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

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SMEDG - SYDNEY MINERAL EXPLORATION DISCUSSION GROUP
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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

NPW AMENDMENT ACT AND REGULATION 2010

- 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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