

Exploration procedures — Information for explorers

The following pages contain general information relating to the approval of exploration works. This section also contains explanations of land classifications, heritage issues, geoconservation, biodiversity and wilderness as they relate to exploration. Information on the application and regulation of exploration is outlined in the 'Information for Explorers' brochure available from Mineral Resources Tasmania. Once an exploration licence has been granted the holder must apply for approval to conduct exploration works. No work (ground or air) may be undertaken without written approval.

Gaining approval for exploration work

Mineral Resources Tasmania is the government agency responsible for the approval of on-ground exploration work. MRT will seek comment from land managers and other areas of government that may have a jurisdictional interest in the area of planned works or the potential impact of the works. Explorers must address correspondence to Mineral Resources Tasmania (preferably by email to info@mrt.tas.gov.au) and must not directly contact other Tasmanian Government agencies unless expressly directed to do so by MRT.

On approval of a program the explorer will be supplied with the relevant Land Manager's contact details and asked to inform them when work commences. This will ensure that in the event of a wildfire or any other incident, the relevant authorities will be aware of the explorers' activities and location.

WORK PROGRAM APPROVALS

When the work program details are known, the explorer should send in either a completed work program form (see *More Information* section for download information) or a letter outlining the proposed program. Work programs submitted by email to info@mrt.gov.au, with attached shape files of the planned work areas, are preferred as they allow more efficient entering of the data into the auditing and monitoring system. The following details are required:

- Project supervisor and contact details;
- Land status of the area;
- Description of proposed works (attach a legible map). Location must preferably be related to the MGA94 Datum GDA94 and the grid used must be labelled;
- Present land use of the area;
- Description of the types of soils to be disturbed by earthmoving operations;
- Description of vegetation which will be affected by the proposed operation;
- List of any known rare or threatened species or communities within the area;
- List of any sites of historic or archaeological significance;
- A list of all mechanical equipment and vehicles to be taken on site, and their proposed use;
- Number of personnel in team, period of project, accommodation type;
- Quantities of flammable liquids, explosives and noxious chemicals on site;

- Program features likely to affect the environment, timing of the work and precautions taken to limit impact;
- Proposed methods and extent of rehabilitation to be completed progressively and prior to abandonment.

On receipt of a work program Mineral Resources Tasmania checks the following:

- Land status;
- Threatened species;
- Wilderness Index;
- Geoconservation site register;
- Vegetation type;
- Ramsar Wetlands (protected by the *Convention on Wetlands of International Importance*, especially wildfowls habitat, as agreed at Ramsar, Iran in 1971);
- Nationally significant wetlands;
- Private Reserve under the Regional Forest Agreement;
- Forest community managed by prescription;
- Tasmanian Natural Gas Pipeline corridor;
- State Forest areas where the softwoods are privately owned;
- Phytophthora cinnamomi* management area;
- Archaeologically interesting areas or sites, including mining heritage sites;
- Any other significant features which have been flagged at the application stage:
 - populations of rare plants or animals;
 - forestry plantations, grazing leases, forest licences;
 - licences for any purpose (e.g. water use permits);
- The land manager (Forestry Tasmania/Parks and Wildlife Service) may provide additional advice on:
 - threatened species;
 - Aboriginal archaeological sites and any other archaeological sites;
 - geoconservation matters; and
 - any other relevant management issues.

INSPECTIONS

Earthworks are generally not approved until a site inspection has been made. Inspections are difficult to arrange at short notice. Work programs requiring field inspections must be submitted at least four weeks in advance of the planned starting date.

Explorers are strongly advised not to book contractors prior to receiving work approval.

Following the field inspection, which is usually made jointly with the land manager, approval is given in writing stating the conditions under which the work is to be done. A copy of these conditions is provided to the relevant land manager.

Field inspections are made during the program, on completion, and at a later stage to ascertain if rehabilitation has been successful.

CONDITIONS

The requirement to obtain written approval for all exploration activities is a condition of Exploration Licences, Retention Licences and Special Exploration Licences.

VARIATIONS TO THE PROGRAM

The requirements of the explorer may vary as the exploration program progresses. The nature of exploration means that an entire program usually cannot be planned in detail, later work being dependent upon the results of the first phase of exploration activity.

Variations to the approved exploration program which are likely to have an environmental impact, such as relocation of drill holes or test pits, should be submitted for approval.

