EXPLORATION IN A CLIMATE OF CHANGE:
ABORIGINAL CULTURAL HERITAGE,
LAND ACCESS AND MORE……

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MANAGER ENVIRONMENT AND COMMUNITY
NSW MINERALS COUNCIL

SMEDG - SYDNEY MINERAL EXPLORATION DISCUSSION GROUP
26 AUGUST 2010
ABORIGINAL CULTURAL HERITAGE REFORM

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*
- *National Parks and Wildlife Amendment Act and Regulation 2010*
  - New increased penalties
  - New strict liability offence so due diligence required by explorers
  - Commences 1 October
- Next step - stand alone legislation
New definition of ‘harm’ of Aboriginal objects

2 types of offence for harming Aboriginal objects
- Knowing offence
- Strict liability (whether or not person knew they were harming an Aboriginal Object)

Exemptions from strict liability offence include ‘low impact activities’, ‘trivial or negligible act’ or ‘honest and reasonable mistake’

Due diligence required by NSW explorers
MINERALS INDUSTRY CODE OF PRACTICE

- Will the activity disturb the ground?
- Is the activity subject to an EP&A approval?

DUE DILIGENCE PROCESS

- Check records (DECCW register of objects + places)
- ‘Low Impact Activity’?
- Landscape features?
- Desktop assessment and visual inspection
- Relocate or apply for Permit

Always keep records + train staff and contractors
LAND ACCESS

- **NSWMC Minerals Exploration Land Access Agreement Template and Guideline**
  - Similar format to 1997 Agreement
  - Compensation guide
- I&I NSW to publish a legal fees cap and Template
- Access to State Forests NSW and Crown Land
EXPLORATION FRAMEWORK

- Delay of I&I NSW Exploration Code and Standard
- *NSWMC Exploration Handbook – Towards Environmental Excellence*
  - ‘How to guide’, useful forms, reference document
  - Planning and risk management focus
  - Release by website only
NSWMC ENVIRONMENT AND COMMUNITY CONFERENCE

REGISTRATION NOW OPEN
19 – 21 September 2010
Novotel Northbeach, Wollongong NSW

For further information please visit the NSWMC website  www.nswmin.com.au
Thank you

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