



Queensland

Fossicking Act 1994

Fossicking Regulation 1994

Reprinted as in force on 1 July 2009

Reprint No. 5D

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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2009 SL No. 167 s 40

Information about this reprint

This regulation is reprinted as at 1 July 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Fossicking Regulation 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	5
3	Definitions	5
4	Forms	6
5	Fees	6
6	Term of licence	6
7	Term of permit	7
8	Regulation does not affect landowner's rights	7
Part 2	Designated fossicking land, fossicking and other areas	
9	Designated fossicking land	7
10	Fossicking areas	7
11	Prohibited camping land	8
12	Regulated camping land	8
Part 3	Camping	
13	Self-registration camping areas	8
14	When permit is taken to have been granted	9
15	Display of permits and self-registration forms	10
16	Interference with permits and self-registration forms	10
Part 4	Control of activities on all land	
17	Certain activities prohibited	10
18	Fossicking in a watercourse	11
19	Disposal of human wastes	12
20	Land to be left safe and tidy	12
Part 5	Control of activities on designated fossicking land and fossicking areas	
21	Structures, dams and machinery	13
22	Roads, tracks etc.	13

23	Use of vehicles	13
24	Other prohibited conduct	14
25	Display of advertisements	14
26	Other prohibited activities	15
Part 6	Control of miners common	
Division 1	Preliminary	
27	Name of miners common	15
28	Who is controller	15
29	Performing functions under this part	16
Division 2	Agistment	
30	Approval needed	16
31	When agistment approval can not be given	16
32	Agistment approval not transferable	17
33	How long agistment approval is in force	17
34	Tagging agisted stock	17
35	Reducing carrying capacity	18
36	Increasing carrying capacity	18
37	Mustering	19
Division 3	Records	
38	Register of agistment approvals	19
Part 7	General	
39	Commission	19
40	Prescribed value for abandoned property	20
Schedule 1	Fees	21
Schedule 2	Designated fossicking land	22
Schedule 3	Fossicking areas	23
Schedule 4	Prohibited camping land	24
Schedule 5	Regulated camping land	25
Schedule 6	Rubyvale, Sapphire and Scrub Lead Miners Common	26
 Endnotes		
1	Index to endnotes	27
2	Date to which amendments incorporated	27
3	Key	27
4	Table of reprints	28
5	Tables in earlier reprints	28

6	List of legislation	28
7	List of annotations	30

Fossicking Regulation 1994

[as amended by all amendments that commenced on or before 1 July 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fossicking Regulation 1994*.

3 Definitions

In this regulation—

agistment approval see section 30.

camping fee envelope means a part of a camping form for use for the payment of camping fees.

camping form means a form made available for use for camping in a self-registration camping area.¹

controller, of the miners common, see section 28.

corresponding law means a law of another State that corresponds to the *Transport Infrastructure Act 1994*.

miners common see section 27.

plan means a survey plan held in the Brisbane office of the department.²

requirement of a self-registration camping notice, includes a direction, instruction, indication, condition or other provision of the notice.

1 See section 13 (Self-registration camping areas).

2 A copy of each plan may be inspected at the department's head office, 61 Mary Street, Brisbane.

Rubyvale–Sapphire area means land within the boundaries shown on plans mentioned in schedule 2 for the following designated fossicking land—

- Divide designated fossicking land
- Reward designated fossicking land
- Rubyvale designated fossicking land
- Sapphire designated fossicking land
- Scrub Lead designated fossicking land.

self-registration camping area means regulated camping land to which a self-registration camping notice relates.

self-registration camping notice means a notice under section 13.³

stock means camels, cattle and horses over 9 months old but does not include stallions.

4 Forms

The chief executive may approve forms for use under this regulation.

5 Fees

The fees payable under the Act are stated in schedule 1.

6 Term of licence

An issuing officer may grant—

- (a) an individual or family fossickers licence for 1 month, 6 months or 1 year; or
- (b) an educational organisation or commercial tour operator fossickers licence for 1 month or 1 year; or
- (c) another kind of licence for 1 year.

