



## NSW & ACT Prospectors and Fossickers Association Inc.

Incorporation No: INC 1200398

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PO Box 4529  
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**“Fights for fairer access to land in NSW and represents interests of prospectors and fossickers”**

### **RESPONSE TO DRAFT FOSSICKING IN PARKS POLICY**

#### **Introduction**

NAPFA welcomes the draft Fossicking in Parks policy. Since the policy was released on 24 March 2016 for public consultation, NAPFA has consulted with a range of our members and on that basis we are providing this feed-back.

In addition to these written comments, also please note the comments against the draft policy (in Track Comments).

Also attached – at Appendix 1 – is a compilation of various fossickers' comments NAPFA has noted about the policy. We are aware of a range of other public contributions as well and understand you will take those into account.

In general terms it is recognised that the draft policy is a step forward and the efforts of NPWS in getting it this far are acknowledged. However, there is a lot of concern and scepticism among our membership about how workable the policy will be to implement, and therefore how effective it will be to achieve any meaningful access outcomes from. We don't want a 'clayton's policy' that makes it so hard to gain additional access that it may as well not exist.

We are very concerned that there be a transparent timetable for the assessment/implementation of this policy. We consider that commencement on 1 January, 2017, at the latest, would be viable time frame.

NAPFA reiterates the key point of our submission to the 2014 NSW Legislative Council's Inquiry into Tourism in Local Communities: Geotourism is good for regional economies and helps them diversify their tourism base. It also encourages people to get outdoors and to be active. This was recognised by the recommendations of the inquiry.

It is incumbent on the various NSW bureaucracies to now make it a reality. We acknowledge the excellent response by the Forestry Corporation of NSW in facilitating fossicker access and urge National Parks to follow suite.

### **Complexity of application process**

Concerns about the application process in the draft policy stem from the apparent complexity of the application process and the burden it places on ordinary members of the public to adequately address technical aspects especially those relating to REF requirements.

We agree that a generic review of environmental factors, with some location specific information, is likely to be the most productive and least resource intensive approach.

It would be difficult for would-be fossickers, for example, to have any specific information on aboriginal and cultural heritage sites and threatened flora as this information is normally not available to the public. This would not be an issue if the REF requirements were simplified for fossickers and such information added at a generic level or identified by park authorities on any permissions given so those areas can be avoided.

A further concern is that there is no apparent time frames for processing and completion of an application by regional staff. We think it would be beneficial to all concerned if a time-frame for decisions is laid out in the policy – as is the case with most other government correspondence.

If the policy comes into force, we would request that for the first few fossicking areas that are assessed and considered that Office of Environment and Heritage (OEH) regional staff in those areas and staff involved with the development of the Policy (or a nominated OEH staff member) could assist and oversee the process of applying in conjunction with NAPFA. This would help clarify the process and identify and resolve issues that may arise in the environmental assessment and consent process. Potentially some areas could be ‘put through the hoops’ later this year to try things out prior to implementation.

NAPFA has a keen awareness of the need to minimise fossicking impacts on the environment. We believe that the current guidelines and standards relating to fossicking support the very short term low impact activities that make fossicking an ‘almost no impact’ activity, as listed in the mining regulation and Fossicking Guide referenced in the Policy.

Claims of degradation of natural values by opponents of fossicking is invariably greatly exaggerated and need to be tested and viewed in a balanced manner that recognises that all natural environments are changing constantly due to the impact of weather, animals (including both native and feral species), bush fires, and visitation by humans. Despite gloomy claims by nay-sayers minor disturbances by fossickers disappear in a short amount of time and do not constitute lasting impact.

### **Plans of Management**

The draft policy states that consideration of additional fossicking areas within a park must be consistent with the Plan of Management for that park.

However, for a number of years there has been a statement included in the NPWS operations manual that fossicking is not to be undertaken in parks. This has resulted in some PoMs stating fossicking is not permitted for no other reason other than it was considered by staff developing the PoM that it was not acceptable. Many other PoMs are silent on the issue of fossicking.

While this policy provides for the consideration of fossicking areas, fossicking will not be possible in some parks only because the activity was once considered not to be permissible and this is written into a PoM.

We ask that there be a resolution of this 'Catch 22' conundrum, by amendment of current PoMs where fossicking is specifically not permitted, to remove the statement or varying it to say that consent to fossick may be considered in accordance with the fossicking policy.

We would strongly favour an expansion of the Torrington general consent model for other areas wherever possible to make it easier for the public. That would make a lot of sense.

Fossicking also needs to be fairly considered when new PoMs are developed, especially in areas where fossicking was undertaken prior to the land being acquired into the reserve system.

It is constructive to consider the wording around Horse Riding policy in relation to the PoMs.

That states in part:

Where the PoM for a national park, state conservation area or regional park is silent on horse riding, the Regional Manager may allow horse riding, on a specific trail or more generally, if this is considered consistent with the intent of the PoM. In this instance, permission for horse riding may be granted through signage or consent issued in accordance with the National Parks and Wildlife Regulation 2009.

We ask that the Fossicking in Parks Policy includes a clause that states that consideration of fossicking is undertaken during the development of new PoMs.

It is also important that over time some effort be put into elaborating the fossicking/mining history of areas covered by PoMs. At present these attributes barely rate a mention while there is often extensive coverage of non-mining heritage and environmental issues.

While those matters are important, the historical heritage of mining and fossicking activity and potential is just as important from an appreciation and interpretation point of view. Mining heritage – and the living heritage of fossicking as an echo of that past – receive scant attention. This lack of appreciation by parks staff and management can lead to under-recognition of fossicking as a worthwhile activity in parks.

We would hope guidelines on developing PoMs and any operational manuals can build-in suitable explanation of fossicking, both as an activity and in description of the areas involved.

We would also highlight the benefits of having fossickers in national parks. They will often be going to areas of parks that are less visited and in this sense can be additional eyes and ears in the bush to assist management of parks.

Practical benefits include early reporting of illegal activity in the parks (such as drug crops), vandalism, rubbish dumping etc.

