



WAIVER OF EXEMPTION – TENEMENT HOLDER REQUEST

USE THIS FORM TO: Request that an owner of land who has the benefit of an exemption under section 9 of the Act, that is 'exempt land', enter into an agreement with a tenement holder to allow exploration and/or mining operations on the land (see Appendix A for details).

Section A: Tenement holder(s)

	NAME OF COMPANY or INDIVIDUAL	% SHARE		ⓘ List all tenement holder(s) and percentage share in the application.
Tenement holder 1			%	
Tenement holder 2			%	

Section B: Tenement numbers

TENEMENT TYPE	TENEMENT NUMBER	ⓘ Provide the tenement numbers of the tenements related to the notice

Section C: For the attention of the owner of land who has the benefit of an exemption¹ under section 9 of the Act.

Owner of land				ⓘ Please refer to note below for information on who may be considered to be a landowner with a benefit of exempt land.
Email				
Address				
Suburb/Locality		State	Postcode	
Type of owner				

¹ Under the *Mining Act 1971*, the following persons shall be regarded as having the benefit of an exemption under section 9:
 a) The owner of the exempt land; and
 b) In the case of land that is exempt from mining operations under section 9(1)(d) by reason of its proximity to other land on which a building, structure, spring, well, reservoir or dam is situated – the owner of that other land.

Section D: Location of proposed operations on the land

Section, Hundred					ⓘ Address all requirements.
Pastoral block					
Land Title reference					
	Plan type	Plan number	Parcel type	Parcel number	ⓘ Identify the land with as much detail as possible (a map may be attached). ⓘ Attach a list if required to reference the land.

Describe the place(s) where activities are to be carried out on the land; the nature of the operations; and the proposed timing and duration of the activities.

OR

Provide a copy or link to the program for environment protection and rehabilitation (PEPR).

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Section E:

I, the tenement holder, request that you, the landowner who has the benefit of an exemption identified in Section C, enter into an agreement to waive the benefit of the exemption for the operations listed in Section C.

Type	<input type="checkbox"/> Individual <input type="checkbox"/> Company			ⓘ Provide a postal address that can be used to contact you regarding this notice. ⓘ If 'Company', provide ABN/ACN.
Name				
Address line 1				
Address line 2				
Suburb/Locality		State	Postcode	
ABN	ACN			
Contact Name				
Email				ⓘ A contact person must be nominated.
Telephone	Mobile			

Section F:

Declaration that application is complete and accurate

I declare the information provided in this request is complete and accurate and meets the requirements of section 9AA of the Act and regulation 6 of the Mining Regulations 2020, and the relevant determination.

APPLICANT 1	Individual or Company Representative 1		Individual's Witness or Company Representative 2		ⓘ Ensure that applicants sign in the correct order, as listed on page 1.
Print Name	1.		2.		
Signature	1.		2.		
APPLICANT 2	Individual or Company Representative 1		Individual's Witness or Company Representative 2		
Print Name	1.		2.		
Signature	1.		2.		


COMPANY: Sign in accordance with the *Corporations Act 2001*. If agent, written authority must be provided.

INDIVIDUAL: Signature must be witnessed by a person who is not a beneficiary of the application (e.g. not a joint applicant).



WAIVER OF EXEMPTION - REQUEST

APPENDIX A: FURTHER INFORMATION FOR THE PERSON WHO HAS THE BENEFIT OF AN EXEMPTION

 The following information is provided as a guide only. You may wish to seek your own advice on this notice.

MINING ACT 1971

Notice under Section 9AA(2) of the *Mining Act 1971*

NOTICE is hereby given pursuant to the provision of section 9AA(2) of the *Mining Act 1971*, to specify the manner and form of a notice to seek a waiver of exempt land by agreement under section 9AA(1) of the *Mining Act 1971*.

In accordance with section 9AA(2) of the *Mining Act 1971* this notice will have effect from 1 January 2021.

TAKE notice that I, Daniel van Holst Pellekaan, Minister for Energy and Mining, pursuant to section 9AA(2) of the *Mining Act 1971* do hereby:

DETERMINE that a notice to seek a waiver of exempt land by agreement under section 9AA(1) of the *Mining Act 1971* must be in the following manner and form:

1. state the full name(s) and address(es), as well as the phone numbers and email addresses (if known) of the relevant owner of land;
2. state the full name(s) and business address(es) of the tenement holder(s);
3. provide a description of the land, including the title reference (CT or CL) and parcel references, relating to the notice;
4. provide a copy of or a link to access the program for environment protection and rehabilitation (PEPR) (if approved) or provide a reasonable description of the type of operations proposed to be carried out on the land;
5. provide the tenement numbers of the tenements related to the notice being served (tenement information can be found at map.sarig.sa.gov.au);
6. be accompanied by an Information Sheet relating to:
 - a. exempt land and the owner of land's rights approved by the Minister and published on the website of the Department for Energy and Mining; and
 - b. the owner of land's rights to apply to the Small Business Commissioner approved by the Minister and published on the website of the Department for Energy and Mining.

Links to required information sheets

- [Information Sheet M69 Your rights to agreement making and compensation](#)
- [Information Sheet M70 Exempt land: your rights](#)
- [Information Sheet M71 Exempt land: court imposed conditions and compensation](#)
- [Information Sheet M72 Exempt land: supporting landowners with legal fees](#)
- [Information Sheet M73 Your rights to the apply to the Small Business Commissioner](#)