

# Application to transfer a mining claim

Chapter 2 Mineral and Energy Resources (Common Provisions) Act 2014

Form MMOL-05A v7

Mines ABN 59 020 847 551

Please read the **Permit administration guideline** and other relevant guidelines before completing this application.

Please use a pen, and write neatly using BLOCK LETTERS.

Cross where applicable ☒

## 1 Part A – Mining claim details

**Mining claim number**

DAY-MONTH-YEAR

**Expiry date**

## 2 Detail the current holder(s) to which this request relates

	Holder 1	Holder 2
Company Name/surname:		
Given name (if individual):		
% share:		

  

	Holder 3	Holder 4
Company Name/surname:		
Given name (if individual):		
% share:		

## 3 Part B - Proposed transferee details

**Proposed authorised (principal) holder details** (if insufficient space, provide separate attachment) (Note: If the current authorised holder (principal holder) is not current, you are still required to provide the current details for this transfer)

### Holder 1

Company name / surname:

Given names \* (if individual):

Address:

Town/City:

State:  Post code:

Phone no.:

Email:

Date of birth: (if individual):

☐ Sole tenant Percentage holding:

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#### Part A – Mining claim details

##### Q1

Check MMOL	Yes	No
MC Number correct		
Expiry date correct		

(NO) to any of the above, advise applicant and make changes with consent.

##### Q2-4

Check Form	Yes	No
Details provided for holder.		
Listed holders match the holders on the register.		

(NO) Application is not properly made and cannot be accepted.

Record address in MMOL	<u>Initial</u>
------------------------	----------------

Received at:	
Received by:	
Date:	/ /
Time:	AM PM

**\*Note: If individual please list full name as listed on transferee's proof identity, including all middle names**

#### 4 Other holder's details - provide all other registered holders contact details

(if insufficient space, provide information as separate attachment)

##### Holder 2

Company name / surname:			
Given names * (if individual):			
Address:			
Town/City:			
State:		Post code:	
Phone no.:			
Email:			
Date of birth: (if individual):			
<input type="checkbox"/> Tenant in common	Percentage holding:		
<input type="checkbox"/> Joint tenants			

**Tenants in common** each hold an individual share in the mining claim. On the death of one of the holders the deceased persons share will be distributed according to their will.

**Joint tenancy** is an ownership structure where 2 or more people are joint holders of the mining claim. If one of the holders dies their interest will *automatically* pass to the other holders.

##### Holder 3

Company name / surname:			
Given name (if individual):			
Address:			
Town/City:			
State:		Post code:	
Phone no.:			
Email:			
Date of birth: (if individual):			
Percentage holding:			

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##### Receiving Officer's declaration

I confirm that the details on this application form have been checked, and that the application may be accepted as properly made..

Fees Paid (amount): \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Payment type: (circle)

Cash   Credit card   Cheque

Entered onto MMOL by:

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Activity number: \_\_\_\_\_

## Disqualification

Indicate if the transferee, or an associate of the transferee, identifies with any of the matters considered to be relevant to deciding whether a transferee may be disqualified under [section 196C\(2\)](#) of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act)?

☐ Yes

☐ No

Note that it is an offence to provide false or misleading information.

**associate**, of a transferee for a prescribed matter, means either—

- (a) an entity the decision-maker for the prescribed matter considers is in a position to control or substantially influence the applicant's affairs in connection with the prescribed resource authority the subject of the prescribed matter; or
- (b) if the applicant is a body corporate—
  - (i) a director of the applicant; or
  - (ii) if the applicant is a subsidiary of another body corporate (the **parent company**)—
    - (A) the parent company; or
    - (B) a director of the parent company.

**If yes to above, the following attachments are required:**

[Disqualification Checklist](#)

Documents relating to the potentially disqualifying matters

**Authorised holder representative (authorised to act as contact for this permit).** If AHR is one of the holders listed, just write Holder name in the Name field and the contact information will be taken from the information above.

Name:

Address:

Town/City:

State:

Post code:

Phone no.:

Email:

**Attachment** -Letter of authority from all applicants for authorised holder representative to act on behalf of holders for this permit (not required if holder is an individual (not company) and representing themselves). The letter should state exactly what permissions are given e.g. to lodge documents, sign on behalf of all holders, etc.



## Part C— Approval criteria

**Note:** Failure to provide evidence of compliance with these requirements may result in your application not being supported.

### 5 Is there a current caveat recorded for this mining claim?

No ☐ ▶ Go to next question.

Yes ☐ ▶ **Is the consent of this caveator required before a transfer of interest can be made?**

No ☐ ▶ Go to next question.

Yes ☐ ▶ Provide [MMOL-08A Consent from caveator](#) with this form.

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Q5

Check MMOL

Caveat recorded?