³ Section 13 deals with self-registration camping areas.

7 Term of permit

An issuing officer may grant a permit for not more than 3 months.

8 Regulation does not affect landowner's rights

- (1) This regulation does not limit a right of an owner of land to use the land or to authorise someone else to use the land for a purpose that, apart from this regulation, would be a lawful purpose.
- (2) A person acting under the owner's authority under subsection (1) does not contravene this regulation.

**Part 2 Designated fossicking land,
fossicking and other areas****9 Designated fossicking land**

- (1) The land specified in schedule 2 is designated fossicking land with the name given to it in the schedule.
- (2) The area given for the land is the total area inside the boundaries of the land, even though some of the land may not be designated fossicking land because it is excluded from the designated fossicking land under the Act.⁴

10 Fossicking areas

- (1) The land specified in schedule 3 is a fossicking area with the name given to it in the schedule.
- (2) The area given for the land is the total area inside the boundaries of the land, even though some of the land may not

⁴ See expired sections 112 (Designated areas) and 118 (Application of s 20A of Acts Interpretation Act 1954) of the Act.

be part of the fossicking area because it is excluded from the fossicking area under the Act.⁵

11 Prohibited camping land

The land specified in schedule 4 is prohibited camping land.

12 Regulated camping land

The land specified in schedule 5 is regulated camping land.

Part 3 Camping

13 Self-registration camping areas

- (1) The chief executive may erect or display on, or at or near any entrance to, regulated camping land, a notice (a *self-registration camping notice*) stating that the land, or a stated part of the land, is a self-registration camping area for a stated period.
- (2) The self-registration camping notice must state, in general terms, the procedures to be followed by anyone intending to camp in the area.
- (3) The self-registration camping notice must also state—
 - (a) how many people may camp in the area under a permit; and
 - (b) how long someone may camp in the area; and
 - (c) how many people may camp on a camp site in the area; and
 - (d) how many permits may apply to a camp site in the area; and
 - (e) the camping fee payable for camping in the area; and

⁵ See expired sections 113 (Fossicking areas) and 118 (Application of s 20A of Acts Interpretation Act 1954) of the Act.

Fossicking Regulation 1994

- (f) the penalty for camping in the area without a permit.
- (3) The chief executive must make forms (*camping forms*) and a sealed, secure camping fee container available for use for camping in the area.
- (5) The camping forms and camping fee container must be in an easily accessible and conspicuous position in the area.
- (6) The camping form must—
 - (a) state the procedures a person using the form must follow; and
 - (b) include a detachable camping fee envelope and a form (the *self-registration form*) to be displayed at the person's camp site.
- (7) A person intending to camp in the area must follow the procedures stated on the camping fee envelope.

14 When permit is taken to have been granted

- (1) This section applies if a person—
 - (a) fills in a camping form for a self-registration camping area in the way stated on the form; and
 - (b) places cash or a cheque for the camping fee in the camping fee envelope and seals the envelope; and
 - (c) puts the envelope in the camping fee container.
- (2) The person, and anyone accompanying the person to camp in the area, is taken to have been granted a permit for the area and period stated in the form.
- (3) The permit is not taken to have been granted—
 - (a) for more people than the number mentioned in the camping form; or
 - (b) for more people than the number stated under the self-registration camping notice; or
 - (c) for a time when the area is not a self-registration camping area; or
 - (d) for longer than the longest period for which anyone may camp in the area; or

- (e) if the person paid the camping fee by cheque and the cheque is dishonoured.

15 Display of permits and self-registration forms

- (1) A person camping under a permit, including a person to whom a permit is taken to have been granted, must, as soon as possible after making camp, display the form by attaching it, in a conspicuous position—
 - (a) to the person's tent, caravan or other structure; or
 - (b) if paragraph (a) does not apply—to other camping equipment used by the person.
- (2) The person must take reasonable steps to ensure the permit or self-registration form remains displayed while the person camps under the permit or self-registration form.
- (3) A person (other than someone taken to have been granted a permit) must not attach a self-registration form to a tent, caravan, other structure, camping equipment or vehicle.

