



NSW & ACT Prospectors and Fossickers Association Inc.

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

MEMBERS' UPDATE: 22 DECEMBER 2017

Highlights:

1. **AGM report-back**
2. **Sluicing/Highbanker issue update**
3. **National Parks Policy now published**
4. **New fossicking districts added**
5. **Membership renewals underway**

Dear Members,



Merry Christmas and Golden New Year! May you all find your fortune in 2018! Best wishes from the NAPFA Committee!



1. AGM report-back



It was good to see 60-70 members attend the AGM at Wattle Flat on 11th of November. It was a good camping area, with old diggings nearby as well.



Detailed Minutes will be sent in a future email but putting it briefly, the main things that came out of it were:

1. NAPFA's core purpose was validated by the meeting, and that is that we continue to work to improve existing regulations and to fight any unreasonable new regulations.
2. The sluicing/Highbanker issue received special attention. It was agreed that NAPFA should run harder on this matter both with the Department and including Minister Don Harwin, who has not been involved to this stage. Members were generally appalled at the obstructive tactics and high-handed approach by the Division of Resources and Geoscience and its executives in dealing with the material put forward by NAPFA.
3. Fossicking Districts progress was considered excellent with almost 20 new LGAs declared since the beginning of 2016. The two most recent ones are the Shoalhaven Shire (Nowra) and the Central Darling (Wilcannia). Remember, if you are in a Fossicking District you don't need permission of mining company Exploration Lease holders to fossick. You still need permission off the land-owner or manager. Here is a link to some recent publicity about the Central West Fossicking District: <http://www.mudgeeguardian.com.au/story/5082144/mid-western-officially-a-fossicking-district/?cs=1485>
4. Members need more regular communications from the Committee throughout the year, so they better understand what is going on. This was acknowledged and agreed by Committee members present.
5. Overall membership has stalled due to reduced marketing, and due to the non-renewals by some existing members.
The Committee appealed to current members to renew their memberships, and to encourage family and friends with a stake in fossicking to get behind NAPFA with their own memberships.
Remember there is a Minelab Gold Monster 1000 as a renewal incentive this year! (If you renew or join, then you will be in the draw for the detector.)
6. The new Committee was appointed, with one new committee member in the line-up. The 2018 Committee is as follows:

President – Stephen Dangaard (Re-elected)

Vice President – Paul Barker (Re-elected)

Secretary – Stephen Reilly (Re-elected)

Treasurer – Veronica Dench (Re-elected)

Ordinary Committee Members

- i. Sean Ashcroft (Re-elected. Also, the Public Officer)
- ii. Doug Spindler (Re-elected)
- iii. Barry Fittler (Elected)

The Prospectors' Auction was very popular, and some great bargains were bagged by those who were there. We also raised a bit over \$2000 on the day.

A Minelab GPX-4500 given to us as a fund-raiser by Minelab was passed in at the auction but subsequently sold two days later to Bob Kent for \$2,850.



Please support our sponsors for the Auction. Sponsors included: Minelab, Nugget Finder, Coiltek, Central West Prospecting Supplies, Gold Gem and Treasure Magazine, Double D Leather, CC-Picks, Gold Digger picks; George Coleman (pick donation)



**GOLD
DIGGER
PICKS**



On a personal note I was very humbled to receive a 'Life Member' recognition that was cooked up by the Committee without my knowledge. The committee have implemented a detailed policy for Life Memberships during the year, and a nomination was submitted for me and accepted to meet all the criteria. It recognises the effort I have put into NAPFA since we incorporated in 2012. Thank you all for the honour!



Attendees found Wattle Flat very convenient for a bit of fossicking in the surrounding areas.

Some of us (including yours truly who got a few nice bits with my GPZ!) even had luck with metal detectors right there at the venue.

Talk about camping on the gold! That was a bonus!

We also tested moving map software on a 10" tablet with its own GPS in an area where there are no fences around the commons, where there has been a number of issues with the landholders. The boundaries of the commons are marked on the image below in green, and some historic mines as waypoints.

We easily discovered the boundaries, found survey pegs on corner points etc. While detecting we were approached by several landholders, who were impressed at the ease and accuracy of the system.

The map was created and calibrated manually which takes some knowledge, however NAPFA are investigating the best way to get the Crown land and public access routes, which are all publicly accessible, into the moving map system without the manual calibration. One option is to have the Crown Land in a format that imports automatically and is then perfectly accurate.

We will be writing to the Geological Survey of NSW to request this be made available for download.



Wattle Flat area showing the Crown Land.

2. Sluicing/Highbanker issue update

At the AGM, Sean Ashcroft detailed the issues to members of the progress on the sluicing and power-operated equipment.

