

Permit Transfer guideline

Transfer holders registered on a Resource Authority

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Transfer guideline

A registered holder of a resource authority can apply to transfer the authority from one or more parties to another one or more parties.

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019* (HR Act), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the HR Act, regard will be had to that Act in undertaking the act or making the decision.

The information contained in this guideline reflects departmental practices and does not limit the exercise of discretion or override legislative requirements. The matters for consideration listed below are not exhaustive and are provided as guidance only. The decision-maker may consider any other factors that are relevant to making the decision in the particular case.

Key information

- The information gathered in MyMinesOnline and on the paper form is the same however, you may find it easier to use the online form in [MyMinesOnline](#).
- You will have to undertake a quick registration process before using the system to make a request online. This is so you can submit your details in a secure environment.
- Applying is as easy as registering for the MyMinesOnline electronic lodgement system or downloading and submitting a paper application form.
- Lodgement can be online or through an Assessment Hub as listed on [department's website](#)¹.

Managing Queensland's resources

All mineral, coal, petroleum and gas resources in Queensland are owned by the State. Individuals or companies may apply to explore or extract those resources. The Department of Resources (the department) manages those resources on behalf of the State. This is done by applying a regulatory framework to administer the provisions of the relevant legislation. This legislation provides a way to assess, develop and utilise the mineral, coal, petroleum and gas resources in Queensland for the benefit of Queensland and its people.

Resources permits are administered by the department under:

- *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act)
- *Mineral and Energy Resources (Common Provisions) Regulation 2016* (MERC Reg)
- *Mineral Resources Act 1989* (MRA)
- *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act)
- *Petroleum Act 1923* (1923 Act)

¹ s 59 *Mineral and Energy Resources (Common Provisions) Regulation 2016* (Qld) ('MERC Reg'); s 386O *Mineral Resources Act 1989* (MRA); s 851AA *Petroleum and Gas (Production and Safety) Act 2004* ('P&G Act').

- *Geothermal Energy Act 2010* (GEA)
- *Greenhouse Gas Storage Act 2009* (GHG Act).

Legislation is available online from the [Office of Queensland Parliamentary Counsel website](#).

This guideline provides information about the administrative activities that may take place during the life of a resource authority. This may apply to holders, their agents, representatives or another person who is carrying out administrative functions on behalf of a holder or third party.

Resource authorities include the following (referred to as 'permits' in this guideline) -

- Under the MRA - a prospecting permit, a mining claim, an exploration permit, a mineral development licence, a mining lease and a water monitoring authority;
- Under the P&G Act - an authority to prospect, a petroleum lease, a data acquisition authority and a water monitoring authority;
- Under the GEA - a geothermal exploration permit and a geothermal lease;
- Under the GHG Act – a GHG exploration permit, a GHG injection and storage lease and a GHG injection and storage data acquisition authority.

We recommend that this guideline be read in conjunction with the relevant Act to gain a full understanding of the administrative activities that can be conducted over permits.

This guideline also describes the requirements for MyMinesOnline (MMOL). The paper-based form is available from an Assessment Hub or on the department's website and you should follow the instructions on the form itself while using the information provided in this guideline as a reference. Please note, the information required in MMOL and on the paper form is the same.

Non-assessable transfers

What are non-assessable transfers?

Non-assessable transfers undergo verification by departmental staff to ensure that appropriate supporting documentation is attached and to check a caveat or mortgage does not prevent the dealing.

Non-assessable transfers include:

- Transfer of part of a holder's percentage interest in a permit is transferred to another existing holder of the same permit
- Transfer by operation of law
- Record transmission by death.

Non-assessable transfers are a notifiable dealing under section 4A of the Mineral and Energy Resources (Common Provisions) Regulation 2016.

If the permit is not subject to the Small Scale Mining Code, the incoming party is required to be a [Registered Suitable Operator](#).

Transferring shares between current holders

Transferring shares between current holders is a non-assessable activity where part of a holder's percentage interest in a permit is transferred to another existing holder of the same permit.

These transfers cannot introduce new holders, nor have any of the existing holders give up all shares.

To affect those types of changes you would need to submit an **assessable transfer application**.

Transferring shares can be applied to all permit types and mining lease applications. They can be lodged online using MyMinesOnline or through a paper process.

To transfer shares between current holders, you must be an authenticated MyMinesOnline user.

