



# OPAL MINING ACT



## THE CURRENT OPAL MINING ACT 1995

The Opal Mining Act and Regulations provide the framework for opal prospecting, exploration and mining in South Australia. The Act provides registration, renewal and surrender processes for permits and tenements, and sets out the rights and obligations of the permit and tenement holders. These obligations include safety and environmental duties. The Act also sets out the compliance and enforcement mechanisms that are available to the Department, and gives the Warden's Court the jurisdiction to determine all matters concerning any right claimed in relation to the Act. Only minor amendments have been made to the Act since it commenced in 1995.

## WHAT YOU SAID

Submissions were generally supportive of the proposed recommendations to amend the Opal Mining Act, recognising the need to modernise the Act and improve environmental and safety provisions. Some submissions also sought improvements to the management of opal mining tenements outside of proclaimed fields and within opal mining claims, the regulation of native title, the regulation of camp sites, claim working hours, size of claims, penalties and rehabilitation matters.

## FUTURE DIRECTIONS BEING CONSIDERED

The opening up of three previously reserved areas to opal mining in March 2017 has sparked a rush of claims and new exploration activity in the Coober Pedy area, demonstrating that enthusiasm for opals is alive and well in South Australia. It is a timely opportunity to take action to modernise the Opal Mining Act and Regulations to support this important regional resource and tourism industry.

Since 2001, relevant powers in the Mining Act have been delegated to local staff in Coober Pedy, improving the quality of services provided to opal miners and the community. The Department considers that it is appropriate to now formalise these arrangements in the Act by creating an Opal Mining Registrar and an Opal Mining Register.

Working conditions would also be amended to provide more flexibility for opal miners, while still ensuring that claims are worked diligently.

The Review Team will propose amendments that will modernise the compliance and enforcement framework in line with proposed changes to the Mining Act, including increased penalties and a framework that enables penalty amounts to be adjusted on a more regular basis over time.

To improve environmental and safety provisions, the Act would be amended to make it clear that residency is not permitted on a proclaimed precious stone field or within a notified claim and authorised officers will be empowered to direct rehabilitation of land.

The Review Team is also proposing to implement a number of largely administrative changes to modernise the Opal Mining Act including removing ambiguous language and terms, enabling electronic submission of forms, and abolishing the bond lodgement fee.

*Leading Practice Mining Acts Review — June 2017*