March 2023

Nomination of authority holder by applicant or tenderer

# *Form AD7, 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 nomination electronically.**

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

## **When to use this form**

**Complete this form if you are nominating a person to whom an authority is to be granted under the section 133 *Mining Act 1992* in New South Wales.**

Any reference to the ‘**Department**’ in this form, refers to the Department of **Regional NSW**.

## **How to lodge**

You can lodge your nomination (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 nomination in any of the above ways is taken to be lodgement with the Secretary under the Mining Act.

For help with lodging this nomination, 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

**© 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.

# Important notes

Accompanying documentation

Under s 133 of the Mining Act, the person nominated is taken to be the applicant or tenderer for the authority.[[1]](#footnote-2) Together with the nomination, certain information is necessary to allow the Department to continue to assess the application to which this nomination relates.

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

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 nomination 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.[[2]](#footnote-3)

1. Application/tender details

|  |  |  |
| --- | --- | --- |
| Type | Number | Act |
|       |       |       |
| Select type: [ ]  Application [ ]  Tender |

1. Applicant/s or tenderer/s details

Provide the full name of current applicant/s or tenderer/s, contact details and if applicable, the ACN or ARBN (for foreign companies).

|  |
| --- |
| 1st Applicant or tenderer 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 Applicant or tenderer 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 Applicant or tenderer 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 current applicants or tenderers

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 current applicants or tenderers.

|  |
| --- |
| Additional current applicants or tenderers |
|       |

1. Contact for this nomination and service

Any correspondence in relation to this nomination 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 licence **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. Nominated authority holder(s) details

Provide the full name of nominated authority holder(s), contact details and if applicable, the ACN or ARBN (for foreign companies). To be eligible to hold an authority, you must be a person 18 years of age or older.

If the applicant(s) is a foreign entity, provide proof that the applicant(s) is authorised to operate and carry out business in New South Wales.

|  |
| --- |
| 1st Nominated authority holder 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 Nominated authority holder 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 Nominated authority holder 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 authority holders

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.

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

1. Technical capability
	1. Technical manager

In nominating under this form, you are required to inform the Department as to the details of technical advice available for the proposed operations and, in the case of an exploration licence, details of the nominated technical manager.

Please attach information about the technical manager appointed or to be appointed by the nominated authority holder(s) for the authority to which this form relates, by using the form [Template for technical managers](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/template-for-technical-managers-pdf.pdf) or enter the information below. Tick the relevant box below to indicate which option you have selected:

[ ]  I have attached the form [Template for technical managers](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms) 🞂 **Go to Part 6**

**OR**

[ ]  For exploration licences and assessment leases, information about the technical manager satisfying the requirements of the [Minimum Standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf), their details and their acceptance is provided below, in Parts 5.1.1, 5.1.2, and 5.1.3 below.

* + 1. Technical manager professional membership/qualifications

The technical manager must have either ‘A’ or ‘B’ below (tick as appropriate):

A. [ ]  Membership with a recognised relevant professional organisation at the minimum level of *Member*, with the required degree qualification related to the geosciences:

|  |
| --- |
| Provide the name and member number of any relevant professional association(s) to which the technical manager belongs:  |
| [ ]  AusIMM [ ]  AIG membership number:        [ ]  Other - please specify (including membership number):      Provide details of the degree qualification related to the geosciences (e.g. B. Science (Geology)):         |

**OR**

B. [ ]  Five years or more experience working in the deposit setting that is proposed in the work program (in this case you must attach the technical manager’s curriculum vitae to evidence this if not already supplied to the Department).

* + 1. Technical manager conduct

The technical manager must also meet certain conduct requirements.

Has the technical manager:

- at any time had their membership refused, revoked or suspended by any relevant professional organisation(s) for conduct-related reasons?

[ ]  Yes [ ]  No

- in the past 10 years, been convicted of an offence under the Mining Act, the *Protection of the Environment Operations Act 1997* or other relevant legislation (as defined in Schedule 5 of the Regulation)?

[ ]  Yes [ ]  No

|  |
| --- |
| If you ticked yes to either or both of the above, please provide details:  |
|       |

* + 1. Technical manager contact details

|  |
| --- |
| Technical manager contact details |
| Name |       |
| Position |       |
| Company |       |
| Phone (incl. area code) |       |
| Mobile |       |
| Email |       |
| Technical manager acceptance**Signature** **of the nominated technical manager** In signing below, I hereby:* confirm my acceptance of the role; and
* certify that the information provided in response to Parts 5.2.1 and 5.2.2, is true and correct to the best of my knowledge and belief.
* confirm that I understand that under the *Crimes Act 1900 NSW* Part 5A, knowingly or recklessly giving false or misleading information is a serious offence, and that under the Mining Act s 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.
 |

1. Financial capability and resources
	1. Financial capability

Applications for authorities must demonstrate that the applicant has the financial capability to carry out the proposed work program.[[3]](#footnote-4) An application for authority must:

* + for exploration licences and assessment leases, meet the [Minimum Standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf) relating to financial capability;[[4]](#footnote-5)
	+ be accompanied by particulars of financial resources available to the applicant.[[5]](#footnote-6)

In nominating under this form, you are required to inform the Department about relevant financial information relating to the nominated authority holder(s). Where applicable, answers to the questions relating to financial capability in Parts 6.2 and 6.3 below should be given having regard to:

* + the work program and proposed operations;
	+ obligations under the exploration licence;
	+ current assets and liabilities.
	1. Financial status

Is any applicant bankrupt or a body corporate that is subject to a scheme of arrangement, receivership, winding up or other external administration?