Maximum penalty—2 penalty units.

16 Interference with permits and self-registration forms

A person must not remove or interfere with a permit or self-registration form displayed at someone else's camp site.

Maximum penalty—2 penalty units.

Part 4 Control of activities on all land

17 Certain activities prohibited

A person fossicking under a licence or camping under a permit must not, unless the person has a reasonable excuse—

- (a) deface, destroy or injure a tree; or
- (b) clear vegetation for a purpose other than digging the land cleared; or

Fossicking Regulation 1994

- (c) pollute a watercourse or water storage facility; or
- (d) dig in land in a way likely to cause gullying, or the collapse of banks, on land around the land dug; or
- (e) place material dug on a slope where water may wash it away; or
- (f) interfere with improvements, a site of cultural or heritage value or domestic stock.

Maximum penalty—20 penalty units.

18 Fossicking in a watercourse

- (1) This section applies to a person fossicking in a watercourse.
- (2) The person must not—
 - (a) fossick within 40m of—
 - (i) a weir, bridge or other structure in or over the watercourse; or
 - (ii) a site of a pump used to pump water from the watercourse; or
 - (b) if fossicking within 3m of the top or toe of a bank or in a bank slope may cause erosion or the collapse of the bank—fossick within 3m of the top or toe of the bank or in the bank's slope; or
 - (c) significantly interrupt, divert or stop the flow of water in the watercourse; or
 - (d) cause significant stream turbidity more than 300m downstream from the person's fossicking site; or
 - (e) erect a structure in the watercourse.
- (3) A person digging in a watercourse must, before leaving the watercourse—
 - (a) refill the person's fossicking site; and
 - (b) if there is material left over after refilling the site—put the left over material in a place in the watercourse where it is unlikely to affect significant stream flows or disturb the stream's low flow channel.

Maximum penalty—20 penalty units.

19 Disposal of human wastes

A person fossicking under a licence or camping under a permit must dispose of human waste—

- (a) if there are facilities for disposing of human waste on the land—in the facilities; or
- (b) by burying it at least 20m from the nearest high bank of a watercourse and covering it with at least 20cm of soil.

Maximum penalty—5 penalty units.

20 Land to be left safe and tidy

(1) A person who has stopped fossicking or camping on land must, immediately before leaving the land—

- (a) if the land is designated fossicking land or a fossicking area—make the person's fossicking or camp site safe for other fossickers, stock and the owner of the land; or
- (b) if paragraph (a) does not apply—make the person's fossicking or camp site safe for other fossickers, stock and the owner of the land, for example, by filling in any place dug by the person.

(2) The person must also—

- (a) pull down the person's camping structures; and
- (b) leave the site tidy and free from rubbish.

(3) If there are no rubbish containers on the land, the person must take the person's rubbish away from the land.

Maximum penalty for subsections (1) to (3)—5 penalty units.

- (ii) endanger anyone on the land (including the driver);
or
 - (iii) damage a road surface; or
 - (d) in a way that makes excessive noise.
- Maximum penalty—5 penalty units.

24 Other prohibited conduct

A person on designated fossicking land or a fossicking area must not—

- (a) use a weapon, trap or explosive on the land, unless the person has a reasonable excuse; or
- (b) operate a generator, engine driven equipment, radio or other electrical appliance, in a way that may unreasonably annoy someone else on the land; or
- (c) damage or destroy a wall, fence, building, barrier, sign, receptacle or other structure; or
- (d) light a fire—
 - (i) in a place other than a cleared space with a radius of at least 2m or a properly built fireplace; or
 - (ii) if, under a sign erected on the land by the chief executive, a person must not light a fire on the land; or
- (e) allow water, other than water the person brought onto the land, to run to waste; or
- (f) if, under a sign erected on the land by the chief executive, a person must not bring a cat or dog onto the land—bring a cat or dog onto the land.