We meet with the Deputy Secretary of the Dept. on 17th August to discuss the DRG's Strategy for the future of fossicking, and to seek clear direction on the process required to resolving the Regulation issues, relating to power-operated equipment.

We intended for the meeting to take a strategic approach on high end issues, and with the power-operated equipment issue: to clarify the equipment and its use clearly to the Deputy Secretary, discuss the lack of proper process we have faced with a view to improvement, and to seek a directive for a final process without further changes.

We were very disappointed with the lack of outcome from the meeting as it got bogged down in detail with the other Dept. Directors who we are dealing with and did not achieve anything. However, it demonstrated the issues we face when dealing with the DRG.

All previous issues the DRG has raised, have been addressed in detailed reports with our most recent input submitted in May 2017. Although significant research has been

put into this, it now seems irrelevant to the DRG, which did not even have the courtesy to properly reply. Once again, an overriding new 'show stopper' issue has been raised, in this case "zero turbidity" requirements from other Depts. was stated by the Director.

This blocking with a new issue has happened at every previous step. Despite well researched facts tabled in reports, and mitigating controls addressing all DRG's previous issues, these are not discussed or given adequate analysis.

In almost three years of negotiation, this latest issue has never been raised previously, and disappointingly it is factually incorrect. The NSW Fossicking Guide states fossicking should not cause "significant turbidity", and in other government areas activities must only create "acceptable turbidity". "Zero" is not a practical requirement and never has been. Other agencies we speak with, such as fisheries, acknowledge this fact. This view is in conflict to the "risk based" approach taken by all government departments, which is clearly documented.

The good thing is that, in most cases, high banking activities can be conducted with zero turbidity provided outflow is onto gravels, or into a gravel dam.

We have asked the DRG for any explanatory memoranda which lay out the basis for the wording of "power-operated equipment" in the regulations, and the introduction in 2010 of the word "processing". However, we cannot get answers on these important points. The DRG does not know why these terms were introduced, has no record of the decisions that gave rise to them, and has no definitions of these terms.

We find this situation, and its lack of accountability, puzzling. Despite everything, unfortunately, the DRG is sticking by the strictest interpretation of the current wording regardless of information presented.

Despite NAPFA's evidence, demonstration of environmental benefits and recommendations for mitigating controls, the DRG will not consider any of these, or take its own environmental risk based approach to reaffirm previous interpretations of the regulations that allowed high banking.

The fact that the regulation also unduly restricts other tiny non-ground disturbing, very short term, and almost zero impact equipment (such as gold wheels) demonstrates the flaws in this strict interpretation. To say that activity cannot occur at any scale, even with sound justification, demonstrates poor regulation, which can, and should change.

With the DRG unable to justify intent of the 2010 changes introducing the word "processing", it has since stated that the 2003 Regulations implied these restrictions.

NAPFA believe this is factually incorrect.

When the 2003 Regulations came into force, the use of pumps for the supply of water to sluicing and high banking activities was confirmed to be allowed. Sluices and high

bankers were deemed not to be “power-operated equipment”, and were classed as “fossicking by using hand-held implements” as required in the NATIVE TITLE ACT 1993 - SECT 24LA Low impact future acts.

This is due to the fact they are small hand-carried equipment, and all excavation and feeding of material to them is by hand held implements.

We feel poorly treated by the DRG on this issue for what we see as the lack of commitment to objectively look at the use of very small, recreational scale, power-operated equipment and pursue and negotiate a fair solution using facts. Consider the following:

1. Despite two significant reports to the DRG we have not yet received a proper analytical response that adequately addresses our issues and recommendations.
2. Requests for information to the DRG have gone unanswered.
3. Commitments given, such as an ongoing round table and notification of issues affecting fossickers, have not been honoured.
4. At each step, there have been veiled threats that should we persist on this high banker matter, then there might even be a worse outcome for fossickers.
5. The recent unannounced decision by the Resources Regulator to conduct compliance activity on “illegal fossicking” in the form of high banking after we drew the issue to the attention of the DRG over 2 years ago is simply lousy under the circumstances. More so, considering numerous objects and purposes in the compliance charter are not being met, with the most obvious the promise to meet and engage with stakeholders. There was no attempt to notify fossickers whatsoever.
6. Successive new obstacles are used to say “no”. First it was “someone may use a pump for a dredge” a form of mechanised excavation that is clearly banned, then it was the vague concept of the equipment being “seen to be semi industrious”; now it is “zero turbidity”. Each of these has been used as a show stopper after completion of detailed work, tabling of reports on mitigating controls, and justifying the ability to improve regulation with the risk based approach.

From where we see it, there is a high level of energy being used to defend an unfair interpretation of regulation rather than examining the issue objectively and working towards a solution.

The above is included as part of a detailed 8-page letter sent to the Deputy Secretary of the Dept. in October.

