

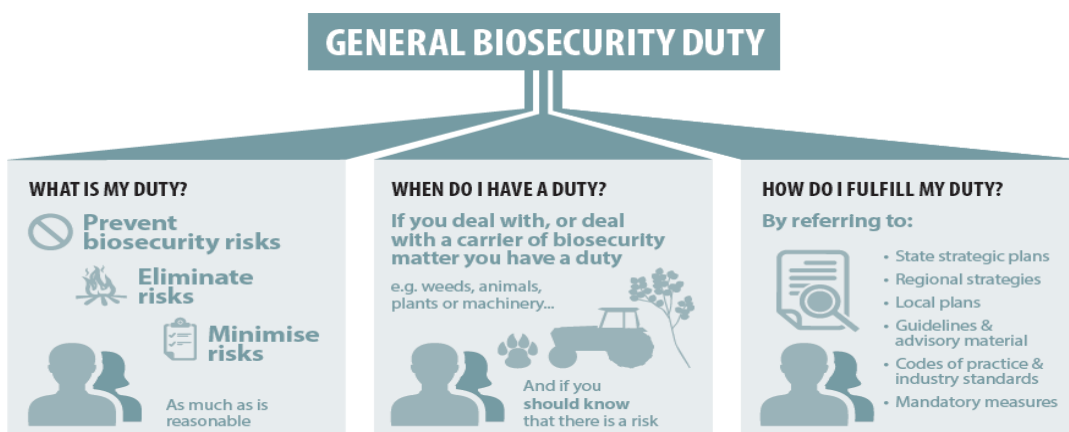
March 2025

Fact Sheet

Biosecurity and land access considerations for explorers, miners and landholders

Overview

- Biosecurity manages the risks of pests, weeds, diseases, and contaminants associated with the interactions between people, plants, animals, machinery, equipment and vehicles.
- Biosecurity risks can spread through the movement of people, animals, machinery and equipment, and vehicles.
- Strong and effective cross-tenure biosecurity is essential to the continued wellbeing and social amenity of people in New South Wales, the prosperity of our economy and communities, the safety and sustainability of our food systems, the health of our environment and the protection of public spaces, such as national parks, recreational facilities, and schools.
- Minimising biosecurity risks is a shared responsibility across our agricultural and mining industries and is required under the *Biosecurity Act 2015*.
- Working together, landholders, explorers and miners can take steps to manage biosecurity risks associated with exploration and mining activity.



How will the general biosecurity duty apply to me?

You are not expected to know about all biosecurity risks, but you are expected to know about risks associated with your industry, business, day-to-day work and hobbies.

Figure 1: General Biosecurity Duty Diagram

Under the *Biosecurity Act 2015* (the **Biosecurity Act**), you have a general biosecurity duty if you bring anything (such as clothing, vehicles, machinery and equipment) onto agricultural, horticultural, or public land which poses, or may pose, a biosecurity risk. A thing may pose a biosecurity risk if it could spread diseases or pests (including weeds) to the land or introduce chemicals which may affect animals on the land. The general biosecurity duty requires a person entering the land to take reasonably practicable measures to prevent, eliminate or minimise biosecurity risks.

Failure to comply with the general biosecurity duty is an offence under the Biosecurity Act, with heavy penalties applying, including up to \$220,000 for an individual or \$440,000 for a corporation.

You should not enter a property unless you have been given permission or are authorised under legislation (such as through a permit to enter), the common law, or a contract.

Biosecurity management plans

Agricultural, horticultural or public landholders may have a biosecurity management plan prepared under the Biosecurity Act which identifies measures to prevent, eliminate, or minimise the biosecurity risks posed by people, vehicles and any equipment entering their property.

Under the *Mining Act 1992* (the **Mining Act**) explorers and mining title holders (**mining titleholders**) are not required to comply with a biosecurity management plan when undertaking authorised mining and exploration activities, but a landholder may request you to comply with their biosecurity management plan as part of access arrangements. Biosecurity management plans may contain useful measures and controls that can assist miners and explorers in understanding how they can fulfil their general biosecurity duty obligations.

