence of compensation agreement | [ ]  | [ ]  | Question 6.1 |
| Copy of *Form LR6B* and *Form LR23* and a map | [ ]  | [ ]  | Question 6.2 |
| Evidence of reasonable steps to identify landholder | [ ]  | [ ]  | Question 6.3 |
| Details of applicants or companies' additional offences  | [ ]  | [ ]  | Question 7 |
| Additional applicants' declaration | [ ]  | [ ]  | Question 10 |
| For agents only, evidence of appointment and proof of identity document (e.g. valid driver's licence) | [ ]  | [ ]  | Question 10 |

1. Declaration

Applicant(s) (individual or company)

Each applicant (or authorised representative of a company) must complete the declaration below and sign this form:

* (For companies and agents only), 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 Part 5A of the *Crimes Act 1900* (NSW), that knowingly or recklessly giving false or misleading information is a serious offence, and under the s 378C of the Mining Act, 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 Holder details |
| Name or company name |       |
| Position/ title  |       |
| Date |       |
| Signature | Agent Signature |

|  |
| --- |
| 2nd Holder details |
| Name or company name |       |
| Position/ title |       |
| Date |       |
| Signature | Agent Signature |

Additional applicants/agents

If there are more than two holders of the mineral claim, please provide their signed declaration as an attachment. The attachment must be a copy of this page that the additional proposed holders have filled in their name, dated, and signed.

[ ]  I have attached a signed declaration for additional mineral claim holders (or their agents)

Agent authorised to act for this applicant(s) (if applicable)

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

I have **attached** to this application:

[ ]  Evidence of appointment

[ ]  Proof of identity (e.g. valid driver's licence)

# Office/administration use only

|  |
| --- |
| Application received |
| Mineral claim number:       |
| Time:       | Date:       |
| Officers name:       |
| Signature: Agent Signature |
| Application granted |
| Date:       |
| Officers name:       |
| Signature: Agent Signature |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fee | Amount | Receipt number | Receipt date | Payment method  |
| Renewal fee  | $      |       |       | [ ]  Cash [ ]  Card |
| Term administrative levy | $      |       |       | [ ]  Cash [ ]  Card |
| Landholders Compensation | $      |       |       | [ ]  Cash [ ]  Card |
| Mullock levy | $      |       |       | [ ]  Cash [ ]  Card |
| Road levy | $      |       |       | [ ]  Cash [ ]  Card |
| Environmental and rehabilitation levy | $      |       |       | [ ]  Cash [ ]  Card |
| Other  | $      |       |       | [ ]  Cash [ ]  Card |
| Total amount | $      |  |  |  |

Document control

Approved by: Executive Director, Assessments and Systems under delegation from the Minister administering the *Mining Act 1992*.

CM9 Reference: RDOC22/246034

|  |
| --- |
| Amendment schedule |
| **Date** | **Version #** | **Amendment** |
| August 2023 | 1.0 | The department created a new form. The document reflects departmental branding and references. |

1. Clause 44, Regulation. [↑](#footnote-ref-2)
2. Section 197(1), Mining Act. [↑](#footnote-ref-3)
3. Schedule 1B, cl 5, Mining Act. [↑](#footnote-ref-4)
4. Section 197(2)(b), Mining Act; cl 44A, Regulation. [↑](#footnote-ref-5)
5. Section 197(3), Mining Act. [↑](#footnote-ref-6)
6. Section 197(3), Mining Act. [↑](#footnote-ref-7)
7. Section 199A(1), Mining Act. [↑](#footnote-ref-8)
8. Section 199A(2), Mining Act. [↑](#footnote-ref-9)
9. Section 266(1), Mining Act. [↑](#footnote-ref-10)
10. Standard compensation is the compensation payable as determined by the Minister for the purposes of s 266(1) of the Mining Act: s 266(2), Mining Act. [↑](#footnote-ref-11)
11. Section 266(4)(a), Mining Act. [↑](#footnote-ref-12)
12. Section 266(4)(b), Mining Act. [↑](#footnote-ref-13)
13. Section 266(4)(c), Mining Act. [↑](#footnote-ref-14)
14. Section 266(5), Mining Act. [↑](#footnote-ref-15)
15. Section 198(1), Mining Act. [↑](#footnote-ref-16)
16. Section 197(3), Mining Act. [↑](#footnote-ref-17)
17. Note that, under cl 92(6) of the Regulation, the Secretary may rely on such evidence as it sees fit to be satisfied that a compensation agreement has been entered into, however cl 92(6)(a) of the Regulation provides that a document signed by the landholder that identifies the mineral claim and makes it clear that an agreement has been entered into which excludes the need to pay standard compensation is taken to be sufficient. [↑](#footnote-ref-18)
18. Section 197(2)(a), Mining Act. [↑](#footnote-ref-19)
19. Note: This is the 2023 standard rate, and it is indexed annually by the Consumer Price Index. [↑](#footnote-ref-20)
20. Section 266(4)(c), Mining Act. [↑](#footnote-ref-21)
21. Section 266(12), Mining Act; cl 92(3), Regulation. [↑](#footnote-ref-22)
22. Section 266(4)(a), Mining Act. [↑](#footnote-ref-23)
23. This is the 2023 standard rate, and it is indexed annually by Consumer Price Index. [↑](#footnote-ref-24)