February 2024

# Issues paper submission form

Privacy and information

### Privacy collection notice

You are providing this personal information so that the Independent Review of the Statutory Framework (the Review) can use it for the purposes of the informing findings and recommendations in accordance with the Review’s Terms of Reference.

This information will only be used to inform the Review.

Your personal information will only be shared between The Department of Regional NSW and the Review, via Norton Rose Fulbright Australia for the purpose for which you have provided it. The Department of Regional NSW will not disclose your personal information to anybody else unless required or authorised by law, such as by court order.

The Department of Regional NSW will store and protect your personal information until the enquiry or purpose of contact has concluded.

### More information

This privacy notice applies only to the information you are providing in this form.

Background

### Personal information

Personal information is any information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

### Privacy and Personal Information Act 1998

NSW Government Agencies must comply with the Information Protection Principles (IPPs), which are outlined in the *Privacy and Personal Information Act 1998* (PPIP Act). These regulate the collection, storage, use and disclosure of personal information held by Government Agencies.

## Section 1

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| 1. Your name (optional) |
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| 1. What describes your relationship to the opal industry? |
| Miner  Landholder  Local resident  Downstream processer of opals e.g. jeweller  Other  Other details |

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| 1. Organisation (if applicable |
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| 1. Your email (optional) |
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## Section 2 – The current status of the opal mining industry in NSW

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| 1. How much opal do you think is extracted and sold annually? |
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| 1. How many people do you think are employed, either directly or indirectly, in the opal mining industry in NSW? |
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| 1. What do you think is the wider value of the opal industry to NSW? |
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| 1. If information on the wider value of opal mining is not available, how could the Government obtain that information? |
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| 1. How does the industry support local communities in the areas in which it operates? |
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| 1. How can the industry attract new and younger entrants? |
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| 1. What is the scale of the tourist industry in White Cliffs and Lightning Ridge? |
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## Section 3 - The regulation of opal mining in NSW

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| 1. What features of the opal mining framework do you find most difficult to know and understand? |
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| 1. Have you found sufficient supporting material to help you understand how the opal framework operates and how it affects miners and landholders? |
| Yes  No |

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| 1. Have you got any comments around supporting material to understand how the opal framework operates and how it affects miners and landholders? |
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| 1. Do you have any suggestions as to how MinView can be improved? |
| Yes  No |

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| 1. Enter your suggestions, if any, on how MinView can be improved |
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| 1. What are the key features of the system that you would like the Review to examine and address? |
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| 1. Do you support different rules for White Cliffs compared to Lightning Ridge? |
| Yes  No |

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| 1. If you support different rules for White Cliffs compared to Lightning Ridge, why? |
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## Section 4 - The process for obtaining approval to prospect for opal in NSW

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| 1. Is the process for obtaining an opal prospecting licence fit for purpose? |
| Yes  No |

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| 1. Have you got any comments on the process for obtaining an opal prospecting licence? |
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| 1. Should landholders be notified when an applicant applies for an opal prospecting licence? |
| Yes  No |

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| 1. Enter your comments, if any, on whether landholders should be notified when an applicant applies for an opal prospecting licence |
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| 1. Does the system of OPAs and OPBs serve their purpose? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the system of OPAs and OPBs serve their purpose |
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| 1. What other improvements should be made to the opal prospecting system? |
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| 1. Should new OPBs be declared over more geologically appropriate areas, being areas where opal is more likely to be found, at White Cliffs? |
| Yes  No |

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| 1. Enter your comments, if any, on whether new OPBs should be declared over more geologically appropriate areas at White Cliffs |
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## Section 5 - The process for obtaining approval to mine for opal in NSW

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| 1. Should mineral claims be able to be applied for online either via an App or Portal with step by step instructions or by lodgement of an editable PDF document? |
| Yes  No |

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| 1. Enter your comments, if any, on whether mineral claims should be applied for online either via an App or Portal |
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| 1. How should the application process be simplified? |
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| 1. Should notification to landholders occur by email or another means? |
| Email  Other means |

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| 1. Enter your comments, if any, on whether landholder notification should occur by email or another means |
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| 1. What other measures should be implemented to make it an easier, more accurate and fairer process for both miners and landholders? |
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| 1. What language or other assistance should be available to miners to assist them with the application process? |
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## Section 6 - Mapping issues