MyMinesOnline lodgement

| What you need to do to transfer shares between current holders | Supporting information |
|---|---|
| <p>Log in to <i>MyMinesOnline</i>, select '<i>Lodge a dealing</i>' then '<i>Request transfer</i>' under the <i>I want to...</i> options at the right of the <i>My dashboard</i> tab. Information on <i>Resource authority</i> types and the relevant forms are also available to download.</p> <ol style="list-style-type: none"> 1. Select 'Transfer of shares between current holders' option from the next screen. 2. Select the 'Transfer shares between current holders' option 3. Enter the permit ID. 4. View the permit summary to verify the permit is the correct one 5. Enter new share percentages for all holders 6. Existing caveats registered over a permit are detected automatically 7. Where a caveat exists upload caveator consents for this request to proceed 8. Existing mortgages registered against a permit are detected automatically 9. If the mortgage is over the share being transferred, consent is required from affected mortgagee for this transfer to be registered. 10. Upload a copy of the transfer agreement signed by all parties. 11. Upload a copy evidencing the payment of transfer duty (stamp duty). <p>Note: The last two requirements may be on the same document. For example, the transfer agreement signed by all parties may also be the same document that is stamped by the Queensland Revenue Office for confirmation of payment of transfer duty. A transfer between current holders is charged on a per permit basis. Payment is undertaken through the Queensland Government payment</p> | <p>Permit numbers of permits that relate to the shares you are transferring</p> <p>Caveat numbers and details of all registered caveats over the permit shares being transferred (paper applications only)</p> <p>The mortgage numbers and details of all mortgages registered over the shares being transferred being transferred (paper applications only)</p> <p>The transfer agreement signed by all parties to the transfer</p> <p>Documentation evidencing the payment of transfer duty (stamped document).</p> |

| What you need to do to transfer shares between current holders | Supporting information |
|---|--|
| <p>gateway. A receipt for payment will be sent to the email address of the lodger.</p> <p>Once we receive your request through MyMinesOnline, we conduct a quick verification. If you submit everything you need to and there are no other issues with what you have lodged, your transfer will be registered against the permit in the public register. If we refuse a request at this stage, parties will not be refunded any fees paid for this activity.</p> <p>If you don't receive any notifications but you would like to check if the transfer has been registered, you can use the public enquiry report on our website at www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/searches.</p> | <p>Other information required if relevant to your permit such as consent</p> |

Transfer by operation of law

Transferring a permit by operation of law is a non-assessable transfer type that is used to remove the permit from the ownership of a particular party (either a company or individual).

There are several scenarios where this process can be requested. This includes:

- the death of an **individual permit holder** where the permit is held as a **joint tenancy**
- the **bankruptcy of an individual permit holder** and the nomination of a trustee
- a court ordered sale and the nomination of an authorised court officer.

Lodging a transfer by operation of law applies to all permit types and can apply to either a full permit or a share of a permit holding. **At this stage, requests can only be lodged by completing the paper form and submitting it to the relevant Assessment Hub.**

Important note: The holder who will become the registered holder will need to ensure they are a [Registered Suitable Operator](#) under the *Environmental Protection Act 1994*.

Permits held as joint tenancy

A joint tenancy is an ownership structure that applies to assets where all owners have equal rights to the asset. In the event of death of one of the asset holders, the ownership of the asset automatically passes to the remaining permit holders by law.

The process ensures that the correct ownership details are recorded in the public register and that administrative correspondence is addressed correctly.

The process itself does not occur automatically. The department needs to be notified of the death through the completion of a '**Transfer by death or operation of law**' form, as soon as practicable.

Evidence required

In this instance, we would need to be notified of the death of the holder and provided with evidence of the death (death certificate).

Bankruptcy of a permit holder

If an individual holder is declared bankrupt, the management of the permit will need to be transferred to the trustee appointed by the court to manage the financial affairs of the owner.

The trustee will need to complete a '**Register a death and transfer by operation of law**' form and will become the transferee. They will remain the trustee until a buyer can be found and a full assessable transfer process can take place.

Evidence required

Once the court has appointed a trustee to manage the assets, a copy of the court order will need to be attached to the transfer request.

In addition, the trustee (or a representative, if the trustee is a company) will need to attach proof of identification to the request.

Court ordered sale

If a court orders the sale of an asset, they will appoint a representative of the court (such as a bailiff) to manage the sale of the asset.

The representative will need to complete a '**MMOL-04 Transfer by death or operation of law**' paper form and will become the transferee. They will remain the trustee until a buyer can be found and a full assessable transfer process can take place.

Evidence required

Once the court has appointed a representative to sell the asset, a copy of the court order or sale will need to be attached to the transfer request.

Note: In addition, the representative will need to attach proof of identification to the request. If the holder has more than one permit, a request will need to be submitted for each permit number.

MyMinesOnline lodgement

| What you need to do to transfer by operation of law | Supporting information |
|---|--|
| <p>Log in to MyMinesOnline, select 'Lodge a dealing' then 'Request transfer' under the I want to... options at the right of the My dashboard tab. Information on Resource authority types and the relevant forms are also available to download.</p> <ol style="list-style-type: none">1. Select the 'Transfer by operation of law' option2. Download the relevant form3. Download the Transfer by death / operation of law form – www.resources.qld.gov.au/_data/assets/pdf_file/0011/249977/mmol-04-transfer-death-operation-law.pdf | <p>Permit numbers of permits that relate to the permit (or shares) you are transferring</p> <p>Proof of ID documents (if</p> |