Fossickers can also increase the number of visitors to parks – a worthwhile exercise in itself as it demonstrates that the public are accessing this resource, which is a common resource that is managed at great expense by OEH on behalf of NSW citizens.

#### **Threatened species**

Clause 3 includes that fossicking will generally not be permitted in habitat for threatened species. On the face of it, this blanket statement would preclude fossicking from many large areas that are within the known range of a threatened bird, mammal, tree or other species, even though in many cases fossicking activities would not impact these species or their habitat.

In the case of threatened species, we recommend the policy should state that fossicking would generally not be permitted where fossicking activities are likely to have “meaningful impacts” on threatened fauna species, populations and habitats, or threatened flora.

#### **Process of considering fossicking in a park**

The policy states that fossickers are to be responsible for completing an REF and Risk Assessment for each area they propose to seek consent to fossick at.

We have serious questions and concerns about how difficult this will be and the level of detail/referencing that would be required for many environmental factors, considering that fossicking activities will have almost no impact and no permanent impact. It does not seem like a practical approach.

The required 32-page REF template needs to consider soils, threatened species, aboriginal objects and places, geology and other factors. While fossickers could look on the wildlife atlas in relation to fauna, information on aboriginal sites/ places is restricted and information on soils and threatened flora communities may be difficult to source.

Apart from that, to impose a 32-page template on a participant in a low impact activity seems ‘over the top’.

The 62-page Proponents’ Guidelines for the review of environmental Factors document states that the current cost associated with submitting an REF for determination is \$170.

Will this apply to REF’s for fossicking?

NAPFA considers a fee of this magnitude to be prohibitive to fossickers and would like it waived in the public interest or downgrades at least to a permit similar in cost to that imposed by the State Forests Corporation of NSW.

In regard to visitor safety risk assessments, we ask that OEH provide a template where proponents/NAPFA could include hazards, risk assessment/level and mitigation measures. Fossickers in NAPFA have a good understanding of hazards when fossicking and how to minimise/remove these risks. Another option is to include an advisory note with any consent material and on OEH website.

NAPFA may be able to assist with a generic fossicking risk assessment that would include all hazards normally associated with fossicking, including former mining sites and fossicking in remote locations.

We believe there is scope to have a general risk assessment document (the template in the para above) that would cover nearly all fossicking sites and activities, and would only require additional hazards to be considered for a very small number of sites.

NAPFA considers that it would be onerous for individual fossickers to be responsible to meet the standard REF and Safety Risk Assessments requirements for every location and individual. It will take considerable time for all parties and may ultimately be impractical with numerous requests.

NAPFA suggests that an REF in relation to each of the fossicking activities to be allowed in the parks (metal detecting, panning and sluicing) to be undertaken by NPWS in conjunction with NAPFA.

These semi-standardised REF’s could then be used to help establish areas permitting fossicking activities that are consistent with the NPW Act 1974 and management principles

of the areas. Consent for these areas could then be provided by signage or by the issuing of the consent document via the OEH website.

NAPFA appreciates that within REFs there would be common impacts associated with fossicking and mitigation activities that would be standard for all fossicking areas.

However, the environmental settings for each area may be different and require some customisation. The process to do this needs to be manageable for individual proponents who are not environmental experts.

The same approach can be taken with visitor safety risk assessments, where the various fossicking activities can be assessed. In some locations a fossicker may simply be able to read and agree with the risks conditions upon entry to the park, and take a copy for reference.

### **Compliance**

NAPFA supports compliance and has a code of conduct for its members. We take seriously breaches of this or requirements of government authorities, subject to fair and proper processes and evidence.

NAPFA supports penalties and fossicking exclusion from parks for individuals who transgress; but would not support exclusion for all based on an individual's breach.

A modest public/fossicker education programme to support this policy will be needed for the fossicking community. NAPFA stands ready to advise NPWS in development of such materials.

### **Key issues:**

- **We want a policy that is workable for ordinary people**
- **The proposed REF and Safety Assessments process is too complex for the level of risk to be managed**
- **The policy can be supplemented with general consent access in more specific areas – along the Torrington model.**
- **We would like the policy to become live on 1 January, 2017, at the latest.**

Yours sincerely,

Stephen Dangaard  
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# Draft NPWS Fossicking in parks policy

Fossicking is a recreational activity that can involve natural and cultural heritage appreciation. However, it generally involves disturbing soil, rocks and vegetation to find and remove minerals, gemstones and historical objects. It is not confined to existing tracks and trails and often occurs near waterways. Fossicking therefore poses risks to the natural and cultural values of parks.

## You can comment on this policy

We are asking park visitors, fossickers and other stakeholders to have their say on fossicking in parks. Please provide comments by **6 May 2016**.

[NPWS.PSSB@ENVIRONMENT.NSW.GOV.AU](mailto:NPWS.PSSB@ENVIRONMENT.NSW.GOV.AU)

Fossicking is prohibited in parks without consent. Under the **National Parks and Wildlife Regulation 2009**, it is an offence to '...interfere with, dig up, cut up, collect or remove for any purpose any soil, sand, gravel, fossil, clay, rock, ochre, mineral...', or to 'dam, divert or pollute the water in any waters or water tank in a park' without consent. Fossicking is currently permitted in two parks, with consent provided by their plans of management:

- Abercrombie Karst Conservation Reserve (Grove Creek part only)
- Torrington State Conservation Area (throughout the park).

Any consideration of additional fossicking areas will be subject to an appropriate level of environmental assessment, and must be consistent with the objects of the **National Parks and Wildlife Act 1974**, the relevant management principles for the park and the relevant plan of management.

## Objectives

This Policy aims to:

- guide the management of existing fossicking areas in parks
- guide the assessment of any proposed new fossicking opportunities in parks.

## Policy

### Is fossicking allowed in parks?

**Commented [D1]:** This needs to be qualified: any disturbance is minor and transitory. "However, it generally involves minor and temporary disturbance of...."

