

Consultation on draft mining regulations

Opal Mining

- *Permits and Tenements – Parts 2 and 3*
- *Opal Mining Registrar – section 75A*
- *Opal Mining Register – section 76*
- *Caveats – sections 26 and 26A*
- *Compliance and Enforcement –
sections 27A, 35, 35A and 35B, 77*
- *Offences and Penalties –
sections 82, 98A and 98B*
- *Service Requirements – various*
- *Table of Offences*



**Government
of South Australia**

Department for
Energy and Mining

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Introduction

The Opal Mining Act as amended by the *Statutes Amendment (Mineral Resources) Act 2019*

Opals have been mined in South Australia since 1915. Prospecting and mining of precious stones in South Australia is regulated by the *Opal Mining Act 1995* (Opal Mining Act) and Opal Mining Regulations 2012 (Opal Mining Regulations).

The revised Opal Mining Act, as amended by the *Statutes Amendment (Mineral Resources) Act 2019*, and draft Opal Mining Regulations will establish a modern government and industry approach to opal mining and ensure the legislative framework is more transparent and accountable.

Permits and tenements

Precious stones prospecting permits

Exempt land

Certain land is exempt from prospecting and mining if outside a precious stones field, which means it cannot be explored without permission from the landowner, or by order of the court.

Section 6(1)(a)(ii) of the amended Opal Mining Act includes in the definition of exempt land:

- (a) *land that is situated –*
 - (i) *within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or*
 - (ii) *within 150 metres of –*
 - (A) *a building or structure, with a value equal to or exceeding the prescribed amount, used for an industrial or commercial purpose; or*
 - (B) *a spring, well, reservoir or dam that has some commercial value or use,*
- (but not if it is an improvement made for the purposes of mining operations)*

Regulation 4 of the draft Opal Mining Regulations prescribes an amount of \$2,500 for the purpose of determining whether a building or structure used for an industrial or commercial purpose will create a benefit of exempt land. This ensures consistency with equivalent provisions under the *Mining Act 1971* (Mining Act).

Application processes

Sections 7 and 9 of the amended Opal Mining Act provide that applications relating to the grant and renewal of a precious stones prospecting permit must be made in a manner and form determined by the Director. These amendments provide flexibility to modernise application processes as required – for example, by allowing documents to be lodged electronically.

Permit qualifications

Section 11 of the Opal Mining Act has been amended so that the pegging of an area under a precious stones prospecting permit can only be permitted entirely within or entirely outside of a precious stones field – in other words, it cannot straddle the boundary. This reduces the risk of unforeseen complications and uncertainty about the applicable regulatory requirements.

Mode of pegging

Regulation 10 of the draft Opal Mining Regulations enables the Opal Mining Registrar to authorise a person to peg an area for a tenement in some manner other than by physical pegging. This amendment will allow modern methods, such as GPS coordinates, to be used to identify claim areas and locations.

Precious stones tenements

Application processes

Sections 19, 22 and 28 of the amended Opal Mining Act provide that applications relating to the registration, renewal and surrender of a precious stones tenement must be made in a manner and form determined by the Director or Opal Mining Registrar. As with precious stones prospecting permits, these amendments provide flexibility to modernise processes as required – for example, by allowing documents to be lodged electronically.

Removal of Machinery

Section 29 of the amended Opal Mining Act extends the timeframe for the removal of machinery or goods from land that has ceased to be subject to a tenement from 28 days to three months.

It also enables the Treasurer to deduct the costs associated with seizing, holding, maintaining, repairing, cleaning or selling the abandoned machinery or goods from the proceeds of the sale of the machinery or goods.

Failure to remove machinery or goods within the time specified may cause a compliance direction to be issued under the new section 35A (see 'Compliance and Enforcement'). Failure to comply with this type of direction attracts a maximum penalty of \$250,000 (see 'Offences and Penalties').

Working conditions

Regulation 14(1) of the draft Opal Mining Regulations specifies that a precious stones claim must be 'diligently worked'. The requirements for diligent work have been updated in DEM's [Mineral Policy 002: Working conditions under the Mining Act and Opal Mining Act](#) and replace the hours-per-week scheme.

Opal Mining Registrar

A new section 75A of the amended Opal Mining Act establishes that there is to be a dedicated Opal Mining Registrar.

