Code of conduct for mineral explorers in the Northern Territory

December 2020

Minerals Council of Australia
NORTHERN TERRITORY DIVISION

AMEC
ASSOCIATION OF MINING AND EXPLORATION COMPANIES

NORTHERN TERRITORY GOVERNMENT

Document title	Code of conduct for mineral explorers in the Northern Territory
Contact details	Department of Industry, Tourism and Trade

Version	Date	Author	Changes made
Final	December 2020	Department of Industry, Tourism and Trade	First version

Abbreviations	Full form
AMEC	Association of Mining and Exploration Companies
MCA	Minerals Council of Australia
MMA	*Mining Management Act 2001*
MMP	Mining Management Plan
MTA	*Mineral Titles Act 2010*
NT	Northern Territory

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Definitions

In this code the following definitions apply.	
Above-ground works	Works such as building roads, buildings, bridges, railways or airstrips or works for establishing conveyors, pipelines, telephone lines or power lines.
Authorisation	An Authorisation under the *Mining Management Act 2001* (MMA) that is required before an operator can carry out mining activities on a mining site.
Environment	Land, air, water, organisms and ecosystems on a mining site, including: • the well-being of humans • structures made or modified by humans • the amenity values of the site • economic, cultural and social conditions.
Environmental incident	An incident on a mining site that causes environmental harm, as defined by the MMA.
Exploration	All modes of searching for or evaluating deposits of minerals, other than by remote sensing.
Explorer	Mineral exploration company employees, contractors and consultants.
Department	The regulator responsible for the *Mineral Titles Act 2010 (*MTA) and the MMA, at any time.
Land	Pastoral and private land.
Land manager	A person who is in control of the property, for example, a station manager in relation to a pastoral lease.
Landowner	As defined by the *Mineral Titles Act 2010*, a person recorded in the land register as being entitled to the fee simple interest in land, a lease from the Crown under the *Crown Lands Act 1992, Pastoral Land Act 1992* or *Special Purposes Leases Act 1953*.
Mining Management Plan	A plan for the management of a mining site, as defined by the MMA, for which the operator requires an Authorisation to carry out mining activities, including exploration.
Mining site	An area of land in respect of which a person holds a mining interest or on which mining activities, including exploration, are being, or have been, carried out.
Private land	Land that a person is entitled to the fee simple interest or a lease from the Crown under the *Crown Lands Act 1992* or *Special Purposes Leases Act 1953*.
Regulator	Those Northern Territory and Australian government agencies that have a role in regulating any aspect of a mining activity, including exploration.
Substantial disturbance (of a mining site)	Includes land clearing, earthworks, above ground works, underground works, waterworks, extracting resources, stockpiling ore, establishing seismic lines establishing a camp, drilling and blasting, active remote sensing and seismic techniques in water, and any activity likely to have a significant impact on flora or fauna.

In this code the following definitions apply.	
Title holder	A person who is granted or issued with a mineral title, under the MTA.
Underground works	Works in connection with tunnels, wells, pipelines, conduits or cables.

1. Introduction

This code of conduct (the code) has been prepared by the Northern Territory Department of Industry, Tourism and Trade with the Minerals Council of Australia (MCA) – NT Division and the Association of Mining and Exploration Companies (AMEC), to outline best practice operational and environmental management of mineral exploration in the Territory.

The purpose of the code is to provide practical guidance to assist mineral explorers to conduct themselves appropriately and with consideration for the landowner, and meet their environmental obligations to maintain a high standard of environmental management and performance.

The code is voluntary and not legally binding. However, adoption of the code may assist explorers to comply with their mining interest (title) and authorisation conditions, and understand and meet land access requirements.

The code is designed to complement legal requirements that regulate mineral exploration on pastoral leases and private land in the Territory. The code does not replace or add to current statutory requirements. Each party involved in the exploration of a mineral title, including employees of the title holder, landowner, occupier or manager, contractors and subcontractors, should be provided with a copy of, and be familiar with, the code.

The department administers and regulates the legislation that provides for the grant of an exploration licence under the MTA and authorisation of mining activities after grant under the MMA.

The code aims to:

- foster good relationships between explorers, landowners and occupiers
- encourage responsible land use practices while gathering geological, geochemical or geophysical information during exploration
- minimise environmental impacts and encourage appropriate environmental management practices
- promote a high standard of environmental performance, in line with legislative requirements
- ensure explorers understand their obligations to obtain all relevant approvals and necessary agreements prior to commencement of exploration activities
- encourage understanding of explorers' rights and obligations, while having regard for landowners' rights.

The code relates to exploration on pastoral land only and relationships between the explorer and landowner. It does not take into account the *Aboriginal Land Rights Act (NT) 1976* or the *Native Title Act 1993*, in relation to land access or consultation.