**Commented [D2]:**  
It is unclear what you mean by this. It is possible that some 'relics' might be found on old gold fields and the areas surrounding them, but these will rarely be located by any other means. Commonly found items include bullets, shot gun pellets (not all of them old), bottle tops, food and drink cans, wire, rusted tin, bits of rusted steel). Metal detecting could assist historical assessment work if rangers encouraged people to hand in any items of significance to a central point, or to provide information about the location of the items if they are large, such as ore carts and ore-battery equipment.

**Commented [D3]:** We would be extremely concerned if the easily accessed areas of Torrington and Abercrombie were to be made more difficult under this policy.

**Commented [D4]:** Like to see included the words:

'and granting of consent'

1. Fossicking is generally not permitted in parks because it poses risks to natural and cultural heritage. It is prohibited without consent. Consent to fossick may be considered in national parks, state conservation areas and regional parks, and associated Part 11 land. It will be subject to a park's plan of management, and an appropriate level of environmental and risk assessment.
2. Consent to fossick will not be considered in nature reserves, historic sites, Aboriginal areas or karst conservation reserves, except as already permitted in Abercrombie Karst Conservation Reserve. Fossicking is not consistent with the management principles for these park categories under the *National Parks and Wildlife Act 1974* (NPW Act). Fossicking will not be permitted in declared wilderness areas as it is not consistent with the management principles for wilderness under the *Wilderness Act 1987*.
3. Consistent with an appropriate environmental assessment, fossicking will not generally be permitted in areas significant to Aboriginal people including Aboriginal Places, in threatened ecological communities and the habitat for threatened species, in Special Catchment Areas, World Heritage Areas and Ramsar sites, Wilderness areas and in the catchments of Wild Rivers.

**Commented [D5]:** This is a vary negatively biased view of fossicking. Many activities pose risks to national parks but they are still permitted. Bushwalking, cycling, horse riding, mountain bike riding, 4WD activity are some examples.

**Commented [D6]:** Generally, no issue with these exclusions, provided access is achievable in other surrounding areas.

**Commented [D7]:** Generally, no issue with exclusion of these areas.

However, something as broad as 'habitat for threatened species' is too restrictive.

Clause 3 includes that fossicking will generally not be permitted in habitat for threatened species. This blanket statement would on the face of it preclude fossicking from many large areas that are within the known range of a threatened bird, mammal, tree or other species, even though in many cases fossicking activities would not impact these species or their habitat.

In the case of threatened species, we recommend the policy should state that fossicking would generally not be permitted where fossicking activities are likely to have meaningful impacts on threatened fauna species, populations and habitats, or threatened flora.

**Commented [D8]:** We have been told by Dept. Resources and Energy that such devices in their view don't comply with the fossicking guidelines. Therefore, it is probably not necessary to mention 'mechanical sluicing' here. Although we are in discussion with DRE to have reinstate previous interpretations on this.

**Commented [D9]:** This decription effectively covers the mechanical sluicing element, as well as dredging (which is illegal anyway).

**Commented [D10]:** This is extremely unlikely and probably does not need to be mentioned specifically as it is covered in the regulation and probably breaks a dozen other laws anyway.

**Commented [D11]:** No problem with this – fossickers are generally targeting a known substance, be it gold, gems or other rocks.

## Where fossicking is allowed, what restrictions apply?

1. Only the categories of fossicking defined in this Policy as **detecting**, **panning** and **sluicing** will be considered.
2. Equipment must be hand held and manually operated (includes electronic hand held metal detectors). Use of any equipment other than hand-held implements will not be permitted. In particular, the following techniques and equipment will not be considered:
  - o **mechanical sluicing** (due to the potential to disturb and remove significant quantities of the geomorphic, fluvial and/or riparian environment)
  - o power-operated equipment for the purpose of surface disturbance, excavation or processing
  - o explosives.
3. The damage or removal of any bushrock will not be permitted in parks.
4. Minimal impact guidelines in the [Mining Regulation 2010](#) and NSW Industry and Investment's [Fossicking: A guide to fossicking in NSW](#) should also be followed.

## Where fossicking is allowed, can material be removed from the park?

1. Removal of soil, minerals, gemstones or rock may be permitted, if appropriate, under the consent. The consent must identify the substance that is permitted to be removed.

2. However, the damage or removal of items of Aboriginal or historic heritage significance including fossils will not be permitted in parks. Removal of heritage items from parks is an offence under the NPW Act.
3. If removal of substances is permitted under the consent, fossickers are not permitted to remove more than the prescribed amount of material from any land during any single period of 48 hours. Prescribed amounts are detailed in Part 2 section 12 clause 2 of the Mining Regulation 2010.

## What is the process of considering fossicking in a park?

1. Consent to fossick will only be granted if:
  - o it is not prohibited under the plan of management
  - o a review of environmental factors has been submitted and determined in accordance with the proponents guidelines for the review of environmental factors
  - o a visitor safety risk assessment has been prepared and approved in accordance with the **NPWS Visitor Safety Policy** and Office of Environment and Heritage (OEH) Risk Management System
  - o for state conservation areas outside Fossicking Districts, written permission has been obtained from the holder of any current mining titles.
2. Fossicking proponents will generally be responsible for preparing the assessments required in Clause 16. National Parks and Wildlife Service (NPWS) technical expertise or other assistance may be provided if requested, and if resources allow. A generic review of environmental factors (a type of environmental assessment) may be the best approach. Where NPWS assistance is provided, the proponent will need to provide site specific information and technical data. A financial contribution might be required, depending on the scale of the proposal.

## How is consent granted?

1. Consent to fossick may be granted via notification (i.e. park signage, OEH website and/or a specific statement in the relevant reserve plan of management) or by direct response to an applicant (where this does not contravene an existing prohibition via notification). An applicant may be an individual, group or company.
2. If granted, the consent to fossick will define the areas to which it applies and set conditions. These conditions may include, but are not limited to:
  - o restrictions on techniques and equipment
  - o restrictions on the number of fossickers in an area
  - o specifying appropriate weather or seasonal conditions

**Commented [D12]:** What is a heritage item in the context of fossicking? Does it include lead from bullets and ferrous 'rubbish'? Fossickers would generally remove such items (so they are not found again) but if NPWS wanted them to remain on site, fossickers could leave them or deposit them in a central location, or hand them in to park managers for their interest.