At the AGM, NAPFA sought approval from members on details to present to: the Deputy Secretary, the Compliance Division, and to investigate the poor interpretation of the Regulations and the lack of justification after 3 years to restrict pumps for sluicing.

Since the AGM a detailed 5-page letter to the Deputy Secretary included:

- *The key problem is this: DRG has been so hostile and unhelpful on this issue to date that the Fossickers and Prospectors of NSW no longer have faith that it can effectively represent their interests.*
- *We currently have no proper process with the DRG, and no agreement or position from the DRG to take to the other agencies. The conclusion of the last meeting, where you were present, left us with the DRG position stating that other agencies require “zero turbidity” so we will not be able sluice at all. This has since been disputed by other agencies, and is not valid.*
- *NAPFA has followed the original DRG view that “regardless of the 2010 Regulation issues, we would need to meet current 2015/16 environmental requirements and assess the activities” and proceeded with detailed research to do so, as contained in our reports.*
- *To date the DRG has not answered our reports or implemented a proper process for NAPFA to do this, which is wasting everyone’s resources and alienating the fossicking public.*
- *These processes exist within DRG for much higher impact and much longer-term mining activities, both of many orders of magnitude greater than any fossicking activities.*
- *DRG’s interpretation of the 2010 Regulation changes to ban pumps for sluicing cannot be backed up. NAPFA appreciates the honesty, but questions why this has taken 3 years to confirm, and why the DRG will not move forward to re-assess stakeholder activities in the 2017 realm and Regulate accordingly as originally stated?*
- *Instead, DRG is now referring to the 2003 Regulations to support its position banning pumps for sluicing; stating that the intent of these was to do so. Once again it has provided no evidence of this intent.*
- *In the last 3 years the Fossickers and Prospectors of NSW have lost the ability to use the majority of their (sluicing) equipment, and their Regulator has stated veiled threats on number of occasions that persistence by NAPFA on the “high-banking” issue will see sluicing and panning activities be banned.*
- *If this eventuates it would remove the ability to fossick in the creeks by all traditional methods, and see fossickers lose the ability to conduct over 95% of their activities, and destroy geo-tourism in NSW.*

Since the AGM, a detailed 4-page letter to the Compliance Regulator asked the following questions and included statements below:

1. The DRG has confirmed that the reason for the addition of the word “processing” in the 2010 Mining Regulations (and now 2016) is not known. There is no definition of this word in the Act or Regulations. Therefore, how can these Regulations be interpreted, or applied specifically to restrict “high banker” sluices or pumps?

2. *The most recent DRG correspondence (Nov 2017) states that the 2003 Regulations and their intent restricted “high banker” sluices and the pumping of water. Can you confirm that this is the case?*

3. *The latest DRG correspondence also states that the interpretation of both the 2010 & 2016 Mining Regulations were based upon the 2003 intent. Can you confirm that this is the case and that NAPFA should now rely on the 2003 Regulations?*

4. *If answers to questions in 2. & 3. above are affirmative, then the word “processing” in the 2010 (and 2016) Mining Regulations has not been relevant to the restriction on “high banker” sluices and the pumping of water. Can you confirm that this is the case, and if so please provide detail of where the 2003 Regulations were intended to restrict the “high banker” sluice or pumps?*

5. *How has the DRG come to the conclusion that “high banker” sluices are power-operated when they have no moving or power operated parts and operate the same as river sluices, that are compliant in the DRG’s view?*

6. *The DRG interpretation now sees anyone using any power-operated equipment for the purpose of fossicking as committing an offence. This now restricts all power operated equipment (metal detectors exempted) including 12v and solar operated gold wheels, small concentrators and other recreational equipment used for fossicking that are non-ground disturbing, and have zero environmental impacts. Will the Regulator be enforcing compliance on all small power-operated equipment other than “high banker” sluices?*

We need to be given clearly the definitions and intent of the Regulations that specifically restrict or allow various fossicking equipment. To date interpretations of Regulation have not been justified, and parts of the Regulations cited to justify restrictions on activities has now changed.

These unclear and changing interpretations of Regulation has unfairly impacted sluicing activities, relegated other very small power-operated equipment to be unlawful, including those having zero impacts that are allowed for many other activities and recreational pastimes, but not fossicking.

NAPFA is committed to meeting sensible requirements, establishing best practice, modernising Regulation and working cooperatively with the Department on many fronts.

However, despite deep goodwill, a lot of patience and perseverance on our part, it has been extremely difficult for us to get the facts on the table in this instance. It seems whatever we do, we are frustrated by the DRG taking contrary positions, while obstinately refusing to understand and objectively assess the facts, needs and activities of high banking fossickers.

If such a minor matter in the big scheme of things cannot be resolved satisfactorily then it cannot bode well for more significant minerals and resources policy in NSW.

