

## Tenement and Cultural Heritage Management at Mineral Resources Tasmania

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### INTRODUCTION

Exploration and mining tenements are administered under the *Mineral Resources Development Act 1995* (MRDA). This paper describes the procedural processes that an application for an exploration licence or mining lease goes through. The processes that explorers go through when work programs are submitted are discussed and the planning process for mining developments is outlined. At a number of stages in these processes the opportunity is presented for affected agencies which administer the present *Aboriginal Relicts Act 1975* to offer advice or request action to prevent transgression of this act.

### PROCEDURAL SYSTEM FOR PROCESSING OF EXPLORATION LICENCES

Exploration licences are granted for a period of five years and can cover areas up to 250 km<sup>2</sup>. Approximately 75% of Tasmania is available for exploration. Attached is a flow chart (fig. 1) which illustrates the course a licence application goes through to approval stage.

As licences are relinquished the ground is put out to tender under the Exploration Tender Area (ETA) system. The ETA system results in competitive applications being received for ground. The tenders are assessed on the quality of the proposed work program over the first two years of the licence. A successful applicant will be held to the work program and expenditure proposed in their bid. If the ground is vacant an applicant can apply under normal expenditure conditions.

The referral of applications for comment from other agencies takes place at the third level of the flow chart. All applications over Crown land are sent to the Parks and Wildlife Service (PWS), Environmental Management Division (EMD) and Property Services Division of the Department of Land Management

(DELM) for comment. Applications over State Forest are referred to Forestry Tasmania (FT).

It is at this initial stage of the application that these agencies notify MRT of any relevant matters of interest. Environmental and heritage concerns are discussed at this stage and in some cases areas may be excluded from the licence by agreement between the agencies. Issues of concern with regard to aboriginal heritage should be raised at this stage by PWS or FT, as they have access to the relevant expertise and data to identify areas of potential interest.

If the area applied for is regarded as sensitive (e.g. Conservation Area or Forest Reserve) the application will be reviewed by the Mineral Exploration Working Group (MEWG). The MEWG is chaired by MRT and has members from the PWS, EMD, FT and the Marine Resources Division of the Department of Primary Industries and Fisheries if an offshore area is involved.

Following input from the other agencies and assessment of the program by monitoring geologists, the application is advertised and objections accepted. At this stage performance and environmental bonds are set to ensure that the licence holder meets the set work standards and rehabilitation requirements.

Exploration licences are issued subject to standard licence conditions as described in the three attached schedules (Appendix 1, 2, 3).

If there are no objections, the Director of Mines recommends approval to the Minister for Mines. Objections can only be lodged by parties with an interest or estate in the area applied.

### PROCEDURAL SYSTEM FOR PROCESSING MINERAL LEASE APPLICATIONS

A Mineral Lease usually encompasses a small area sufficient to allow for the safe extraction of the commodity being mined. The majority of the

approximately seven hundred leases held in Tasmania are for construction and road making materials.

The flow chart (fig. 2) shows a similar process to that for exploration licences, with the third tier illustrating the consultation with other agencies (FT, PWS, EMD and local government) at an early phase. At this stage bonds are set and environmental and heritage matters taken into consideration. Lease conditions are determined once comments are received from other agencies.

Once the Minister approves the lease the applicant has the authority to mine but is required to comply with the *Land Use Planning and Approvals Act 1993* and the *Environmental Management and Pollution Control Act 1994*.

### **APPROVAL SYSTEM FOR ON GROUND WORK ON EXPLORATION LICENCES**

All exploration is done according to the *Mineral Exploration Code of Practice* (MECP) which is currently being revised in preparation for gazettal. Once an exploration licence is granted the explorer must obtain written approval from MRT before any on-ground exploration activities can be undertaken. Each distinct activity must be approved separately. The sort of activities which require approval are:

- track construction or repair or any off-road movement of vehicles;
- drilling activity;
- any cutting of vegetation for grid lines, camps, helipads, etc.;
- all pitting and costeaning (trenching).