(YES) Is caveat's consent attached?

(NO) Application is not properly made and cannot be accepted.

Yes

No

**6 Is there a mortgage in place over the mining claim?**

- No ☐ ▶ Go to next question.  
 Yes ☐ ▶ Include the written consent from the mortgagee (

**7 Is this transfer subject to exercise a power of sale under the mortgage?**

- No ☐ ▶ Go to next question.  
 Yes ☐ ▶ Complete Notice of power of sale by mortgagee and submit with this form.

**8 Does the sale price of the transfer include the amount of security held by the Department in respect to this permit?**

- Yes ☐ ▶ The security deposit will be transferred to recipient's name upon registration of this application.\*  
 No ☐ ▶ The transferee will be required to lodge a new security deposit before the application can be finalised.

\* A new [security self-assessment checklist](#) must accompany this application

**9 Does the sale price of the transfer include the amount of financial assurance/provision paid for rehabilitation purposes held in respect of the environmental authority or this permit?**

- Yes ☐ ▶ The financial assurance/provision will be transferred to recipient's name upon registration of this application.  
 No ☐ ▶ The transferee will be required to pay the necessary Estimated Rehabilitation Cost before the transfer can be registered.  
*The incoming holder will be issued with an invoice from the Financial Provisioning Scheme to make payment to Queensland Treasury not the Department of Resources.*

**10 Have you included evidence of [transfer duty](#) being assessed and paid to the Queensland Revenue Office (if applicable)?**

- Yes ☐ ▶ Go to Question 11.  
 No ☐ ▶ The application cannot be accepted without evidence.

**Is the mining claim granted subject to the Small scale mining code?**

- 11** Yes ☐ ▶ Go to Question 12.  
 No ☐ ▶ Are you a registered suitable operator under *Environmental Protection Act 1994*? Yes ☐ No ☐

**12 Has the Minister given prior indication of the approval of the transfer?**

- Yes ☐ ▶ Go to Question 13.  
 No ☐ ▶ Go to Part D.

**13 Have you complied with any condition imposed on the prior approval?**

- Yes ☐ ▶ You must provide evidence of compliance as an attachment.  
 No ☐ ▶ Go to next question.

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**Q6**

**Check MMOL**

	Yes	No
Mortgage recorded?		
(YES) Is mortgagee's consent attached?		

(NO) Application is not properly made and cannot be accepted.

	Yes	No
Is this transfer an exercise of power by the mortgagee?		

(YES) Record notice in MMOL.	<u>Initial</u>
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**Note: Question 8**

*Security is required under the Mineral Resources Act 1989 for rectification of any actual damage caused, amounts payable to the State, compliance with conditions of the mining claim and compliance with provisions of the Act. Security is different to financial assurance/financial provision which is required for rehabilitation purposes under the Mineral and Energy Resources (Financial Provisioning) Act 2018 and payable to Queensland Treasury.*

**Q10**

**Check form**

	Yes	No
Has evidence of transfer duty assessment and payment been received? (only applicable dependant of sale price, refer to <i>Duties Act 2001</i> )		

(NO) Application is not properly made and cannot be accepted.

**Q11**

**Check form**

	Yes	No
Is MC subject to SSM code		

(YES) Suitable operator requirements not applicable.

## Part D - Additional requirements

### Attachments required:

- |                                                                                                                                                                                                                                                              |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Document demonstrating the consent of all existing holders to the transfer (required as a separate document if all holders have not signed the application form)                                                                                             | <input type="checkbox"/> |
| Document evidencing transfer between parties                                                                                                                                                                                                                 | <input type="checkbox"/> |
| Caveator consent (if applicable)                                                                                                                                                                                                                             | <input type="checkbox"/> |
| Mortgagee consent (if applicable)                                                                                                                                                                                                                            | <input type="checkbox"/> |
| Evidence that conditions imposed on prior indicative approval have been met (if applicable)                                                                                                                                                                  | <input type="checkbox"/> |
| Proof of identity for each proposed transferee                                                                                                                                                                                                               | <input type="checkbox"/> |
| Evidence that the proposed transferee has the financial resources to complete rehabilitation after the transfer, based on the estimated rehabilitation cost for a resource activity (see section 300 of the <i>Environmental Protection Act 1994</i> (Qld)). | <input type="checkbox"/> |
| A duly completed royalty return together with any royalty payable is attached or evidence of lodgement of royalty return and payment of any royalty payable under s320 of the Act is attached.                                                               | <input type="checkbox"/> |
| Self-assessment calculator – Small Scale Mining Security                                                                                                                                                                                                     | <input type="checkbox"/> |

