1 March 2023

Application to appoint an arbitrator

# *Form AD1, 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’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

**© 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 a landholder or a holder of a prospecting authority applying to appoint an arbitrator.**

This form has been prepared for the purposes of s144 of the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029)(Mining Act)*.*

This form can be used by companies or individuals. For more information visit [the Arbitration process for access to lands for exploration](https://www.regional.nsw.gov.au/meg/community/land-access-and-arbitration/the-arbitration-process-for-access-to-land) web page.

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

# Important notes

In accordance with s152 of the Mining Act, the authority holder is responsible for all costs associated with the arbitration hearing. The Department will initially pay the costs and issue an invoice to the authority holder for reimbursement of these costs.

Unless you are a landholder, this form should be completed by the **holder of the prospecting authority**, not a parent or otherwise related company. The s142 and s143 notices already served, must have been served by the **holder of the prospecting authority,** not a parent or otherwise related company.

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) (Regulation)).

Next steps

The Secretary (or delegate) will arrange for a panel arbitrator to be appointed.

The Department will then notify you that a panel arbitrator has been allocated, and the panel arbitrator will contact you to arrange the next steps in the process. For more information, visit the [Land access arbitration procedure](https://www.regional.nsw.gov.au/meg/community/land-access-and-arbitration/the-arbitration-process-for-access-to-land) web page on the [Department’s](https://meg.resourcesregulator.nsw.gov.au/) website

1. Authority details

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

1. Applicant/s details

Indicate whether you are applying as a landholder or an authority holder:

 [ ]  Landholder

 [ ]  Authority holder

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

|  |
| --- |
| 1st Applicant 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 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 |

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| --- |
| 3rd Applicant 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 applicants

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 applicants.

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

1. Contact for this application

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. For authority holders only
	1. Contact details of landholders not in agreement

Provide details of any landholders with whom you have not been able to reach agreement with regarding the appointment of an arbitrator.

|  |
| --- |
| 1st Landholder details |
| Landholder name |       |
| Contact name |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |

|  |
| --- |
| 2nd Landholder details |
| Landholder name |       |
| Contact name |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |

|  |
| --- |
| 3rd Landholder details |
| Landholder name |       |
| Contact name |       |
| Postal address |       |
| Phone (incl area code) |       |
| Mobile |       |
| Email |       |

Additional landholders

Provide the full name postal address and contact details of additional landholders.

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

* 1. Copies of notices

Provide copies of notices sent to the landholders regarding access arrangements and the appointment of an arbitrator. These notices must clearly demonstrate that all of the requirements of s142 and s143 of the Mining Act have been met. Theses notices must be served by the **holder of the prospecting authority**, not a parent or otherwise related company.

[ ]  I have attached copies of all s142 notices requesting access arrangements

[ ]  I have attached copies of all s143 notices requesting the appointment of an arbitrator

* 1. Description of land

|  |
| --- |
| Lot and deposited plan numbers |
| Lot number |       |
| Deposited plan |       |
|  |
| Lot number |       |
| Deposited plan |       |
|  |
| Lot number |       |
| Deposited plan |       |

Other land

If there is inadequate space above, provide lot and deposited plan details for any additional land.

|  |
| --- |
| Other details |
|       |

* 1. Landholder/s land in relation to authority

Attach a plan/s showing the relationship of the landholder/s land to the boundary of the authority.

[ ]  Yes – I have attached a plan

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Copies of notices requesting access arrangements and the appointment of an arbitrator | [ ]  | Question 4.2 |
| A plan showing the relationship of the landholder's land to the boundary of the authority (if applicable) | [ ]  | Question 4.4 |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department. | [ ]  | Question 6.2 |

1. Checklist of items to be included with this application

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. 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 | Agent 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: CEO Mining, Exploration and Geoscience, under delegation from the Minister administering the Mining Act*.*

CM9 Reference: RDOC22/119430

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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. Administrative amendments |