**Commented [D13]:** The proponents' guidelines are too complex for ordinary members of the public to understand and fill out. The template is 32 pages long -- <http://www.environment.nsw.gov.au/resources/protectedareas/20110031REFProponentstemplate.doc>

And the guidelines more than 60 pages long.

See our earlier detailed comments on this. There needs to be a simplified-semi standard template for such a specific activity.

**Commented [D14]:** This could be resolved at a global level by information included in the consent form

**Commented [D15]:** We certainly agree with this approach, especially on the REF.

**Commented [D16]:** This is a potential concern as the costs are not specified. A modest per head fee for small groups on granting of permission might be a better solution. We urge you to look at the arrangements that State Forests Corporation has in NSW. If a fee is to be determined NAPFA would like to have input.

**Commented [D17]:** Our strong preference is for consent to be granted by signage and the OEH Website.

Torrington and Abercrombie are good examples of where this occurs now.

We strongly favour granting of general consent to larger areas in order to spread people around and to make it easier for fossicker to comply with the policy.

- o requiring fossickers to notify NPWS prior to commencing the activity
  - o requiring fossickers to ensure that all their equipment is sterilised before entering or exiting a park to prevent the spread of pathogens
  - o requiring fossickers to replace any soil, rock or other material that is disturbed
  - o additional conditions as deemed necessary.
3. Failure to comply with the conditions of consent may result in penalties, which may include a temporary or permanent prohibition on fossicking occurring in the park.
  4. Consents will be issued initially for a period of 12 months and may be extended on an annual basis, subject to compliance with consent conditions.

**Commented [D18]:** Is this for every visit? Note that consent may be for up to a year.

**Commented [D19]:** How is this to be done? Does this also apply to other park visitors such as bushwalkers or fishermen?

**Commented [D20]:** No problem.

**Commented [D21]:** How will such compliance be monitored?  
If more than one group or individual visits an area how is the accountability determined?

## Scope and application

This policy applies to lands acquired under Part 11 or reserved under Part 4 of the *National Parks and Wildlife Act 1974*. This Policy does not apply to lands reserved under Part 4A of the Act unless the Board of Management for those lands has adopted it.

Fossicking Districts, gazetted under the *Mining Act 1992*, preclude the need for fossickers to obtain the consent of exploration licence holders to be able to fossick. Fossickers are still required to obtain permission from land-holders including NPWS (section 12 subsections 4-6 of the *Mining Act 1992*). Information regarding the location of fossicking districts can be obtained from **NSW Resources and Energy**. They are a layer that can be displayed in **MinView**.

## Definitions

### Appropriate level of environmental impact assessment

Appropriate levels of environmental impact assessment are detailed in the Environmental impact assessment - REFs, CRAs and related guidelines.

### Bushrock

Natural surface deposits of rock from rock outcrops or from areas of native vegetation. The rocks may be loose rocks on rock surfaces or on the soil surface, or may have been removed from rock outcrops by excavation or blasting.

### Fossicking

NSW Industry and Investment's Fossicking: A guide to fossicking in NSW defines fossicking as 'the small scale search for and collection of, minerals, gemstones or mineral bearing material from the surface (or by digging from the surface) with hand-held implements. This activity may only be undertaken for recreational, tourist or educational purposes'.

There are four distinct categories of fossicking based on techniques and equipment:

**Detecting:** involves the use of electronic hand held metal detectors and the small scale ~~excavation~~ of the ground (to a depth of 0.5 metres) for the purpose of locating minerals such as gold.

**Panning:** involves the use of hand held pans in fluvial locations and the small scale ~~excavation~~ of river banks and beds for the purpose of locating minerals such as gold and gems such as sapphires.

**Sluicing:** involves the use of hand operated sluices in fluvial locations and the small scale ~~excavation~~ of river banks and beds for the purpose of locating minerals such as gold and gems such as sapphires. Generally more material can be processed using a sluice. ~~which means that more material can be excavated.~~

**Mechanical sluicing:** involves the use of mechanical sluices in fluvial locations and the small scale excavation of river banks and beds for the purpose of locating minerals such as gold and gems such as sapphires. Generally a significant amount of material can be processed using a mechanical sluice which means that a significant amount of material can be excavated. This amounts to a greater risk of harm and is therefore prohibited in all NPWS parks.

**Commented [D22]:** Disturbance is a better word. Excavation implies a big hole which is not the case.

**Commented [D23]:** disturbance

**Commented [D24]:** disturbance

**Commented [D25]:** This is unnecessary.

**Commented [D26]:** We have been told by Dept. Resources and Energy that such devices in their view don't comply with the fossicking guidelines. Although we are in discussion with DRE to have reinstate previous interpretations on this. If mechanical sluices are not permitted this whole paragraph should be removed as it is confusing.

One method that is not covered is the use of a wooden cradle or rocker box. These are hand operated devices and were used in the 1800's. See picture here: [https://www.youtube.com/watch?v=2u5f0Po\\_q4](https://www.youtube.com/watch?v=2u5f0Po_q4) And <http://goldminingfactsbyliam.blogspot.com.au/2015/08/tools-used-for-gold-mining.html>

NAPFA believes that use of a rocker-box would meet the hand-held nature of your allowable tools.

## Park

Land reserved under Part 4 of the NSW *National Parks and Wildlife Act 1974*, including a national park, nature reserve, historic site, Aboriginal area, state conservation area, karst conservation reserve or regional park, or any land acquired by the Minister under Part 11 of the NPW Act, or zones 1-3 of a community conservation area established by the ***Brigalow and Nandewar Community Conservation Area Act 2005***.

## Park authority

The body responsible for care, control and management of a park, as defined in the National Parks and Wildlife Regulation 2009.

## Plan of management

A plan of management for a park prepared under Part 5 of the *National Parks and Wildlife Act 1974*.

