



# NSW & ACT Prospectors and Fossickers Association Inc.

Incorporation No: INC 1200398

[www.napfa.net](http://www.napfa.net)

PO Box 2664  
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**“Fights for fairer access to land in NSW and represents interests of prospectors and fossickers”**

Dear Members,

## **March 22, 2016 – Important Update on matters of interest**

In previous news updates you have been advised that NAPFA set up a sluicing sub-committee to look at the ‘grey’ area of sluicing using pumps – in other words your standard high banker.

We provided a detailed submission to the Department of Resources and Energy (DRE) in June 2015. This has been published on the NAPFA website under ‘submissions’ and is dated June 2015.

That paper also laid out what NAPFA wanted in a number of other areas. A summary of the papers recommendations is at the end of this report.

Our paper led to a meeting with senior executives of the DRE, National Parks and Western Lands Division in Maitland on 2 February 2016. As a result of that meeting we advise the following:

1. **Sluicing/fossicking with powered equipment.** DRE have told us that at present they interpret the 2010 regulations to mean that the use of high-bankers is not permitted. NAPFA objects strenuously to this interpretation as we don’t believe this was the intention of the 2010 change. No specifics of high bankers were mentioned in the 2010 working group and restrictions to high banking were never advertised or enforced.

DRE have left open the prospect for this interpretation to change. However, it depends on NAPFA demonstrating how environmental impacts of high-bankers can be controlled and negated while meeting the current 2016 views. So although a ‘not okay’ at this stage, it is still open if NAPFA can solve the problems with powered equipment.

The committee is confident that it can provide what DRE is looking for, and there will be a follow-up discussion on this. Members need to be assured that NAPFA is doing what is possible to present the views of slucers on this matter and to get a common-sense outcome for recreational fossickers. This will take time to get finalised and will require practical solutions that will most likely need to be demonstrated in the field.

Don't rush to judgements about this. Please read our slucing report for a detailed understanding of the arguments.

2. Two **new fossicking districts**, Narrabri and Cootamundra, have been declared. These are the first new NSW fossicking districts in 15 years. At NAPFA's request DRE has written to around 40 LGA's throughout NSW. The Minister has backed this approach.

DRE, with our support, will also identify a number of high value fossicking areas where all the required permissions can be gained to enable fossicking in an environment where all approvals are considered granted. This means you won't have to chase down permissions. This is not quite what NAPFA wanted but it is a good outcome nonetheless and aims to secure access to high value regular use fossicking areas for the long term.

3. **National Parks** have told us they will soon release a draft policy on fossicking in some National Park lands for public consultation. We will alert you when this happens.
4. DRE has supported NAPFA's request to establish a working group and has agreed to coordinate **regular round table meetings** involving NAPFA, DRE, NPWS, Western Lands, and other agencies as needed. Our second meeting will be held soon. The purpose of the meeting is to progress discussion and action on areas of interest to fossickers.
5. **Crown Land selloffs** NAPFA has made submissions to Crown Lands to oppose sales that would prevent access to fossicking areas, which were denied. NAPFA requested that the DRE is to be notified of sales, and to investigate their importance to fossicking in conjunction with NAPFA to give support to maintaining access. This has been supported in principal and will be an agenda item in the working group.

**Be assured that we are very unhappy and deeply concerned about the DRE approach to high-banking.** Bear in mind these changes occurred around six years ago – three years before NAPFA was established. There was no meaningful consultation that we are aware of with the fossicking community at that time so the whole arrangement is quite unfair. **The DRE interpretation does not pass the 'pub test'.**

Through our committee NAPFA is bringing focus and technical expertise to the discussion and we can only hope that a suitable compromise can be reached on this activity which is of vital interest to thousands across the state.

In the meantime, NAPFA stresses that it is critical fossickers follow directives from the staff of any NSW government agency regarding their activities until such time as the issues are resolved. Please advise us the details of any such exchanges.

Dealing with these matters is time consuming and difficult. NAPFA values your support as members and encourages you to get other fossickers who are not members to join.

**This is not the time for saying “I’m alright” It is a time to be active and united.** We are the only organised and active voice for fossickers in NSW and we need the support of as many people as possible through membership and by staying aware of the issues.

If you have not paid your 2016 membership renewal, please do so. If you don’t know how to do that, use the membership form on the website or email

**Membership@napfa.net**

Please appreciate that in a short news update it is not possible to detail all the information about everything but I trust we have provided you with sufficient information about what we have been doing on your behalf!

Regards

**Stephen Dangaard**

**President**

**NSW&ACT Prospectors and Fossickers Association Inc**

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## **SUMMARY OF OUR RECOMMENDATIONS TO DRE**

We made the following recommendations for consideration and action by the department:

1. To amend the Regulations so that the confusing and misunderstood restriction on powered equipment clearly only applies to excavation, and ground disturbance. This will allow the pumping of water to high bankers in hoses connected to sluices boxes and the use of small hobby scale equipment such as dry-blowers in dry areas.
2. To overcome once and for all the current unworkable Exploration Licence permission requirement for fossickers. Ideally this would be through Legislation; however, as an interim step, Administrative action to declare many more areas of the state as Fossicking Districts would be helpful. Work begun last year on this should be expedited with the Baird government.

3. To push the recommendations of the GPSC report with the Department of the Environment to bring about fossicking opportunities in a range of NSW National Parks. NAPFA estimates that at best this would total around 1.5 million hectares – or only about 20 per cent of the current area under National Park management in NSW. Department of Environment (National Parks) is currently considering this matter and it would be helpful for Minerals and Resources to offer to assist them to develop effective policy and practice for fossicking.
4. To establish a regular dialogue between the department and NSW fossickers through a six monthly roundtable of stakeholders that includes: fossickers through NAPFA; departmental administrators and policy officers; fossicking equipment retailers and representatives from other relevant government agencies.
5. To establish clear definitions and terminology in the Regulations relating to prospecting and fossicking activities so as to remove the uncertainty and adverse association to historic activities. To promote these to other government departments, local government and the fossicking community.
6. To establish clear and accurate maps showing areas where prospecting and fossicking is permitted, and what activities are allowed, and that all information will be available from Resources and Energy with a “One stop shop approach”. This will need to be done in conjunction with other depts. and divisions of government and include: Leases and Licences, Native Title areas, ILUA conditions, Crown Reserves, Public Access, Permits and costs and Local Government by laws. Potentially an APP with suitable geo-locating capability could be developed if funding was available.
7. Negotiation of Indigenous Land Use Agreements (ILUA) and consent determination to include access and activity rights for Prospectors and Fossickers consistent with the Mining Act and Regulations.
8. When public land is to be sold; to investigate and prevent the loss of access to public land for prospecting and fossicking and other recreational purposes. Initially it should be negotiated with purchasers to maintain this access by vehicle or not be sold at all. As part of this issue; to establish an email contact point so that fossickers can report for investigation and potential prosecution illegal public access restriction by adjacent landowners to crown land.
9. To change conditions on the Western Lands Leases to allow Prospecting and Fossicking on an advice rather than permission basis; enabling access to vast outback areas of goldfields and gem & mineral locations that are currently closed.

End.