**14 Holder to complete: Have you complied with the following mandatory conditions of your permit as required in the *Mineral Resources Act 1989* (“the Act”) and *Mineral Resources Regulation 2013* (“the Regs”) during the term of the permit?**  
(Cross the applicable ☒ )

	Yes	No	N/A
All local government rates and charges ave been paid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assessment by the Office of State Revenue has been made and if applicable transfer duty has been paid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Small scale mining code and conditions have been complied with	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All other conditions (including native title and landholder compensation requirements) have been complied with	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I/we have maintained the land in a tidy state	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have carried out mining activities for the permit term in accordance with my work program for that period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I/we have not erected any permanent buildings or structures on the land	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have not obstructed or interfered with the right of access of any person	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have complied with the terms and conditions of the consent of the owner or Governor in Council in respect to reserve land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I/we have maintained the datum posts, cairns or other approved methods of marking out	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have complied with all the relevant provisions in the Act and other mining legislation	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have used only existing roads and access tracks wherever possible	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have taken reasonable measures to ensure that reproductive material of declared plants has not been moved onto or off the land	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have ensured that animals on the claim under my care or the care of people associated with me have been restrained in appropriate way from leaving the land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I/we have not discharged any firearm on the land without the consent of the landowner	<input type="checkbox"/>	<input type="checkbox"/>	
I/we have not used any prohibited equipment or machinery on the claim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional statement (if applicable):			

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Q14	Yes	No
Has the applicant crossed the applicable box relating to the permit conditions?	<input type="checkbox"/>	<input type="checkbox"/>
(NO) Application is not properly made and cannot be accepted.		
Do any of the permit conditions require follow up?	Y	N
(YES) List condition for follow up:	<u>Initial</u>	

## Part E – Declaration of holder

**WARNING:** Giving false or misleading information is a serious offence.

**Having read the applicable provisions in the Mineral Resources Act 1989 and Regulations and the relevant mining claim guides**

- I understand my obligations as a holder of a mining claim permit.
- I have truthfully declared all relevant details requested of me in this application.
- If any part of this form has been completed with the assistance of another person, I declare that the information as set down is true and correct and has been included with my full knowledge, consent and understanding.

### Holder(s)

**Note: All holders must sign form even if their share is not being transferred**

Signature 1:

Print Name:

Position:

Date:

Signature 2:

Print name:

Position:

Date:

Signature 3:

Print name:

Position:

Date:

(if additional signatures, attach a separate piece of paper)

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#### Part E – Declaration

Q15

Check Form

Yes

No

Have all holders signed the form?

(NO) Advise applicant that the signature of all holders are required – return application if holders cannot sign at counter.

I wish to receive an email confirmation of this registration ☐ Provide email address below-

Email:

**Note:** Transfer applications will not be accepted by the department unless evidence can be provided that the Queensland Revenue Office (QRO) assessed the application, and the transfer duty has been paid. More information is available on the QRO website <https://www.treasury.qld.gov.au/budget-and-financial-management/revenue-and-taxation/>

## 16 Part F– Declaration of Transferee

**WARNING:** Giving false or misleading information is a serious offence.

**Having read the applicable provisions in the *Mineral Resources Act 1989* and Regulations and the *relevant mining claim guides***

- I understand my obligations as an incoming holder of a mining claim permit.
- I understand and will comply with any conditions subject to the mining claim permit.
- I understand the purpose of a mining claim permit is to extract minerals within the area of the permit.
- I understand any buildings on the mining claim permit area must be of a temporary nature.
- I understand that any erected temporary building/structure is to be used by a person who is bona fide using the permit area for mining activities.
- I understand on surrender, termination or expiry of the mining claim permit, any temporary buildings/structures must be removed.
- I have truthfully declared all relevant details requested of me in this application.

### Transferee(s)

Signature 1:

Print Name:

Position:

Date:

Signature 2:

Print name:

Position:

Date:

Signature 3:

Print name:

Position:

Date:

**(If additional signatures, attach a separate piece of paper)**

#### Disclaimer

The Queensland Government is collecting information provided on and with this form to assess the suitability of the application for transfer and maintain the public searchable register under the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCPC). Some or all of this information may be provided to other agencies of the Queensland Government for the issuing of an environmental authority, to make register searches, extracts or copies under section 199 of the MERCPC, or to make other approvals as required under the Act. Some of this information may be provided to Queensland Treasury, the Scheme Manager under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (MERFP Act), or any advisors to the Scheme Manager to enable the Scheme Manager to carry out the Scheme Manager's functions under the MERFP Act. Your personal information will not otherwise be disclosed to any other third party without your consent, unless authorised or required by law.

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##### Part F – Declaration

Q16

Check Form	Yes	No
Have all recipients signed the form?		
(NO) Advise applicant that the signature of all recipients are required – return application if holders cannot sign at counter.		