Maximum penalty—20 penalty units.

25 Display of advertisements

- (1) A person must not, without the mining registrar's written approval, display an advertisement on a fossicking area, unless the person has a reasonable excuse.

Maximum penalty—5 penalty units.

- (2) It is a reasonable excuse for a person to display an advertisement if the advertisement is on a vehicle used for commercial purposes by a person visiting the land to fossick under a licence or to bring supplies to a person fossicking under a licence.

26 Other prohibited activities

A person on a fossicking area must not, without the mining registrar's written approval—

- (a) set up or use a loudspeaker system; or
- (b) hold or address a meeting, assembly or religious service; or
- (c) give a musical performance; or
- (d) solicit donations; or
- (e) give out literature.

Maximum penalty—5 penalty units.

Part 6 Control of miners common

Division 1 Preliminary

27 Name of miners common

- (1) The name of the miners common is the 'Rubyvale, Sapphire and Scrub Lead Miners Common'.
- (2) The miners common includes all unoccupied land within designated fossicking land and fossicking areas specified in schedule 6.

28 Who is controller

The Emerald Shire Council is controller of the miners common.

29 Performing functions under this part

- (1) The controller may authorise its chief executive officer to do anything necessary to be done for the performance of functions under this part.
- (2) In particular, the controller may authorise the chief executive officer to appoint someone the chief executive officer considers has the necessary training and experience for the purpose, to perform the controller's functions.
- (3) The chief executive officer may, in the appointment, impose conditions on the performance of the functions.

Division 2 Agistment**30 Approval needed**

- (1) A person must not agist stock on the miners common unless the person—
 - (a) is an individual who owns and lives on land in the Rubyvale–Sapphire area; and
 - (b) has the controller's written approval (an *agistment approval*) to agist the stock.

Maximum penalty—20 penalty units.

- (2) An application for an agistment approval must be in writing and be accompanied by—
 - (a) the prescribed fee; and
 - (b) documentary evidence of ownership of the stock to be agisted and any permission needed to keep the stock.

31 When agistment approval can not be given

- (1) The controller must not give an agistment approval to a minor.
- (2) Also, the controller must not give an agistment approval if—
 - (a) it allows someone (alone, or with someone else and whether under 1 or more agistment approvals in which

- the person has a direct or indirect interest) to agist more than 20 head of stock on the miners common; or
- (b) it increases the number of animals agisted on the miners common to more than—
 - (i) 400 head; or
 - (ii) if the controller has changed the carrying capacity under this division—the changed carrying capacity; or
 - (c) the controller reasonably believes the condition or carrying capacity of the miners common can not support the stock.

32 Agistment approval not transferable

An agistment approval is not transferable.

33 How long agistment approval is in force

- (1) An agistment approval is in force for the period stated in the approval and may be renewed.
- (2) However, an agistment approval lapses if the approval holder does not do the following within 14 days after a day stated in the approval—
 - (a) pay the fees payable under the approval;
 - (b) start agisting stock on the miners common.

34 Tagging agisted stock

- (1) If the controller issues tags for agisted stock, a person agisting stock under an agistment approval must ensure each animal agisted is tagged with a tag supplied by the controller.
- (2) A person whose agistment approval ends must return tags issued to the person under subsection (1) to the controller within 7 days after the approval ends.

Maximum penalty—20 penalty units.

35 Reducing carrying capacity

- (1) If, because of drought, flood or another reason (including a reduction in the area of the miners common) there are more stock on the common than the controller reasonably believes it can carry, the controller may reduce the number of head of stock that may agist on the common.
- (2) The controller must apply the reduction to persons agisting stock on the common in a way that ensures, as far as is reasonably practicable, no-one is treated more favourably than anyone else.
- (3) The controller must give written notice of the reduction to each agistment approval holder affected by it.
- (3) The notice must—
 - (a) state the reduced number of stock the person may agist; and
 - (b) require the holder to reduce stock agisted under the approval to the stated number within a stated reasonable time.
- (5) The agistment approval holder must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

36 Increasing carrying capacity

- (1) The controller may increase the carrying capacity for the miners common if the controller considers the common can carry more than 400 head of stock without adversely affecting future agistment on the common.
- (2) The controller must apply the increase in a way that ensures, as far as is reasonably practicable, no-one agisting stock, or wanting to agist stock, is treated more favourably than anyone else.
- (3) Subsection (2) does not authorise the controller to increase a person's agistment capacity beyond 20 head of stock.