The second and third tier in the flow chart for work program approval (fig. 3) shows the consultation phase. It is at this point that the land manager (PWS or FT) is consulted. The MEWG is consulted if the work is in an area regarded as sensitive. Comments are received from the agencies and site inspections are organised with the affected agencies. Conditions of work are formulated on a site-specific basis for each individual work program.

Provisions exist in the MECP for archaeological surveys to be requested if works are to be conducted:

- within one kilometre of high water mark;
- within 50 m of streams, waterways, marshes or lakes;
- within 250 m of historic industrial sites;
- along old tramways;

in regions known to be archaeologically rich.

At this stage in the process if it is likely that the planned exploration could encounter Aboriginal sites or places, the explorers could be requested to employ a suitably qualified archaeologist to brief the field staff so that no inadvertent damage was done. The briefing would also outline the responsibilities of the company under the relevant act.

Standard licence conditions (see Appendix 1 — Schedule A — clause 11) outline to the explorer their responsibilities under the *Aboriginal Relics Act 1975*.

Following input from the various agencies, site specific work conditions are formulated and written approval is forwarded to the explorer. The work is monitored by MRT field staff with assistance from the land manager. Rehabilitation is done according to the work conditions and inspected by MRT and the land manager to ensure compliance. If the work is unsatisfactory the company bond will be forfeited and used to rectify the problem.

