

Communal Mullock Stockpiles

Frequently Asked Questions

November 2017

Introduction

The current transition period that allows opal miners to stockpile mullock without an authorisation has been extended for specified communal mullock stockpiles for two years.

This will allow a consistent long-term governance and management approach for these stockpiles to be developed, in consultation with industry, landholders and the community. A long-term governance approach will ensure the opal mining industry operates safely and sustainably while delivering economic benefits to remote communities.

What is mullock and what is a communal mullock stockpile?

Mullock is the material which is extracted in opal mining and left as overburden. A communal mullock stockpile is a mullock stockpile which is used by more than one opal miner.

Why are communal stockpiles important?

Communal stockpiles in the mineral claims districts are important to reduce the environmental footprint of opal mining as they concentrate mullock stockpiling at specific locations. This also helps to reduce the risk of opal miners carrying out random and/or illegal stockpiling.

Why do communal stockpiles need to be rehabilitated?

Communal stockpiles can have environmental impacts such as dispersal of mullock via run-off and erosion. Under the *Mining Act 1992* (the Mining Act) all mining operations and 'designated ancillary mining activities' (AMAs) need to be rehabilitated to be safe and stable.

Communal stockpiles are currently exempt from needing an authorisation. Why is an extension being granted?

The use of communal mullock stockpiles is an AMA under the Mining Act. AMAs are activities that are ancillary to or facilitate mining. Under current transitional arrangements, AMAs that commenced or were constructed before 15 November 2010 are exempt from the requirement to have an authorisation under the Mining Act. This exemption expires on 15 November 2017.

From 16 November 2017, all currently exempt AMAs are required to be authorised under the Mining Act or risk breaching section 6 of the Act. However, the transition period for specified communal mullock stockpiles has been extended until 15 November 2019. This will allow opal miners to keep using these communal stockpiles without the required authorisation, while a long-term governance approach for communal stockpiles is developed in consultation with industry, landholders and the community.

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What does the extension apply to?

The extension applies to the use of specified communal stockpiles that existed before 15 November 2010 and have been continuously used since that time, by someone who does not hold a mineral claim or mining lease authorising that use. A list of the communal mullock stockpiles specified in the exemption is available by visiting the Division of Resources and Geoscience's (the Division) website at www.resourcesandenergy.nsw.gov.au and typing 'exemption of mining purposes requirement' into the search function. Maps showing the stockpile locations can also be downloaded.

How were the exempt stockpiles identified?

In September 2017, the Division sought nominations from industry stakeholders of existing communal stockpiles. Feedback was also sought from targeted landholder and community stakeholders. Nominations were assessed and verified by the Division to determine if they should continue to benefit from the transitional arrangements.

All stockpile locations nominated by industry and assessed to be a communal mullock stockpile are included in the exemption. Duplicate nominations or nominations with data errors are not included.

How long is the extension?

The exemption period for specified communal stockpiles is being extended for two years until 15 November 2019.

What do I need to do if I am an opal miner using a communal stockpile?

Before depositing mullock at a communal stockpile, you should check it is covered by the exemption order. A list of the communal mullock stockpiles specified in the exemption is available by visiting the Division's website at www.resourcesandenergy.nsw.gov.au and typing 'exemption of mining purposes requirement' into the search function.

Opal miners risk compliance and enforcement action if they use a communal stockpile that is not covered by the exemption without an authorisation under the Mining Act.

Do I need to seek landholder permission to access these communal stockpiles?

Yes. The transitional arrangements do not replace the need for opal miners to have the landholder's permission to access the communal stockpile on their land.

Can an access management plan cover the specified communal stockpiles?

An access management plan can be agreed between a titleholder (or their representative) and the landholder. If there is no mineral claim for the activity an access management plan is not available.

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What happens to stockpiles not covered by the transitional arrangements?

Unauthorised stockpiles that are not covered by the transitional arrangements may be referred to the Legacy Mines Program for rehabilitation or the Resources Regulator for investigation.

Will compliance and enforcement be carried out during the transition period?

The Resources Regulator is responsible for compliance and enforcement of the Mining Act and regulating the health and safety of NSW mines. If you suspect illegal activity is occurring, you can report it to the Resources Regulator on Tel: 1300 814 609.

Do work health safety laws apply to communal stockpiles?

Yes, opal miners using communal mullock stockpiles will still need to comply with work health and safety obligations under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. Work health safety obligations apply to all mine sites, regardless of where they occur or whether they are authorised.

Where can I find out more?

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