| What you need to do to transfer by operation of law | Supporting information |
|--|--|
| <p>4. Lodge the transfer request with payment, at an Assessment Hub.</p> <p>This service is not currently online</p> <p>Note: Once we receive your paper request, the receiving officer will complete the inbuilt check list to ensure that you have attached everything.</p> <ul style="list-style-type: none"> • If you have provided everything that is required, your payment will be receipted, and the date and time of your submission recorded on the original form. • If there is anything missing from your submission, the receiving officer will highlight if there are any discrepancies. It might be something you can fix at the time, such as signing the form. • If you are missing any attachments, your request will be returned, and you will get the chance to resubmit it. Your payment won't be receipted. • Your application will then be verified by a relevant departmental officer and entered into MyMinesOnline. If your request is accepted and you have provided an email address, you will be notified by email when it is registered. <p>If you are submitting your request for transfer at an Assessment Hub, you can pay in cash, use the EFTPOS facilities, or pay by cheque. If you send your lodgment in by post, you can pay by cheque only.</p> <p>If you don't receive any notifications, but you would like to check if the transfer has been registered, you can use the public enquiry report on our website at https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/searches.</p> | <p>applicable) - see the introductory chapter of this guide.</p> <p>Documentation evidencing the transfer (either death certificate, court transfer documents or order of sale).</p> |

Registering the death of a holder

Registering the death of a holder is a transfer type that is used to remove the permit from the ownership of an individual party, in the event of their death.

If a permit is being transferred by death, it can be registered:

- with probate or letters of administration issued by a Court (can be made within the first 6 months from the holders' death)
- without probate or letters of administration issued by a Court and there is a Will (must be made more than 6 months after holders' death).

Recording a transfer by death applies to all permit types and can apply to either the whole permit or a share of a permit. **At this stage, requests can only be lodged by completing the paper form 'MMOL-04 Transfer by death or operation of law' and submitting it to an Assessment Hub.**

The holder who will become the registered holder will need to ensure they are a [Registered Suitable Operator](#) under the *Environmental Protection Act 1994*, except where no environmental authority is held.

If a transfer is going to the beneficiary, this person will need to provide identification to confirm eligibility.

The executor may be recorded as a temporary representative until the estate has been decided and the beneficiary has provided the required forms and documents.

Important note: Permits held under a joint tenancy ownership structure are recorded as a *Transfer by operation of law*. See the section on '**Joint tenancy**' for more information.

Where no Will exists

The public trustee may be appointed as the administrator of the estate when no Will exists. The new transferee (executor or administrator) may provide a letter of authorisation to an individual or agent to become the AHR of the permit. In this instance, the representative will need to provide proof of identification.

MyMinesOnline lodgement

| What you need to do | Supporting information |
|--|---|
| <p>Log in to <i>MyMinesOnline</i>, select 'Lodge a dealing' then 'Request transfer' under the <i>I want to...</i> options at the right of the <i>My dashboard</i> tab. Information on <i>Resource authority</i> types and the relevant forms are also available to download.</p> <ol style="list-style-type: none"> 1. Select the 'Transmission by death' option 2. Download the Registration of death / operation of law form – https://www.resources.qld.gov.au/data/assets/pdf_file/0011/249977/mmol-04-transfer-death-operation-law.pdf 3. Lodge the transfer request with payment, at an Assessment Hub. <p>This service is not currently online.</p> <p>Once you submit your application, we will verify the information and contact you if we need any more details.</p> <p>Note: Once we receive your paper request, the receiving officer will complete the inbuilt check list to ensure that you have attached everything. If you have provided everything that is required, your payment will be receipted, and the date and time of your submission recorded on the original form. If you are submitting your request for transfer at an Assessment Hub, you can pay in cash, use the EFTPOS facilities, or pay by cheque. If you send your lodgement in by post, you can pay by cheque only. If there is anything missing from your submission, the receiving officer will highlight if there are any discrepancies. It might be something you can fix at the time, such as signing the form. If you are missing any attachments, your request will be returned, and you will get the chance to resubmit it. Your payment won't be receipted. Your application will then be verified by a relevant departmental officer and entered into MyMinesOnline. If your request is accepted and you have provided an email address, you will be notified by email when it is registered. If you don't receive any notifications, but you would like to check if the transfer has been registered, you can use the public enquiry report on our website.</p> | <p>Permit numbers of permits / shares being transferred</p> <p>Proof of ID documents (if applicable). See the first chapter of this guide for more information.</p> <p>Documentation evidencing the death of the holder (mandatory - death certificate).</p> <p>Copy of will (if no probate has been granted)</p> <p>Note: Grant of probate, letters of administration or another document evidencing the transmission including the writ of execution (if applicable) Depending on the circumstances, the deceased's share needs to be transferred to one of the following:</p> <ul style="list-style-type: none"> • the executor(s) of the will - when an undisputed last will and testament exists • the executor(s) to whom probate has been granted - when probate is granted • the administrator(s) of the estate - when a court has granted letters of administration (e.g., where no executor is appointed, the executor does not wish to act, or the executor dies). |

Assessable transfers

This document is one of a collection of forms and documents relevant to assessable transfers including the:

- Application to Transfer Form (MMOL-05) or Application to Transfer a Mining Claim (MMOL-05A); and
- ‘*Transfer Duty on Resource Authorities*’ Business Queensland webpage.