## **Prescribed amount**

Prescribed amount, in relation to material, has the same meaning as defined in the Mining Regulation 2010.

## **Proponent**

The person or organisation proposing to fossick.

## **Accountabilities**

Consent to fossick can be granted by a regional manager, consistent with the delegation of Chief Executive Officer functions under the National Parks and Wildlife Regulation 2009.

*Page last updated: 29 March 2016*

## Appendix 1

### COMMENTS FROM FOSSICKERS TO NAPFA

That is excellent news Stephen. Anything that helps encourage prospecting and getting out in the bush is surely a great thing. In our busy lives it is very important to allow easy access to as many areas as possible. I can't think of anything better than having people get out into the clean air and explore all that the lifestyle prospecting offers. I enjoy meeting newbies in the field and hearing them talk about what a difference prospecting has made to them. It's great to see the older couples out and about getting some low impact enjoyment out of the bush.

I think prospecting is the perfect hobby for a wide range of people and one that gets people in touch with nature, geology and our history. So a big thank you for all the people involved and a reminder to all of us to please take the effort to convey your views on the proposal. I will most definitely be giving some input into the project. It doesn't take long...

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As a comment, one has access to all NSW State Forests for recreational, camping and hiking activities. For \$27.50 one can obtain a fossicking licence to extend those activities to sieving, panning, detecting etc. gemstones and gold. All within the NSW regulatory requirements.

Most of NSW National Parks is land excised from SF's, so why can't the same permit regulation apply?

For instance, the large Boundary Creek SF fossicking area is 2/3 bounded by the Chaelundi NP, one of those many "pristine, man never set foot on" tracts of land.

Well that is just BS, and if you know where to look there are plenty of remnants from the past, both logging and gold mining activities.

And that is merely one example of hundreds where NP boundaries cut off access to a SF.

I despair of my attempts through our local NPWL office to have some of the old forest roads re opened to what were popular and spectacular sight-seeing locations

Now, with their "take no prisoners" attitude, attempting to access these once well maintained, roads is a heavily fineable offence.

I wish the proponents of the submissions the best of luck.

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Sorry for the delay in responding – I have been away.

First, I am pleased to see something has now come out from NPWS. Second, the Policy is as predictable as we expected it to be.

While I note your comment that the draft policy identifies areas where fossicking is allowed and proposes that consideration of any additional areas will be subject to an appropriate level of environmental assessment, the required approaches which NPWS has suggested to seek permission to fossick, in reality are unrealistic and virtually impossible to operate at a day to day level.

These arrangements cannot in any way support the casual fossicker (through required application processes and approval lead times) and NPWS processes being applied, making general, casual access a virtual impossibility. Not a surprise. Government Departments are expert at implying an approval but in reality, an impossibility to work in actual practice. The Draft makes out like fossickers are organized groups, banding together to fossick particular areas. A bit like mining companies are treated. This is not the way fossicking in Australia is generally followed.

While the Draft excludes access to legislated wild areas etc, It still gives the impression that we are seeking access to virgin country, to rape and pillage in areas never before trod by prospectors or explorers. I am disappointed that there is no acknowledgement that many of the current prohibited park areas (leaving aside Abercrombie and Karst as in the Draft) have historical mining areas within their boundaries. It is my view that NPWS should have to justify excluding fossicking from these areas, rather than the blanket approach implied in the draft Policy.

So, at the very least, I think NAPFA should insist that particular existing mining/disturbed/historical areas should be justified by NPWS for continued inclusion within a Park boundary, rather than we fossickers having to justify access to them. A simple test question: "why is such and such an area within a particular park, previously extensively mined, excluded from access to modern day fossickers?"

NPWS may say that this is already taken into account and their proposed 'permission regime' will allow this to happen. But broader access is unlikely under any such arrangement. They are simply impractical. But we know park boundaries are often applied for topographical convenience - e.g. using a natural feature as a boundary, or other geographical feature.

As I recall, you provided a list of areas within existing parks which have been mined in the past which are unlikely to be caused any more detriment if fossicking is allowed, than has already occurred but fall within a park boundary just as a convenient administrative tool. NPWS should be required to justify exclusion from those areas. Call them fossicking areas if you like but they should be individually assessed, and justified for inclusion in a Park, rather than simply included for administrative convenience. It is possible. They do it in Victoria State Forests.

Not surprisingly, mechanical sluicing got the thumbs down.

So, in summary, a predictable and not very helpful Policy.

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I think everyone is hoping that NAPFA membership will count for about 1000 comments. Like they say "You don't know what you've got till it's gone".

Old diggings and mines in National Parks etc. should/could be opened up for prospecting, and without the help and submissions from NAPFA continually putting this idea forward to the ones that make the rules we won't get any of these areas opened up.

She'll be right days are gone for good, now we have to fight hard for what we want and to even keep what we have.

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An issue associated with the NPWS draft policy is that areas of crown land (like state forests and various reserves) that have traditionally been used for fossicking gemstones and gold are offered to Parks because Forests and Lands don't want the hassle/cost of managing the land and spraying the weeds etc. Private property in a relatively natural state (that often adjoins existing NPWS reserves) is also purchased by NPWS on a regular basis. Every year land is transferred to Parks and made into nature reserves or State Conservation areas or National Parks.

The two NPWS reserves where fossicking is currently allowed were used by fossickers for many years and this is the main reason fossicking was allowed to continue when the reserves were transferred to NPWS.

I believe it is valuable for fossickers to make NAPFA and other fossickers aware of any land with fossicking values that is earmarked to go to parks. The land transfers can occur in remote areas and little known spots, especially along the Dividing Range so it takes the eyes and ears of many to find out where some of the proposed land transfers are. We do get a chance to comment on draft POM's for new reserves but this may be years after parks get the land and fossicking is stopped.

I also implore forum members to read the draft policy and to put forward their views/comments/ideas.

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I am just back from Victoria. Nice to see some progress by the NPWS.

They are being cautious aren't they. I can understand though. At least for now it is giving us a toehold. Perhaps it may become less restrictive in future. The policy indicates a 12-month period of testing. I hope it is widespread in coverage so members can "go local".