FIELD STAFF

All licence holders must ensure that field officers are fully cognisant with the approved program and any variations, together with all conditions applying to the licence. The licence holder remains responsible for the works, their impact, and for any rehabilitation (see *Induction and Register* section).

REHABILITATION

Security deposits are held on licences to ensure compliance with environmental and rehabilitation obligations. Security deposits are not returned until rehabilitation is judged to be successful. See *Links* section for details on Security Deposits.

CODE OF PRACTICE

All exploration activities must abide by the *Mineral Exploration Code of Practice*, and to any additional site-specific conditions imposed on the work.

APPEAL

Explorers can object to work conditions by appealing, in writing, to the Minister within 14 days of receipt of the approval.

ACCESS TO PRIVATE LAND

Explorers wishing to explore on, or use access through private land, should contact the landowner and discuss their exploration plans well in advance of the program commencement date. The *Mineral Resources Development Act 1995* requires that the owner or occupier of the land be given 14 days notice in writing, stating that work is to commence. Explorers must endeavour to contact the

landowner to discuss plans on a personal basis before sending, or delivering, the formal notice.

Note that exploration programs on private property must still be submitted to Mineral Resources Tasmania and the usual assessment process will be followed. (See *Land Owners Questions* in More Information).

Exploration approvals on mining leases

Nothing in any planning scheme or special planning order affects the undertaking of mineral exploration in accordance with a mining lease, an exploration licence, or retention licence, issued under the *Mineral Resources Development Act 1995*, provided that any mineral exploration carried out is consistent with the standards specified in the *Mineral Exploration Code of Practice [Land Use Planning and Approvals Act 1993 (LUPAA) s.20(7)(b)]*.

This means that exploration activities as described in the *Mineral Exploration Code of Practice* may be authorised under the licence or lease and a permit under the LUPAA is not required. The following activities are exploration activities, as described in this Code, which can be approved on exploration licences, retention licences or mining leases:

- Exploration drilling, track construction, costeans, sampling, etc.
- Bulk sampling to a maximum of 1000 tonnes through the life of the licence/lease which may be approved depending on the level of disturbance required to access the site.

Factors such as view fields, proximity to infrastructure, noise or dust disturbance and impact on other lease and licence holders operations may affect the work approval.

A permit under LUPAA is required to undertake mining activities on a mining lease.

The decision on the level of disturbance allowed while exploring is guided by the exemption that exploration has from Tasmania's planning system. For exploration approval to remain under the *Mineral Resources Development Act 1995*, it is crucial that the procedures and requirements of this Code are followed and met at a very high level, and that any work on a mining lease that is regarded as a mining activity be approved through LUPAA.

It must be noted that each site has specific environmental conditions that will affect the decision on what level of disturbance would be regarded as acceptable under this Code. There is commonly a gradation in drilling activity from exploration drilling, during which mineralisation may be encountered, to subsequent drilling to delineate the extent of the resource, to intensive drilling to establish a resource or reserve definition of the mineralisation, and finally drilling for mine planning purposes.

In resource definition drilling, once a status such as 'indicated' under the JORC system, or a status that is considered sufficient for a company to be granted a Mining Lease is reached, further high density infill drilling will not be approved under this Code.

Land available for exploration

The following section briefly describes the types of land tenure where exploration and mining can and cannot take place.

Exploration tenements are based on the Geocentric Datum Australia (GDA94 MGA Zone 55). There are a number of land categories which are not included in the area of licences.

LAND CATEGORIES EXCLUDED FROM EXPLORATION LICENCES

- All Mining Leases, Special Exploration Licences, Exploration Licences and Retention Licences for the same category of mineral as the Exploration Licence application which were in lawful possession or marked out prior to the date of application.
- Land exempt from the provisions of the *Mineral Resources Development Act 1995*, such as 'Exempt Areas', which are usually declared to allow for geological assessment of a particular area by Mineral Resources Tasmania.
- The top two metres of land of a Fossicking Area may be excluded. Land beneath this depth will be included and may be explored from the fossicking area.
- Land reserved under the *Nature Conservation Act 2002*, such as:
 - State Reserves
 - National Parks
 - Historic Sites
 - Nature Reserves
 - Game Reserves
 - Some Conservation Areas (exploration in some Conservation Areas such as the Central Plateau, Marble Hill, Adamsfield and Southport Lagoon conservation areas will not be permitted)
- Land reserved under the *Aboriginal Relics Act 1975*, such as Protected Archaeological Sites, and lands listed in the *Aboriginal Lands Act 1995*.
- Public reserves under the *Crown Lands Act 1975* may be specifically excluded from the *Mineral Resources Development Act 1995*.
- Commonwealth land, Telstra installations and land leased to the Commonwealth for military purposes such as the Buckland Military Training Area.
- Ramsar sites (significant waterbird habitats) are usually excluded from licences.
- Areas which are regarded as having conservation or social values which may conflict with the planned