What are assessable transfers?

Assessable transfers are those where one or more holders are either transferring the whole of its interest in the permit, or a new holder is acquiring an interest in a permit.

Transfers are assessed by the department by considering:

1. Whether all outgoing holders have met all transfer requirements outlined in section this guide; and
2. Whether all incoming holders have met the necessary requirements and conditions outlined in this guide.

Prior to lodgement of the transfer with the department, proponents also need the transfer agreement to be assessed by the Queensland Revenue Office for stamp duty within 30-days of the executed agreement.²

Assessable transfers are prescribed dealings under section 4 of the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Assessable transfers can:

- be lodged by any registered and authenticated user of MyMinesOnline
- be lodged for multiple permit types as one transaction in MyMinesOnline
- apply to all granted permit types (except prospecting permits)
- be lodged over mining lease applications under the Mineral Resources Act 1989.

There are three types of dealings associated with assessable transfers, which are explained in more detail in types of assessable transfers applications section of this guideline:

- Indication for approval of assessable transfer
- Assessable transfer without prior indication
- Assessable transfer with prior indication.

Assessable transfers with prior indication, and without prior indication, will not be registered until the necessary financial provision is paid in full under the *Minerals and Energy (Financial Provisioning) Act 2018*. An assessment will be undertaken by the Scheme Manager of the Financial Provisioning

² *Duties Act 2001* (Qld) s 19 (‘DA’).

Scheme to determine if any financial provision is required to be paid. The financial provision information will be provided by the Scheme Manager to the relevant holder.

As part of applying for an assessable transfer, you will need to confirm that you meet your permit obligations, including:

- rent has been paid
- all local government rates and charges have been paid (if applicable)
- royalty returns have been submitted and royalties paid
- all statutory reporting requirements and other permit conditions have been met (including native title and landholder compensation requirements).

Native Title

Where a resource authority is subject to a native title agreement or the native title protection conditions (NTPCs), additional conditions under the MRA apply.³

A statement about whether the native title conditions have been complied with must be provided with the transfer.

In addition, it is a condition of the NTPCs and native title agreement that you give written notice to the native title party of the transfer. This notice does not give the native title party rights about the transfer, it is just an information notice.

To ensure that your obligations are met in relation to a transfer, provide a copy of any notice provided to the native title party when lodging the transfer application to the relevant assessment hub email address.

If the application is for an indicative approval, evidence of notifying the native title party **is not** required until the transfer.

Considerations for Decision

When deciding an application for registration of an assessable transfer under the MERC Act the decision-maker must consider the factors listed under section 10 of the MERC Regulation. These factors include, among other things, whether the proposed transferee:

- has the financial resources to fund the estimated rehabilitation cost (ERC) for the resource activity as stated in the ERC decision (s10(2)(g));⁴ and
- is [a registered suitable operator](#) under the *Environmental Protection Act 1994* (for a resource authority other than a small scale mining tenure).⁵

The decision-maker may also consider whether the intended transferee is disqualified from being transferred the prescribed authority under section 196C(1)(c) of the MERC Act. Refer to the

³ s141AA, s141B, s194AAA, s194AB, s276B MRA

⁴ Section 10(7) of the Mineral and Energy Resources (Common Provisions) Regulation 2016 defines estimated rehabilitation costs (ERC) decision to mean a decision of the administering authority under the *Environmental Protection Act 1994*, section 300 about the ERC for a resource authority.

⁵ Section 10(4)(b) of the Mineral and Energy Resources (Common Provisions) Regulation 2016.

[Disqualification guideline](#) and [Operational Policy, MIN/2020/5440 – Disqualification criteria and assessment](#) for information about the procedure and matters that may be considered when deciding whether to disqualify an intended transferee from being transferred a resource authority.

Documents to support your application

For each transfer type and depending on the permit type, you will need to supply a range of supporting documents.

For example, when you supply particular documents as part of an application for indicative approval of an assessable transfer, you may not need to supply these again if your indication is approved and you go on to complete the transfer process. Alternatively, there may be some documents that aren't required for us to assess an indicative approval of assessable transfer, but it is mandatory for you to supply these when you lodge an assessable transfer with prior indicative approval.