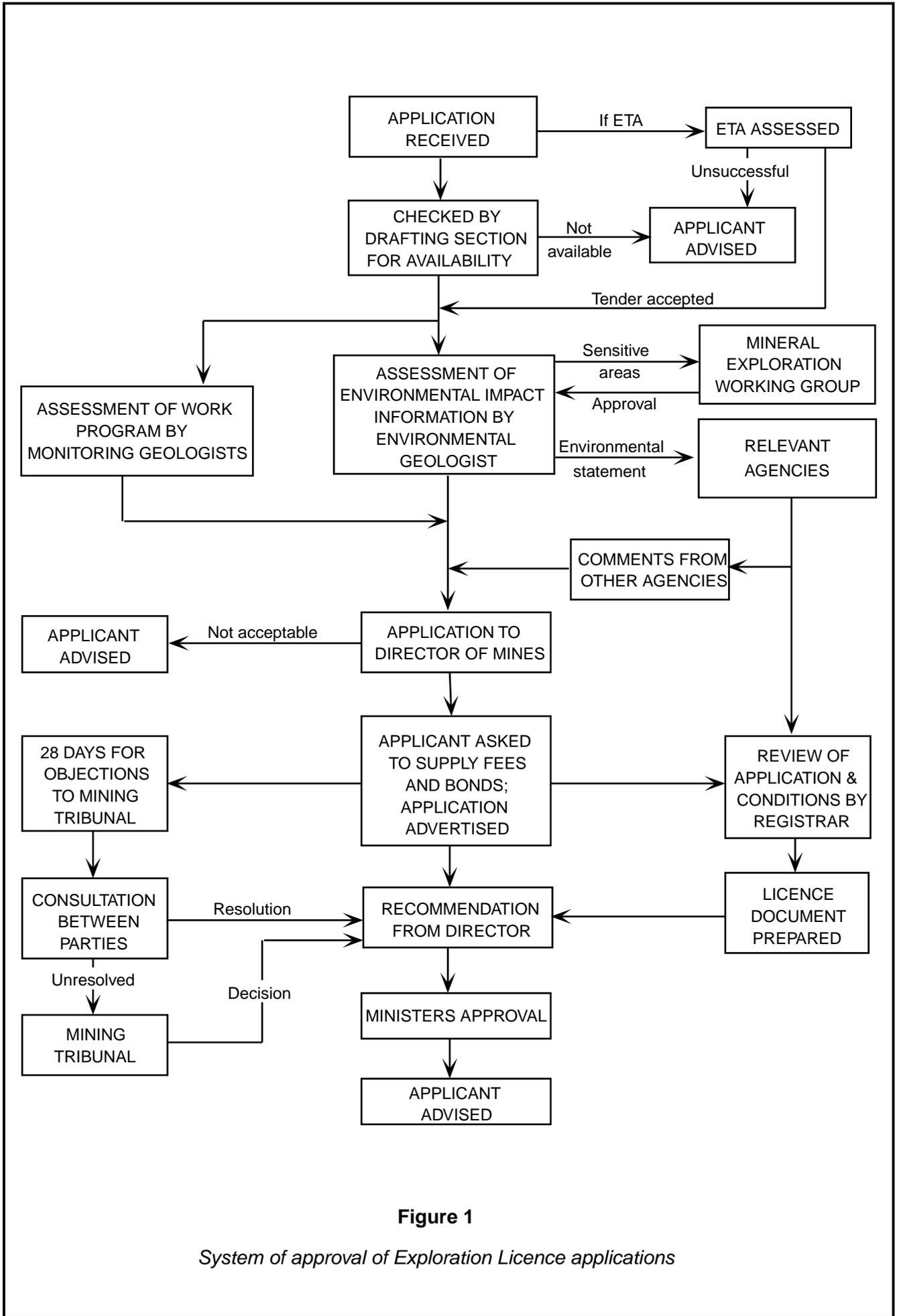
### **PLANNING PROCESS IN RELATION TO DEVELOPMENTS ON MINING LEASES**

The development of a mining operation is controlled by DELM through the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Environmental Management and Pollution Control Act 1994* (EMPCA). In the flow chart (fig. 7) these two acts form the basis for the State's planning and environmental controls. LUPAA results in the appropriate permit being obtained from local government and EMPCA allows assessment of the environmental, heritage and social impacts of the planned development.

As part of the process, the affected agencies (DELM, PWS and MRT) prepare guidelines for the Development Proposal and Environmental Management Plan (DPEMP) which the proponent produces for these approvals. The DPEMP provides the basis for assessment of the proposal, public comment, approval and permit conditions. Information on all aspects of the development are provided. Provision is made to have archaeological and heritage surveys done as part of this process. Public comment is sought prior to finalising the permit conditions.