exploration and potential mining will be excluded from the licence application even though the area may technically be available under the *Mineral Resources Development Act 1995*. Examples include megafauna and other fossil sites, urban areas, historic sites and high value agricultural land.

LAND CATEGORIES WHICH WILL BE INCLUDED IN AN EXPLORATION LICENCE

Crown Land

- Public Reserves if not proclaimed. Technically speaking these are still uncommitted Crown Land, and are known as 'notary' reserves.
- Public Reserves unless specifically excluded from the *Mineral Resources Development Act 1995*.
- State Forest (if brought back under the *Mineral Resources Development Act 1995* after dedication of the forest).
- Forest Reserves (most Forest Reserves have been brought back under the *Mineral Resources Development Act 1995*).
- Land vested in electricity authorities. Access and work around lakes, dam sites and work areas must be agreed with the relevant electricity authority.
- Most Conservation Areas.
- Regional Reserves.
- Nature Recreation Areas.
- Informal reserves.

OWNERSHIP OF MINERALS ON PRIVATE PROPERTY

The Crown retains the ownership of minerals found on and under most of the private land in Tasmania. Prior to 1890 the rights to coal and metallic minerals, excluding gold and silver, were usually given with the land being granted. From 1893 the rights to various ores and metals were reserved to the Crown, but as the wording varied from grant to grant until around 1910, the only way of ascertaining mineral ownership is to search for the original terms of the land grant.

Some landowners have rights to all minerals in the top 50 feet (15.24 m) of the land surface, others have rights to all minerals excepting gold and silver, and others have only rights to soil and stone. The terms of the original grant may also have been altered by subsequent legislation; in Tasmania the rights to petroleum and atomic substances were resumed by the Crown in 1962.

Land classification in Tasmania — A guide for explorers

There are a number of Acts under which Crown Land may be reserved in Tasmania.

Reservation may mean that the land is excluded from the auspices of the *Mineral Resources Development Act 1995*, and be rendered unavailable for mining or exploration. In addition, Mineral Resources Tasmania may enter into agreement with an Agency to exclude certain lands from mining tenements without this land being excluded formally from the operation of the *Mineral Resources Development Act 1995*. An example of this is the agreement between Mineral Resources Tasmania and the Hydro-Electric Corporation whereby land vested in the HEC remains subject to the *Mineral Resources Development Act 1995* but certain parts (around dams etc.) are excluded from mineral tenements. (The various Acts mentioned in this section are available on-line at www.thelaw.tas.gov.au/index.w3p).

There are additional categories of land not covered by these Acts, such as private property and Commonwealth land.

Private property

This is available for exploration, provided certain protocols are followed. Landowners may object to the grant of an exploration licence over their land. The Director of Mines will attempt to resolve the objection, but if this is unsuccessful, the objection will be heard by the Mining Tribunal. Having ownership of the land does not, in itself, constitute a reason for the exploration licence to be disallowed.

A security deposit is held by Mineral Resources Tasmania to ensure landowners are compensated for any damage not made good by the explorer.

Explorers must give landowners notice, in writing, fourteen days prior to entry on to the property.

Mineral Resources Tasmania has a booklet *Land Owner's Questions* which is a guide to the rights of the property owner and explains the process of approving exploration or mining on private property (see *More Information* section).

Commonwealth land

This is excluded from exploration licences. This includes Telstra installations and the Buckland and Stony Head military training areas.

AREA OF EXPLORATION LICENCES

The area included in an exploration licence and the exclusions from it are provided to the explorer as a plan. The plan details the land tenure types that are excluded.

MINERAL RESOURCES DEVELOPMENT ACT 1995

Administered by Mineral Resources Tasmania

Existing Mineral Tenements

Existing mining leases, exploration licences and retention licences are excluded from exploration licence applications where the existing tenements have been issued for the same category of minerals as the new application.

