

Queensland's small-scale mining sector

The small-scale mining sector has a long history within Queensland, particularly in the extraction of opals, sapphires, and other gemstones. The sector is widely distributed throughout Queensland, primarily within remote areas of the state. Two key regions account for most of the activity – the opal fields of Winton, Quilpie, Yowah and Longreach; and the Gemfields region within the Central Highlands.

Regulation of the sector has undergone various reform over the last decade with the Small-scale Mining Code introduced in 2013 following a review to reduce red tape. The code provides guidance and standard conditions to ensure small scale mining is conducted in a responsible manner.

Concurrent amendments were also made to the *Environmental Protection Act 1994* (EP) to provide eligible small-scale miners and explorers with low-risk operations an exemption from environmental authorities.

In 2016, the *Mineral and Other Legislation Act 2016* (MOLA) enabled opal and gemstone miners on mining leases of 20 hectares or less to convert to a mining claim and where eligible, be subject to the same regulatory framework.

Proposed changes to mining claims

In 2020, the Department of Resources engaged Synergies Economic Consulting to conduct a [cost–benefit analysis of the small-scale mining sector](#).

The report concluded that the Queensland Government does not currently derive any financial benefit from the administration and regulation of the small-scale mining industry.

As a result, the Queensland Government proposes to remove mining claims from the *Mineral Resources Act 1989*. There is a need to implement an immediate moratorium on the acceptance of new mining claims. This will allow the department to focus on consultation on this proposal.

Small-scale miners will still be able to gain tenure through a mining lease, and recreational miners will still get access to designated fossicking areas in the state.

What is happening

On 24 November 2021, the Queensland Government released the draft Queensland Resources Industry Development Plan (the draft plan). The draft plan details the Queensland Government's strategic direction for the resources sector. [Read the draft plan](#).

One of the proposed actions in the draft plan is to remove mining claims as a resource authority from the *Mineral Resources Act 1989* (the Act). This is because the state's return from the regulatory and administrative effort it expends on regulating small scale mining is limited due to small production amounts which provide limited economic returns to the state.

While consultation on the draft plan occurs, the Queensland Government has introduced a one-year moratorium on applications for new mining claims. This moratorium has been implemented by means of a restricted area under section 391 of the Act which was gazetted on, and takes effect from, 25 November 2021.

This means that –

1. No new applications for mining claims can be accepted during the moratorium period.

2. Any applications lodged prior to the moratorium on 25 November 2021, will continue to be assessed.
3. Existing mining claim holders can continue to operate in accordance with their conditions of tenure.
4. Existing mining claim holders will also be able to apply to transfer or renew their tenure.

Submissions on the draft plan will close on 11 February 2022. [Please provide your feedback on the draft plan here.](#)

If the government decides to proceed with the proposal to remove mining claims from the Act, further consultation will occur on options to manage existing mining claims going forward.