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| **FORM 23B** | Mining Act 1971 (the ‘Act’) - Part 1 | C:\UserData\Documents\gosa_BW_v.png |
| **WAIVER OF EXEMPTION – LANDOWNER NOTICE** | |
| **USE THIS FORM TO:** | Advise a tenement holder of the owner’s position in relation to a waiver of the benefit of exemption and the conditions (if any) on which the owner may agree to waive the benefit under section 9AA(1a) of the Act. | |

**Section A:** Owners of exempt land

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Owner of land |  | | | MC900293188[1]Please refer to note below for information on who may be considered to be a landowner with a benefit of exempt land.  MC900293188[1]Attach a list if required. |
|  |  | | |
| 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:

1. The owner of the exempt land; and
2. 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 B:** Description of the land

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Section, Hundred |  | | | | MC900293188[1]Address all requirements.  MC900293188[1]Identify the land with as much detail as possible (a map may be attached).  MC900293188[1]Attach a list if required to reference the land. |
| Pastoral block |  | | | |
| Land Title reference |  | | | |
|  | Plan type | Plan number | Parcel type | Parcel number |
|  |  |  |  |  |
|  |  |  |  |  |

**Section C:** Tenement holder

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name |  | | | MC900293188[1]Attach a list if required. |
|  |  | | |
| Email |  | | |
| Business address |  | | |
| Suburb/Locality |  |  |  |
| State | Postcode |

**Section D:** Statement by owner of land

|  |  |
| --- | --- |
| Advise the tenement holder of the owner of lands position in relation to the waiver of the benefit of exemption. |  |

**Section E:** Conditions (if any)

|  |  |  |
| --- | --- | --- |
| Indicate conditions (if any) on which the owner may agree to waive the benefit of exempt land. |  | MC900293188[1]Attach details or plans as required. |

**Section F:** Declaration that notice 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.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **LANDOWNER 1** | Individual or Company Representative 1 | | Individual’s Witness or Company Representative 2 | | MC900293188[1]Ensure that applicants sign in the correct order, as listed on page 1. |
| Print Name | 1. |  | 2. |  |
| Signature | 1. |  | 2. |  |
|  | | | | |
| **LANDOWNER 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).