Exempt Areas

Areas may be declared 'Exempt' from the *Mineral Resources Development Act 1995* to allow Mineral Resources Tasmania to carry out geological investigations. These areas are not generally available for exploration, but access for some work will be considered by Mineral Resources Tasmania.

Licences over same area

Two or more exploration licences can be held over the same piece of ground for different categories of minerals.

The applicant is provided with a map showing any exclusions, or areas of overlap with another licence.

Fossicking Areas

Fossicking Areas can be declared under the *Mineral Resources Development Act 1995*. These areas, which extend from the land surface to two metres depth, have been set aside for use by amateur fossickers. These areas are usually excluded from exploration licence applications. The explorer will be permitted to examine the area in the same way as are the fossickers. Surface access for drilling may be considered on a case-by-case basis. No mechanical excavation will be permitted.

A booklet is available from Mineral Resources Tasmania describing Fossicking Areas in detail. (See *More Information* section).

NATURE CONSERVATION ACT 2002

Administered by Department of Primary Industries, Parks, Water and Environment

Land may be reserved as either:

- National Park
- State Reserve
- Nature Reserve
- Game Reserve
- Conservation Area
- Nature Recreation Area
- Regional Reserve
- Historic Site

Exploration activities are allowed in all Regional Reserves, most Conservation Areas and Nature Recreation Areas.

Where a Reserve is declared over an existing tenement

There are a number of examples where a State Reserve has been declared over an existing mining tenement. In these cases the tenement holder retains a 'private right' under the

Nature Conservation Act 2002 which allows for the continuance of such rights and privileges as were in existence before the Reserve was declared.

Game Reserve

These are exempt from the provisions of the *Mineral Resources Development Act 1995*.

Conservation Areas

These are usually subject to the *Mineral Resources Development Act 1995*, although some are not. For example, the Central Plateau Conservation Area is unavailable for exploration as it is included in the World Heritage Area. Conservation Areas over former Wildlife Sanctuaries and Muttonbird Reserves are not included in exploration licences.

Proposed work programs in Regional Forest Agreement derived reserves are sent to the Mineral Exploration Working Group for comment.

ABORIGINAL RELICS ACT 1976

Administered by Department of Primary Industries, Parks, Water and Environment

Land reserved under this Act as Protected Archaeological Sites is removed from the auspices of the *Mineral Resources Development Act 1995* and is not included in mining tenements.

ABORIGINAL LANDS ACT 1995

Administered by Department of Primary Industries, Parks, Water and Environment

Under this Act parcels of land may be given to the Aboriginal community. An Aboriginal Council manages such lands. Mining leases, exploration licences, special exploration licences and retention licences cannot be granted over such lands without the agreement of the Council.

CROWN LANDS ACT 1976

Administered by Department of Primary Industries, Parks, Water and Environment

Many reserves under the *Crowns Lands Act 1976* were reclassified as Conservation Areas by the *Regional Forest Agreement (Land Classification) Act 1998*.

In many areas strips of land along the margins of rivers and lakes and on coastlines have been reserved by the Crown. On old charts these strips of land, commonly one chain (20.1 m) or one hundred feet (30.5 m) wide, are shown as 'Crown Reservations'. These are subject to the auspices of the *Mineral Resources Development Act 1995*.

Coastal reserves can be established by proclamation or by Crown Land Order under the *Crown Lands Act 1976* and also by S473A of the *Local Government Act 1962*, which requires land to be set aside for public use when subdivisions are created.

Formal public reserves created by these means are exempt from the provisions of the *Mineral Resources Development Act 1995* for a depth of 15 metres. Mineral Resources Tasmania administratively excludes a strip 200 m wide along the coast to allow for protection of aboriginal sites and coastal vegetation.

FORESTRY ACT 1920

Administered by Forestry Tasmania

Most land managed by Forestry Tasmania is available for exploration and mining.

State Forest

This is included in exploration licences. Most State Forest is Crown Land dedicated as State Forest, but Forestry Tasmania does purchase land and has this dedicated as State Forest. These are, in effect, private property blocks owned by Forestry Tasmania.

Forest Reserves

These are set aside for conservation or recreational purposes and when declared are exempt from the *Mineral Resources Development Act 1995*. Most Forest Reserves have now been brought back under the *Mineral Resources Development Act 1995*.