Regulation 28 of the draft Opal Mining Regulations clarifies that the Offices of the Opal Mining Registrar are located in Coober Pedy and Adelaide, with a secondary office located at the Andamooka Post Office (noting this office facilitates document lodgement).

Opal Mining Register

Section 76 of the amended Opal Mining Act establishes a distinct public Opal Mining Register, which will record:

- (a) *precious stones prospecting permits issued under this Act; and*
- (b) *tenements registered under this Act; and*
- (c) *agreements registered under this Act; and*
- (d) *proceedings in the Warden's Court that relate to tenements under this Act; and*
- (e) *other instruments or determinations that require registration under this Act or the regulations; and*

any other information the Opal Mining Registrar thinks fit.

Schedule 4 of the draft Opal Mining Regulations details other instruments and determinations that require registration on the Register, including notices of cancellation of a precious stones tenement by the Opal Mining Registrar (section 28), compliance directions (section 35A) and bond amounts (section 36).

In accordance with DEM's *Transparency Policy*, the Opal Mining Registrar will use his/her discretion to ensure the availability of documents and information relating to the administration and regulation of opal mining activities in South Australia unless there are specific legal reasons to restrict access to the information.

The draft Opal Mining Regulations do not prescribe a fee for conducting a search of the Register.

Caveats

A substantially new section 26 and new 26A of the amended Opal Mining Act introduce caveat provisions almost identical to those included in the amended Mining Act.

Caveatable interests

A caveatable interest is any interest in a tenement (proprietary, equitable, contractual, etc.) as agreed between the parties under contract.

The registration of a caveat does not warrant the validity of the claimed interest, but will generally prevent the registration of other dealings/interests from destroying the claimed interest if it is substantiated.

The ultimate decision-maker as to whether something is a caveatable interest or not is a Warden of the Warden's Court.

Types of caveats

There are two categories of caveats:

An **absolute caveat** can be lodged in respect of an interest in a tenement and may forbid any transfer or voluntary surrender which affects that interest.

A **claim caveat** can be lodged in respect of an interest in a tenement and may forbid the registration of any transfer or voluntary surrender which affects that interest, unless the caveat expressly states it is subject to that interest.

Lodging a caveat

Both an absolute caveat and claim caveat can be lodged by the tenement holder or person who has or who is claiming an interest in the tenement.

An application for the registration of a caveat must be in a form determined by the Opal Mining Registrar, and must be accompanied by the prescribed fee (noting the draft Opal Mining Regulations do not propose to prescribe a fee) and other documents or information as required by the Opal Mining Registrar.

If a caveat is lodged by a person claiming an interest in the tenement without the express consent of the tenement holder, the application must be accompanied by the agreement that provides for the registration of the caveat or any information required by the Opal Mining Registrar regarding the nature of the caveatable interest, plus a statutory declaration as to the truthfulness and accuracy of the matter set out in the application.

Once a caveat is registered, the Opal Mining Registrar must send a notice of registration to the affected tenement holder (unless the tenement holder is also the caveator).

Caveat without consent

If a caveat is lodged by a person claiming an interest in the tenement without the express consent of the tenement holder, section 26(4) of the amended Opal Mining Act provides

guidance as to what in these circumstances would constitute a caveatable interest:

1. There must be an agreement between the tenement holder and person claiming an interest in the tenement;
2. That agreement must create an interest in the tenement;
3. That interest must relate to:
 - (a) the sale or transfer (or both) of that interest in the tenement; or
 - (b) any other matter connected with that tenement; and
4. That agreement must expressly allow for a caveat to be registered under the Act.

If there is no agreement between the tenement holder and person claiming an interest, the Opal Mining Registrar may still consider registering the caveat and can request any information he/she may require.

Effect of a caveat

A caveat does **not**:

- (a) affect or prevent the renewal of a tenement;
- (b) lapse on the renewal of a tenement; or
- (c) affect or prevent any dealing with the tenement required by law or an order of a court or tribunal.

An absolute caveat forbids transfers or voluntary surrenders.

A claim caveat forbids transfers unless that caveat expressly states that it is subject to a specific transfer.

Lapse of a caveat

A caveat lapses on the following events:

- (a) an order of the Warden's Court;
- (b) withdrawal of the caveat by the caveator; or
- (c) the expiry date (if set out in the caveat application form).

A second or subsequent caveat cannot be lodged over the same interests in a tenement without the approval of the Warden's Court.

Duties of the Warden's Court

As already noted, the ultimate arbiter of caveats under the amended Opal Mining Act is the Warden.

