

COVID-19 Mining, Exploration and Geoscience Policy

Context

Mining, Exploration and Geoscience (MEG) acknowledges the impact of the COVID-19 pandemic on the NSW minerals industry and the wider community. In April 2020, we implemented a policy in response to the pandemic and the impact it has had on businesses, the resources industry and the wider-community in NSW.

We introduced the *COVID-19 Response activities (April 2020)* policy to ensure industry was supported throughout this time.

Our response included adjusting application requirements, deferring payments, and other measures all designed to help industry be effective during this period of hardship. We also sought to offer flexibility where impediments to exploration, brought about by social distancing and other COVID-19 measures, affected the ability of title holders to complete their proposed exploration work program.

These measures have helped industry remain effective during this period of hardship.

Review of COVID-19 Response activities (April 2020)

Consistent with the commitment in April, we have now reviewed these measures.

There has been a significant increase in applications for exploration licences during the past six months. The table below shows the growth in applications over 2019 and 2020.

Quarter	2019	2020	Growth over the same quarter
January to March	25	33	32%
April to June	41	66	61%
1 July to 20 October 2020	50	144	188%

In light of increasing demand for exploration licences and a lessening in COVID-19 restrictions, we will revert to pre-COVID business practices, except for some processes under the *Native Title Act 1993* (Commonwealth).

The COVID-19 Response activities (April 2020) ended on 30 September 2020 and will be replaced by this policy (noting the updated arrangements for section 29 notices under the *Native Title Act 1993* commenced on 9 September 2020).

No further payment deferrals

These results indicate industry has growing confidence in the current operating environment and a willingness to invest, which benefits regional and rural communities throughout the state.

Given this growth and the transition out of the COVID-19 restrictions, we will not extend the deferral of payments for new exploration licence and assessment lease grants set out in the *COVID-19 Response Activities (April 2020)*. This includes payments for annual administration levy,

annual rental fees and security deposits.

Help

Applicants experiencing hardship due to the COVID-19 pandemic and associated restrictions are encouraged to contact MEG at resource.operations@planning.nsw.gov.au so their situation can be considered.

We acknowledge that the NSW industry continues to be impacted by the pandemic, especially due to issues with state borders. We will continue to monitor the COVID-19 situation as it evolves and will reassess measures to minimise any impact to the resources industry and communities if the situation changes.

We also recognise the ongoing importance of maintaining key service delivery standards and will continue to focus on achieving them.

We remain committed to delivering on our vision to ensure ‘mineral and petroleum resources generating prosperity for the people of NSW’.

Advertising notices in local papers

We acknowledge several newspapers ceased production earlier in the year due to COVID-19 and other pressures. The *Mining Act 1992* and Mining Regulation 2016 require applicants for an exploration licence, assessment lease or mining lease to publish a notice in a statewide newspaper *and* at least one newspaper circulating in the locality of the proposed authority.

We note as the COVID-19 situation has eased, select independent and regional newspapers have recommenced printing, some at reduced frequency and others daily. The requirements of the *Mining Act 1992* and Mining Regulation 2016, to some extent can now be met.

It is the responsibility of the applicant to determine if a newspaper has ceased production in the area relevant to the application. If so, the applicant will be required to place the required notice of the application in any newspaper circulating in the locality *and* in a statewide newspaper.

Recognising ongoing impediments to exploration in renewal applications

We recognise the COVID-19 measures introduced across NSW to minimise the impact of COVID-19 have affected the ability of some explorers to gain access to land and carry out approved exploration programs. We will continue to make COVID-19 a valid extenuating factor for the purposes of the renewals policies (*Policy on renewal of exploration licences for coal* and *Policy on renewal of exploration licences for minerals*) until June 2021 to acknowledge that approved work program commitments may not have been carried out. COVID-19 will also be an extenuating factor when considering special circumstances renewal (i.e. renewal of >50% of the licence area).

COVID-19 and section 29 notices under the *Native Title Act 1993*

We recognise COVID-19 has affected the usual right to negotiate processes, which apply under the *Native Title Act 1993*. This is a national issue.

Under the *Native Title Act 1993*, section 29 notices are required to be published to alert existing and potential native title parties of the government’s intention to do the proposed act (the grant of an authorisation or Minister’s consent to prospect on an existing exploration licence). Most commonly, section 29 notices are published when applicants request to undertake the right to negotiate process.

In April 2020, MEG and the Native Title Service Provider for Aboriginal Traditional Owners in NSW

and the Australian Capital Territory (NTSCORP), worked together to develop COVID-19 appropriate arrangements relating to the publication of section 29 notices and subsequent processes.

Now the COVID-19 situation has eased in NSW, MEG has recommenced advertising section 29 notices from 9 September 2020. The new arrangements are as follows:

- Section 29 notices for exploration licence applications and requests for Minister's consent will continue to be published as they had been before COVID-19.
- Section 29 notices for mining lease applications will only be advertised with the consent of all parties. This is to ensure all parties are fully represented and engaged in the process.
- Where native title claimants exist, we will work with the parties involved to arrange meetings in a productive and COVID-safe manner.

As the effect of COVID-19 on the community and the industry is evolving, we will continue to monitor the situation and work closely with native title stakeholders and representatives.

Questions regarding native title processes can be directed to the Resources Operations and Customer Service team on 02 4063 6600 or email on resource.operations@planning.nsw.gov.au

Implementation

These implementation and transitional arrangements will be available on our website: www.resourcesandgeoscience.nsw.gov.au/info/covid-19-response

This policy will also be reviewed in June 2021 or if circumstances or restrictions associated with the COVID-19 pandemic change.

For further information

For further information, please contact Mining, Exploration and Geoscience, Regional NSW on:

Phone: +61 2 4063 6600 Email: resource.operations@planning.nsw.gov.au

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