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| 1. Is the system of marking out and self-mapping by miners fit for purpose? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the system of marking out and self-mapping by miners is fit for purpose |
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| 1. Do you have other ideas for improving the system? |
| Yes  No |

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| 1. If you have ideas for improving the system, what are they? |
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| 1. Do you support transitioning to a pre-identified grid system for the grant of mineral claims? |
| Yes  No |

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| 1. Enter your comments, if any, on whether you support transitioning to a pre-identified grid system for the grant of mineral claims |
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## Section 7 - Issues with the opal prospecting framework

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| 1. What should the appropriate regime be for opal prospecting? |
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| 1. What should be the requirements for notification of all opal prospecting activities? |
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| 1. What amount of bond (if any) should be prescribed for the carrying out of opal prospecting activities, to cover the rehabilitation of the land damaged from prospecting, such as filling of holes, restoration of tracks caused by prospecting, and removing noxious weeds? |
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| 1. What are the key issues with the permit to enter process? |
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## Section 8 - Issues with the mineral claim framework

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| 1. Should the restriction on holding no more than two mineral claims be removed, given it is not preventing miners from having control over large numbers of mineral claims, but may be acting as a disincentive to new entrants to the industry? |
| Yes  No |

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| 1. If it is to remain, what amendments are necessary to ensure mining operations occur on only two mineral claims as originally intended? |
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| 1. Should the current classes of mineral claims be reduced and simplified? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the current classes of mineral claims should be reduced and simplified |
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| 1. Should there be new classes of mineral claims that incentivise the growth of investment and employment in the industry? |
| Yes  No |

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| 1. Enter your comments, if any, on whether there should be new classes of mineral claims that incentivise the growth of investment and employment in the industry |
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| 1. Should the same rights and responsibilities in section 175 orders apply to opal mining in both White Cliffs and Lightning Ridge? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the same rights and responsibilities in section 175 orders should apply to opal mining in both White Cliffs and Lightning Ridge |
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| 1. Should the classes of mineral claims permit mining in a wider area, provided significant bonds are lodged to cover the risks associated with rehabilitation of mineral claims? |
| Yes  No |

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| 1. Enter your comments, if any on whether the classes of mineral claims should permit mining in a wider area, provided significant bonds are lodged to cover the risks associated with rehabilitation of mineral claims |
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| 1. Should the amount of bond required be increased to ensure that if a mineral claim area is not rehabilitated, there are sufficient funds available for MEG or landholders to effect rehabilitation? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the amount of bond should be increased? |
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## Section 9 - Amount of compensation payable to landholders for a mineral claim

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| 1. Is the amount of standard compensation amount for Lightning Ridge sufficient, given it has not been reviewed for a decade? |
| Yes  No |

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| 1. If the standard compensation amount for Lightning Ridge is not sufficient, by what methodology should the amount be determined? |
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| 1. Should there be different amounts of standard compensation for the different classes of mineral claims and the rights permitted under each, such as shaft and tunnel, trenching, open cut, mullock stockpiling and puddling activities? |
| Yes  No |

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| 1. What are your comments on if there should be different amounts of standard compensation for the different classes of mineral claims and the rights permitted under each? |
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| 1. Should a standard compensation amount be declared for the White Cliffs Mineral Claims District? |
| Yes  No |

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| 1. What methodology should applied to determine the standard compensation amount for White Cliffs Mineral Claims? |
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| 1. If standard compensation is declared for both mineral claim districts, is there any benefit to retain provisions for the Land and Environment Court to determine compensation for compensable loss in exceptional circumstances? |
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## Section 10 - Availability of land for opal mining

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| 1. What is the factual basis for claims that opal mining is running out of available land? |
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| 1. What areas should remain open? |
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| 1. What areas should be closed to opal mining? |
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## Section 11 - Rehabilitation of areas affected by opal mining

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| 1. Should there be more specific and detailed obligations for the remediation of land impacted by opal mining activities? |
| Yes  No |

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| 1. What are your comments on if there should be more detailed obligations for the remediation of land impacted by opal mining activities? |
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| 1. What changes could be made to more effectively ensure proper remediation? |
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| 1. Should opal miners pay higher security bond to protect taxpayers from the cost of remediation? |
| Yes  No |

