

# Operational policy

## Eligibility, proof of identity and authorised persons

Policy number 9/2012  
October 2012  
Version 1.02

### Application

This policy relates to the following resources legislation:

- Mineral and Energy Resources (Common Provisions) Regulation 2016
- *Mineral Resources Act 1989*
- *Petroleum and Gas (Production and Safety) Act 2004*
- *Geothermal Energy Act 2010*
- *Greenhouse Gas Storage Act 2009*.

It specifically relates to provisions which require an applicant to provide evidence of their eligibility to hold a tenement and complete approved forms which require proof of identity and information regarding a nominated holder representative.

### Purpose

The purpose of this policy is to inform industry of the processes and expectations in relation to eligibility, proof of identity and authorised person/s.

This policy is written to:

- provide guidance and clarity to both applicants and administering officers;
- promote consistency of tenure administration and regulation across the state; and
- increase the department's timeliness and efficiency when processing exploration permit documentation.

The information provided in this policy **does not limit the exercising of discretion** and does not override legislative requirements. However it reflects current practices within the department which may change from time to time. Any changes will be published through a revised version of this policy.

### Eligibility, proof of identity and authorised persons

This policy lists what is required in relation to applicant details, the documents acceptable to provide proof of identity and the person authorised to make an application under the legislation.

When completing the application the applicant must correctly identify the full name of the applicant(s) and specify the percentage of interest to be held by each applicant. The combined percentages must equal 100%.



Under current legislation if there are two or more applicants the application must indicate if the interests will be held as **tenants in common** or as **joint tenants**. If interests are not specified in the application the tenancy will be registered as **tenants in common**.

**Please note: Joint tenants must each hold an equal interest.**

The Act requires all applicants to provide proof of identity when making applications. Each applicant must be an eligible person as defined under the Act. To establish eligibility all applicants are required to provide proof of identity by submitting the following as an attachment with the application.

## For an individual

A copy of the original of one of the following

- the applicant's full birth certificate (not an extract)
- passport in the name of the applicant
- 18+ card in the name of the applicant
- driver's licence in the name of the applicant.

When making an application via the **electronic form** (MyMinesOnline), a scanned copy of the above must be attached to the online application.

When making an application using the **paper form**, a copy of one of the above must be attached to the application form.

## For a company

The applicant must be in possession of the certificate of registration issued by the Australian Securities and Investments Commission (ASIC) showing the Australian Company Number (ACN).

When making an application via the **electronic form** (MyMinesOnline) where available, the department will confirm the validity of the ACN via a direct link with ASIC.

When making an application using the **paper form**, a certified copy of the certificate of registration issued by ASIC must be attached to the application form.

## Nominated person and address for service

The applicant/s must provide the name, address and contact details for one person who can receive notices on behalf of the applicant/s.

The authorised company or individual is commonly referred to as the **authorised holder**, and the nominated person is commonly referred to as the **authorised holder representative**.

Address and contact details for an agent or representative of an applicant (such as a consultant) may be provided as the address for service. The department will use the nominated person and nominated address to forward correspondence or to issue notices in relation to the permit.

### IMPORTANT NOTE

This does not authorise the nominated person **authorised holder representative** to sign documents on behalf of the holders unless all the holders have authorised the nominated person in writing to act as agent for all the holders.

Please refer to the signing of documents section regarding the proof of authority for an agent or the holder of a power of attorney should the applicants also wish this agent or representative to act on behalf of the applicants.

It is recognised, that as the online system is developed, the ability to update address details and holder names should be available via an online service channel. However, until that service is available, under the resources legislation, it is the responsibility of the holder/s to keep the nominated person and address details current. To make changes to the contact and/ or address details, complete the approved form 'Request to Record Change of Address for Service of Correspondence' and lodge with the department.

This form is available at:

<https://www.business.qld.gov.au/industry/mining/applications-compliance/forms-fees>

## Signing of documents

This section describes how an application must be signed and the authority that must be provided by persons signing on behalf of others under the various resources legislation.

The application may be signed by:

- each applicant; or
- an agent authorised in writing to sign on behalf of the applicant or all applicants; or
- by the holder of the power of attorney on behalf of another, subject to the agent or representative who must provide current written evidence of their authority from applicants to sign on the behalf of applicant/s at the time of lodgement.

All applicants for the permit **MUST** execute the appointment of the agent or power of attorney for the power of attorney to be effective. A company signing an appointment of agent or power of attorney must do so in accordance with the Corporations Law.

The department will use this person and the nominated address to forward correspondence or to issue notices in relation to the permit.

Where an application is made using the **paper based form**, proof of authority for signing of documents must be attached to the application form.

Where an application is made via the **electronic form** (MyMinesOnline), the authorised holder representative must attach a letter of authority confirming authorisation of or proof of authority for signing of documents on all applicants' behalf.



**Executive Director  
Mineral and Petroleum Operations  
September 2016**

**Enquiries:**

For help, information and technical support contact the MyMinesOnline helpdesk.

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

Telephone: +61 7 3199 8133

Email: [mines\\_online@dnrm.qld.gov.au](mailto:mines_online@dnrm.qld.gov.au)

**Disclaimer**

The purpose of these policies is to provide a framework for consistent application and interpretation of the legislation administered by the department. Policies may be applied flexibly where individual circumstances require an alternative application of policy. *Where this policy, or part of this policy, is inconsistent with relevant legislation, the legislation will prevail to the extent of the inconsistency.* While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Queensland Government should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.