Section 26A states a Warden has the power to:

- Declare what is or isn't a caveatable interest;
- Cause a caveat to lapse;
- Allow a transfer, mortgage or surrender to be registered despite a caveat forbidding such registrations; and
- Order a caveator pay compensation for loss or damage caused by an invalid caveat.

Any person can seek an order or declaration of the court under section 26A, as long as that person has an interest in a tenement subject to that caveat, or has an interest directly affected by that caveat.

The role of the Opal Mining Registrar

Section 26(7) of the amended Opal Mining Act specifies that it is **not** the role of the Opal Mining Registrar to determine whether or not:

- (a) the caveat relates to a valid caveatable interest; or
- (b) a caveatable interest has been sufficiently described; or
- (c) there is sufficient evidence to support the caveat; or
- (d) any matter specified in the application is true and accurate.

Instead, the Opal Mining Registrar will review an application for the registration for a caveat and consider whether the application:

- Is in the determined form;
- Is accompanied by such other documents or information as the Registrar may require; and
 - If made by or with the consent of the tenement holder, is executed by both the tenement holder and the person claiming an interest; or
 - If made without the consent of the tenement holder, is accompanied by an agreement to which the tenement holder is also a party, and a statutory declaration (of the applicant) as to the truthfulness and accuracy of any matters specified in the application.

Once a caveat is registered, the Opal Mining Registrar must send a notice of registration to the affected tenement holder (other than where the tenement holder is also the caveator).

Withdrawal of a caveat

A caveat lapses on the following events:

- (a) an order of the Warden's court;
- (b) withdrawal of the caveat, by the caveator; or
- (c) the caveat lapses on the expiry date or event as set out in the caveat application form.

Compliance and enforcement

Cancellation and suspension

Section 27A of the amended Opal Mining Act introduces a cancellation and suspension process that allows the Opal Mining Registrar to suspend or cancel a precious stones tenement where the tenement holder contravenes or fails to comply with a term of the tenement or a provision of the Act.

The Opal Mining Registrar may suspend all or some of the operations under a tenement. The length or term of the suspension will be dependent on the nature of the contravention or failure to comply, and the obligation or requirement of compliance required by the Act or Minister.

Cancellation is finite, subject to revocation by the Environment, Resources and Development (ERD) Court on appeal.

Prior to taking action to suspend or cancel a tenement, the Opal Mining Registrar must take all reasonable steps to notify the tenement holder of the proposed course of action (including the grounds on which the Registrar intends to act), and must provide the tenement holder an opportunity to make written submissions on the matter within a period specified by the Registrar.

After notifying the tenement holder and considering any submissions, the Opal Mining Registrar may suspend or cancel the tenement by registering an instrument on the Opal

Mining Register and notifying the tenement holder of the cancellation or suspension.

The tenement holder has 28 days from receipt of the notice to review the grounds of suspension or cancellation in the ERD Court.

If on appeal the ERD Court is satisfied the Opal Mining Registrar acted on insufficient grounds, it may revoke the suspension or cancellation, and make other orders as necessary or appropriate. In this event, the Opal Mining Registrar may reinstate the tenement to a date that coincides with the initial date of suspension or cancellation, or such late date as the Registrar considers appropriate (subject to any order of the Court).

Rehabilitation of land

Section 35 of the amended Opal Mining Act enables a notice to be issued ordering the rehabilitation of land that is outside a precious stones field (and subject to a precious stones tenement) even if the relevant tenement has already expired. This provides the Minister greater oversight and ability to direct the rehabilitation of sites at any stage.

The maximum penalty for failing to comply with a rehabilitation notice has been increased from \$5,000 to \$120,000 to ensure the penalty is proportionate to the risk associated with non-compliance.

Directions

A new section 35A of the amended Opal Mining Act enables the Minister to issue compliance directions for the purpose of:

- (a) securing compliance with the Act and/or terms or conditions of a tenement; or
- (b) preventing or bringing to an end specified operations that are contrary to the Act or a tenement; or
- (c) requiring rehabilitation of land as a result of any operations under the tenement; or
- (d) requiring action to ensure public safety.

The maximum penalty for contravention of a compliance direction is \$250,000, again ensuring any penalty is proportionate to the risk associated with non-compliance.

A new section 35B of the amended Opal Mining Act provides that the Minister or an authorised person may, if he/she considers it reasonably necessary to do so, issue a direction in contravention of the Act. The person who complies with the direction will not be liable for any penalties under the Act for compliance with this requirement.

