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Notes:

1. This package is intended to be completed electronically and emailed to the Department of Finance (Finance) as one document to [LAA@Finance.gov.au](mailto:LAA@Finance.gov.au);
2. Retain portions of guidance text which summarise the required response(s);
3. Remove guidance text providing examples of suitable responses, after the completion of required detail; and
4. Completed applications are intended to be circulated to stakeholder Commonwealth Government and State Government authorities for consultation on a need to know basis.

*Finals submitted and compiled on date: \_\_\_\_\_\_\_\_\_\_\_*

1. APPLICANT’S NAME, ADDRESS, CONTACT DETAILS

APPLICANT COMPANY / PERSON OFFICIAL PARTICULARS

|  |  |
| --- | --- |
| **Company or legal entity name:** | *[Full Name or Entity Name as registered on ASIC, or with ABN]* |
| ACN |  |
| ABN |  |
| Business Address |  |
| Address for Correspondence |  |

APPLICANT COMPANY / PERSON CONTACT DETAILS

|  |  |
| --- | --- |
| **Name** |  |
| Position / Title |  |
| Relationship to Applicant |  |
| Address for Correspondence |  |
| Phone |  |
| Mobile |  |
| Fax |  |
| Email |  |

SUMMARY OF RELATIONSHIP WITH ANY OTHER PARTY INVOLVED IN THIS APPLICATION

|  |
| --- |
| [if this application involves a joint venture or parties with a business interest additional to the APPLICANT stated above, please summarise the relationship here, include also details where directors hold positions in both entities]  [for example: “*Note: XYZ Ltd holds a 25% share in exploration tenement ELA 2011/5555, the remaining 75% is held by ABC Resources Ltd (ABC, see below). XYZ has been appointed Operator of ELA 2011/5555 under Joint Venture agreement* *and is thus responsible for managing the exploration program and day-to-day operations. ABC’s role is limited to financial contribution].* |

SOURCES FOR VERIFICATION:

*ASIC Free Company Name Search, XX/XX/20XX* (Attachment A)

*ASIC Company Extract (Commercial Provider), XX/XX/20XX* (Attachment B)

*ASIC Company Relational Extract (Commercial Provider), XX/XX/20XX* (Attachment C)

WEBSITE REFERENCES(optional):

|  |  |
| --- | --- |
| **Company or person website** |  |
| Annual Report Link |  |
| Media Article Link |  |
| Other Relevant Links |  |

ASSOCIATED COMPANY 1. (IF APPLICABLE)

|  |  |
| --- | --- |
| **Company or legal entity name:** | *[Full Name or Entity Name as registered on ASIC, or with ABN]* |
| ACN |  |
| ABN |  |
| Business Address |  |

SOURCE FOR VERIFICATION:

*ASIC Free Company Name Search, XX/XX/20XX* (Attachment C2)

[*Duplicate or delete associated company entries where applicable]*

1. COMPANY DETAILS

SUMMARY OF COMPANY/PERSON PURPOSE AND CORE BUSINESS

|  |
| --- |
| Summarise here in concise, simple terms, what business or interests the company or person is ordinarily involved, and how the proposed access relates.  For example: “XYZ is a mineral exploration company searching for Uranium, Copper, Gold and other commodities in Western Australia. XYZ holds multiple granted exploration tenements in Western Australia and South Australia. XYZ is a fully owned subsidiary of ABC Exploration NL (see ASSOCIATED COMPANY 1).” |

SUMMARY OF COMPANY/PERSON STRUCTURE AND RELATIONSHIPS

|  |
| --- |
| Summarise here in concise, simple terms, how the business or company is comprised. Include here any details that are not disclosed in the Company Extract or Relational Extract. Note here if any details in the extract(s) are out of date and if so, please state the current particulars.  Director 1:  Director 2:  Director 3:  Company Secretary:  Geological / Geophysical Contractor:  The relationship between companies is explained in the diagram at Attachment D. |

FOREIGN INFLUENCE

|  |
| --- |
| Summarise here in concise, simple terms, if the business or company is associated with foreign influence, such as shareholding and management. Include here any details that are not disclosed in the Company Extract or Relational Extract. Note here if any details in the extract(s) are out of date and if so, please state the current particulars.  For Example: “Mr John Citizen, as Director of XYZ and ABC confirms there is no foreign influence over either entity. All Directors are Australian citizens and all major shareholders are Australian entities and Australian owned and controlled.  See details of shareholders and company directors in ASIC searches, and extract dated XX XX 20XX (Attachments A to C). More details can be found in the Annual Report (see link above)*.”* |