NAPFA have since been assured by the Deputy Secretary in writing that the Dept. will implement a process to properly deal with the issue. We are awaiting a reply from the compliance Regulator, however in discussion with them we discovered that they are reviewing the Fossicking Guide (no prior discussion with NAPFA) and have not received information as conveyed to the Dept. earlier on NAPFA input to the guide.

We have noted that the Minister's Office have sent out replies to several fossickers, and some of the information in these we believe is incorrect. If anyone has a reply from the Minister or Dept, please forward to NAPFA for our use, as we have noted the changes in their views over time. We have undertaken other investigation, and when finalised we will take to the Minister. We have had discussions with the Ministers staff, and requested to meet with the Minister and his advisors in the New Year with sufficient time for them to investigate our information, so that when we meet the Minister these will be confirmed.

More to come!

As you can see, Sean Ashcroft has done a huge amount of work on this issue. Thanks Sean!

3. National Parks Policy published: It's a start, but a very slow start



1. **Members will be aware that for the past three years we have been lobbying the NSW Department of Environment and Heritage, National Parks, for fossicking access to National Parks.**
2. **Finally, the Department has now published its policy. [Here is the link.](#)**
3. The policy is well short of what NAPFA believes should be the case, however it is a start and should be recognised as a significant step forward.

4. There are many things we don't like about this policy, but we really had no choice but to accept this and see what we can do from this point.
5. Our main concerns, which have been argued extensively with National Parks, including with the Office of the Minister for Environment and Heritage, are that
 - a. The policy means fossicking is prohibited where a Plan of Management does not mention fossicking (the term they use is 'silent')
 - b. There is no retrospective review of existing Plans of Management which means fossicking will only be considered when those plans are reviewed. This is supposed to be every 5 years but in practice it can blow out to 10 years.

This means that NAPFA and the fossicking community will need to state its case as the various plans come up for review. We have already been doing this for the past 3 years, but so far not one of the plans that we have been interested in have been finalised.

The lengthy delay in finalisation and lack of feedback on submissions in these Plans of Management is a serious issue that undermines the credibility of this policy. We will be working on this in 2018.

- c. State Conservation Areas – which are so reserved because of their potential mineral resources for exploration – are treated in the same way as National Parks. We think this is not within the spirit of the Act under which these SCAs are set up for fossicking to be excluded. There should be a lower threshold to enable access to these areas.

6. What it means for you.

If you are aware of a National Park near you which does not have an existing Plan of Management on it, then you may apply to the NPWS Branch Manager in your region to go fossicking there. See the regional map and the contacts in the following links:

<http://www.environment.nsw.gov.au/NPWS/npws-branches.htm>

<http://www.environment.nsw.gov.au/whoweare/Rcoordinators.htm>

They will assess your application and advise you accordingly. Please let President@napfa.net know of any applications you do make, and the outcome, so that we can monitor the implementation of this policy and work to improve it with evidence of its weaknesses.

If the area you want to go to already has a Plan of Management, then I also encourage you to still contact relevant branch Manager and state your case. If nothing else, it will register ongoing interest of fossickers in the area concerned.

4. Membership renewals are now on

You were sent your membership renewal notice with the AGM notification.

Thank you to the several hundred members who have renewed so far. However, there are many who have not yet got around to it. Please do so as soon as you can.

It is vital we retain a good level of membership to be a credible lobby group for your interests. Chasing payments is energy that can be better directed to achieving our various policy goals. So, help us to help you please.

We don't replace clubs, or internet forums, or Facebook pages, just as they don't replace us. However, as a specialised, legally incorporated body, we present a strong, professional and focussed presence aimed at improving the lot of fossickers in NSW and making the necessary representations. The volunteer Committee works very hard for your cause, but needs your help as continuing members.

2018 will be especially important because of the NSW State Election in 2019 and the ongoing high banking saga.

Renewal for the 2018 Calendar year is \$25 per person (no change from last year). This makes us a very low-cost association for members, within the reach of all. **You can also win a Minelab Gold Monster 1000, courtesy of Minelab Australia.**

وليش الذهب 1000
GOLD MONSTER 1000



Remember when you do send in your payments, make sure you record your name and/or membership number in the payment reference. We have received several payments without names so cannot know who those are from.

Please encourage new members – families and friends -- to join NAPFA, using the online form at www.napfa.net We need all the members we can get.

Good luck in 2018!

**Stephen Dangaard
President**

NSW&ACT Prospectors and Fossickers Association Inc

Tel: 0427 587 441 President@napfa.net

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To help our administration please always use your membership number if you contact NAPFA by email or post! Thanks!

Our preferred communication is by email. If you change your email address, please be sure to let us know Membership@napfa.net