

October 2023

Fact sheet

Mining Amendment (Mineral Claims – Opal) Act 2023

What it means for our stakeholders

The Act amends the *Mining Act 1992*

On 24 October 2023, the *Mining Amendment (Mineral Claims – Opal) Act 2023* came into law. This Act amends the *Mining Act 1992* to retrospectively validate ‘affected opal mineral claims, which are mineral claims affected by invalid grant, renewal and transfer processes due to a failure to comply with procedural requirements under section 266(4) of the *Mining Act 1992* between 1 January 2015 and 13 February 2023’.

How will these changes affect you?

This legislation will reinstate the previous understanding held by miners, landholders and the Department of Regional NSW that the mineral claims were valid. It will remedy potential legal consequences of affected mineral claims.

Title holders are still required to submit the relevant updated forms issued to them by the Department as part of the administrative validation processes. Redetermination of claims will ensure all records and conditions are current and fit for purpose. Affected mineral claim holders will continue to receive information packages from the Department.

Opal miners

Lawful activities under affected mineral claims recognised

The Act protects miners by making it clear that mining and activities carried out under and in accordance with an affected mineral claim were lawful. Anything done that was not authorised by the affected mineral claims will continue to be unlawful.

The amendments also make it clear that conditions of affected mineral claims are valid and can be enforced. The NSW Resources Regulator will continue to monitor and enforce compliance with conditions of mineral claims.

Rights of transferees

The Act protects transferees. If you have had an affected mineral claim transferred to you, including via devolution, between 1 January 2015 and 13 February 2023, the amendments ensure that the past transfer of this mineral claim is valid.

Importantly, if a mineral claim was originally granted after 1 January 2015 prior to transfer to you, you have an exclusive right to apply for a mineral claim over the claim area until **22 November 2023**. To do so, you must follow the instruction provided in the information package previously sent by the Department. You can contact the SST Project team on the details below for more information on this process. If an application is not lodged by this date, then other persons will be able to lodge applications over that area.

Devolved mineral claims

If you have had a mineral claim devolve to you from someone else since 13 February 2023 (such as where the holder died), this Act will ensure that provided the required application is lodged, the correct person is recorded as the holder of that mineral claim.

Landholders

Rehabilitation concerns addressed

This Act protects landholder's interests. By validating the affected mineral claims, this ensures that the conditions of those mineral claims can still be enforced.

This includes conditions relating to rehabilitation of land. The NSW Resources Regulator will be able to take action against miners who have breached the conditions of their mineral claim to ensure appropriate rehabilitation can occur and appropriate environmental standards are maintained. The Department has allocated additional compliance resources within the NSW Resources Regulator, including a dedicated Opals Compliance team, to improve rehabilitation and compliance outcomes.

Compensation and other money validated

The Act also validates monies collected, expended, or refunded by the Crown, landholders or any other person in connection with an affected mineral claim. This includes compensation paid to landholders for the mining operations on their land.

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