1. FINANCIAL CAPACITY TO EXECUTE PROPOSED WORK

|  |
| --- |
| Summarise here in concise, simple terms, how the business or company can argue that it has, or will be able to have, the financial capacity to execute its proposed work program that is associated with the request for access.  For example: “See the Annual Report (above), especially page X, which details recent financial statements. Note also, as evidence of business continuity that the company has been in operation since XX Year and has been involved in many similar business activities.”  Note: State-based requirements often require demonstrable financial capacity. You may summarise the applicant’s case already stated in the application for licence. |

1. CERTIFICATE OF CURRENCY – COMMONWEALTH AS AN INTEREST HOLDER

|  |
| --- |
| Summarise here in concise, simple terms, how the business or company has, or can easily and promptly obtain a certificate of currency for insurance coverage as required by the Australian Government (see [link](http://www.finance.gov.au/property/lands-acquisition/access-commonwealth-land-mining-activities.html)). If it is reasonable to argue that insurance cannot be obtained at this stage, please state how the company or person will ensure that the insurance requirements are met before actual operations commence at the proposed site.  For example: “ABC notes the requirement to submit a Certificate of Currency, although it cannot submit this at this time because there is no approval to commence exploration activities on site. ABC does, however, undertake to obtain this certificate prior to commencing operations at the site and will submit a copy to the Australian Government.” |

Attachment E: Insurance Certificate of Currency

1. NATURE AND EXTENT OF THE PROPOSED WORK
2. Minerals / Commodities Sought

* For example: “Uranium, Iron Ore, Copper, Gold,”

1. Description of the land

* For example: “The application relates to Exploration Licence / Exploration Licence Application 2011/5555, which was granted / received by the Western Australian Government Department of Mines and Petroleum on XX/XX/XXXX.
* “The ELA embodies the former tenement Exploration Lease (EL) XXXX”
* “The tenement [tenement number] overlaps / encroaches upon the Commonwealth land known as [Commonwealth Land Name]”
* Approximately [xx] % of the tenement is within the boundaries of [Commonwealth Land Name]
* ABC desires access at specific sites which are inside the boundaries of the [Commonwealth Land Name].
* “ABC has previously been involved with [Commonwealth Land Name] during [state date ranges], when it [state arrangements previously applying – provide evidence if possible]”
* “Access to [Commonwealth Land Name] also relates to a general work program, because ABC will also be [conducting which activities] in the adjacent area [known as] and has [state associated arrangements].”

Tenement Map is supplied with this application (Attachment F)

1. Logistics of access sought (general)

* For example: “[number] sites are identified for a proposed [drilling / soil sampling / geological survey program] (see Map at Attachment G)
* “Site [number X1] is the proposed first site”
* “ABC undertakes to liaise with the relevant facilities manager, Department of Defence, to ensure any access occurs at mutually convenient times”
* “the area would be entered from [x point – being a road or general airspace]”
* “entrants would be carried by [vehicle type e.g 4 wheel drive / ordinary motor vehicle / helicopter / light air craft (state landing locations if applicable)]”
* “[nature of] precautions will be taken to safeguard [types of risks with vehicle chosen]”

Work program map, showing relationship with existing structures, infrastructure, and relevant other details is supplied with this application at Attachment G.

1. Logistics of access sought (proposed work program)

* [Examples in parentheses]: “the proposed work program can / cannot be completed within one campaign”
* “Proposed access is for XX days at a time”
* “The entire campaign, would be XX days in total”
* “Drilling would be 24hrs per day with a rotating crew resting in [camping on site / staying at the regional centre known as [xx]]”
* “There would be [number]- [number] individuals involved with the [stated activity]:
  1. [number of persons] would be present for the purposes of [purpose];
  2. [number of persons] would be present for the purposes of [purpose];
* “the preference for the work program is to [state applicant’s best case scenario, including any strategies to overcome key constraints]”
* “the proposed sites / work program has been selected because of [state general methodology, such as no Cultural Heritage issues, proximity to existing road, minimising of environmental disturbance]”
* “once the initial campaign is completed [summarise the likely future actions or ongoing interest in having routine access]”
* “before [stated activity] commences, ABC undertakes to submit an [legislated requirement eg, Exploration Work Approval] to [State Based Authority] which will include Native Title clearance”
* “technical details on the [stated activity] locations are provided in a tabular format (below)” *(note these pin point references, or close approximations to these points, is very important for operational staff to ascertain the relevant locations within the Commonwealth’s estate)*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Reference Point (Activity)** | **Easting** | **Northing** | **Latitude** | **Longitude** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

