

28 March 2024

Consultation: Feedback and response summary

Annual report release policy, Annual report redaction guide and Exploration reporting guideline

Summary of key feedback and responses from consultation undertaken between 21 November 2023 and 25 January 2024 on the Annual report release policy, Annual report redaction guide and Exploration reporting guideline.

Introduction

The NSW Government has committed to making historical exploration data available as part of the NSW Minerals Strategy. The aim of the NSW Minerals Strategy is to make NSW the premier destination for mining investment in Australia, and to support growing global demand for minerals.

During 2021 Mining, Exploration and Geoscience (MEG) consulted on the framework for release of annual reports, termed the Annual report release policy. Industry feedback helped MEG shape a practical process to implement the release for both existing and future reports. During that time some types of reports were excluded from the Annual report release policy, on the understanding that future consultation would occur prior to bringing some of the excluded reports into the policy.

From 21 November 2023 to 25 January 2024, MEG consulted on a revision to the Annual report release policy, which introduces the release of new report types initially excluded from the policy.

The revised Annual report release policy will be accompanied by revisions to the Annual report redaction guide (redaction guide), and the guideline Exploration reporting: A guide for reporting on exploration and prospecting in New South Wales (exploration reporting guideline).

The documents consulted on from 21 November 2023 to 25 January 2024 were:

- **Revised Annual report release policy (draft for consultation)** – outlines the framework for the public release of annual reports after the five-year confidentiality period expires, incorporating previously excluded report types.
- **Revised Annual report redaction guide (draft for consultation)** – provides direction for authority holders who wish to redact information from historical reports.
- **Revised Exploration reporting guideline (draft for consultation)** – specifies the structure, content and data format requirements for annual, partial relinquishment and final reports submitted for authorities under the Mining Act.

Annual report release policy and redaction guide

The Annual report release policy was initially published in October 2021, and annual reports from exploration licences and assessment leases for Group 1-6 and 10 minerals have been progressively publicly released under the policy since 2022. The policy enables authority holders to redact commercially sensitive and proprietary information from historically submitted reports before they are made public, as per the redaction guide.

The proposed revisions to the Annual report release policy and Annual report redaction guide provide updated information about reports eligible for release, the release process, and the opportunity to redact personal, proprietary or commercially sensitive information from an annual report prior to release.

The key changes to the Annual report release policy are summarised in Table 1.

Table 1 Summary of reports eligible for release and not eligible for release under the second stage release of the Annual report release policy

Release	Not for release
✓ Group 1-6 and Group 10 exploration licence and assessment lease reports and associated data	× Mining Lease reports and associated data (all mineral groups)
✓ Group 8 (geothermal) exploration licence and assessment lease reports and associated data	× Group 7 small scale titles (opal prospecting licences and mineral claims) within an opal prospecting area reports and associated data
✓ Group 9 (coal) and Group 9A (oil shale) baseline geological data from exploration licence and assessment lease reports	× Group 9 (coal) and Group 9A (oil shale) reports and coal quality analytical data
✓ Group 11 (uranium) exploration licence and assessment lease reports and associated data	× There are limited circumstances where reports and data will not be released, or extended confidentiality provisions will apply upon relinquishment, to be consistent with not releasing mining lease reports. Refer to the Annual report release policy for further detail.
✓ Group 12 (hydrogen and nonmetals) exploration licence and assessment lease reports and associated data	

Exploration reporting guideline

The exploration reporting guideline sets out the structure, content and data format requirements for annual, partial relinquishment and final reports submitted for authorities under the *Mining Act 1992*. This guideline ensures that authority holders provide high quality reports on exploration activities completed in NSW, benefiting all explorers when these reports and data are released publicly as set out in the Annual report release policy.

The exploration reporting guideline was last updated in February 2022 (V4.0). The revised exploration reporting guideline includes general administrative updates and provides additional

guidance around frequently asked questions and reflects the availability of new templates and Titles Management System (TMS) functionality.

The key changes to the exploration reporting guideline are summarised below.

- Updates to support the revised annual report release policy, including the definition of baseline geological data, and options for seeking exemptions from reporting and extended confidentiality provisions in limited circumstances
- Availability of a new mineral exploration data template and further clarification for submission of geochemical data
- Availability of an online report building tool in Titles Management System (TMS)
- Availability of new report templates
- Changes to GST status for expenditure data (GST inclusive or exclusive allowed)
- Removal of the requirement to submit expenditure data for partial relinquishment or final reports
- Updated advice regarding submission of large files (>250 MB)

Consultation

Public consultation on the revised Annual report release policy, Annual report redaction guide and exploration reporting guideline took place from 21 November 2023 to 25 January 2024. A frequently asked questions document was prepared to support the consultation, providing details about the proposed changes and anticipating potential questions.