The table following outlines what documents you will need, when you need it and for what permit type you need: ML – Mining lease, PL – Petroleum lease, MC – Mining claim

Documents to support your application

| Document required | Scenario required | Indicative | Without indication | With indication |
|----------------------------------|---|----------------------------|----------------------------|-----------------|
| Identification documents | Only when transferee is individual. Company documents required when company does not appear on Australian Business Register. | All permits | All permits | |
| Letter of authority | All scenarios and permit types | All Permits | All Permits | |
| Company Structure | Only when the transferee is a company. | All permits | All permits | |
| Substantial compliance statement | Only when applicant has not met particular obligations | All permits | All permits | |
| Financial capability statement | All scenarios and permit types | All permits (excluding MC) | All permits (excluding MC) | |
| Financial commitments document | All scenarios and permit types | All permits (excluding MC) | All permits (excluding MC) | |

| Document required | Scenario required | Indicative | Without indication | With indication |
|--|--|----------------------------|----------------------------|-----------------|
| Financial resources statement to complete rehabilitation | All scenarios and permit types | All permits | All permits | |
| Financial supporting evidence | Only when a party responsible for providing financial resources has less than five years' experience in the Qld resources sector | All permits | All permits | |
| Technical capability statement | All scenarios and permit types | All permits (excluding MC) | All permits (excluding MC) | |
| Technical commitments document | All scenarios and permit types | All permits (excluding MC) | All permits (excluding MC) | |
| Technical supporting evidence | Only when a party responsible for providing technical resources has less than five years' experience in the Qld resources sector | All permits (excluding MC) | All permits (excluding MC) | |
| Third party contracting statement | Only when engaging third parties to provide technical resources | All permits (excluding MC) | All permits (excluding MC) | |
| Financial resources statement to complete rehabilitation | All scenarios and permit types | All permits | All permits | |
| Consent of caveator form | Only when existing caveat over the permit prohibits a transfer from being lodged | All permits | All permits | All permits |
| Consent of mortgagee/Power of sale by mortgagee document/holder statement form | Only when a mortgage exists over permit that relates specifically to portion being transferred | All permits | All permits | All permits |

| Document required | Scenario required | Indicative | Without indication | With indication |
|---|--|-------------|--------------------|-----------------|
| Statement from applicant for non-applicable mortgage | Only when a mortgage exists and does not specifically relate to portion of the transfer being transferred | All permits | All permits | All permits |
| Power of sale document | Only when an authority has been provided for the mortgage to be sold on behalf of the mortgagor | All permits | All permits | All permits |
| Coordination arrangements | Only when a coal, oil shale mining lease or petroleum lease where there is overlapping permit areas | | ML PL | ML PL |
| Transfer document signed by all parties and stamped under the <i>Duties Act 2001</i> Where there is no transfer document the Department will accept lodgement of the 'MMOL-05 Application to transfer' form that has been stamped under the <i>Duties Act 2001</i> . | All scenarios and permit types | | All permits | All permits |
| Document demonstrating the consent of all existing holders to the transfer | All scenarios and permit types. | All permits | All permits | All permits |
| Document demonstrating the agreement of all transferees to comply with the conditions of the permit | All scenarios and permit types | | All permits | All permits |
| Statement outlining the power of attorney (if applicable) | Only when a third party holds the enduring power of attorney for a | All permits | All permits | All permits |

| Document required | Scenario required | Indicative | Without indication | With indication |
|--|--|-------------|--|--|
| | transferor or transferee. | | | |
| Obligation history statement and checklist | Only applies to mining claims to verify that the requirements of the mining claim have been met | | MC | MC |
| Security self-assessment including sketch identifying structures & existing workings | Only required for mining claims | | MC | MC |
| Evidence of stamp duty paid (if not indicated on the transfer document) | Only required if not part of the transfer document | | All permits (excluding ML application) | All permits (excluding ML application) |
| Copy of advice sent to Native Title party regarding transfer | Only if permit is subject to a NTPCs or Native Title Agreement | All permits | All permits | |

Financial and technical capability

Financial and technical capabilities of holders need to be understood to ensure any planned activities are sufficiently funded and adequately resourced.

The responsibility is on the applicant to demonstrate how the financial and technical capability and commitments for the permit will be met.

Provision of funding and technical resources may be shared across multiple holders, or one holder may assume the majority of responsibility for one or the other. To address these requirements, applicants need to supply:

- a financial capability statement (demonstrating the availability of funds to carry out the proposed work)
- a financial commitments document (acknowledging the applicant's additional financial commitments in Queensland, and/or other jurisdictions)
- financial capability evidence
- Financial resources statement to complete rehabilitation
- technical capability statement (demonstrating access to the technical expertise to manage / carry out the proposed work)

- a technical commitments document; and
- technical capability evidence.

Evidence requirements for financial and technical capability

Where the applicant has over five years history as a permit holder in Queensland and/or other jurisdictions, that history together with a financial capability statement may be used as evidence to support an application.

If an applicant with financial or technical responsibilities does not have 5 years history as a resource permit holder in Queensland and/or other jurisdictions, must provide past performance and must also be able to prove their ability to comply with the obligations and conditions of the permit.

In addition, if you are using any third-party contractors for the technical aspects of the work, you will need to attach a statement from the third party, outlining what services they will be providing.