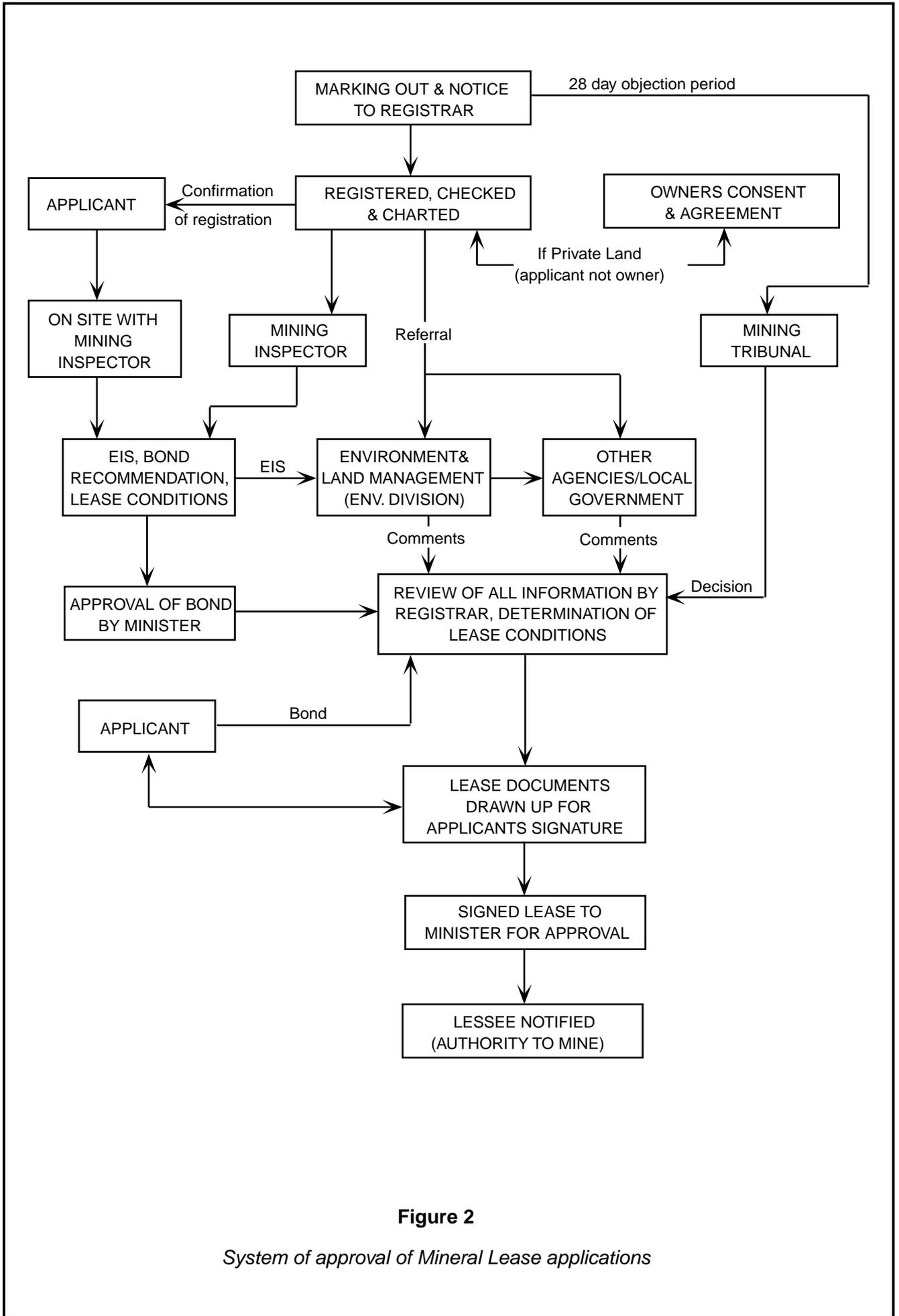
MRT has input in the drafting of the guidelines for the DPEMP and in initial assessment of the draft DPEMP. The Naracoopa sand mining project, the Savage River ochre deposit and the Henty mine are recent examples of mining-related DPEMPs where archaeological surveys were done.

[12 March 1998]