Two industry stakeholder sessions were held on 5 December 2023, one for holders of Group 9 (coal) authorities and one for holders of Group 1-6, 8, 10, 11 and 12 authorities. These sessions were attended by industry stakeholders, in addition to representatives of the NSW Minerals Council and the Association of Mining and Exploration Companies (AMEC).

A total of 3 submissions were received: 2 from industry associations, and 1 from a resource company.

The feedback received was carefully considered and many of the recommendations made have been incorporated into the final policy and guides.

Summary of feedback

A range of matters were raised by respondents in their submissions. Key issues raised were around the introduction of new report types into the annual report release policy, the release of sensitive information, and how reports and data will be handled where an authority is relinquished (wholly or partially) due to grant of an assessment or mining lease.

A summary of key feedback related to each document is provided in Table 2 and Table 5.

Benefits of releasing of new reports and data

- Reports and data form an invaluable base for future explorers and have led to the reworking of ground and discovery of new deposits

- Reports are of scientific interest and can provide valuable insights into geologically similar or nearby projects
- As the area that reports relate to is held under current authorities, the release of data will not directly influence exploration over ground held but may increase geoscientific understanding and improved exploration strategies and outcomes for other explorers
- The release of geological data will help catalyse and support exploration in NSW, without releasing sensitive information
- Public release of reports, via DIGS, from relinquished titles should be a MEG priority (i.e., annual, partial relinquishment and final reports from authorities that are no longer in force)

Publication of sensitive information

- There are concerns regarding the publication of commercial in confidence information, intellectual property, information with potential to breach privacy legislation, locations of endangered species, etc
- Provisions to redact sensitive information are essential
- Industry requires assurance that reports and data would not be inadvertently released
- MEG should ensure that industry data and reports publicly released are accompanied by an appropriate disclaimer

Annual report release policy

Table 2 Summary of key feedback and response – Annual report release policy

Topic	Stakeholder feedback	Response
<p>Confidentiality for exploration licences or assessment leases relinquished (wholly or partially) due to grant of a mining lease.</p> <p>Confidentiality for depth restricted or surface exempt ('veneer') exploration licences that are relinquished (wholly or partially) but overlie, underlie or are stratified between mining leases.</p> <p>Confidentiality for mining leases that are relinquished for grant of a consolidated mining lease.</p>	<p>The draft policy has removed reference to the flow-on provision and has not introduced policy or guidelines to replace this provision and protect sensitive information related to mining leases.</p> <p>MEG should investigate and implement a mechanism to protect the confidentiality of reports and data submitted for titles that are relinquished where the area is still under tenure.</p>	<p>Revisions have been made to the final Annual report release policy to provide a mechanism to release basic geoscientific information and still protect commercially sensitive and proprietary information, therefore achieving the objectives of the policy.</p> <p>MEG has included a new section within the Annual report release policy related to the relinquishment of authorities, and applications for 'extended confidentiality provisions' to ensure commercially sensitive information remains confidential for the life of the relevant mining lease.</p> <p>Authority holders will be able to apply for extended confidentiality provisions in limited circumstances, including:</p> <ol style="list-style-type: none"> 1. exploration licences or assessment leases relinquished (wholly or partially) due to grant of a mining lease 2. exploration licences relinquished (wholly or partially) due to grant of an assessment lease 3. surface exempt or depth restricted exploration licences and assessment leases that overlie, underlie or are stratified between subsurface mining leases, that are relinquished (wholly or partially) 4. mining leases relinquished (wholly) due to grant of another mining lease to the same holder (i.e., consolidated mining lease). <p>Other individual scenarios will be considered on a case-by-case basis.</p>

Topic	Stakeholder feedback	Response
		<p>The extended confidentiality provisions ensure confidentiality for a minimum 5 years on exploration reports and associated data from the date they were submitted, as opposed to the immediate public release of reports and associated data upon relinquishment of an authority. The provisions apply to all mineral groups (Groups 1-12). Specific details of report types and data eligible for release are included in Table 4 of the Annual report release policy.</p> <p>Authority holders will be also able to apply for an exemption from submission of a partial relinquishment report or final report under clause 68 of the Mining Regulation 2016 in the same limited circumstances.</p>
<p>Release of Part A and basic exploration data 5 years after lodgement</p>	<p>Some data currently listed as eligible for release after 5 years is considered commercially sensitive analytical data for miners and explorers of industrial minerals. This information is not currently eligible for redaction or inclusion in Part B.</p>	<p>MEG has included a new section within the Annual report release policy regarding applications for extended confidentiality provisions that will be considered in exceptional circumstances on a case-by-case basis. The Annual report redaction guide also outlines a process for request a review of redaction assessments. Applications should be supported by appropriate justification.</p>
<p>Ensuring that reports and data are not inadvertently released</p>	<p>Provide clarity on how MEG ensures that confidentiality is maintained, and that data isn't mistakenly</p>	<p>MEG has included further clarity in the Frequently asked questions document regarding confidentiality and release of information.</p>