37 Mustering

- (1) The controller must muster stock agisted on the miners common at least once but not more than 6 times a year.
- (2) The controller may muster the stock—
 - (a) to find stock unlawfully agisted on the common; or
 - (b) to dip or spray stock agisted on the common; or
 - (c) to monitor the health of stock on the common.

Division 3 Records**38 Register of agistment approvals**

- (1) The controller must keep a register of agistment approvals, including—
 - (a) the name and address of the person given the approval; and
 - (b) the type and number of stock that may be agisted under the approval; and
 - (c) the number of each tag issued to the person by the controller; and
 - (d) amounts the controller received for agistment fees and tags; and
 - (e) particulars of any action taken in relation to the stock agisted under the approval.
- (2) The controller must allow anyone who asks to inspect the register, free of charge.

Part 7 General**39 Commission**

- (1) This section applies to an issuing officer authorised under the Act—

- (a) to charge a commission for issuing a licence or permit;
or
 - (b) to retain a part of the prescribed fee for issuing a licence
or permit.
- (2) The commission or retained part of the licence or permit fee is 10% of the fee.

40 Prescribed value for abandoned property

The prescribed value for abandoned property is \$300.⁶

⁶ Abandoned property may be dealt with under section 97 (Disposal of abandoned property) of the Act.

Schedule 1 Fees

section 5

	\$
1 Individual fossickers licence—	
(a) for 1 month	6.35
(b) for 6 months	23.65
(c) for 1 year	39.65
2 Family fossickers licence—	
(a) for 1 month	9.05
(b) for 6 months	30.35
(c) for 1 year	53.05
3 Club fossickers licence	66.35
4 Educational organisation fossickers licence—	
(a) for 1 month	26.35
(b) for 1 year	53.05
5 Commercial tour operator fossickers licence—	
(a) for 1 month	46.45
(b) for 1 year	399.10
6 Individual or family fossickers camping permit—	
(a) for each whole week	18.85
(b) for each night not part of a whole week	3.10
7 Club or educational organisation fossickers camping permit, for each person—	
(a) for each whole week	9.25
(b) for each night not part of a whole week	1.56
8 Commercial tour operator fossickers camping permit, for each person—	
(a) for each whole week	18.85
(b) for each night not part of a whole week	3.10
9 Copy of a licence	6.35
10 Application for agistment approval—for each tag	12.65
11 Agistment fee—for each tag, for each week	0.30

Schedule 2 Designated fossicking land

section 9

- 1 Divide designated fossicking land—the land west of the Town of Rubyvale shown on plan no. MP40825, sheets 1 and 2—area 339.1ha.⁷
- 1A Duck Creek designated fossicking land—land south-east of Quilpie shown on plan no. MP36659—an area about 633ha.
- 2 Opalton designated fossicking land—the land south of the Town of Winton shown on plan no. MP36631—area about 974.5ha.
- 3 Reward designated fossicking land—the land west of the Town of Sapphire shown on plan no. MP34342—area about 940ha.⁷
- 4 Rubyvale designated fossicking land—the land around the Town of Rubyvale shown on plan no. MP34341—area about 990ha.⁷
- 5 Sapphire designated fossicking land—the land around the Town of Sapphire shown on plan no. MP34343—area about 1570ha.⁷
- 6 Scrub Lead designated fossicking land—the land north-east of the Town of Sapphire shown on plan no. MP34340—area about 1360ha.⁷
- 6A Sheep Station Creek designated fossicking land—land south-east of Quilpie shown on plan no. MP36659—an area about 596ha.
- 7 Willows designated fossicking land—the land west of the Town of Anakie shown on plan no. MP36464—area about 1154ha.⁷

⁷ See expired sections 112 (Designated areas) and 118 (Application of s 20A of Acts Interpretation Act 1954) of the Act.