[ ]  Yes [ ]  No

**Note:** this includes each applicant where there is more than one applicant.

* 1. Access to capital and financial resources

You must be able to answer yes to at **least one** of the following three questions.

**A**. Does at least one applicant have sufficient capital available over the term to meet the forecast expenditure and committed objectives of the entire proposed work program?

 [ ]  Yes [ ]  No

**B.** Is at least one applicant subject to an agreement with a third party for the provision of finance to meet the forecast expenditure and committed objectives of the entire proposed work program (e.g. a deed)?

 [ ]  Yes [ ] No

**C**. Has at least one applicant’s board members or corporate officers successfully raised capital in the past for similar exploration programs in NSW or other jurisdictions?

 [ ]  Yes [ ]  No

Please provide any other particulars of the financial resources available to the applicant:

|  |
| --- |
|       |

1. Statements of corporate compliance, environmental performance and financial history

Applications for authorities must be accompanied by a statement of the corporate compliance, environmental performance history and financial capability of the applicant, made in the approved form.[[6]](#footnote-7)

In nominating under this form, you are required to provide this information to the Department from the nominated authority holder(s). The approved form is the *Statements of corporate compliance, environmental performance history and financial capability form* (**SOCH**) available on the Department’s website.

Please indicate how you will provide the [SOCH](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms) to the Department:

[ ]  I have attached the new SOCH to my nomination

 **OR**

[ ]  I have submitted a new SOCH online the reference number is \_\_\_\_\_\_\_\_\_\_\_\_.

1. Proposed work program or current development consent
	1. Proposed work program

Applications for an authority must be accompanied by a work program for the proposed term of renewal, unless it is an application for a mining authority in relation in respect of which development consent has been granted.[[7]](#footnote-8) Where required, the proposed work program must:

* For exploration licences and assessment leases, be prepared using the [Prospecting authority work program form](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/applying-to-explore-and-mine-nsw/mining-act-1992-forms) in accordance with the Work programs for prospecting titles guideline;
* comply with the content requirements for work programs set out in cl 35 of the Regulation;
* for exploration licences and assessment leases, meet the [minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf) for work programs.[[8]](#footnote-9)

Tick the relevant box below to indicate your preference for the proposed work program that accompanies this application.

[ ]  The previously supplied proposed work program will not be updated for this application.

or

[ ]  The nominee will attach an updated proposed work program.

1. Checklist of items to be included with this nomination

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| For foreign entities, proof that the nominated authority holder is authorised to operate and carry out business in New South Wales. | **[ ]**  | Part 4 |
| Technical capability support documentation (if applicable) | [ ]  | Part 5 |
| Statements of corporate compliance, environmental performance and financial history (where not lodged online) | [ ]  | Part 7 |
| Work program or (if applicable) current development consent | [ ]  | Part 8 |
| For agents only – evidence of appointment as agent | [ ]  | Part 10.2 |

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 |

* 1. Agent authorised to act for this applicant(s)

Evidence of appointment is required.

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

Evidence of appointment:

 [ ]  I have attached evidence of appointment to this nomination

# Office/Administrative use only

|  |
| --- |
| Nomination 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: RDOC22/117869

|  |
| --- |
| 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 | Updated links to new Prospecting authority work program form, New Minimum standard contentNew 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 amendments to the Mining Act and Regulation and administrative updates.  |

1. Section 133(2), Mining Act. [↑](#footnote-ref-2)
2. Clause 97, Regulation. [↑](#footnote-ref-3)
3. Sch. 1B, cl 6, Mining Act. [↑](#footnote-ref-4)
4. Schedule 1B, cl. 4(a), Mining Act. [↑](#footnote-ref-5)
5. Clauses 14(1)(e), 21(1)(e), and 25(1)(e) of the Regulation. [↑](#footnote-ref-6)
6. Clauses 14(1)(f), 21(1)(f), and 25(1)(f) of the Regulation. [↑](#footnote-ref-7)
7. Section 129A, Mining Act; clause 35 of the Regulation. [↑](#footnote-ref-8)
8. Schedule 1B, cl. 2(1), cl 4(g) & cl (6)(b), Mining Act. [↑](#footnote-ref-9)