

# Working conditions under the Opal Mining Act

This document provides a summary of the working conditions-related matters within the Department for Energy and Mining's policy on *Working conditions under the Mining Act and Opal Mining Act*, available at [energymining.sa.gov.au/minerals/knowledge\\_centre/policies](http://energymining.sa.gov.au/minerals/knowledge_centre/policies). These matters are relevant to opal miners with a precious stones claim, under the *Opal Mining Act 1995*.

## Working conditions

Precious stones claims must be diligently worked on a regular basis.

You do not need to meet working conditions over the summer, between 15 December and 14 March (inclusive) each year, due to extreme weather conditions.

## Combining working conditions for two or more claims

If you have adjoining precious stones claims, you can apply to the Warden's Court for the working conditions of these claims to be joined together, or

amalgamated. This can help you meet the working conditions of all claims by working at any location within the boundaries of the claims.

The total amalgamated area cannot be bigger than 10,000 square metres. Amalgamations can be granted for up to one year.

Third parties can object to an application for amalgamation. Amalgamations can also be cancelled by the Warden's Court at any time during the granted period.

## Special conditions for Mintabie Precious Stones Field

You must meet the special conditions for the Mintabie Precious Stones Field to meet your working conditions. These conditions include:

- You cannot live on the field.
- You cannot store explosives on the field; SafeWork SA can provide advice on the safe transport and storage of explosives. Phone 1300 365 255, [www.safework.sa.gov.au](http://www.safework.sa.gov.au).

- You can only use non-permanent and moveable equipment on the field.
- You must comply with by-laws under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* at all times.

## Suspension of working conditions

You can apply to the Warden's Court to suspend your working conditions for a short time. The court can grant you a suspension for up to six months and can apply conditions that you must follow.

## Exemption from working conditions

You do not have to meet working conditions, if the reason is:

- illness, or absence on urgent work in the public interest
- flood, drought or other act of nature
- an order of a court that prevents you from working the claim.

The first two dot points only apply for two months from the event or circumstance.

It is your responsibility to meet your working conditions or seek a suspension from the Warden's Court to protect yourself from action by another opal miner, the landowner or the department.



Coober Pedy opal.

## Renewal

You can apply to renew a precious stones claim for a period of 12 months. A renewal is generally granted if you have met all requirements of the Opal Mining Act during the previous period. The department may consider whether you have met your working conditions.

## Forfeiture

If you are not meeting your working conditions, another person can apply for your claim to be forfeited. This is done through plaintiff action in the Warden's Court - 'plaint' is a legal term for an accusation or a charge.

Another opal miner, a holder of a precious stones prospecting permit, or the landowner relating to the claim can apply for the area. If they are successful, they will have an exclusive right to peg out an area for a precious stones claim of the same kind on the land for a 14-day period.

The department can also seek forfeiture of a precious stones claim. If the department is successful, the ground will become available for pegging and claim by another person.

## Contact

If you have any questions, please contact the Coober Pedy Opal Fields Office on Phone: (08) 8672 5800

Email: [DEM.cooberpedyadministration@sa.gov.au](mailto:DEM.cooberpedyadministration@sa.gov.au) or visit us in the TAFE Building, Hutchinson Street, Coober Pedy.

## Acknowledgement of Country

The Department for Energy and Mining acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.