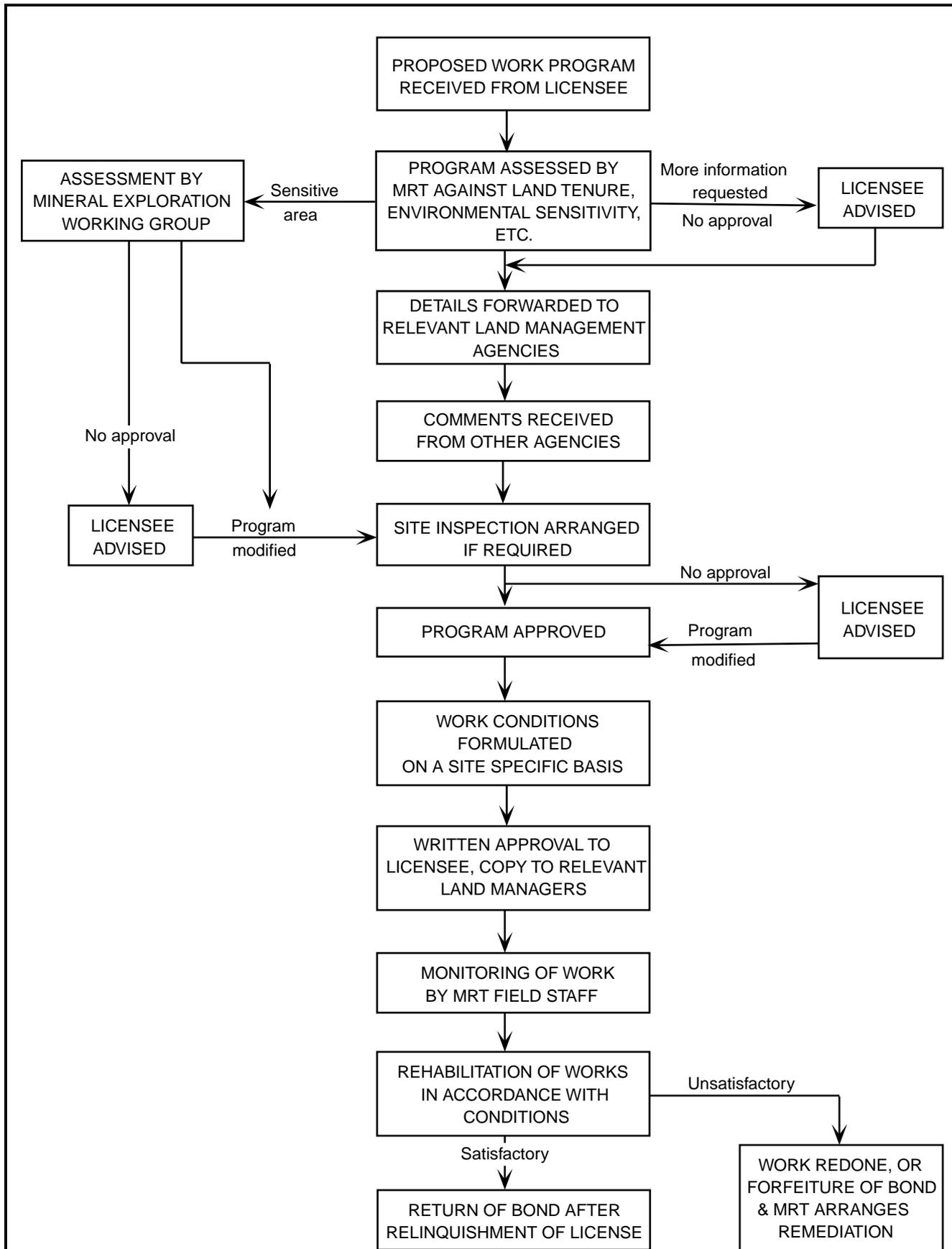
**Figure 1**

*System of approval of Exploration Licence applications*



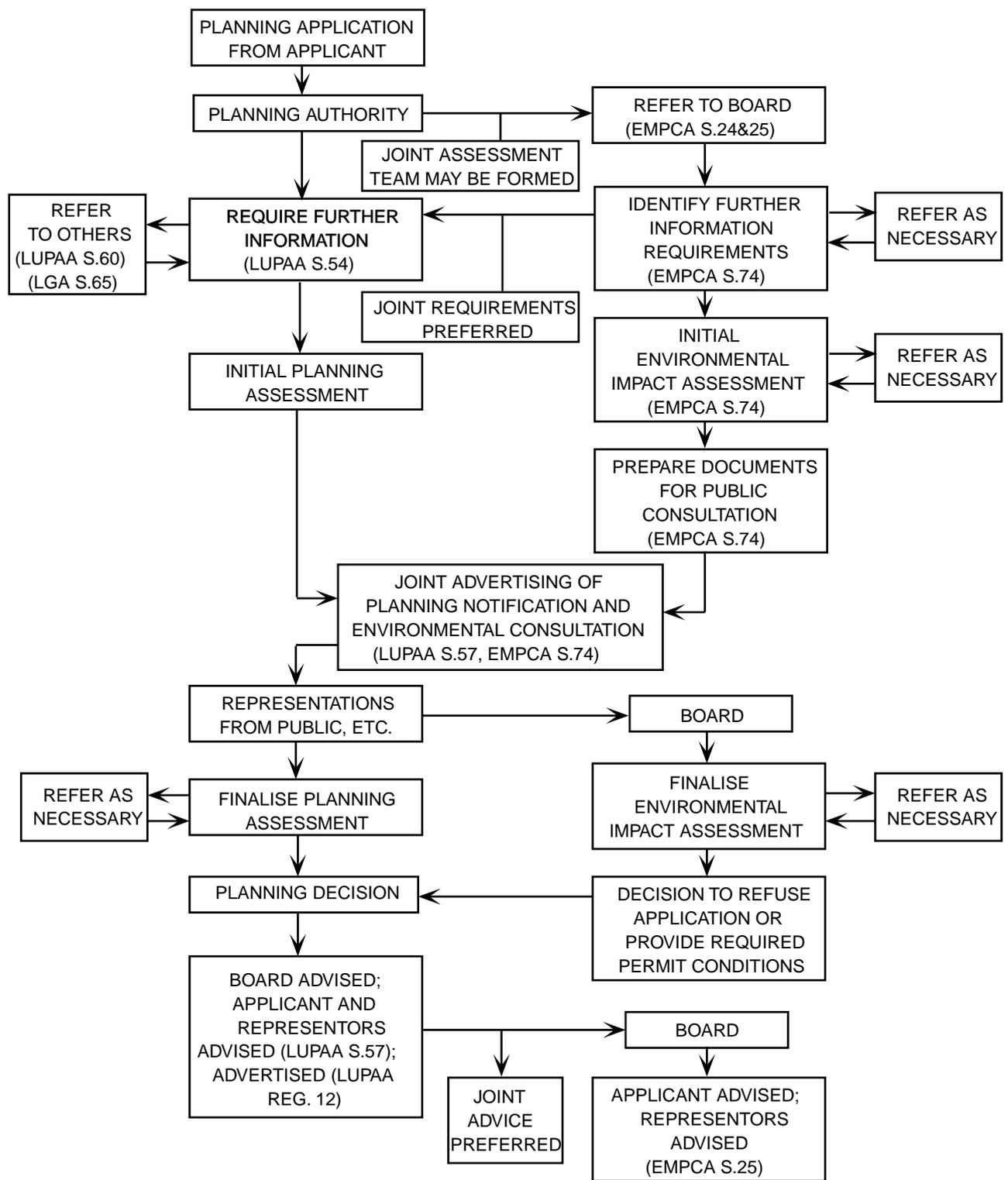
**Figure 2**

*System of approval of Mineral Lease applications*



**Figure 3**

*System for approval of work programs for Exploration Licences*



**Figure 4**

*System for planning approval on Mineral Leases*



**SCHEDULE 'A' (Revised October 1996)**  
**Conditions of Exploration Licences under**  
**the Mineral Resources Development Act 1995**

**Operational:**

1. The licensee shall conduct operations so as not to disturb the environment except in so far as this may be necessary to undertake the programme of exploration required by this licence.

Specific written approval is required from Mineral Resources Tasmania for any of the following activities:

- All track construction, repair or restoration whether or not the activity includes moving earth and cutting vegetation including 'one pass' traverses off formed roads by either tracked or wheeled vehicles.
- All drilling activity, whether or not drill pad construction, involving stripping to bare earth, clearing or flattening of vegetation, is required.
- Helipad construction.
- All costeaning and pitting.
- Augering either by hand or machine.
- All cutting of grids.
- Any stream-sediment sampling.
- Any movement of heavy machinery, either wheeled (cranes, rigs and trucks etc.) or tracked (dozers, excavators, backhoes, traxcavators, rigs, bombardiers etc.) on to a licence. This may include access through other licences.

Conditions imposed on such works must be strictly observed.

2. Proposed programmes should be submitted at least one month before work is planned to commence to allow time for field inspections to be arranged if required.

Mineral Resources Tasmania will contact other Government agencies as required to seek their advice in order to set conditions on a site-specific basis.

Work programmes must not be sent to other agencies other than via Mineral Resources Tasmania.

