May 2023

Applicant statement of corporate compliance, environmental performance history and financial capability for small scale titles

# *Form SST28 Mining Act 1992*

# Lodgement information

For help with lodging this application or information about small-scale titles in New South Wales, contact:

**Mining, Exploration and Geoscience**

**Small Scale Titles Team**

**Phone +61 2 6820 5200**

**Fax +61 2 6829 0825**

lightningridge.office@regional.nsw.gov.au or whitecliffs@regional.nsw.gov.au

## Note

* Any reference to the ‘**Department**’ in this form refers to **Regional NSW**
* Following the lodgement of your application, the Department’s preference is for email communication with customers

## How to submit this form

Applications within the Lightning Ridge Mineral Claims District

* **In person:** at the Department’s office, 41 Opal Street, Lightning Ridge, New South Wales, between the hours of 9.30am to 1:00pm, and 2:00pm to 4:00pm on Monday to Thursday, or 9:30am to 1:00pm on Friday.

Applications within the White Cliffs Mineral Claims District

* **By mail:** Mining, Exploration & Geoscience, Small Scale Titles, 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 9.30am to 1:00pm, and 2:00pm to 4:00pm on Monday to Thursday, or 9:30am to 1:00pm on Friday.
* **Facsimile:** +61 2 6829 0825

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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.

Version 1.1 May 2023

# When to use this form

**This form is to be completed by individuals and/or companies applying for the:**

* **grant of a mineral claim;**
* **transfer of a mineral claim;**
* **grant of an opal prospecting licence;**

**within the Lightning Ridge Mineral Claim District or White Cliffs Mineral Claim District.**

This form has been prepared in accordance with the requirements of Part 9 and section 178, section 200 and section 226 of the *Mining Act 1992* and clause 42(3)(e), clause 45(1)(d) and clause 50(1)(e) of the Mining Regulation 2016.

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

# Important notes

Agents

If this application is lodged by an agent on behalf of the applicant(s), you must provide evidence that the agent has authority to act on behalf of the applicant. This can be done by completing the declaration at the end of this form and supplying evidence of their appointment (clause 97 of the Mining Regulation 2016). If this information is not provided, the decision-maker may reject the application of you do not supply this information within 1 business days of making the application (clause 94AA(2) of the Mining Regulation 2016).

1. Applicant(s) details

|  |
| --- |
| 1st Applicant details |
| Name or company name |       |
| Australian Company Number (if company is applying) |       |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |

|  |
| --- |
| 2nd Applicant details |
| Name or company name |       |
| Australian Company Number (if company is applying) |       |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |

* 1. Additional applicants

If there are more than two applicants, please provide their names and details as an attachment. The attachment must include all the names and information requested in the applicant table above.

 [ ]  I have attached additional applicant details

1. Related persons (if a company is applying)

Is the applicant(s) a natural person?

[ ]  Yes, – go to Question 3

[ ]  No, the applicant(s) are a company – go to Question 2.1

* 1. Company officers name

When completing this section, all company officers must be listed. A company officer is defined to include:

1. Director or Secretary of the corporation
2. A person:
	1. Who makes, or participate in the making, decisions that affect the whole, or a substantial part of the corporation; or
	2. Who has the capacity to affect significantly the corporation’s financial standing.

|  |  |  |  |
| --- | --- | --- | --- |
| Company officer name | Role | Email | Date appointed |
|       |       |       |       |

* 1. Ultimate holding company

Is there an ultimate holding company that has ownership or a controlling interest in the company listed in Question 1?

[ ]  No – go to Question 2.3

[ ]  Yes – fill in the details of the ultimate holding company in table below

|  |  |
| --- | --- |
| Details of the ultimate holding company (e.g., name, Australian Company Number) | Shares held (%) |
|       |       |
|       |       |
|       |       |
|       |       |

* 1. Related body corporate

Is the company listed in Question 1 part of a related body corporate including being a holding company of another corporate, the subsidiary of another body corporate or the subsidiary of a holding company of another body corporate?

[ ]  No – go to Question 3

[ ]  Yes – fill in the details of the related body corporate in the table below

|  |  |
| --- | --- |
| Related body corporate name | Australian Company Number |
|       |       |

1. Other jurisdictions

The following declarations apply when the applicant or transferee is either an individual or a company. In the case of applicants or transferees who are a company, the following declarations also apply to all current company officers identified by you in Question 2.1.

* 1. Has the applicant or transferee been (either currently or within the past three years) associated with an approval authorisation for the exploration or production of coal, mineral or petroleum resources in any other jurisdiction other than NSW?

 [ ]  Yes, select jurisdictions from below and attach details:

 [ ]  Australian Capital Territory [ ]  Tasmania

 [ ]  Northern Territory [ ]  Victoria

 [ ]  Queensland [ ]  Western Australia

 [ ]  South Australia [ ]  Overseas

 [ ]  Yes, I have attached details of authorisation from other jurisdictions

[ ]  No

1. Compliance and environmental history

|  |  |  |
| --- | --- | --- |
| Has any person (individual or company) identified in the form: | No | Yes1 |
| In the past 10 years, had an approval authorising exploration or production of coal, mineral or petroleum resources in any Australian jurisdiction, refused, suspended, cancelled or revoked? | [ ]  | [ ]  |
| In the past 10 years, been subject to a prosecution under a provision of any work health and safety legislation in any jurisdiction or have the charges currently pending? | [ ]  | [ ]  |
| In the past 10 years, been convicted of an offence under a provision of the *Mining Act 1992*, *Protection of the Environment Operations Act 1997* or other relevant legislation in any jurisdiction, as set out in Schedule 5 of the Mining Regulation 2016 or have charges pending?  | [ ]  | [ ]  |
| In the past 10 years, had a licence or other authority suspended or revoked under the *Protection of the Environment Operations Act 1997*? | [ ]  | [ ]  |
| In the past 5 years, been issued a penalty under a penalty notice for an offence under the *Mining Act 1992*, *Protection of the Environment Operations Act 1997*, work health and safety legislation or other relevant legislation (NSW jurisdiction only) as set out in Schedule 5 of the Mining Regulation 2016? | [ ]  | [ ]  |
| In the past 10 years, been subject to an agreed enforceable undertaking, pursuant to the Mining Act 1992, *Protection of the Environment Operations Act 1997*, *Work Health and Safety Act 2011* or other relevant legislation (NSW jurisdiction only) as set out in Schedule 5 of the Mining Regulation 2016? | [ ]  | [ ]  |

1Note: If answering Yes to any of the compliance and environmental history questions, you must provide details as an attachment.

[ ]  Yes, I have attached details of any compliance and environmental history issues

1. Financial history

|  |  |  |
| --- | --- | --- |
| Has any person (individual or company) identified in the form: | No | Yes1 |
| Has been convicted under the *Proceeds of Crime Act 2002* (Commonwealth) or under the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010* (Commonwealth), or for offences of money laundering, terrorism financing or corruption under any Commonwealth or state Act, or have charges currently pending? | [ ]  | [ ]  |
| Has been convicted in NSW or elsewhere for an offence involving fraud or dishonesty in the past 10 years, or have charges currently pending? | [ ]  | [ ]  |
| Has been convicted in the past 10 years of an offence committed in NSW that is punishable by imprisonment for life, or for a term of five years, or more or by a fine of $500,000 of more, or an offence committed elsewhere than in NSW that if committed in NSW would be offence so punishable? | [ ]  | [ ]  |
| Has been convicted in the past 10 years of an offence committed under a law of the Commonwealth that is punishable by imprisonment for life of for a term of five years or more or by a fine of $500,000 or more? | [ ]  | [ ]  |
| Has a director or officer of a company that has been wound up, is subject of a winding up order or for which a receiver, receiver and manager, controller or administrator has been appointed under the *Corporations Act 2001* (Commonwealth), during the past 3 years? | [ ]  | [ ]  |
| Has an undischarged bankrupt or applied to take benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment or his or her remuneration for their benefit, during the past 3 years? | [ ]  | [ ]  |
| Has been disqualified from holding office in a company under any law of NSW or any other state or territory or the Commonwealth, during the past 3 years? | [ ]  | [ ]  |

1Note: If answering Yes to any of the financial history questions, you must provide details as an attachment.

[ ]  Yes, I have attached details of any financial history issues

1. Financial capability

|  |  |  |
| --- | --- | --- |
| As at the date of the application is the applicant(s) aware of: | No | Yes |
| Reasonable grounds to believe that the planned expenditure and obligations under the mineral claim cannot be financed for the proposed mineral claim? | [ ]  | [ ]  |
| Any other financial commitments that may negativeley impact on the finance of the proposed operations and obligations under the proposed mineral claim? | [ ]  | [ ]  |

1. Checklist of items to be included in this application

|  |  |  |  |
| --- | --- | --- | --- |
| Items to be attached to the application if applicable  | Yes | N/A | Reference |
| Additional applicant's details  | [ ]  | [ ]  | Question 1.1 |
| Details of authorisations in other jurisdictions  | [ ]  | [ ]  | Question 3.1 |
| Details of compliance and environmental history issues | [ ]  | [ ]  | Question 4 |
| Details of financial history issues  | [ ]  | [ ]  | Question 5 |
| Additional applicant's declaration  | [ ]  | [ ]  | Question 8 |
| For agents, written evidence of appointment and proof of identity document (e.g., valid driver's licence) | [ ]  | [ ]  | Question 9 |

1. Declaration
	1. Applicant(s) (individual or company)

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

* (For companies and agents) I declare that I am authorised to complete and lodge this form.
* I certify that the information provided is true and correct to the best of my knowledge and belief. I understand, under [Part 5A](https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#pt.5A) of the *Crimes Act 1900* (NSW), that knowingly or recklessly giving false or misleading information is a serious offence, and under section 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.
* I have made all reasonable enquiries of all other persons to which these questions (Compliance and environmental history, and financial history) relate as outlined in the Related persons question of this form

|  |
| --- |
| 1st Applicant details |
| Name or company name |       |
| Contact person and their position (for companies only) |       |
| Date |       |
| Signature |  |

|  |
| --- |
| 2nd Applicant details |
| Name or company name |       |
| Contact person and their position (for companies only) |       |
| Date |       |
| Signature |  |

* 1. Additional applicants / agents

If there are more than two applicants, please provide their signed declaration as an attachment. The attachment must be a copy of this page that the additional applicant has filled in their name, date, and signed.

 [ ]  Yes, I have attached a signed declaration for an additional applicants

1. Agent authorised to act for applicant(s) (if applicable)

|  |
| --- |
| Agent details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| Street address |       |
| Postal address |      [ ]  Same as above |
| Evidence of appointment as an agent | [ ]  I have attached a written notice by the applicant of my appointment as their agent |
| Date |       |
| Signature |  |

# Office use only

|  |
| --- |
| Application received |
| Time:       | Date:       |
| Officer’s name:       |  |
| Signature: |  |