Topic	Stakeholder feedback	Response
	released after the five-year period expires.	
Redaction review decisions	Include an independent review of redaction decisions.	MEG has implemented this feedback in the revised Annual report release policy. The policy has been revised to provide guidance on how to appeal a decision and seek an independent review. An independent technical expert with relevant experience in the resources sector will be engaged to do any reviews.
Administrative updates	Amend dates to reflect extended consultation period.	MEG has implemented this feedback in the revised Annual report release policy. Dates for the Annual report release policy (Schedule 1) have been amended for 2024 and all subsequent years of the policy, commencing 28 March 2024.
	Include the term 'sunset clause' in the policy.	MEG has implemented this feedback in the revised Annual report release policy.
	Include a clear summary table of 'release' and 'not for release' in the policy.	MEG has implemented this feedback in the revised Annual report release policy.
	Confirm that baseline data will be sourced from DIGS and no additional data submissions are required for Group 9.	MEG has implemented this feedback in the revised Annual report release policy.

Topic	Stakeholder feedback	Response
	Commit to not expanding the definition of baseline data for Group 9.	MEG has included further clarity in the Frequently asked questions document regarding the definition of baseline geological data and coal quality analytical data. The current definition adequately meets the goals of the Annual report release policy.

Annual report redaction guide

Table 3 Summary of key feedback and response – Annual report redaction guide

Topic	Stakeholder feedback	Response
Administrative updates	Clarify the process to request redaction and make this information central to the Annual report redaction guide.	The redaction guide has been amended to prioritise information related to the process for requesting to redact reports.
	Provide alternate to submission via TMS.	<p>MEG has considered this feedback. Titles Management System remains the preferred method of submission of redacted reports and subsequent processes.</p> <p>The Annual report redaction guide has been amended to provide further guidance on submission of redacted reports and data via TMS, and where to seek support for any issues related to submission of redacted reports and data.</p> <p>Further information on the submission of redacted reports and data will be included in the TMS User guide: Lodgement of exploration reports, data and requests in Titles Management System. This guideline has been updated to provide additional guidance and will be published in conjunction with the revised redaction guide on 28 March 2024.</p>

Exploration reporting guideline

Table 4 Summary of key feedback and response - Exploration reporting guideline

Topic	Stakeholder feedback	Response
Administrative updates	Provide transitional period.	MEG has considered this feedback. A transitional period is not required as there are no significant changes to report or data structure, content or submission. All new templates (report templates and mineral data templates) are optional only, therefore any authority holders who may have commenced preparation of this information in advance of submission will not need to amend their submissions and can continue to use existing templates/formats. For authority holders preparing final or partial relinquishment reports, the new guideline has removed the requirement for submission expenditure data, which is a reduction in overall reporting requirements.
	Provide further information on the online report building tool.	Further information on the online report building tool has been included in the exploration reporting guideline, with specific guidance for lodgement in the TMS User guide: Lodgement of exploration reports, data and requests in Titles Management System which will be released 28 March 2024 in conjunction with the updated Exploration reporting guide. The use of the online report building tool is optional, and authority holders may elect to use existing methods.
	Simplify the process for providing expenditure data.	MEG has considered this feedback. The direct entry of activity and expenditure data into TMS, as opposed to using a spreadsheet, has advantages to industry and MEG. These include fewer mandatory components for reports submitted under the Exploration guideline: Annual activity reporting for prospecting titles, and data that is comparable and useful for analytics. The design of the activity and expenditure data capture in TMS also drives validations to ensure that the correct data is provided for acquisition activities, reducing the volume of reports returned for corrections. TMS is undergoing continuous improvement. The import of activity and expenditure data from a plain text file (e.g., CSV file) may be considered for a future release.

Frequently asked questions

Table 5 Summary of key feedback and response - Frequently asked questions (FAQs)

Topic	Stakeholder feedback	Response
Administrative updates	Include the term 'sunset clause' in the FAQ document.	MEG has implemented this feedback in the revised FAQs.
	Include a clear summary table of 'release' and 'not for release' in FAQ document.	MEG has implemented this feedback in the revised FAQs.
	Include question related to authorities that are partial flow-on.	MEG has implemented this feedback in the revised FAQs. Further detail related to partially relinquished authorities has been included in Table 4 of the revised Annual report release policy.
	Include question related to data re-submission.	MEG has implemented this feedback in the revised FAQs. The former requirement to re-submit data in a tabular format in MEG template has been removed.

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