November 2024

Application to suspend conditions of an authorisation

# *Form AD8, 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.**

When to use this form

**Complete this form if you are the holder of an authorisation and you want to suspend any or all of the conditions of the authorisation under the *Mining Act 1992* in NSW.**

**Do not use this form if you are the holder of a mineral claim**, instead use (as relevant):

1. In Lighting Ridge Mineral Claims District: ***(LR8)*** [***SST8 - Application for suspension of conditions of a mineral claim.***](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms)
2. In the White Cliffs Mineral Claims District:[***SST8-WC Application for suspension of conditions of a mineral claim within the White Cliffs Mineral Claims District***](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-12/sst8-wc-application-for-suspension-of-conditions-of-a-mineral-claim-within-the-white-cliffs-mineral-claims-district.DOCX)

This form is an approved form under s 382 of the Mining Act for the purposes of cl 14 of Sch 1B of the Mining Act. Any reference to the ‘**department**’ in this form, refers to the **Department of** **Primary Industries and Regional Development**.

Privacy statement

View the department’s [privacy statement](http://www.resources.nsw.gov.au/privacy) on how information in this application will be used.

How to lodge

You can lodge your application (this form and any attachments) in the following ways:

* **By email:** titles@regional.nsw.gov.au
* **By mail:** NSW Resources, 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, NSW, business days, between the hours of 9.30am and 4.30pm.
* **Facsimile:** +61 2 4063 6973

Lodgement of your application in any of the above ways is taken to be lodgement with the Secretary under the Mining Act.

For help with lodging this application, or for more information about authorisations under the Mining Act in NSW contact:

NSW Resources - Assessments and Systems

**Phone: +61 2 4063 6600 (8.30am – 4.30pm)**

 **Email:** titles@regional.nsw.gov.au

Important notes

Only the holder of the authorisation can apply to suspend condition(s) of an authorisation using this form.

A condition that is prescribed by the Mining Regulation 2016 cannot be suspended using this form.[[1]](#footnote-2)

Accompanying documentation

All information specified in this form, and all required documents, things or information required to be lodged with your application, 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.

Conditions must be complied with until suspension granted

Authorisation holders must continue to comply with the conditions of the authorisation until any suspension is granted. To avoid potential compliance action by the department, authorisation holders should lodge this application in a timeframe that allows adequate time for the processing and determination of the application by the department.

Period of suspension

Condition(s) of an authorisation may be suspended for such period, or until the happening of such event, as the relevant decision-maker may determine.[[2]](#footnote-3)

Variation of suspension of conditions

If any condition is suspended, the relevant decision-maker may vary the suspension of the conditions of an authorisation, including the conditions to which the suspension is subject.[[3]](#footnote-4) This includes attaching conditions to the suspension, the substitution of a condition, the omission of a condition or the amendment of a condition.[[4]](#footnote-5) Such variation takes effect by notice in writing given to the holder of the authorisation.[[5]](#footnote-6)

Withdrawal of this application

This application may be withdrawn by means of a notice of withdrawal signed by the applicant and lodged with the relevant decision-maker.[[6]](#footnote-7) In such circumstances the application will cease to have effect when the notice is lodged, and the withdrawal will be irrevocable.[[7]](#footnote-8)

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.[[8]](#footnote-9)

Determination of your application

Once your application has been received, the relevant decision-maker will determine whether to grant or refuse the suspension. Any suspension will take effect on the date on which written notice of the suspension is served on the holder of the authorisation or on such later date as may be specified in the notice.[[9]](#footnote-10)

If the suspension is granted, the suspension will either be granted unconditionally or subject to conditions that the decision-maker may consider appropriate.[[10]](#footnote-11) The suspension **will not** prevent any action being taken under the Mining Act in respect of the authorisation, including that you may still apply to vary a suspended condition.[[11]](#footnote-12)

1. Authorisation details

Provide the details of the authorisation

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

1. Authorisation holder/s details

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

|  |
| --- |
| 1st Authorisation 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 Authorisation 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 |

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| 3rd Authorisation 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 authorisation holders

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individual), registered street address (company) and postal address details of additional authority holders.

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

1. Contact for this application and service

Any correspondence in relation to this application 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 application **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. Conditions for which the suspension is sought

Provide details of the authorisation condition/s for which the suspension is sought. Detail the period for which the suspension is sought or the event that the suspension is to be in place until, as well as the basis on which you seek the suspension.

|  |
| --- |
| Conditions for which the suspension is sought |
| Period:   | Start date |       |
| End date |       |
| Condition(s) |       |
| Reasons to support suspension and period of suspension  |       |

Provide additional information where a different suspension period or grounds are sought for different conditions.

|  |
| --- |
| Additional information |
|       |

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the department | [ ]  | Question 6.2 |

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 |

|  |
| --- |
| 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.

|  |
| --- |
| 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

# Office/Administrative use only

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

View the department’s privacy statement on how information in this application will be used: [www.resources.nsw.gov.au/privacy](http://www.resources.nsw.gov.au/privacy)

# Document control

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

CM Reference: RDOC24/160631

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| Amendment schedule |
| **Date** | **Version #** | **Amendment** |
| November 2024 | 3.0 | Form updated to reflect amendments to the Mining Act and Regulation commencing 1 March 2023, and administrative updates. Updated to NSW Resources branding. |
| July 2020 | 1.0 | New format for Regional NSW. Form updated to reflect new department 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 |

**© State of New South Wales through Department of Primary Industries and Regional Development 2024**. The information contained in this publication is based on knowledge and understanding at the time of writing November 2024. 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 Department of Primary Industries and Regional Development 2024 or the user’s independent adviser.

1. Sch. 1B, cl 14(13), Mining Act. [↑](#footnote-ref-2)
2. Sch. 1B, cl 14(1), Mining Act. [↑](#footnote-ref-3)
3. Sch. 1B, cl 14(9), Mining Act. [↑](#footnote-ref-4)
4. Sch. 1B, cl 14(10), Mining Act. [↑](#footnote-ref-5)
5. Sch. 1B, cl 14(11), Mining Act. [↑](#footnote-ref-6)
6. Sch. 1B, cl 14(6), Mining Act. [↑](#footnote-ref-7)
7. Sch. 1B, cll 14(7) and (8), Mining Act. [↑](#footnote-ref-8)
8. Clause 97, Regulation. [↑](#footnote-ref-9)
9. Sch. 1B, cl 14(5), Mining Act. [↑](#footnote-ref-10)
10. Sch. 1B, cl 14(4), Mining Act. [↑](#footnote-ref-11)
11. Sch. 1B, cl 14(12), Mining Act. [↑](#footnote-ref-12)