On first reading I wonder about what "sterilisation of equipment" means before entering and on leaving the area. I can understand the need but how would this be accomplished. I presume washing your gear with normal water would suffice? I then also wonder about tyres of vehicles - affects all NPWS visitors.

The other thing I have not seen is timeframes to submit an application for prospecting/fossicking and a response period. However, I suppose that at this stage all they want to liaise on are operating rules.

I'll have another thought and put some comments into the NPWS.

---

This is fantastic news mate.

Can you check into why the definition of Prospecting suddenly includes digging into Banks.? ?

We who do the right thing know that this is both illegal and wrong.

Many Thanks for your hard work.

---

A *Mechanical sluice*. ?

In the very definition of the Mining rules and regulations, This is already illegal.

This is worded incorrectly.

None of the equipment we use is mechanical.

All gathered by hand.

Processed through a static device.

Returned by hand.

I think a good read is in order. 😊

Please, I am not setting out to be sarcastic or in any way undo the advances into this fantastic piece of News but,

In the words by very definition, What is stated could impact those who are not in the very know on how we go about our activities.

All they will see is a negative scenario on what is a very negligible if not non intrusive activity.

---

While it is giving some hope, the requirement to provide ei or ohs may be difficult.

I'm hoping it is a step forward for us as recreational fossickers.

Keeping the access will be dependent on individuals doing the right thing, permits for specific area may be a means of providing suitable accountability.

All of this applies only to those who fossick by the rules.

Hoping for a balanced approach. Lots to consider before making a comment.

---

Was any progress made in re allowing fossicking in areas that only a decade ago we were allowed to fossick in but

they grabbed the areas n turned them into state conservation areas removing them from state forests where

we were allowed to fossick in?

---

Those areas could be accessed under this policy - but under the terms of the policy. We argued very strongly for a wholesale change but NPWS would not come at it. They want to do it area by area with local managers controlling.

Have a good look through the wording of the policy. It does not specifically include SCAs but they are not excluded.

A bit more on this one. I think it is a reference to highbanking because in late 2014 NAPFA did a field demo for NPWS with the different types of equipment (highbanker -- 12 volt and petrol, river sluice, bucket concentrator; pan and detector). It was obvious they did not like the pump driven highbanker. Please note this is not a discussion about highbanking good or bad; and I note that you point out that under the regulations mechanical methods are not allowed (even though some will interpret that differently). NAPFA did a detailed submission on highbanking in mid last year and you can find it on our website. Inclusion of "mechanical sluicing" reference in this policy probably reflects a lack of understanding on NPWS side; but I am sure that Dept Resources and Energy will be letting them know that. Your other points about negative scenario is absolutely right and we will point it out.

---

Thanks Stephen i think the report is very good even if it just opens one door, it will be one door we do not have now. 🙄

---

I have added my submission, in doing so expressed my support for expansion of existing areas including:

- a) defining that sluicing should include the use of water pumps up to a limited size and that this would not include the use of water pumps to wash gold or other product from river banks,
- b) enabling exploration licences not to deny amateur fossicking to such areas until a formal mining licence has been approved, and
- c) enabling Prospecting Australia to be involved in the negotiation of the changes.

---

Well I Cant see anything Good about this.....Do you really TRUST the Government that much ... So they want to Restrict entry to Torrington Conservation Reserve..... The way this Draft plan is written it's all to easy for the NWPS or Government to say YOU must Have your safety crap, enviro crap, sterilization crap the list goes on and on... How on earth is the family man suppose to get the right Approval for all this....

To Place these type of rules on to the Family Fossicker who happens to pass through is utter crap... Has any of the idiots that wrote this plan have any idea what impact ANY changes would make on the Communities that border

Torrington CR... The Emmaville Mining Museum is still shocked after I told them what could be planned for Torrington CR.. of course they knew nothing of this plan..... Any changes to THIS area shall have a major impact on their economy and livelihood....

Have a look at what the QLD gov is doing to Lefty and his crew up there.... They All are Singing the same Tune, Led by the same Conductor... Any changes except More Fossicking areas can only harm our Hobby..... Please read the Draft between the lines.... all too easy for this to go against us as well.....

---

you sound quite passionate about this but in this thread please tone it down a little, I'm not having a go but please keep this as a discussion thread without any name calling, it's not going to help the cause and it is an important issue. In your Torrington thread you can say what you please as long as it's not offensive to anyone.

---

I can understand your passion & agree that submissions need to include your concerns but there is a positive way & a negative way of reading between the line on this issue. At this stage of this policy being a "DRAFT" open for comment I would be looking for the positives & not concentrating on any perceived negatives just yet. It is far too early to jump to any conclusions & there is nothing in the NPWS "DRAFT" to suggest that either of the current allowable areas in NSW National Parks will be or could be closed down. They even state:

**<http://www.environment.nsw.gov.au/policies/fossicking-policy.htm>  
wrote:**

Fossicking is currently permitted in two parks, **with consent provided by their plans of management:**

- Abercrombie Karst Conservation Reserve (Grove Creek part only)
  - Torrington State Conservation Area (throughout the park).
2. Consent to fossick will not be considered in nature reserves, historic sites, Aboriginal areas or **karst conservation reserves, except as already permitted in Abercrombie Karst Conservation Reserve.**

This to me suggests that these areas will remain as is & not be closed down. Fossicking is already permitted under these areas plans of management & to the best of my knowledge could not be altered without a review of the current management plan/s. Some dedicated local vigilance would be required to keep on eye on any proposed changes & the Emmaville Mining Museum + any

others interested should register their interest with NPWS if they aren't already!

If you were to track down the management plans on these 2 areas you in all likelihood will find (I haven't read these 2 specifically) that the majority if not all of "DRAFT" policy conditions would already be imposed on these areas as they are pretty much straight out of the various relevant legislation such as National Parks and Wildlife Regulation 2009; National Parks and Wildlife Act 1974; Wilderness Act 1987; Mining Regulation 2010; Fossicking: A guide to fossicking in NSW; Mining Act 1992 etc. The fact is that this policy would not be introducing anything new to the current areas but more than likely reinforcing what is already imposed by the current management plans.

