Application to surrender a mineral tenement

Instructions and checklist

The *Mining Act 1971* and associated regulations and determinations set out the requirements for submitting an application to surrender, or partially surrender, a Mineral Tenement (including Mining Leases, Retention Leases, Miscellaneous Purpose Licences, Exploration Licences and Private Mines).

The first requirement is the submission of a Form 14. Additional information is needed in support of an application, as detailed in the following checklist. This will assist tenement holders in submitting a valid application for surrender, which will see their applications processed efficiently.

It is important for tenement holders to note that all obligations relating to the tenement will remain the responsibility of the holder until the surrender is finalised and recorded on the Mining Register. This includes the lodgement of mining returns, royalty payments and fees.

Requirements

☐ **A fully completed Form 14, including:**
- Full name(s), business address(es) and percentage share of **ALL** tenement holder(s)
- A contact person for the application, including their name, position held and/or relationship to the tenement holder(s), email address and phone number
- Mineral tenement number(s) and details
- Confirmation of whether the surrender is a full or partial surrender
- Basic information regarding rehabilitation of the land
- A completed declaration and signature(s).

☐ **A statement, confirming that completion outcomes or objectives under any applicable PEPR or MOP have been achieved, and that all required rehabilitation has been completed.**
(or if an outcome or objective has not been achieved, the reason for this situation and information about what the tenement holder has done, or proposes to do, in the circumstances)

☐ **A final compliance report, final royalty return and, where exploration has occurred on the tenement, a final technical exploration report and final expenditure return.**
- For guidance on submitting a final **mining** compliance report (including report template), visit the mining compliance page on the department's website.
- For guidance on submitting a final **exploration** compliance report (including report template), visit the exploration reporting page on the department's website.
- Where the tenement(s) being surrendered are reported jointly with other tenements, the compliance report must clearly identify how matters specific to the tenement(s) being surrendered have been addressed.
- For guidance on submitting a final royalty return, visit the mineral royalties page, as royalty returns are not required for all mineral tenements.

- The final technical exploration report should be prepared consistent with the requirements outlined in *Terms of Reference 029* and must be received within 60 days of registration of the surrender or partial surrender.
- A final expenditure return is required for full surrenders where the EL is not included in an Amalgamated Expenditure Arrangement (AEA). For guidance on submitting a final expenditure return, refer to exploration licences guideline MG33.
- A final compliance report may not be required in certain instances, such as where the holder of an exploration licence has limited it's on ground operations to those conducted in accordance with the generic Program for Environmental Protection and Rehabilitation (PEPR). Tenement holders who believe they meet these criteria should contact the department to confirm their requirements prior to submitting an application.

☐ **An outline of the engagement undertaken with landowner(s) about surrendering the mineral tenement, any rehabilitation or other work to be completed, and any issues raised and how these have been or will be addressed.**

☐ **A statutory declaration which includes:**

- a declaration that authorised operations have ceased
- a declaration that there are no outstanding liabilities under the Act or Regulations
- a declaration that all fees, royalties, rents or penalties under the Act or Regulations have been paid in full
- a declaration that outlines any legal proceedings in respect of the tenement that involve the tenement holder as a party to those proceedings
- if relevant, a declaration that the tenement holder has a management plan in place for the management or transfer of any outstanding matters or liabilities
- in the case of a private mine where the person carrying out mining operations is not the proprietor of the private mine – a declaration that the person who has been carrying out the operations has consulted with the proprietor of the mine.

Further information on South Australian statutory declarations can be found on the AGD website or at sa.gov.au.

☐ **IF the application is for a partial surrender:**

- A map and description of the relevant areas is required, showing the area to be surrendered and the area to remain, that comply with the requirements of section 56E of the Mining Act and
- One or more of the following statements, as applicable to the application:
    i. In the case of a mining lease or a private mine, a statement that the remaining area (including any associated tenements) can be effectively and efficiently mined and that the environmental outcomes or objectives are capable of being achieved in respect of the remaining area; and/or;
    ii. In case of a retention lease or miscellaneous purpose licence – a statement that the environmental outcomes are capable of being achieved in respect of the remaining area.

Process

If an application is lodged without all the necessary information, the applicant will be asked to complete the application consistent with this instruction sheet. Alternatively, the application may be rejected if there are serious deficiencies. Applications may also be rejected if the information is not provided within one month of a request.

On receipt of a completed and valid application for surrender or partial surrender, an assessment will be conducted by the department. As stated on the form, tenement holders are required to meet any financial (and other) obligations until such time as their tenement has been surrendered.

For further information on the process or these requirements contact DEM.Tenements@sa.gov.au.