However, in any event, the **general biosecurity duty** applies to all mining titleholders.

Working together to manage biosecurity risks

The agricultural and mining industries deliver strong economic benefits to New South Wales.

Titleholders may have legal rights to access agricultural, horticultural or public land, and this may be subject to certain conditions.

However, entering land for mining and exploration purposes can potentially spread pests, diseases, and weeds. Titleholders are legally required to consider the potential biosecurity implications of their operations and work with landholders to ensure good biosecurity practice is implemented to minimise any risks.

Landholders and titleholders need to work together and jointly agree access arrangements, including the practical actions to manage biosecurity risks, before commencing any activities. Many landholders have a biosecurity management plan already in place that outlines reasonable measures that they, their employees and any other visitors entering properties must take to mitigate and manage biosecurity risks. Miners and explorers complying with biosecurity management plans already in place is an easy option to use to assist with compliance with their legislative general biosecurity duty under the Biosecurity Act.

In circumstances where a biosecurity management plan is not in place, landholders and titleholders when considering access arrangements could consider, but not limited to:

- **Developing plans to manage biosecurity risks from your operations:** plans can guide operations and manage the risk of the introduction and spread of pests, weeds, diseases, and contaminants. This could include minimising the number of vehicles and equipment brought onto the property; staying clear of any high-risk areas on the property; not touching any livestock or crops; using designated roads and pathways; ensuring any vehicles, machinery and equipment are clean i.e., 'come clean, go clean'; record of the time and date of all persons entering/leaving the properties, including vehicle registration; record of all chemicals used onsite; a plan for the removal of general/human waste; protocols for the use of PPE and clothing sanitation; not draining any refuse into waterways or cropping areas; sharing records with landholders; and when noticing something unusual by reporting it to the landholder and the Biosecurity Hotline (1800 084 881). Further information is available in the applicable sections of the Farm Biosecurity - [property biosecurity management planning templates](#).
- **Increase biosecurity awareness:** making sure employees, contractors and agents of titleholders entering land are biosecurity aware, and that they comply with their legal obligations, including any requirements of an agreement.
- **Control pests and weeds:** working with landholders to manage any declared pests and weeds. This could include collaborating with licensed pest controllers to control pest animals and invasive species, and complying with any invasive control programs that may be in place.
- **Maintain infrastructure:** keeping gates, fences, and enclosures secure and operational to help protect livestock and crops from biosecurity risks.
- **Communicate:** clear communication between landholders and titleholders is important and beneficial for identifying and managing biosecurity risks. Encouraging open, continuous communication and information sharing fosters a proactive approach to mitigating potential challenges.

Land access under the Mining Act

Exploration/prospecting

Land access under an exploration licence or assessment lease can only occur in accordance with an access arrangement between the explorer and landholder. A [Land Access Arrangement](#) is a formal agreement between an explorer and a landholder, specifying terms for exploration activities on a designated area. The aim is to ensure mutually acceptable conditions for access. Access arrangements provide a good opportunity for the explorer and landholder to discuss the nature of the land access, including reasonable measures to manage biosecurity risks. All access arrangements should be based on the understanding that explorers are visitors to and on the land.

In addition to the requirement to exercise rights of entry in accordance with a land access arrangement, all exploration activity approvals under the Mining Act mandate compliance with the Exploration Code of Practice: Environmental Management, which requires explorers to prevent or mitigate the risk of the following impacts occurring: the introduction and spread of weeds, pest animals, and animal/plant diseases, prevent disruption to farming operations i.e. livestock protection.

Mining

Mining leases confer a right for the titleholder and any employee, contractor, or agent to enter the lease area and carry out activities authorised by the lease. Formalised access agreements are not required for mining lease areas under the Mining Act, however compensation is payable to any landholder for compensable loss incurred, as prescribed in the Mining Act. Reasonable measures to prevent, eliminate or minimise biosecurity risks and meet the general biosecurity duty under Biosecurity Act must be taken.

Mining operations must be conducted in accordance with a relevant planning approval, which may impose requirements for managing biosecurity risks. This is a good way to start a conversation with landholders to consider if there may be other reasonable measures, for that particular property, to fulfill responsibilities or the general biosecurity duty.