Judicial review rights apply.

Appointment of authorised persons

Section 77 of the amended Opal Mining Act enables an authorised person to enter, search, inspect and examine any premises, land or vehicle in connection with operations/activities regulated by the Act. Where necessary, the authorised person may break into/open a part of anything in the premises, land or vehicle.

A warrant from a magistrate, warden or justice is required for this to occur (discussed below), unless the inspection relates to a non-residential building or structure that is used by the tenement holder for or in connection with authorised operations, or the authorised person believes that urgent action is required.

This section also allows authorised persons to seize and retain anything that may be evidence of non compliance with the Act.

It is not an excuse for a person to refuse to provide information on the ground that it may incriminate the person or make the person liable to a penalty. However, any information provided cannot be used against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings for making a false or misleading statement).

Maximum penalties have been increased under the amended section 77 to align with other leading practice regimes.

Application for warrant

To ensure their new powers are used appropriately, authorised persons are required to obtain a warrant issued by a magistrate, warden or justice before exercising certain powers in respect of residential and non-residential premises.

Regulation 33A of the draft Opal Mining Regulations describes the procedure that must be followed when applying for a warrant:

The following procedures in relation to an application for the issue of a warrant are prescribed for the purposes of section 77(17)(b) of the Act:

- (a) *if an application for the issue of a warrant is made personally—the*

grounds of the application must be verified by affidavit;

(b) if an application for the issue of a warrant is made by telephone—

(i) the applicant must inform the magistrate, warden or justice of the applicant's name and identify the position that they hold for the purposes of the Act, and the magistrate, warden or justice, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and

(ii) the applicant must inform the magistrate, warden or justice of the purpose for which the warrant is required and the grounds on which it is sought; and

(iii) if it appears to the magistrate, warden or justice from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate, warden or justice must inform the applicant of the facts that justify, in their opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and

(iv) if the applicant gives such an undertaking, the magistrate, warden or justice may then make out and sign a warrant, noting on the warrant the facts that justify, in their opinion, the issue of the warrant; and

(v) the warrant is taken to have been issued, and comes into force, when signed by the magistrate, warden or justice; and

(vi) the magistrate, warden or justice must inform the applicant of the terms of the warrant; and

(vii) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate, warden or justice an affidavit verifying the facts referred to in paragraph (iii).

Offences and penalties

All offences in the amended Opal Mining Act are criminal offences, unless an administrative penalty is specified (discussed below). A comprehensive list of offences and penalties is included in the attached table.

Offences

Section 82 of the amended Opal Mining Act introduces reviewed penalties for the following offences:

Illegal mining

A person who mines for precious stones, or who sells, uses or disposes of precious stones recovered in the course of mining operations, without being duly authorised under the Act is guilty of an offence with a maximum penalty of up to \$150,000 (increased from \$10,000) or 2 years imprisonment.

Obstruction of a person authorised to mine etc.

A person who, without lawful excuse, obstructs or hinders a permit or tenement holder in the reasonable exercise of a right conferred under the Act is guilty of an offence with a maximum penalty of \$10,000 (increased from \$1,250).

False or misleading information

A person who, by a false or misleading statement or information, obtains or attempts to obtain a permit or tenement, or who fraudulently alters or uses a permit or tenement, is guilty of an offence with a

maximum penalty of \$10,000 (increased from \$2,500).

A person who, in furnishing information for the purposes of the Act, makes a false or misleading statement is guilty of an offence with a maximum penalty of \$10,000 (increased from \$2,500).

General contravention / failure to comply

A person who contravenes or fails to comply with a provision of the Act (other than a provision to which an administrative penalty applies) is guilty of an offence, and if no penalty is specified, is liable to a fine of up to \$10,000 (increased from \$2,500).

Penalties

Administrative penalties

A new section 98A of the amended Opal Mining Act provides that administrative penalties of up to \$15,000 and prescribed by regulations will be applied to any provision of the Act or Regulations (but may not be imposed twice for the same matter).

Schedule 5 of the draft Opal Mining Regulations specifies an administrative penalty of \$5,000 for breaches of the following sections of the Act (as amended):

- Section 8(4) – which prohibits a person from lending a precious stones prospecting permit to another person

or permitting another person to use, or to take the benefit of, his or her precious stones prospecting permit.