3. Work is to be planned to avoid insofar as practicable the need to construct tracks and drillpads in wet weather.
4. On the completion of exploration, all works (tracks, helipads, drill pads, costeans etc.) are to be rehabilitated to the satisfaction of the Director of Mines.
5. The licensee shall observe the provisions of Sections 117–122 of the *Mineral Resources Development Act 1995*, with regard to notification of bore holes, preservation of cores and disposal thereof.
6. At the termination of the licence or at any time at the option of the licensee all drill core and samples required by the Director of Mines shall be delivered in core boxes 1000 millimetres long and either 400 or 200 millimetres wide to the Department's Core Store at Mornington at the cost of the licensee unless the Director of Mines notifies the licensee in writing that such core or samples are not required. Where companies are still using stocks of old core boxes (1050 × 470 mm for example) these will be accepted by the Department.
7. The licensee shall observe any instructions which may be given by the Director of Mines with a view of minimising or preventing damage to public or private property, and conform to the provisions of the Mineral Exploration Code of Practice, as revised from time to time, for all operations.
8. The licensee shall not light any fires without the approval of the State Fire Commission or the relevant District Forester when on State Forest. When on land reserved under the *National Parks and Wildlife Act 1970* or the *Crown Lands Act 1976*, the approval of the Secretary of Parks and Wildlife Service is required. Precautions are to be

taken with fuel storage to minimise the risk of fire. The licensee, agent and/or employees during exploration activities shall be responsible for the immediate suppression of non-permit fires arising from those activities.

9. The licensee shall notify the relevant District Forester of Forestry Tasmania before entering on a State Forest and shall comply with the reasonable requirements of such officer in operations in any such State Forest. Any commercial forest produce which is cut down (with approval) during exploration must either be paid for at current rates or removed for salvage.

The licensee shall allow unhindered access for forestry operations and Forestry Tasmania officers during work on State Forest.

10. The licensee shall notify the relevant Parks and Wildlife Service Ranger or Property Officer before work commences in land reserved under either the *National Parks & Wildlife Service Act 1970* or the *Crown Land Act 1976* (where such lands have been brought back under the *Mineral Resources Development Act 1995*).

11. Where any Aboriginal artefacts or objects of historic interest are discovered, operations shall be conducted so as not to damage or interfere with such site or object, and the licensee shall report details of such discovery to the Secretary, Parks and Wildlife Service and shall otherwise observe the provisions of the *Aboriginal Relics Act 1975*.

There may be a requirement for archaeological inspections to be conducted prior to approval for works being granted in some areas.

12. The licensee shall not interfere in any way with native fauna or bird life.
13. Where investigations are to be undertaken in sensitive areas (such as coastal areas, Conservation or Protected areas) all exploration proposals must first be assessed by the Mineral Exploration Working Group.
14. All waste, rubbish and other materials produced or used during the exploration and related works are to be removed from the licence area or, if approval is so granted, buried on site.
15. All licence holders must ensure that field officers are fully aware of all conditions and schedules applying to the licence. A copy of the licence is

provided by Mineral Resources Tasmania for this purpose.

16. The Minister reserves the right to suspend operations immediately if weather conditions and/or the operation are causing unnecessary damage to roadways and tracks.

### Reporting:

1. An interim report must be lodged quarterly with the Director of Mines, Hobart (i.e. 31 March, 30 June, 30 September and 31 December).
2. This statement shall include a statement of expenditure and a brief progress report of operations. The interim report shall be lodged within 14 days of the above due dates.
3. The licensee shall furnish the Director of Mines, Hobart, with an Annual Report detailing all investigations undertaken during the term of the licence **one month** prior to the licence renewal date. This shall include detailed reports, plans, sections, analyses, metallurgical investigations and feasibility and other studies. All plans must include transparencies unless the Director of Mines advises in writing that such are not required.
4. All information furnished to the Director of Mines under this licence will be held in confidence for official purposes:
  - (a) during a period of five years from the date on which such information was furnished to the Director of Mines; or
  - (b) until the areas to which the reports relate are no longer lawfully held under the *Mineral Resources Development Act 1995*;

whichever shall occur first.

- The Department may publish, print, adapt or reproduce records once the report has been transferred to the MRT Open File library (see Schedule D).
5. **One month** prior to relinquishment of any part of the area described in the schedule hereto the licensee shall furnish a report containing all information relating to such unless the Director of Mines advises, in writing, that such report is not required.