Management Decision Classification System

Forestry Tasmania employs a Management Decision Classification System as a management tool. Areas requiring careful management (such as river banks, scarps, patches of particular habitat, vegetation and animal habitat strips) are designated as informal reserves. Under the Regional Forest Agreement any exploration work approval in informal reserves must be commented on by the Mineral Exploration Working Group.

HYDRO-ELECTRIC CORPORATION ACT 1995

Administered by Hydro-Electric Corporation

The former Hydro-Electric Commission has now been split into three organisations; Aurora, Transend and the Hydro-Electric Corporation.

Aurora is responsible for electricity distribution, and mainly owns small depots, shops, small substations and some corridors of land beneath distribution lines. Land owned by Aurora is mainly in urban areas and generally would not be affected by mineral exploration.

Transend is responsible for transmission line easements and large substations. Exploration would not be permitted on land adjacent to substations but occasionally access will be needed beneath transmission lines. This will be done in consultation with Transend.

The Hydro-Electric Corporation is responsible for all other land including lakes, dams, power station sites, and land alongside canals and some waterways.

Most land vested in the Hydro-Electric Corporation is subject to the *Mineral Resources Development Act 1995*. However exploration works proposed for areas around

dams and transmission lines will require approval from the Hydro-Electric Corporation, Aurora or Transend. Exploration activities which will not affect dam structures and other infrastructure will be permitted.

MINING (STRATEGIC PROSPECTIVITY ZONES) ACT 1992

Administered by Mineral Resources Tasmania

Under this act the status of large parcels of Crown Land within designated Strategic Prospectivity Zones may not be changed without the approval of both houses of Parliament. Should a change in land status made by the State have the effect of revoking a mining lease or an exploration licence, the tenement holder is entitled to compensation. The State is, however, not responsible for actions of the Australian Government which may preclude exploration or mining activity, such as the nomination of parcels of land for World Heritage status.

The status of parcels of land less than 500 ha in area can only be changed with the agreement of the Director of Mines. Private property is exempt from this Act.

Changes in status of land can also be made in extreme circumstances, for example if a species of flora or fauna was to become rare, vulnerable or endangered as a result of mining activity, or where an area having cultural or natural heritage value could suffer substantial effects as a result of mining operations. In these cases the Crown may, after a recommendation from the Resource Planning and Development Commission and some Ministers, change the status of that piece of land, and compensation is payable for this action.

WORLD HERITAGE

Land classed as 'World Heritage' is done so by the Australian Government using the *Environment Protection and Biodiversity Conservation Act 1999* to give effect to Australia's obligations regarding areas it has agreed to protect in accordance with the convention for the *Protection of World Cultural and Natural Heritage (1972)*. This is not a land use, as such. Most of the land classed as World Heritage in Tasmania is also National Park, and so is not open for exploration.

Regional Forest Agreement

In 1997 the Australian and Tasmanian governments signed a Regional Forest Agreement, which agreed on the land to be available for sustainable wood production, access for other industry use, and areas to be set aside for conservation purposes. The Regional Forest Agreement extends to 2017. CAR, as used below, stands for Comprehensive, Adequate and Representative.

The following clauses from the Regional Forest Agreement relate to exploration and mining:

79. The Parties recognise subject to clauses 80, 81 and 82 that mineral exploration and mining can occur in those specified parts of the CAR Reserve System which are identified in Attachment 6.

80. The State confirms that mineral exploration in areas covered by the CAR Reserve System will be subject to the Tasmanian Mineral Exploration Code of Practice and that all exploration proposals will be referred to the Mineral Exploration Working Group who will investigate the potential impact on CAR values and recommend appropriate conditions to protect those values.

81. The State will ensure that all proposed mining activities in areas covered by the CAR Reserve System will be subject to environmental impact assessment and environmental management conditions as required by the *Environment Management and Pollution Control Act 1994* (Tas.), the *State Policies and Projects Act 1993* (Tas.), and/or the *Mineral Resources Development Act 1995* (Tas.).

82. The Parties agree that in relation to those parts of the CAR Reserve System with high quality wilderness values, as identified through the CRA, measures will be taken under State processes to minimise the effects of mineral exploration and mining activities on wilderness values. Rehabilitation of any exploration activity impacts and rehabilitation of any mine site will be in accordance with the provisions of the *Mineral Resources Development Act 1995* (Tas.), and the *Environmental Management and Pollution Control Act 1994* (Tas.) in so far as any permit conditions are relevant, and will aim both to achieve world's best practice and to return the site to its wilderness condition.