- Section 16(9a) – which prohibits a person from pegging out an area for a precious stones tenement in contravention of that section (relating to ballots to be conducted in certain cases).
- Section 18(1) – which prohibits a person purporting to peg out an area for a precious stones tenement if not authorised to do so under a valid precious stones prospecting permit or, while being the holder of a precious stones prospecting permit, peg out an area in contravention of the Act or authority conferred by the Act.
- Section 30 – which requires the holder of a registered precious stones tenement to ensure that all post boundary indicators and notices are maintained in accordance with requirements prescribed by the regulations.

The Director of Mines may, by notice in writing, impose an administrative penalty on an individual without the need to give a warning or prior notice. Once imposed, the Director has 7 years in which to enforce that debt unless the time period is extended in accordance with, or by operation of, the *Limitation of Action Act 1936* (SA).

Administrative penalties are unique to the Act, Mining Act and the *Petroleum and Geothermal Energy Act 2000* (SA), and may be recovered as a debt to the Crown.

Mining Rehabilitation Fund

A new section 98B of the amended Opal Mining Act specifies that any penalties or administrative penalties under the Act will be paid into the Mining Rehabilitation Fund (MRF).

The MRF has been established under the Mining Act to fund land rehabilitation monitoring and maintenance programs. DEM intends to undertake further work and consultation on the operation of the MRF in 2021.

Evidentiary provisions

Section 87 of the amended Opal Mining Act has been expanded to enable the Opal Mining Registrar to certify a broader range of documents for the purposes of putting evidence before the court without the need to call witnesses.

Service requirements

The amended Opal Mining Act includes various sections that require the service of notices and documents. To reduce duplication and ensure consistency, the Act requires notices and documents to be served in accordance with the Regulations.

Draft regulation 34(1) specifies that a notice or document required or authorised to be given to or served on a person (other than a *designated person* (defined below) or a person who holds or may hold native title) may –

- (a) *be served on the person personally; or*
- (b) *be posted by registered post in an envelope addressed to the person—*
 - (i) *at the person’s last known address; or*
 - (ii) *if the person has an address for correspondence or service – at that address; or*
- (c) *be served by email sent to an email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of sending).*

Designated person means –

- (a) *the Minister; or*
- (b) *the Opal Mining Registrar or an opal mining registrar; or*
- (c) *the Director of Mines.*

Draft regulation 34(2) specifies that a notice or document required or authorised to be provided, given or served on a designated person must be given or served in the manner specified by that person by notice in the Gazette.

If a notice or document is given or served:

- (a) *by lodgement at an office of the Mining Registrar – the notice or document will be taken to have been given or served at the time it is lodged at the office of the Mining Register; or*
- (b) *by email—the notice or document will be taken to have been given or served at the time of sending the email; or*
- (c) *by other electronic means—the notice or document will be taken to have been given or served when the person giving or serving the notice or document receives confirmation by those electronic means that the notice or document has been received by the designated person.*

A person who holds native title in land must be served in accordance with Part 5 of the *Native Title (South Australia) Act 1994*, which requires notices to be given personally or by post to:

- (a) The native title holders registered representative; and
- (b) The relevant representative Aboriginal body for the land.

Table of offences

Act or Regulations	Offence	Penalty type	Maximum value
s. 8	Nature of permit – A person must not lend or permit another person to use a PSPP.	Administrative	\$5,000
s. 16(9)	Ballot may be conducted in certain cases – Person must not prospect for precious stones in contravention of section.		\$5,000
s. 16(9a)	Ballot may be conducted in certain cases – Person must not peg out an area for a precious stones tenement in contravention of section.	Administrative	\$5,000
s. 18(1)	Contravention of Part 2 – Precious stones prospecting permits Person must not peg a precious stones tenement without, or in contravention of, a valid authority.	Administrative	\$5,000
s. 18(2)	Contravention of Part 2 – Precious stones prospecting permits Person must not carry out operations within a pegged area unless those operations are authorised by Act.		\$5,000
s. 25	Unlawful entry on tenement		\$10,000
s. 30	Maintenance of posts – Holder of PST must maintain posts in accordance with requirements prescribed by the regulations.	Administrative	\$5,000
s. 32(7)	Notice of entry – Failure to comply with notice of entry service requirements or court determination regarding entry on land.		\$50,000
s. 34(1)	Use of declared equipment – Use of declared equipment outside of tenement (within PSF) or without the written authorisation of the Director (for land outside PSF)		\$120,000
s. 34(5)	Use of declared equipment – Contravention or failure to comply with condition of authorisation to use declared equipment outside PSF.		\$120,000
s. 34(11)	Use of declared equipment – Use of declared equipment without prior service of notice, or failure to comply with a court determination or condition relating to use of declared equipment.		\$120,000