Evidence requirements

| History | Financial documentation | Technical documentation |
|-------------------|--|--|
| More than 5 years | <ul style="list-style-type: none"> • Financial capability statement • Financial commitments document • Financial resources statement to complete rehabilitation | <ul style="list-style-type: none"> • Technical capability statement • Technical commitments document • Third party resource statement (if applicable) |
| Less than 5 years | <ul style="list-style-type: none"> • Financial capability statement • Financial commitments document • Financial resources statement to complete rehabilitation • Supporting evidence of financial capability (see list below) | <ul style="list-style-type: none"> • Technical capability statement • Technical commitments document • Third party resource statement (if applicable) • Supporting evidence of technical capability (see list below) |

For more information, please review our full [Financial, technical and human resource capability guideline](#).

Types of assessable transfers applications

Indicative approval of assessable transfer

Some permit holders like to get an indication as to whether a transfer would be approved by the department (acts as a pre-approval process). This may help parties selling their permit holdings provide buyers with an element of security. It can also provide a party wanting to become a permit holder with an indication that a permit is in good order (no outstanding compliance issues, etc).

An **indication is valid for six months**.⁶

Important note: All proposed transferees need to be a registered suitable operator (RSO) with the environmental regulator. The transfer cannot be decided until the proposed transferees have an RSO. For more information about this, go to <https://environment.des.qld.gov.au/licences-permits/suitable-operators>.

MyMinesOnline lodgement - Indicative approval for a transfer

| What you need to do to apply for an indication of approval of assessable transfer | Supporting information |
|--|---|
| <p>Log in to <i>MyMinesOnline</i>, select ‘Lodge a dealing’ then ‘Request transfer’ under the <i>I want to...</i> options at the right of the <i>My dashboard</i> tab. Information on <i>Resource authority</i> types and the relevant forms are also available to download.</p> <ol style="list-style-type: none"> 1. Select the ‘Indicative approval for a transfer’ option 2. View the permit summary to verify the permit is the correct one 3. Indicate your response to the permit obligation questions 4. Add transferees by using the Add company and add individual buttons. Add the correct percentage holdings and nominate who the authorised holder will be. Update the tenancy type. Update the holder addresses, using the Update holder address button. 5. Indicate your response to holder disqualification 6. Upload Identification or company structure 7. Nominate and upload a Letter of Authority for the transferee 8. Check small scale mining: Indicate if the permit is subject to the small scale mining code and if the | <p>Permit numbers for the permits / shares being transferred</p> <p>Identification or Company structure statement</p> <p>Disqualification checklist</p> <p>Letter of authority</p> <p>Financial and technical capability information and supporting documents</p> <p>The transfer agreement signed by all parties to the transfer</p> <p>Transfer document or “MMOL-05 Application to transfer’ form or MMOL-05A Application to transfer a mining claim stamped under the <i>Duties Act 2001</i> to evidence payment of stamp</p> |

⁶ *MERCPR* (n 1) s 13.

| What you need to do to apply for an indication of approval of assessable transfer | Supporting information |
|---|--|
| <p>activities that have been carried out have complied with these conditions.</p> <ol style="list-style-type: none"> 9. Upload a financial capability statement, financial commitments, and financial resources statement to complete rehabilitation for all transferees. 10. If any transferee has less than 5 years history in the resources industry in Queensland (or they don't want to rely on this history) also attach supporting evidence. 11. Upload a technical capability statement and technical commitments document for all transferees and a third-party declaration (if applicable). 12. If any transferee has less than 5 years history in the resources industry in Queensland (or they don't want to rely on this history) also upload supporting evidence. 13. If there is a caveat currently registered over the permit that prohibits the transfer, you will need to upload consent from the caveator to lodge the transfer application for each caveat. 14. If a share of the permit is being transferred, select the mortgages that are relevant to the share and upload the consent of the mortgagee. If the mortgage does not affect the share being transferred, attach a statement from the applicant that outlines this. Repeat this process for each relevant mortgage. 15. Attach documentation that outlines the coordination arrangement you have with other permit holders if your permit is subject to overlapping arrangements. 16. Attach other information required if relevant to your permit including written consent written consent of any caveators or mortgagee to register a transfer, and/or statement signed by an appropriate authority confirming any registered mortgage is not relevant to transferring share. 17. Supporting documents – upload a document demonstrating the consent of all existing holders | <p>duty (not required for mining lease application).</p> <p>A document demonstrating ongoing substantial compliance or statement about why transfer should proceed.</p> <p>Other information required if relevant to your permit: such as written consent of any caveators or mortgagee, and or a statement signed by an appropriate authority confirming any registered mortgage is not relevant to transferring share.</p> |

| What you need to do to apply for an indication of approval of assessable transfer | Supporting information |
|---|------------------------|
| <p>to the transfer and a document demonstrating the agreement of all transferees to comply with the conditions of the permit.</p> <p>18. After all relevant supporting documentation listed in the documents to support your application section has been collated, applicants should lodge their completed application with department as soon as possible to ensure the efficient processing of the assessable transfer.</p> <p>Note: Transfers are charged on a per permit basis and can only be paid for online, using a credit card or EFT. If paying by EFT upload proof of payment. Payment is undertaken through the Queensland Government payment gateway. A receipt for payment will be sent to the email address of the lodger. Once we receive your request through MyMinesOnline, we conduct a full assessment of your application. This includes, determining that you have met the conditions of the permit, all relevant payments have been made and that the transferee is a suitable and eligible potential permit holder.</p> | |