This policy may actually improve the Abercrombie area where fossicking is only allowed in a small section of Grove Creek & is restricted to panning only. No other equipment such as metal detectors or sluices can currently be used there at all!

The positives here far outweigh any perceived negatives in my opinion. I cannot say I have ever heard of or known NPWS to open up a "DRAFT" policy & request for fossickers/prospectors to make comment on; or for that matter any other management plan etc. Also currently more than 99% of National Park areas are unavailable for fossicking at all. **THEY ARE NO GO ZONES!!** Regardless of whether they open up small areas to panning or whole parks to detecting, sluicing + panning it will be areas we **DO NOT CURRENTLY HAVE ACCESS TO!!**

I just hope that your submission wasn't as emotive or offensive to NPWS as some posts as it will do us no good.

Submissions don't have to be long winded but we do need to keep emotions in check, not become offensive or personal & make sure they contain accurate information & are to the point. Please read what is only a "DRAFT" as such & make sure you understand what it's about - don't jump to any conclusion just yet. If you're unsure of something, then this is what this thread is about - throw it up here for discussion or gauge opinion on anything you're unsure of.

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Very well written and I agree on what you have stated there mate.  
The comments I made were along the lines of wording.  
Not about the aspects of prospecting.

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This is a first as well. NP putting it out for comment is a very positive action instead of just quoting rules and regulations then slamming the gates shut. They are actually asking for a resolution to a vexing problem. 😊😊  
 I respect this course of action as we the prospecting community are adding positive feedback.  
 Finally what has to be appreciated is our hard working lobby groups and massive kudo's for this.

---

I plan on doing a submission shortly but in the meantime here is a summary of issues I can see at the moment for anyone wanting to put a submission in but not sure of where to start:

- we need to ensure that where fossicking is currently permitted in the two parks currently, with consent provided by their plans of management being Abercrombie Karst Conservation Reserve & Torrington State Conservation Area, that these remain unchanged with any implementation of this draft policy. Changes should only occur with a review of the current plans of management, with community consultation, & using the draft policy as guide only.

- the use of the wording "*mechanical sluicing*" needs to be removed and/or replaced with wording that better describes the activity not permitted if it has been misunderstood by NPWS. Mechanical sluicing is not allowable under the terms of NSW legislation anyway & should hold no relevance to this policy.

- although former State Forest Areas (& other former Crown Lands), **where fossicking was once a permitted activity**, are now covered by NPWS legislation thought needs to be given moving forward where any future State Forest acquisitions (or other Crown Lands such as Commons, TSR's - Travelling Stock Routes, unmanaged Crown Lands etc.) where fossicking is a current lawful activity that it be maintained after NPWS acquire them. This may need a multi-tiered approach from NPWS in managing these areas by way of having nature reserves or other conservation areas that are off limits within the boundaries of an otherwise allowable area? Currently it is grossly unfair to us as recreational users to have our right to enjoy our hobby removed even where it is an existing allowable activity & should be reflected as such in the future management plan/s for any of these acquired area/s.

- the requirement to get Exploration Lease holder permission needs to be reviewed as a whole in NSW. Where public lands have allowable fossicking areas then these should automatically become fossicking districts/areas & have this imposition removed from the hobby fossicker. In many cases these

companies don't even reply to requests & have no obligation to do so under NSW rules & regulations. They should not be allowed to dictate any allowable activities on any public land.

- What is the process of considering fossicking in a park? There are some concerns around how we as hobbyists would prepare documents for this? i.e. reviews of environmental factors & visitor safety risk assessments. Are other users of National Parks required to have this documentation before entering a NPWS area? Fossicking is a low environmental impact; relatively safe activity that poses very few, if any, risks over other allowable activities such as bushwalking, 4wd, camping, swimming, fishing etc. If it's not a requirement of other users, then why are we being imposed with it? Can generic documents be produced & used if required? Fossicking is not a form of mining which can be/is a high risk activity. We need to be considered without being defined as a form of mining which NPWS have done in previous correspondence with them.

- notify NPWS prior to commencing the activity? How will this be done? Will there be a permit system whereby having a permit to fossick is considered prior notification or does this need to be done for each trip? Who do you notify?

- requiring fossickers to sterilise equipment before entering or leaving areas? What method of sterilisation is required? How? Do NPWS rangers use a method for their equipment when moving between areas?

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I think Prospecting Australia can play a major role in this by encouraging people to make positive suggestions for submission & providing a platform for discussion but any negotiation should be left to our State Lobby groups such as NAPFA. This is what they exist for & while the forum can add plenty of clout behind these things it isn't best situated to tackle negotiations as such.

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Very well said...I wholeheartedly agree with you. I think one relevant point about permits as in regard to the State Forest permit is that when you apply for your permit is that you sign your name as to the fact that you have read and understand the rules regarding obtaining and keeping your permit.

I think a similar permit regarding NPWS could work the same. If someone doesn't abide by the rules they should have their permit either confiscated or suspended for a period of time as they have signed that they understand such rules and will abide by them.

They could set up something similar to a miners right, I'd be happy to pay a yearly, 5 or 10 yearly fee.

Sterilisation of equipment looks like a tricky point unless equipment is provided at the entry points to National Parks, I don't see that it could be much different than driving into a park now. I know some farms and sensitive areas have spray devices for spraying under cars as they drive over access points.

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Full marks to the forum on this discussion. And to the top contribution by Mbasko. His post raises many implementation questions around the policy which will help Parks to better understand the need to be less bureaucratic and more reasonable in terms of the processes. NAPFA has pointed quite a few of these out to Parks but having that reinforced by community members will be helpful. The devil will certainly be in the detail of the implementation. I totally understand that some people would like it all fully fixed and to be easy. But unfortunately Parks is a large organisation whose primary function is to implement the relevant NP Acts - rather than facilitating fossicking. So they are being very careful that enabling us to do something does not seriously inhibit their other objectives. I am sure workable solutions to the key implementation problems can be found, but like searching for gold, it ain't going to be easy. But every square metre of new ground is a win.