Schedule 3 Fossicking areas

section 10

- 1 Big Bessie fossicking area—land west of the Town of Sapphire shown on plan no. MP34238—area 33.55ha.⁸
- 1A Agate Creek fossicking area—land south of Forsayth shown on plan no. MP36674 (other than land covered by mining claims 30027 and 30028 and land contained in MHPL1551)—area about 4526ha.
- 2 Deep Creek fossicking area—land in the Town of Gympie shown on plan no. MP40896—area 7.573ha.⁹
- 3 Glenalva fossicking area—land west of the Town of Anakie shown on plan no. MP40817—area 496.8ha.⁸
- 4 Graves Hill fossicking area—land west of the Town of Sapphire shown on plan no. MP40830—area 115.7ha.⁸
- 5 Middle Ridge fossicking area—land west of the Town of Rubyvale shown on plan no. MP40828—area 31.92ha.⁸
- 5A Mount Gibson fossicking area—land north-west of Innot Hot Springs shown on plan no. MP35585—area 344ha.
- 6 O'Briens Creek fossicking area—land west-north-west of the Town of Mount Surprise shown on plan no. MP36588 (other than land covered by mining claim, mining lease or residence area)—area 3160ha.
- 7 Thanes Creek fossicking area—land west of Warwick shown on plan no. MP41157—area 3.9ha.⁹
- 8 Tomahawk Creek fossicking area—land west of the Town of Rubyvale shown on plan no. MP40814—area about 2450ha.⁸
- 9 Yowah fossicking area—land west of the Town of Eulo shown on plan no. MP41145, sheets 1 and 2 (other than land covered by a mining claim or mining lease)—area 27.3ha.⁹

8 See expired sections 113 (Fossicking areas) and 118 (Application of s 20A of Acts Interpretation Act 1954) of the Act.

9 This land was a fossicking area under the repealed Act.

Schedule 4 Prohibited camping land

section 11

Part 1 Designated fossicking land

- 1 Part of Sapphire designated fossicking land shown on plan no. MP34657—area about 670ha.¹⁰
- 2 Part of Scrub Lead designated fossicking land and part of Rubyvale designated fossicking land shown on plan no. MP36456—area about 540ha.¹⁰
- 3 Willows designated fossicking land.¹⁰

Part 2 Fossicking areas

- 3A Land in the Agate Creek fossicking area.
- 4 Land in the Deep Creek fossicking area.¹⁰
- 4A Land in the Mount Gibson fossicking area.
- 5 Land in the O'Briens Creek fossicking area.
- 6 Land in the Thanes Creek fossicking area.¹⁰
- 7 Land in the Yowah fossicking area.¹⁰

¹⁰ This is land on which camping was prohibited under the repealed Act. If a plan number is given for the land, the plan shows the limits of the prohibited camping land.

Schedule 5 Regulated camping land

section 12

Part 1 Designated fossicking land

- 1 Divide designated fossicking land.¹¹
- 1A Duck Creek designated fossicking land.
- 2 Opalton designated fossicking land.¹¹
- 3 Reward designated fossicking land.¹¹
- 4 Rubyvale designated fossicking land (other than prohibited camping land).¹²
- 5 Sapphire designated fossicking land (other than prohibited camping land).¹²
- 6 Scrub Lead designated fossicking land (other than prohibited camping land).¹²
- 7 Sheep Station Creek designated fossicking land.