Act or Regulations	Offence	Penalty type	Maximum value
s. 35(3)	Rehabilitation of land – Failure to comply with rehabilitation direction.		\$120,000
s. 35(5)	Rehabilitation of land – Failure to comply with order barring named person from pegging another tenement pending compliance with rehabilitation notice.		\$120,000
s. 35A(4)	Compliance directions – Failure to comply with compliance direction.		\$250,000
s. 36(9)	Bonds – Conducting mining operations where bond is required and remains outstanding.		\$120,000
s. 36(11)	Bonds – Contravention of prohibition on mining operations until person complies with requirement under s. 36.		\$120,000
s. 70A	Opal Mining Native Title Register – Contravention or failure to comply with a condition of an authorisation to inspect an Part 7 agreement or determination.		\$5,000
s. 77(8)	Appointment of authorised persons – Failure of land owner/occupier of land to assist authorised person as reasonably required.		\$10,000 or six months imprisonment
s. 77(9)	Appointment of authorised persons – Hinder or obstruct, abuse or threaten, fail to obey a requirement or direction or answer a question of an authorised person. Falsely represent that he/she is an authorised person.	Offence	\$10,000 or six months imprisonment
s. 77(13)	Failure to provide full name, place of residence and evidence of identity to an authorised person.		\$5,000
s. 79(5)	Exemptions – Contravene or failure to comply with a condition of exemption from the obligation to comply with a tenement term/condition of provision of the Act.	Offence	\$50,000
s. 82(1)	Offences – Illegal mining.		\$150,000 or 2 years imprisonment
s. 82(3)	Offences – Obstruct or hinder tenement/permit holder in the exercise of rights conferred by the Act.		\$10,000

Act or Regulations	Offence	Penalty type	Maximum value
s. 82(4)	Offences – Obtain or attempt to obtain a permit/tenement by false information. Forge or fraudulently alter or use a permit or tenement.		\$10,000
s. 82(5)	Offences – Make a false or misleading statement in furnishing information for the purpose of the Act.		\$10,000
s. 82(6)	Offences – Contravene or fail to comply with a provision of this Act (other than provision to which an administrative penalty applies) – guilty of an offence or (if no penalty is specified) a fine not exceeding \$10,000		
s. 84(5)	Prohibition orders – Enter or remain on a PSF in contravention of a prohibition order.		\$150,000 or 2 years imprisonment
s. 86(3)	Compliance orders – Breach of ERD Court compliance order.		\$100,000
s. 89(2)	Disposal of waste – Deposit soil, overburden or other material beyond the area of a precious stones claim or registered tenement without written authority of an authorised person.		\$10,000
s. 89(5)	Disposal of waste – Contravention of a condition of an authority to dispose of waste.		\$10,000
s. 93(2)	Interaction with Mining Act – Unreasonable interference with mineral tenement on same land.		\$20,000
s. 93(6)	Interaction with Mining Act – Contravene or failure to comply with Warden’s Court Order regulating, restricting or prohibiting mining operations where two or more tenements include the same land.		\$10,000
s. 99(2)(o)	Regulations – The regulations may prescribe fines (not exceeding \$10,000) for a contravention of a regulation.		

PSPP Precious stones prospecting permit

PST Precious stones tenement

Provide your feedback

The draft regulations in *Package one: land access* will be open for input until **11 September 2020**. For further information please:

- Register on the [Department for Energy and Mining website](https://energymining.sa.gov.au/minerals/mining/update_on_mining_regulations_2020) to receive email updates (energymining.sa.gov.au/minerals/mining/update_on_mining_regulations_2020)
- Visit the South Australian Government's [YourSAy website](https://yoursay.sa.gov.au/) (https://yoursay.sa.gov.au/)

To provide a submission:

- Visit the DEM mining regulations website and submit a completed form online.
- Alternatively, download the form, then post or email to:

Mining Regulations Submission Form
Resource Policy and Engagement
Department for Energy and Mining
GPO Box 320
Adelaide SA 5001

Email: DEM.MiningRegs@sa.gov.au