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Prospectors in NSW or potential visitors should be all over this. It's not every day the NPWS give us an opportunity to have a say. If we don't get off our hands now we'll just continue to get what we've got now - NO ACCESS (or very little 😞 )

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above is a sample of the submission I made to NPWS....

I also sent a copy to the NSW Resources Minister & NSW Tourism Minister as I believe they are or should be stakeholders in this policy & decision making process. From a tourism viewpoint NSW Tourism should also look at making a

positive submission to something that may improve tourism in some regional areas which I have pointed out to them.

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Glad I could help & hopefully others follow on.

I attached mine as a .pdf to the email.

An interesting point from the Beekeeping policy that should be adapted to fossicking also:

- "Will beekeepers be notified when land is added to a park?"

Yes. The Reserve Establishment Team in NPWS will notify the NSW Apiarists' Association when NPWS acquires lands for reservation under the NPW Act."

The Reserve Establishment Team should also notify NAPFA when it acquires land. This will help NAPFA to be able to make timely comment & also notify members so any with a direct interest can have input at the draft plan of management stage.

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What a load of hypocritical garbage that policy is.

Not allowed to move/remove a Bushrock? When does a rock become a Bushrock? What size does a mineral or conglomerate have to be before it is deemed to be a bushrock?.....Is a grain of sand a bushrock ....or maybe it is two grains cemented together by other minerals.

There is an abundance of vast scale earth moving and full blown mining activity going on in Aboriginal land and in Wilderness areas. What harm can a fossicker do to the land and bloody bushrocks that is greater harm than that produced by these activities.

I feel that those who thought up this Bushrock term have rocks in their head... or Headrocks. 😊

Pebble, Rock, Stone or Boulder? - Groundspeak Forums  
forums.groundspeak.com › ... › South Africa

Sep 25, 2011 - 7 posts - 6 authors

Stone - up to about fist size or slightly bigger, can be held in one hand. ... Rock isn't a great term, since pebbles, stones and boulders are all rocks.

Boulder - Wikipedia, the free encyclopedia

<https://en.wikipedia.org/wiki/Boulder>

In geology, a boulder is a rock fragment with size greater than 25.6 centimetres (10.1 in) in ... Smaller boulders are usually just called rocks or stones.

This from somewhere on the net:

Rock or Stone: Is there a difference?

Stone or Rock? Is there a difference? Working on my new book has forced me to consider this question and its implications. Throughout the book, I use the terms interchangeably, based mostly on how they sound or how frequently I used one or the other.

When I did a bit of searching on the web, I found that some people thought that stone was more British; that rock could be hard and soft, whereas stone was always hard; that stones are smooth and rocks rough; and that stones are small and rocks are big. In his wonderful book, *Stone by Stone*, Robert Thorson writes "Rock is raw material in situ. Stone usually connotes either human handling or human use, although it can also be used to describe naturally produced fragments of rock larger than a cobble."

Seeking a more erudite source, I turned to one of my favorite books, the Oxford English Dictionary (OED), to get the fine opinion of its worthy editors. The first definition for rock is "A large rugged mass of hard mineral material or stone." Its first use comes from Old English, dated at 950-1100. The OED defines stone as "A piece of rock or hard mineral substance of a small or moderate size," first used in 825. Now, I see the difference!

Curiously, the word stonerock, defined as "A pointed or projecting rock, a peak, a crag; a detached mass of rock, a boulder or large stone," predates either of the singular words stone or rock. Stonerock, or stanrocces, as it was spelled, dates from the Early Old English, used from 600 to 950. I am not sure that this clarifies my quest but as is the norm for the OED, I got sucked into the many definitions and uses, which run to three pages for rock, including rock nosing, rockchuck, and rock-embosomed; and four and a half for stone, with such nifty combinations as stone harmonicon, stone-pock, and stone-toter.

Perhaps I could find a bit of clarity from on high. In the King James Bible, stone and rock seemed interchangeable, such as in Genesis 31:46, where we read of Jacob telling his brethren to "Gather stones; and they took stones, and made an heap." (Now why they didn't just say cairn here is beyond me!) But there are

two situations where stone and rock cannot be substituted for one another. The first is the surprisingly common pastime (at least a dozen times) where somebody must “stone them/him/her with stones.” You can “stone them with rocks” but no matter how tin your ear is you cannot “rock them with rocks,” which allows for the introduction of this silly phrase: you can, at least since the 1960s, “rock them with The Stones.”

More common than death by stone is the affirmation of a Holy Being as the “rock of one’s salvation.” This sense highlights a central difference between the words. People often use rock to refer to something solid, large, grounded, substantial, something to base your faith upon, such as a mountain or palisade. No one would say the “stone of one’s salvation.” Stone, while connoting a hard mineral substance, favors smaller objects, such as something you can pick up in your hands, for example, the stones for the heap gathered by Jacob’s pals.

Seeking out an even higher authority I turned to Shakespeare. He also incorporated stone and rock into his writings, more than 115 times and 50 times, respectively (which includes the plural forms.) One of his most famous uses comes from *As You Like It*, in the banished Duke’s ode to a new forested life “And this our life exempt from public haunt/Finds tongues in trees, books in the running brooks,/Sermons in stones and good in every thing.” Clearly the Bard chose stone for the alliteration and sound, as he did in *Titus Andronicus*, where the title character states “A stone is soft as wax,—tribunes more hard than stones; A stone is silent, and offendeth not.” (One of my favorite poets, Robinson Jeffers, refers to the “insolent quietness of stone.”)

Shakespeare’s use of rock was often specific to the sea, as something to fear. “Rocks threaten us with wreck.” “And then there is the peril of waters, winds and rocks.” “Alas, the sea hath cast me on the rocks.” No one, especially one with Shakespeare’s gifts, would substitute stone in these situations. Again, his use of rock reflects the idea that rock refers to massive, immovable matter, though this idea does not limit rock to this definition.

END