Part 2 Fossicking areas

- 6 Big Bessie fossicking area.¹³
- 7 Graves Hill fossicking area.¹³
- 8 Glenalva fossicking area.¹³
- 9 Middle Ridge fossicking area.¹³
- 10 Tomahawk Creek fossicking area.¹³

11 Designated fossicking land is included in schedule 2.

12 Prohibited camping land is included in schedule 4.

13 Fossicking areas are included in schedule 3.

**Schedule 6 Rubyvale, Sapphire and Scrub
Lead Miners Common**

section 27

Part 1 Designated fossicking land

- 1 Rubyvale designated fossicking land.
- 2 Sapphire designated fossicking land.
- 3 Scrub Lead designated fossicking land.

Part 2 Fossicking areas

- 4 Big Bessie fossicking area.
- 5 Graves Hill fossicking area.
- 6 Middle Ridge fossicking area.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	27
3 Key	27
4 Table of reprints	28
5 Tables in earlier reprints	28
6 List of legislation	28
7 List of annotations	30

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2009. Future amendments of the Fossicking Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 SL No. 15	1 February 1995	13 February 1995
2	1995 SL No. 110	21 April 1995	29 June 1995
3	1996 SL No. 7	1 February 1996	2 May 1996
3A	1996 SL No. 195	1 August 1996	1 August 1996
3B	1996 SL No. 325	15 November 1996	13 December 1996
3C	1997 SL No. 327	3 October 1997	6 October 1997
4	2000 SL No. 149	1 July 2000	1 September 2000

Reprint No.	Amendments included	Effective	Notes
4A	2002 SL No. 122	1 July 2002	
4B	2003 SL No. 100	1 July 2003	
4C	2004 SL No. 67	1 July 2004	
4D	2005 SL No. 103	1 July 2005	R4D withdrawn, see R5
5	—	1 July 2005	
5A	2006 SL No. 110	1 July 2006	
5B	2007 SL No. 132	1 July 2007	
5C	2008 SL No. 192	1 July 2008	
5D	2009 SL No. 73	1 July 2009	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	3

6 List of legislation

Fossicking Regulation 1994 SL No. 466

made by the Governor in Council on 15 December 1994

notfd gaz 16 December 1994 pp 1792–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 1995 (see s 2)

exp 31 August 2009 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Fossicking Amendment Regulation (No. 1) 1995 SL No. 15

notfd gaz 27 January 1995 pp 292–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 1995 (see s 2)

Fossicking Amendment Regulation (No. 2) 1995 SL No. 110

notfd gaz 21 April 1995 pp 1718–21
commenced on date of notification

Fossicking Amendment Regulation (No. 3) 1995 SL No. 329

notfd gaz 1 December 1995 pp 1334–7
commenced on date of notification

Fossicking Amendment Regulation (No. 1) 1996 SL No. 7

notfd gaz 25 January 1996 pp 377–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 1996 (see s 2)

Department of Mines and Energy (Variation of Fees) Regulation 1996 SL No. 195 ss 1–2, 3(b) sch 2

notfd gaz 26 July 1996 pp 1548–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 August 1996 (see s 2)

Fossicking Amendment Regulation (No. 2) 1996 SL No. 325

notfd gaz 15 November 1996 pp 1055–7
commenced on date of notification

Fossicking Amendment Regulation (No. 1) 1997 SL No. 327

notfd gaz 3 October 1997 pp 481–2
commenced on date of notification

Mines and Energy Legislation Amendment Regulation (No. 1) 2000 SL No. 149 pts 1, 4

notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)

Natural Resources and Mines Legislation Amendment and Repeal Regulation (No. 1) 2002 SL No. 122 pts 1, 8

notfd gaz 31 May 2002 pp 482–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2)

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2003 SL No. 100 pts 1, 7

notfd gaz 30 May 2003 pp 371–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)

Natural Resources, Mines and Energy Legislation Amendment Regulation (No. 1) 2004 SL No. 67 pts 1, 7

notfd gaz 28 May 2004 pp 277–80

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2005 SL No. 103 pts 1, 7

notfd gaz 3 June 2005 pp 415–19

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

Natural Resources Legislation Amendment Regulation (No. 1) 2006 SL No. 110 pts 1, 7

notfd gaz 2 June 2006 pp 572–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