1. Identity of persons seeking access

|  |
| --- |
| For example, although not limited to: “ABC undertakes to provide Defence (or a nominated delegate) with personal details of all proposed entrants in accordance with Defence requirements”. (State generally who the persons are, for example, company employees, contractors, consultants). |

1. Technical capacity to undertake work

|  |
| --- |
| Summarise here in concise, simple terms, how the business or company has (or can obtain) the technical capacity (not financial capacity) to undertake the proposed work program.  For example: “ABC and its parent company XYZ are experienced mineral explorers and have a close, ongoing relationship with experienced geological, geophysical and drilling consultants and contractors.”  “ABC undertakes to provide notification as soon as ELA 2011/5555 is granted and provide further particulars of technical capacity upon request.”  “ABC is required to submit an Exploration Work Approval (EWA) and environmental impact report to DMP prior to commencing exploration.”  Note: State-based requirements often require demonstrable technical capacity. You may summarise the applicant’s case already stated in the application for licence. |

1. Economic viability of the work

|  |
| --- |
| State in general terms an argument as to why the work program is economically viable, or would lead to economically viable interests.  For example: “While mining, and particularly exploration, is a high risk endeavour, there is potential for high returns. The ELA is in a highly prospective area of Western Australia with multiple mineral discoveries.” |

1. Equipment and infrastructure to be used

* [Examples in parentheses, but are not limited to]: drilling rig, [model, number of...]
* equipment with the drilling rig [known as]
* Vehicles [types and number of]
* Camping or associated residential or presence support items [such as]
* A pit for water and fluid catchment is [xx] m deep, [xx] m wide and [xx] m long.

Photographs or technical specification of proposed equipment are at Attachment H.

1. LICENCES

|  |
| --- |
| Summarise here in concise, simple terms, the status of the exploration licence (or other associated licence or lease) that the company or person holds (or has a pending application).  State also any confirmed or estimated actions or timeframes associated with the licence or application. State also any relevant case reference numbers or contact persons.  \*\*Note: Please check the licence conditions and/or any excluded areas comprising the tenement. The Commonwealth will consult with the State department to ensure a valid licence applies. The offer of a deed of access may be deferred until all matters over tenement title are resolved.  For example: “ABC applied for the renewal of ELXXX on [date] resulting in Exploration Licence Application (ELA) 20XX/XXXX. ABC currently has the exclusive right to progress its application for the ELA. On [date], ABC was informed by email that the grant of the ELA would be advertised in accordance with State-based legislative requirements. ABC expects that the Licence will be officially granted on [date]”. |

A copy of licence(s) and any other official correspondence is supplied at Attachment I.

**A copy of the Exploration / Mining Licence must be provided to the Commonwealth before a Deed of Access can be finalised.**

1. TECHNICAL AND OFFICIAL DOCUMENTS

|  |
| --- |
| Summarise and list here, any other supporting documentation, of a technical nature, which relates to this application.  Provide a current title search listing the Commonwealth as the registered title holder - it is necessary to have evidence of the registered status of the land and other interest holders such as pastoral lease holders. Title documents should clarify ownership of the mineral interests at the proposed site.  Notes:   * Complex parcels of land, showing evidence of multiple interest holders, require closer examination. Provision of a dealings listing would assist the Commonwealth with the timely advancement of due diligence. * Occasionally, interests need to be traced as far back to the original grant by the Crown. * Any documents clarifying the status of the above issues are requested. * Early submission of these and other documents will significantly assist the application and expedite timeframes. |

Attachment J includes the following (where applicable):

* 1. Title Search, current;
  2. Current and or Original Grant (Crown Lease) relating to parcel of land;
  3. Deposited Plan(s);
  4. Details of other interest holders (if applicable):
     1. Pastoral Lease Holders
     2. Native Title Holders
     3. Easements
     4. Covenants
     5. Licenses
     6. Registered interests
     7. Unregistered interests

1. APPROVALS AND CONSULTATIONS

Note: The Department of Finance, after firstly ensuring satisfactory detail is provided in the completed application, will circulate the application to the authorities listed below. However, the applicant is asked to review the core requirements of each of the authorities and state information of relevance for the intended consultation period. Where requested, evidence of consultation with relevant stakeholders should be provided at Attachment F5.