Small-Scale Titles

Small-scale (opal) titleholders are authorised to carry out authorised exploration and mining activities across their title area. Small-scale titles are granted subject to certain environmental and operational conditions, which may include biosecurity measures. Titleholders should establish a dialogue with landholders to consider if there are other reasonable measures for that particular property, in order to fulfill their general biosecurity duty responsibilities.

Compensation for rights conferred by a small-scale titleholder must be paid either directly to the landholder by agreement, or to NSW Resources if there is a *standard compensation determination* made for the land, before they are granted.

Rights of way

Mining Act titles also confer upon the titleholder a right of way (**RoW**) to access the title area. Rights of way exist between a public road and the title area and generally must follow the most practicable route. If an alternate agreement as to the route of the RoW is not agreed to between the titleholder and landholder, the route must be marked out by marker posts. RoW for small-scale titleholders must also comply with any access management plan in force for the land. It is important to be conscious of biosecurity risks associated with rights of way as well as when carrying out activities within title areas. Titleholders should work with landholders when exercising rights of way to establish practical routes for a RoW, develop cooperative relationships and assist in meeting general biosecurity obligations.

Permits to enter

Permits to enter land may be granted for a range of activities under the Mining Act including: to conduct environmental studies or surveys, comply with a direction to rehabilitate land, or to inspect or mark out small-scale title areas.

Permits to enter are granted subject to a condition that permit holders comply with all reasonable requests made by landholders in relation to exercise of their authority under the permit.

Generally, reasonable requests are practical and not unduly onerous. They will apply to any person entering the land and can include activities such as: following existing tracks or entry points, brushing seeds off tyres and shoes, washing down vehicles and equipment and avoiding stock holding areas as far as practicable. Reasonable requests cannot preclude the permit holder from exercising their right of entry.

Permit holders are also required to provide reasonable notice of their entry to the landholder. This notice provides an important opportunity for the landholder to discuss any reasonable requests with the permit holder, including those that can assist in managing biosecurity risks.

In addition, reasonable measures to prevent, eliminate or minimise biosecurity risks and meet the general biosecurity duty under Biosecurity Act must be taken.

Further information on access arrangements is available on the Department of Primary Industries and Regional Development – NSW Resources website at <https://www.resources.nsw.gov.au/mining-and-exploration/land-access>.

Managing disputes

- Despite everyone’s best efforts, sometimes disputes still occur. If a dispute occurs, it is encouraged that the first step should be for the explorers/ miner and landowner to work together to resolve the matter. It is important to:
 - Keep a record of when and where you saw the incident and what actions were not specifically complied with,
 - Put your concerns in writing to the explorer/ miner or landholder and give them an opportunity to investigate the matter, and
 - Request the outcome be provided to you in writing so that you have a point of reference for any future discussions.
- If the problem continues, contact:
 - For mining and exploration matters generally please contact:
 - NSW Resources
 - Phone +61 (0)2 4063 6600
 - Email: titles@regional.nsw.gov.au
 - For mining and exploration compliance matters please contact:
 - Resources Regulator - NSW Resources
 - Phone: 1800 814 609
 - Email: nswresourcesregulator@service-now.com
 - For weeds matters, your Local Government weeds officer.

- For other biosecurity matters, your Local Land Services office or Biosecurity Hotline on (1800 680 244) or report online via the Department’s biosecurity website at <https://www.dpi.nsw.gov.au/biosecurity/report-a-pest-or-disease>.
-

For more information

If you require any further information:

- For biosecurity, visit the Department’s Biosecurity web site at <https://www.dpi.nsw.gov.au/biosecurity/your-role-in-biosecurity> or,
 - For mining and exploring, visit NSW Resources website at <https://www.resources.nsw.gov.au/mining-and-exploration>.
-

© State of New South Wales through the Department of Primary Industries and Regional Development 2025. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Primary Industries and Regional Development as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2025) and may not be accurate, current or complete. The State of New South Wales (including Department of Primary Industries and Regional Development), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.