Mines and Energy Legislation Amendment Regulation (No. 1) 2007 SL No. 132 pts 1, 4

notfd gaz 22 June 2007 pp 1018–20

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

Mines and Energy Legislation Amendment Regulation (No. 3) 2008 SL No. 192 pts 1, 5

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

Mines and Energy Legislation Amendment Regulation (No. 1) 2009 SL No. 73 ss 1–2(1), pt 5

notfd gaz 5 June 2009 pp 486–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2(1))

7 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Definitions

s 3 def “**agistment approval**” ins 1996 SL No. 7 s 4
 def “**controller**” ins 1996 SL No. 7 s 4
 def “**miners common**” ins 1996 SL No. 7 s 4
 def “**Rubyvale–Sapphire area**” ins 1996 SL No. 7 s 4
 def “**stock**” ins 1996 SL No. 7 s 4

Fees

s 5 amd 2002 SL No. 122 s 16

Term of permit

s 7 amd 1997 SL No. 327 s 3

PART 6—CONTROL OF MINERS COMMON

pt hdg ins 1996 SL No. 7 s 7

Division 1—Preliminary

div hdg ins 1996 SL No. 7 s 7

Name of miners common

s 27 ins 1996 SL No. 7 s 7

Who is controller

s 28 ins 1996 SL No. 7 s 7

Performing functions under this part

s 29 ins 1996 SL No. 7 s 7

Division 2—Agistment

div hdg ins 1996 SL No. 7 s 7

Approval needed

s 30 ins 1996 SL No. 7 s 7

When agistment approval can not be given

s 31 ins 1996 SL No. 7 s 7

Agistment approval not transferable

s 32 ins 1996 SL No. 7 s 7

How long agistment approval is in force

s 33 ins 1996 SL No. 7 s 7

Tagging agisted stock

s 34 ins 1996 SL No. 7 s 7

Reducing carrying capacity

s 35 ins 1996 SL No. 7 s 7

Increasing carrying capacity

s 36 ins 1996 SL No. 7 s 7

Mustering

s 37 ins 1996 SL No. 7 s 7

Division 3—Records

div hdg ins 1996 SL No. 7 s 7

Register of agistment approvals

s 38 ins 1996 SL No. 7 s 7

PART 7—GENERAL

pt hdg (prev pt 6 hdg) renum 1996 SL No. 7 s 5

Commission

s 39 (prev s 27) renum 1996 SL No. 7 s 6

Prescribed value for abandoned property**s 40** (prev s 28) renum 1996 SL No. 7 s 6**SCHEDULE 1—FEES**

amd 1996 SL No. 7 s 8

sub 1996 SL No. 195 s 3(b) sch 2; 2000 SL No. 149 s 9; 2002 SL No. 122 s 17; 2003 SL No. 100 s 14; 2004 SL No. 67 s 16; 2005 SL No. 103 s 14; 2006 SL No. 110 s 14; 2007 SL No. 132 s 8; 2008 SL No. 192 s 10; 2009 SL No. 73 s 17

SCHEDULE 2—DESIGNATED FOSSICKING LAND

sub 1995 SL No. 110 s 3

amd 1995 SL No. 329 s 4

SCHEDULE 3—FOSSICKING AREAS

amd 1995 SL No. 15 s 4; 1995 SL No. 329 s 4; 1996 SL No. 325 s 3

SCHEDULE 4—PROHIBITED CAMPING LAND

amd 1995 SL No. 15 s 5; 1995 SL No. 329 s 5; 1996 SL No. 325 s 4

SCHEDULE 5—REGULATED CAMPING LAND

amd 1995 SL No. 110 s 4; 1995 SL No. 329 s 6

**SCHEDULE 6—RUBYVALE, SAPPHIRE AND SCRUB LEAD MINERS
COMMON**

ins 1996 SL No. 7 s 9