Assessable transfer without prior indicative approval

Permit holders can also apply for a transfer without first applying for indicative approval. This process needs to be done after the sale as the department requires provision of either the transfer document or the 'MMOL-05 Application to transfer' form or 'MMOL-05A Application to transfer a mining claim' stamped under the Duties Act 2001, to evidence payment of stamp duty to the Queensland Revenue Office (not required for mining lease applications).

Assessable transfer without prior indicative approval (multiple)

Permit holders can also apply for a transfer in MyMinesOnline for multiple permits in one transaction. The holder must be the same for the permits being transferred. The percentages and transferee details may be different.

Important note: All proposed transferees need to be a registered suitable operator (RSO) with the environmental regulator. The transfer cannot be decided until the proposed transferees have an RSO. For more information about this, go to <https://environment.des.qld.gov.au/licences-permits/suitable-operators>

MyMinesOnline lodgement - Transfer without prior indicative approval

| What you need to do to apply for an assessable transfer without prior indicative approval | Supporting information |
|---|--|
| <p>Log in to <i>MyMinesOnline</i>, select '<i>Lodge a dealing</i>' then '<i>Request transfer</i>' under the <i>I want to...</i> options at the right of the <i>My dashboard</i> tab. Information on <i>Resource</i></p> | <p>Permit numbers for the permits / shares being transferred</p> |

| What you need to do to apply for an assessable transfer without prior indicative approval | Supporting information |
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| <p><i>authority</i> types and the relevant forms are also available to download.</p> <ol style="list-style-type: none"> 1. Select the 'Transfer without prior indicative approval' option 2. View the permit summary to verify the permit is the correct one 3. Indicate your response to the permit obligations 4. Add transferees by using the 'Add company' and 'Add individual' buttons. Add the correct percentage holdings and nominate who the authorised holder will be. Update the tenancy type. Update the holder addresses, using the 'Update holder' address button. 5. Indicate your response to holder disqualification 6. Upload Identification or company structure 7. Nominate and upload a Letter of Authority for the transferee 8. Check small scale mining: Indicate if the permit is subject to the small scale mining code and if the activities that have been carried out have complied with these conditions. 9. Upload a financial capability statement, financial commitments statement and a financial resources statement to complete rehabilitation for all transferees. If any transferee has less than 5 years history in the resources industry in Queensland (or they don't want to rely on this history) also attach supporting evidence. 10. Upload a technical capability statement and technical commitments statement for all transferees and a third-party declaration (if applicable). If any transferee has less than 5 years history in the resources industry in Queensland (or they don't want to rely on this history) also upload supporting evidence. 11. If there is a caveat currently registered over the permit that prohibits the transfer, you will need | <p>Identification or Company structure statement</p> <p>Disqualification checklist</p> <p>Letter of authority</p> <p>The transfer agreement signed by all parties to the transfer</p> <p>Financial and technical capability information and supporting documents</p> <p>Documentation evidencing the payment of transfer duty (stamped document) (not required for mining lease application).</p> <p>A document signed by all current holders providing consent to the transfer</p> <p>A document demonstrating the agreement of all transferee parties to comply with all conditions of the permit and meet all permit obligations.</p> <p>Transfer document or 'MMOL-05 Application to transfer' form or MMOL-05A Application to transfer a mining claim stamped under the <i>Duties Act 2001</i> to demonstrate payment of stamp duty</p> <p>A statement outlining power of attorney (if applicable)</p> <p>A completed obligations checklist, and a security self-assessment form, which</p> |

| What you need to do to apply for an assessable transfer without prior indicative approval | Supporting information |
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| <p>to upload consent from the caveator to lodge the transfer application for each caveat.</p> <p>12. If a share of the permit is being transferred, select the mortgages that are relevant to the share and upload the consent of the mortgagee. If the mortgage does not affect the share being transferred, attach a from the applicant that outlines this. Repeat this process for each relevant mortgage.</p> <p>13. Attach documentation that outlines the coordination arrangement you have with other permit holders if your permit is subject to overlapping arrangements.</p> <p>14. Upload supporting documents, transfer document signed by all parties stamped under the <i>Duties Act 2001</i>, document demonstrating the consent of all existing holders to the transfer and a document demonstrating the agreement of all transferees to comply with the conditions of the permit.</p> <p>15. After all relevant supporting documentation listed in the documents to support your application section has been collated, applicants should lodge their completed application with the department as soon as possible to ensure the efficient processing of the assessable transfer.</p> <p>Note: Transfers are charged on a per permit basis. Payment is undertaken through the Queensland Government payment gateway. A receipt for payment will be sent to the email address of the lodger. For Transfer without prior indication approval (multiple permits) the process is the same as above and the same supporting documents/statements are required. The fee is applied per permit. One activity reference will apply for all permits on a multiple transfer. Once we receive your request through MyMinesOnline we conduct a full assessment of your application. This includes, determining that you have met the conditions of the permit, all relevant payments have been made and that the transferee is a suitable and eligible potential permit holder. Before we can register the transfer, a financial provision required under the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> may need to be paid in full to the Scheme Manager.</p> | <p>includes a sketch of area (mining claims only)</p> <p>Evidence of transfer (stamp) duty having been paid. If the transfer agreement is already stamped to indicate that stamp duty has been paid, a separate document is not required. Stamp duty is not required for mining lease applications being transferred.</p> <p>A document demonstrating ongoing substantial compliance or statement about why transfer should proceed.</p> <p>Other information required if relevant to your permit: such as written consent of any caveators or mortgagee, and or a statement signed by an appropriate authority confirming any registered mortgage is not relevant to transferring share.</p> |