## SCHEDULE 'B' (Revised October 1996)

### Cut Line Specifications and Fire Precaution Regulations

#### CUT LINE SPECIFICATIONS

1. Access to cut-lines from established tracks will be discreet, to reduce the possibility of subsequent misuse.
2. Markers to indicate commencement of access tracks will be minimal, and will be removed when activities are suspended.
3. Cut lines will not exceed one metre in width.
4. Clearing will be kept to a minimum; trees will not be blazed.
5. Unless imperative, no live saplings over 15 cm in diameter will be felled.
6. Track-cutters must recognise and avoid cutting the following native species: Huon Pine, King William Pine, Cheshunt Pine, Celery Top Pine and Deciduous Beech.
7. Fire must not be used for track making.
8. Non-biodegradable track markers will be removed when work is completed.
9. On completion, all introduced debris will be removed including cans, bottles, paper, fabric etc.

#### FIRE PRECAUTION REGULATIONS

Exploration managers will ensure that **during a fire permit period**, persons occupying permanent and semi-permanent camp sites, drilling sites, or work sites using, servicing or refuelling earth-moving equipment shall have the sites equipped with the following fire-fighting tools:

- a serviceable knapsack pump filled with not less than 10 litres of water or a powder-type fire extinguisher of not less than one kilogram capacity;
- a slash hook;
- a fire rake or grubbing-hoe;
- a receptacle containing not less than 180 litres of water.

Track cutting teams using chainsaws, and persons on work sites where chainsaws, power augers, generators or other petrol engines are frequently used, will maintain within sensible reach a serviceable knapsack pump filled with not less than 10 litres of water, or a powder-type fire extinguisher of not less than one kilogram capacity.

All premises used as kitchens or as sites for storing fuel or storing, servicing or refuelling engines will be:

- cleared to bare earth;
- surrounded by a firebreak sufficient to isolate the premises from the surrounding vegetation.



## SCHEDULE 'D' (October 1996)

### Non-exclusive Licence — Exploration Reports

#### 1. Licence to use reports

- (a) In respect of reports prepared by or on behalf of the holder and submitted to the Director pursuant to Schedule A of this licence or otherwise, the holder hereby grants to the Minister, by way of a non-exclusive licence, copyright therein, to publish, print, adapt and reproduce the work in any form and for the full duration of the copyright, subject to a period of confidentiality as outlined in sub-clause (2).
- (b) The non-exclusive licence to do acts comprised in the copyright granted hereunder is a consent to disclosure of the information contained in the copyright material.

#### 2. Confidentiality

- (a) All exploration reports submitted in accordance with the conditions of this title will be kept confidential for a period of five years from the due date of the report, or while the title is in force, whichever is of the shorter duration, except in cases where:
  - (i) The holder has agreed that specific reports may be made non-confidential.
  - (ii) Reports deal exclusively with exploration conducted on areas that have ceased to be part of the title.
- (b) Confidentiality of reports will be continued beyond the termination of a title in cases where an application for renewal of that title was lodged during the currency of the title, provided that a period of no more than five years has elapsed since the due date of a report concerned. An application for an amalgamated exploration licence would be treated in the same way as an application for renewal for the purpose of this sub-section.
- (c) The maintenance and continuation of the period of confidentiality under sub-clauses (a) and (b) above is subject to the holder submitting a report on all exploration conducted in the parts of the tenement that have been relinquished. Such reports will be made public.
- (d) The Director may extend the period of confidentiality in respect of reports beyond the time(s) stipulated in sub-clauses (a) and (b) hereof.

#### 3. Terms of the non-exclusive licence

The terms of the non-exclusive copyright licence granted under sub-clause (1)(a) are:—

- (a) The Director may sub-licence others to publish, print, adapt and reproduce but not on-licence the copyright in a report.
- (b) The Director and any sub-licensee will acknowledge the holder's and any identifiable consultant's ownership of copyright in reports in any reproduction of reports, including storage of reports onto an electronic database.
- (c) The holder does not warrant ownership of all copyright works contained in any report and the holder will use best endeavours to identify those parts of the report for which the holder owns the copyright.
- (d) There is no royalty payable by the Minister for the licence.