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| 1. What are your comments on if opal miners should pay higher security bond to protect taxpayers from the cost of remediation? |
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| 1. How should the impacts of historical mining operations (outside the preserved fields) be addressed? |
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| 1. What should be the appropriate standards for managing the risk of opal shafts in preserved fields and should chain wire fences with steel posts be the minimum standard? |
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| 1. What should be the standards for remediation of open cut and trenching operations? |
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| 1. How should the completion of opal mining rehabilitation be verified, by visual inspection by MEG or other means? |
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| 1. Should the sale of mullock from mullock stockpile areas be permitted? |
| Yes  No |

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| 1. What are your comments on if the sale of mullock from mullock stockpile areas should be permitted? |
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| 1. How should puddling mineral claim areas be managed in the long term? |
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## Section 12 - Preserved fields

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| 1. Do all the preserved fields serve the same purpose and function? |
| Yes  No |

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| 1. Enter your comments, if any, on whether all the preserved fields serve the same purpose and function |
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| 1. Should the preserved fields be reserved for only those close to the towns and which are clearly accessible for visitors? |
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| 1. What improvements do you think could be made to make them more attractive and safer for residents and tourists? |
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| 1. What should the standards be for the management of safety and environmental risks of within the preserved fields? |
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| 1. Should parts of the Main Field at White Cliffs be declared to be a preserved field (such as area A on the plan of management developed by the White Cliffs Mining Association)? |
| Yes  No |

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| 1. Enter your comments, if any, on whether parts of the Main Field at White Cliffs should be declared to be a preserved field |
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| 1. What additional features could be included within the preserved fields to attract more visitors and give them a better experience? |
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## Section 13 - Camps on claims

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| 1. What strategy should be implemented to balance the needs of miners and landholders in relation to camps on claims? |
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| 1. Should there be clearer guidelines on buildings and structures are allowed and not allowed on mineral claims? |
| Yes  No |
| 1. What are your comments of if there should be clearer guidelines on buildings and structures are allowed and not allowed on mineral claims? |
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| 1. What other suggestions do you have for addressing issues associated with camps on claims? |
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## Section 14 - Biosecurity

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| 1. How can the need to ensure biosecurity protocols are followed be balanced with the rights of miners to lawfully enter land for the purpose of opal mining? |
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| 1. What is the best mechanism to ensure the spread of pests and weeds are controlled? |
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| 1. Should biosecurity management be a formal part of land access agreements? |
| Yes  No |

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| 1. What are your comments on if biosecurity management should be a formal part of land access agreements? |
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| 1. Could the Mining Act facilitate biosecurity in any other way? |
| Yes  No |

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| 1. What are your comments on if the Mining Act could facilitate biosecurity in any other way? |
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| 1. How should miners be educated about the need to ensure biosecurity measures are carried out? |
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## Section 15 - Competency and training for opal mining

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| 1. Is the training currently offered by MEG sufficient? |
| Yes  No |

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| 1. Enter your comments, if any, on whether the training currently offered by the Department is sufficient |
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| 1. What other training could be offered to better equip opal miners to carry out mining safely and in accordance with appropriate environmental standards? |
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| 1. Should applicants for mineral claims be required to meet certain thresholds for competency? |
| Yes  No |

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| 1. What should these competencies be? |
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| 1. Should a police check be required to assist MEG determine whether an applicant is a fit and proper person? |
| Yes  No |

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| 1. Enter your comments, if any, on whether a police check should be required |
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| 1. Could the mining associations and their very senior and experienced members be involved in hands on practical training? |
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| 1. Enter your comments, if any, on whether the mining associations and their very senior and experienced members could be involved in hands on practical training |
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| 1. What role could other organisations play in training such as Local Land Services, the NSW Farmers Federation, NSW Police and local councils? |
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| 1. Should training be required before any OPL or permit to enter is granted? |
| Yes  No |

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| 1. What are your comments on if training should be required before any OPL or permit to enter is granted? |
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## Section 16 - Other issues

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| 1. This Review is not limited to the issues raised in this paper. If you have other issues that you wish to raise, please include them in your submission. |
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