

Crown Land and Fossicking:

A guide to fossicking on Crown Land in South Australia

About fossicking

Fossicking is the gathering of minerals as a recreation; and without any intention to sell the minerals or to utilise them for a commercial or industrial purpose. This does not include the gathering of minerals by any means that involves the disturbance of land or water by machinery or explosives.

This activity is only undertaken for recreational, educational or tourism purposes and without any intention to sell the minerals or to utilise them for a commercial or industrial purpose.

In accordance with Section 16 of the *Mining Act 1971*, all minerals are the property of the Crown in South Australia. Fossicking permits are not required in South Australia pursuant to the *Mining Act 1971*, however, authorisation to enter onto a property must be obtained from the landowner prior to entry to fossick on the land.

As the excavation, damage or interference of Crown land (i.e. removal of earth as a result of development or for sampling, laying underground pipes, vandalism, fossicking), without lawful authority is an offence pursuant to Section 61(e) of the *Crown Lands Management Act 2009*, consent must be obtained in order to fossick on Crown land.

What is Crown Land?

The majority of land in South Australia is privately owned or held under a crown lease or other arrangement. The remaining land is known as unalienated Crown land. Unalienated Crown land includes all land of the State other than the following:

- Land granted, or contracted to be granted, in fee simple
- Dedicated land
- Crown leasehold land
- Land owned by, or under the control of the Minister for Environment and Water such as parks and reserves
- Land owned by, or under the control of a Crown agency

What rules governs fossicking in South Australia?

The main provisions that apply to fossicking on Crown land are the *Crown Land Management Act 2009*, *Mining Act 1971*, the *Native Title Act 1993* and the *SA Aboriginal Heritage Act 1988*. Local Council's may also have their own by-laws in place to fossicking within their Council area.

Further to this, the *Crown Land Management Regulations 2010* prescribe that Crown land can only be occupied for up to a period of 3 weeks.

As a fossicker you must ensure that you comply with all relevant legislation.

What techniques can be used for fossicking on Crown land?

Fossicking can be done on land or waters subject to native title using hand held implements, which include picks, shovels, hammers, sieves, shakers and gold pans. However, regardless of the implements used, no excavation is permitted.

On land or waters that are not subject to native title, fossicking is not restricted to hand held implements, but power-operated equipment cannot be used for the purpose of surface disturbance, excavation or processing.

Metal detectors can be used in fossicking activities on any Crown land where fossicking is permitted.

What techniques cannot be used for fossicking on Crown land?

Neither explosives nor dredges can be used for fossicking on Crown land.

Power-operated equipment cannot be used on Crown land or in waters for surface disturbance, excavation or processing. Power operated equipment includes mechanical, hydraulic, pneumatic, battery and electrical equipment or machinery.

Where can fossicking take place?

As a general rule, fossicking in accordance with the legislation can take place on unalienated Crown land with the consent of the Department of Environment and Water, on behalf of the Minister for Environment and water.

If you are interested in fossicking on Crown land please contact the relevant Regional Officer for Information and Assistance to determine whether any legislative restrictions apply.

- Fossicking and prospecting are not permitted within National Parks, Conservation Parks and Forest Reserves.
- Fossicking areas have been established on part of the Echunga and Gumeracha Goldfields near Adelaide.
- Fossickers may not enter areas held under current mineral claims, mineral or extractive minerals leases, retention leases, miscellaneous purposes licences or private mines to prospect or fossick unless you have obtained prior approval from the holder.

How much can I take?

Fossicking is limited to taking no more than the amounts prescribed in the *Mining Regulations 2009*.

Other restrictions on fossicking include the the *Mining Regulations 2010* which also prohibits; the damage or removal of any bushrock, the disturbance of more than 1 cubic metre of any soil, rock or other material during any single period of 48 hours.

How should I leave a fossicking site?

Any fossicking site must be left in a clean and tidy condition. If you have disturbed the site you need to restore it as close as possible to its pre-disturbed condition. Soil, rock or other material that has been excavated must be replaced before you make any further excavations. You must remove all refuse, including bottles, cans, etc. from the site.

Further information:

Further information regarding fossicking is available from numerous sources, including:

- http://www.energymining.sa.gov.au/minerals/exploration/fossicking#frequent_questions
- <https://www.dpc.sa.gov.au/responsibilities/aboriginal-affairs-and-reconciliation/aboriginal-heritage/guidance-on-aboriginal-heritage>

For more information

For enquiries, please contact the Department of Environment and Water:

E: DEW.CrownLandsEnquiries@sa.gov.au

P: (08) 8204 1218

W: www.environment.sa.gov.au