1. Defence

|  |
| --- |
| State here how the company or person knows or will ascertain and comply with the requirements of the site custodian (most often the Department of Defence).  For example: “ABC is aware of the Standard Deed of Access it must enter into with the Department of Defence, and has the capacity to comply with all conditions including:  operational impact;  environmental considerations;  native title;  unexploded ordinance considerations; and  occupational health and safety responsibilities and accountabilities.  ABC is aware of the need to work closely with the nominated facility manager and ensure that the Australian Government is appropriately informed of all exploration activities. |

1. State-based Regulatory Authorities – Compliance with Requirements

|  |
| --- |
| State here how the company or person knows or will ascertain and comply with the requirements of all relevant State-based regulatory authorities (list each).  For example: “Upon receipt of conditional access approval from the Commonwealth Government, ABC will submit an Exploration Work Approval (EWA) to the Department of Mines and Petroleum, Western Australia”. |

1. Department of the Climate Change, Energy, the Environment and Water

|  |
| --- |
| State here how the company or person knows or will ascertain and comply with the requirements of legislation and policies administered by the Commonwealth Department of the Environment.  For example: “ABC is aware of the need to continuously observe considerations in the self-assessment methodologies, currently titled as:   * 1. Matters of National Significance; and   2. Actions on, or impacting upon, Commonwealth Land and actions by Commonwealth Agencies.   ABC is aware of other key legislation which relates these policies including:   1. The *Environment Protection and Biodiversity Conservation Act 1999.”*   \*\*Note: For further information regarding the *Environment Protection and Biodiversity Conservation Act 1999*, please refer to: <https://www.dcceew.gov.au/environment/epbc> |

1. Attorney-General’s Department (re: Native Title considerations)

|  |
| --- |
| State here how the company or person knows or will ascertain and comply with the requirements of legislation and policies administered by the Commonwealth Attorney-General’s Department. Where native title has been determined to exist in the proposed exploration area, details of consultation with the traditional owners **must** be outlined here and evidence of this consultation attached to the application.  For example: “ABC is aware of the need to continuously observe considerations relating to Native Title. To date, ABC has ascertained that the following indigenous groups have an interest in the area for which access is sought:   1. [group detail 1] 2. [group detail 1]   ABC will comply with native title requirements by [itemise which methodology, actions].  In any case, ABC undertakes to observe Native Title considerations which are separately regulated by [State-based Authority]. |

1. Department of Industry

|  |
| --- |
| State here how the company or person knows or will ascertain and comply with the requirements of legislation and policies administered by the Commonwealth Department of Industry.  For example: “ABC is aware that the Department of Industry has / may have a strategic interest in the particulars of this application, and undertakes to provide further and better particulars, should they be required by the Department”. |

Attachment A

Free ASIC Search, Applicant Company, Dated:\_\_\_\_\_\_\_\_\_

Attachment B

Commercial Provider Company Extract Search, Dated: \_\_\_\_\_\_\_\_\_\_

Attachment C

Commercial Provider Company Relational Extract Search, Dated: \_\_\_\_\_\_\_\_\_\_

Attachment C2 (if required)

Additional Free ASIC Company Search(es), Dated: \_\_\_\_\_\_\_\_\_\_

Attachment D

Company / Person Relationship Diagram or Matrix, Dated: \_\_\_\_\_\_\_\_\_\_\_

Attachment E

Insurance Certificate of Currency, Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_

If none is available, state, “to be forwarded prior to any activity commencing”

Attachment F

Official Tenement Map, Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This should be downloaded from the State-based regulatory authority.

Additional maps, that show relationships and context - which are unique to the tenement and the Commonwealth Land sought - should also be provided.

It is suggested that satellite maps and graduated zoom images be included.**Attachment F2**

Pastoral Boundaries Map, Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment F3

Native Title Boundaries Map, Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment F4

Graduated Satellite Imagery Map(s), Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment F5

Evidence of consultation with relevant stakeholders, Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment G

Work Program Map – Showing Entry Point and Location(s) of Activities, Dated: \_\_\_\_\_\_\_\_

(this map should give sufficient detail so as to enable the Facility Manager to ascertain, with confidence and reasonable precision, the general areas affected by the proposed activities).

Attachment H

Photographs and Technical Specifications of Equipment, Dated: \_\_\_\_\_\_\_\_\_\_\_\_

Attachment I

MANDATORY Granted Licence and other official State correspondence, Dated:

Attachment J

Official Documentation relating to Land and Existing Interest Holders, Dated: \_\_\_\_\_\_\_\_\_\_\_\_

Attachment J1

Title Search, current, Dated: \_\_\_\_\_\_\_\_\_\_\_\_

Attachment J2

Deposited Plan(s), Dated: \_\_\_\_\_\_\_\_\_\_\_\_

Attachment J3

Original Grant (Crown Lease), Dated: \_\_\_\_\_\_\_\_\_\_\_\_

Attachment J4

Dealings Listing Showing Details of other Interest Holders, Dated: \_\_\_\_\_\_\_\_\_\_\_\_