Tasmanian Exploration Auditing and Monitoring System

In response to the Regional Forest Agreement and the Resource Planning and Development Commission Land Tenure Inquiry, Mineral Resources Tasmania instigated a GIS-based project in 1998/1999 to develop a recording system of on-ground exploration activity. This project resulted in compliance auditing of the implementation of the *Mineral Exploration Code of Practice* by Mineral Resources Tasmania and in the monitoring of the environmental effects and rehabilitation of exploration works in Tasmania.

This system provides the statistical data presented in Mineral Resources Tasmania's *Annual Review* and provides a comprehensive tracking system of each step in the approval process for exploration work programs.

Mineral Exploration Working Group

PURPOSE

Matters relating to exploration work approval in Regional Forest Agreement designated reserves must be referred to an interdepartmental committee, the Mineral Exploration Working Group, for comment.

The function of the committee is to comment on the potential impact that any works may have on the conservation and cultural values of the area, and if need be, advise Mineral Resources Tasmania of conditions to be placed on the activities so that these values are not permanently adversely affected.

MEMBERSHIP

Membership comprises representatives from Mineral Resources Tasmania (chairperson), the Department of Primary Industries, Parks, Water and Environment, Forestry Tasmania (RFA designated reserves on State Forest) and Aboriginal Heritage Tasmania. On occasions advice and comments are sought from other sections of government when exploration falls under their jurisdictions.

AIM OF MINERAL EXPLORATION WORKING GROUP

The fundamental purpose of the Mineral Exploration Working Group is to allow the aims of the explorer to be met without compromising the conservation, historical, cultural or other natural values of the area.

The Mineral Exploration Working Group may request that conservation studies (heritage, flora and fauna) be carried out prior to the work to properly assess the impact of the proposed activities.

Explorers may be required to engage a specialist to advise crews on field techniques, such as recognition of artefacts, rare species or *Phytophthora cinnamomi* hygiene controls.

Some activities may only be permitted in a modified form; for example, access during the early stages of a project may be allowed by helicopter, but not by construction of a track.

Cultural heritage

In some circumstances an explorer may be asked to undertake an archaeological survey prior to work being approved. The proposed program may be modified or additional conditions placed on the proposed work so that the cultural and historical values of a place are not compromised.

Aboriginal Heritage

Specialist advice must be sought where there is any uncertainty regarding the implications of the *Aboriginal Relics Act 1975*, relating to the definition of Aboriginal relics or any activity which may affect an Aboriginal relic or site.

Aboriginal site surveys can be requested by Mineral Resources Tasmania on advice from land managers or Aboriginal Heritage Tasmania.

Mining Heritage

Exploration often overlaps with past mining. The explorer may, on occasion, be required to engage an archaeologist to record a site and provide recommendations on how work should proceed.

Abandoned machinery and equipment

Under the provisions of the *Mineral Resources Development Act 1995*, abandoned mining machinery belongs to the Crown. When working around an old mine every effort should be made to leave such machinery as it is, where it is. Under no circumstances should such items be moved.

Mining relics must not be souvenired by workers or visitors to the site. The remains of old machinery can give a valuable insight into the history of working a deposit and every effort should be made to have such relics left as they are found.

Biodiversity

In 1993 the Australian and State governments signed a *National Strategy for the Conservation of Australia's Biological Diversity*. The strategy is meant to be a blueprint for the ecologically sustainable management and use of Australia's natural resources. Tasmania has enacted the *Threatened Species Protection Act 1995* which outlines measures to protect Tasmania's rare, vulnerable and endangered species.

On receipt of a work program Mineral Resources Tasmania searches the State's conservation databases (see *More Information* for Natural Values Atlas). Advice is sought from the Mineral Exploration Working Group and land managers.

If the proposed work is near any population of rare or endangered species the explorer may be required to do a site survey and conditions will be formulated in conjunction with the land manager to ensure that the *Threatened Species Protection Act 1995* is not transgressed. On occasions the explorer may be required to employ a specialist to assist in planning the location of works.

Explorers should be aware of the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* by which the Federal Minister may deem an activity to be a 'controlled action', whereby the activity may only be undertaken in accordance with conditions placed on it by the Minister. The responsibility of complying with the Act rests with the proponent. Under the Act, actions that are likely to have a "significant impact on matters of national environmental significance" must be referred to Environment Australia for assessment.