Assessable transfers with a prior indicative approval

If an indication for an assessable transfer has been approved, the applicant can then apply for a transfer with prior indication within a six-month period. In this scenario the applicant would have supplied the majority of the information as part of the initial indication process and would not be required to re-supply this information. However, the department would require provision of any additional information that has since become available (for example, proof of royalties being paid since the indication application). Once the indication has been approved, the applicant will be required to enter an indication number and complete the rest of the application.

MyMinesOnline lodgement – Transfer with prior indicative approval

| What you need to do to apply for an assessable transfers with a prior indicative approval | Supporting information |
|---|--|
| <p>Log in to <i>MyMinesOnline</i>, select ‘<i>Lodge a dealing</i>’ then ‘<i>Request transfer</i>’ under the I want to... options at the right of the <i>My dashboard</i> tab. Information on <i>Resource authority</i> types and the relevant forms are also available to download.</p> <ol style="list-style-type: none"> 1. Select the ‘Transfer with prior indicative approval’ option 2. Enter the activity reference number from the approval of your indication. 3. View the permit summary to verify the permit is the correct one 4. Indicate your response to the permit obligations. If you answer ‘no’ to any of these questions, provide a reason why you have not met this condition 5. Review the transferees to ensure that they are still correct. Note – if the details are not correct, you cannot change them at this point. (You will need to lodge another transfer indication or transfer without prior indication and follow the required process) 6. Upload supporting documentation: There may be additional information that you need to upload as part of the conditions outlined in the indicative approval. Follow the on-screen instructions to upload each of these documents. 7. After all relevant supporting documentation listed in the documents to support your application section has been collated, applicants should lodge their completed application with the department as soon as possible to ensure the efficient processing of the assessable transfer. | <p>The MMOL activity reference number</p> <p>The transfer document signed by all parties to the transfer and stamped under the <i>Duties Act 2001</i></p> <p>If the transfer document is already stamped to indicate that stamp duty has been paid, a separate document is not required. Stamp duty is not required for mining lease applications being transferred</p> <p>A document demonstrating the consent of all existing holders to the transfer</p> <p>Written consent of any mortgagee to register a transfer if not provided with indication</p> <p>A document signed by all current holders providing consent to the transfer</p> |

| What you need to do to apply for an assessable transfers with a prior indicative approval | Supporting information |
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| <p>Note: Transfers are charged on a per permit basis. Payment is undertaken through the Queensland Government payment gateway. A receipt for payment will be sent to the email address of the lodger. Once we receive your request through MyMinesOnline we conduct some verification checks. The assessment was conducted as part of the process of seeking an indicative approval. We will verify that any conditions that were outlined as part of the indicative approval have been met. If you don't receive any notifications but would like to check if the transfer has been registered, you can use the public enquiry report on our website at www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/searches Before we can register the transfer, a financial provision required under the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> may need to be paid in full to the Scheme Manager.</p> | <p>A document demonstrating the agreement of all transferee parties to comply with all conditions of the permit and meet all permit obligations.</p> <p>Transfer document or 'MMOL-05 Application to transfer' form or 'MMOL-05A Application to transfer a mining claim' stamped under the <i>Duties Act 2001</i> to demonstrate payment of stamp duty</p> <p>A statement outlining power of attorney (if applicable)</p> <p>A completed obligations checklist, and a security self-assessment form, which includes a sketch of area (mining claims only)</p> |

More information

Mineral Hub

- Phone: (07) 4447 9230
- Email: MineralHub@resources.qld.gov.au

Coal Hub

- Phone: (07) 4936 0169
- Email: coalhub@resources.qld.gov.au

Petroleum Hub

- Phone: (07) 3199 8118
- Email: PetroleumHub@resources.qld.gov.au

MyMinesOnline Helpdesk for technical support

8.30am – 4.30pm (AEST) Monday to Friday on Queensland business days.

- Telephone: +61 7 3199 8133
- Email: myminesonline@resources.qld.gov.au