

December 2022

Devolution of mining interests under the Mining Act 1991

Document check list and evidentiary requirements

It will generally be necessary to provide the following documents for the Department to be satisfied that a mining interest has devolved:

In respect to the devolution of a mining interest where the deceased left a valid will:

1. A completed AD11 form for an authority or a SST5 form for a mineral claim.
2. An original certified copy of the grant of probate of the deceased's will or the grant of letters of administration with the will annexed (or a certified copy of the reseal if the grant was issued by a court other than the Supreme Court of NSW).
3. An original certified copy of the applicant's photo identification (such as passport or driver's licence).
4. Consent of the executor or administrator to the devolution application (where the executor or administrator is not the applicant).
5. In respect to the transmission of a mining interest where the deceased died intestate.
6. Completed AD11 form for an authority or a SST5 form for a mineral claim.
7. An original certified copy of the letters of administration on intestacy (or a certified copy of the reseal if the grant was issued by a court other than the Supreme Court of NSW).
8. An original certified copy of your photo identification (such as your passport or driver's licence).
9. Consent of the administrator to the devolution application.

Glossary of terms

There are some terms you may come across which have specific meanings. The following is a list of these terms and their corresponding meaning:

Administrator means a person appointed by the Supreme Court, generally pursuant to a grant of letters of administration on intestacy or letters of administration with will annexed, to have the legal authority to deal with and administer a deceased person's estate in circumstances where the deceased did not leave a valid will or left a will that either failed to appoint an executor or where the named executor is for some reason unable or unwilling to act.

Authority in the context of the Mining Act, means an exploration licence, an assessment lease or a mining lease.

Beneficiary means a person who is entitled to receive a gift of the deceased's property, whether it be cash, a specific asset or part or all of the residue of the deceased's estate a share of the assets that the deceased held at his or her date of death, either pursuant to the terms of the deceased's will or in accordance with the statutory rules of intestacy.

Certified copy means a copy of a document that is signed and certified to be a true copy of the original document, usually by a justice of the peace, solicitor or other person who has legal authority to certify a document.

Death certificate means the official certificate issued by the NSW Registry of Births, Deaths and Marriages when someone passes away, that includes details of the person's death.

Deceased estate means the property and assets which were owned by the deceased as at his or her date of death.

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