The eight matters of national environmental significance are:

- world heritage properties;
- national heritage places;
- wetlands of international importance (listed under the Ramsar Convention);
- listed threatened species and ecological communities;
- migratory species protected under international agreements;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mines).

The explorer must decide whether an activity should be referred to Environment Australia for assessment and is advised to access their web site (<http://www.environment.gov.au/epbc/>). Guidelines on the likely impact of exploration activities on matters of national environmental significance can be found in *Matters of National Environmental Significance, Significant impact guidelines 1.1* (see *Other Information* section).

Wilderness

Clause 82 of the Regional Forest Agreement says:

82. The Parties agree that in relation to those parts of the CAR Reserve System with high quality wilderness values, as identified through the CRA, measures will be taken under State processes to minimise the effects of mineral exploration and mining activities on wilderness values. Rehabilitation of any exploration activity impacts and rehabilitation of any mine site will be in accordance with the provisions of the *Mineral Resources Development Act 1995* (Tas.), and the *Environmental Management and Pollution Control Act 1994* (Tas.) in so far as any permit conditions are relevant, and will aim both to achieve world's best practice and to return the site to its wilderness condition.

Wilderness values as used in the Regional Forest Agreement are explained and shown in the *State of the Environment Report 2003* (see *Further Information* section). Values of 12+ represent 'high quality wilderness'. Exploration proposals in such areas will be referred to the Mineral Exploration Working Group and conditions may be placed on activities to ensure that values in such areas are not permanently adversely affected by such work.

In wilderness areas Mineral Resources Tasmania will meet clause 82 of the Regional Forest Agreement by ensuring that:

- The disturbance is kept to a minimum;
- The disturbance can be reversed by rehabilitation.

Geoconservation

The range of earth features, including bedrock, soil and landforms, together with earth processes, make up our geological heritage.

Mineral Resources Tasmania has contributed to the Tasmanian geoconservation database which lists sites of geoheritage significance. The database is used to identify sites of significance during the work approval process. Information on how to access this data is available on the Department of Primary Industries, Parks, Water and Environment web site (see links to Natural Values Atlas).

In most cases the identified values are robust and large scale, with exploration unlikely to have any impact. Where vulnerable small-scale features (such as mound springs or rare fossil sites) are present, management prescriptions could involve protection by avoiding ground disturbance in close proximity to the site.

Community consultation

Exploration Licence applications are advertised in the major Tasmanian newspapers. Explorers are requested to provide a summary of their proposed exploration program which

can be given to anyone interested in their application and proposed work program.

If an objection to the application is received, the Director of Mines will convene a meeting between the applicant and objector in an effort to resolve the matters of concern. If the matter cannot be resolved, the objection is heard by the Mining Tribunal. The Minister must consider any recommendations from the Mining Tribunal before making a decision to grant or refuse to grant the application.

Explorers are obliged to observe statutory provisions relating to exploration on private land. In addition to these provisions, explorers are encouraged to enter into open dialogue with landowners and relevant community groups at an early stage in the exploration process. It is recommended that explorers maintain good documentation and records of all interactions with the community.

A number of useful guidelines have been produced in recent years and explorers are referred to the following:

- Ministerial Council on Minerals and Petroleum Resources (2005). *Principles for engagement with communities and stakeholders*.
- Australian Government Department of Industry, Tourism and Resources (2006). *Leading practice sustainable development program for the mining industry. Community engagement and development*.

Sustainable development

The Minerals Council of Australia has produced a framework for sustainable development (*Enduring Value — the Australian Minerals Industry Framework for Sustainable Development*). It is strongly recommended that any explorer new to Tasmania familiarise themselves with the principles outlined in this document. This framework:

- aligns with global industry initiatives, and in particular provides critical guidance on the International Council on Mining and Metals (ICMM) Sustainable Development Framework Principles and their application at the operational level;
- builds on the Australian Minerals Industry Code for Environmental Management — the platform for industry's continual improvement in managing environmental issues since its introduction in 1996;
- provides a vehicle for industry differentiation and leadership, building reputational capital with the community, government and the finance and insurance sectors; and
- assists the industry to operate in a manner which is attuned to the expectations of the community, and which seeks to maximise the long-term benefits to society that can be achieved through the effective management of Australia's natural resources.