2. Statutory requirements

Before commencing mineral exploration activities, explorers should familiarise themselves with the relevant Territory and Commonwealth legislation related to their proposed activities. Relevant legislation in the Territory includes:

- *Mining Management Act 2001*
- *Mineral Titles Act 2010*
- *Environment Protection Act 2019*
- *Northern Territory Aboriginal Sacred Sites Act 1989*
- *Weeds Management Act 2001*
- *Bushfires Management Act 2016*
- *Dangerous Goods Act 1998*
- *Heritage Act 2011*
- *Waste Management and Pollution Control Act 1998*
- *Water Act 1992*
- *Soil Conservation and Land Utilisation Act 1969*
- *Territory Parks and Wildlife Conservation Act 1976*

Commonwealth legislation applies for matters relating to native title considerations and where Commonwealth decisions are required, for example, matters of national environmental significance. Applicable Commonwealth legislation includes:

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Native Title Act 1993*

3. Before exploration

3.1. Land access requirements and consultation

The Territory has a land access policy that supports shared land access for mineral exploration on pastoral lease land. It also supports economic growth in the Territory, while ensuring landowner's rights are upheld and they are appropriately consulted regarding access requirements. A flow chart of the land access process is provided in Appendix 1. Land access requirements for low impact and substantial disturbance activities are outlined in the following sections.

3.1.1. Low impact activities

Low impact or reconnaissance activities include:

- remote sensing
- aerial surveys
- rock chip sampling
- mapping
- ground geophysical surveys that do not require track clearing

- inspections
- other activities that do not involve substantial ground disturbing activities.

Title holders have a right to access land under the MTA to undertake such activities. However, the title holder must provide at least 14 days' notice of entry to the landowner before commencing any of these activities. This provides an opportunity for:

- the landowner to gain an understanding of the proposed exploration activities
- the explorer to understand the activities of the landowner
- both parties to agree to reasonable and respectful access.

The notice of entry must be in writing and include:

- the name and contact details of the title holder
- the name and contact details of the person who will be in charge of exploration work
- what sort of exploration work will be done
- when work will start and how long it is likely to take
- a map of the land to be explored, with its location and boundaries clearly marked
- where the explorer plans to enter the land.

An explorer may ask the landowner to provide information on:

- access to the property and condition of existing roads or tracks
- suitable campsites or alternative available accommodation
- the landowner's planned work program
- available sources of water and permission to use it
- details of any problem weeds or other environmental issues
- any protocols for weed and seed management
- availability of other resources, such as grader hire and labour
- ways to minimise disturbance to pastoral activities.

It is important that consultation occur during all stages of exploration to ensure good working relationships and ongoing communication.

3.1.2. Substantial disturbance

Exploration activities involving substantial disturbance cannot occur until an MMP has been submitted to the department for assessment and approval and an Authorisation granted under the MMA.

An explorer should begin consulting with the land holder in the early stages of developing the MMP and provide a copy or section to them that includes:

- a project overview, including timing and activity
- relevant management plans

- access requirements for discussion and consideration by the landowner.

Both parties should come to an agreement within 60 days of commencing the consultations. Evidence that a land access agreement has been reached must be included as an attachment to the MMP. The evidence can vary from an email between the two parties confirming a 'hand-shake arrangement' to a more detailed documented agreement. However, details of what the agreement contains are not required by the department.

It is important that consultation occur during all stages of exploration, including the planning stage and after exploration has finished, to ensure good working relationships and ongoing communication.

Landowner notifications under the MTA, as outlined in 3.1.1 above, also apply before any substantial disturbance activities can be initiated.

3.1.3. Sacred, heritage and archaeological sites

The explorer should:

- consult with the Aboriginal Areas Protection Authority to identify potential sacred sites within the project area
- ensure identified sacred, heritage and archaeological sites are protected from impacts of exploration activities
- ensure employees are aware of the locations of sacred sites or no-go zones to prevent inadvertent interference with, or damage to, sacred sites.

NOTE: Obtaining a clearance certificate from a land council does not indemnify the explorer from prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989***.**

4. During exploration

4.1 Protocols

4.1.1 Fences and gates

Fences and gates are of vital importance in managing livestock. With this in mind, the explorer must:

- leave all fences and gates in the position and condition in which they are found
- not cut or drop fence wires for access purposes without consent
- discuss and request permission from the landowner if a new gate needs to be installed to access a project area
- report any fence break or damage caused or noticed by the explorer to the landowner as soon as practicable.

4.1.2. Use of property and facilities

The explorer should:

- avoid using aircraft, helicopters or drones without first checking with the landowner, especially if mustering is planned or in progress
- obtain permission from the landowner prior to using their airstrip
- give the landowner the opportunity to quote for contract work available and endeavour to employ local residents for casual or seasonal work, where possible
- not bring firearms onto the property.

4.1.3. Crops, pastures and livestock

Biosecurity risks are increasing in the Territory. It is important that explorers employ appropriate operational practices to protect crops, pastures and livestock from damage or invasion by weeds, pathogens and diseases, which in turn could significantly affect the environment and the economy.

The explorer should:

- ascertain if any regional disease or weed control campaign is current and follow directives from the regulators and the landowner
- check in with the landowner on entering the property and wash down vehicles and equipment before and after leaving the property to reduce the risk of spreading weeds, pathogens and disease
- wash-down vehicles when moving from a high risk area to a lower risk area
- avoid or, if this is not possible, minimise disturbance to crops, pastures and livestock
- avoid damage to pastoral improvements, native vegetation and community facilities
- report damage on site that has occurred (or is occurring) to the landowner or the title holder at the earliest opportunity and, if this damage has been caused by the explorer, arrange for remediation or repair and advise the department
- report injured or dead stock to the landowner
- avoid areas seeded to crop or developed to pasture or consult the landowner prior to entry so fieldwork can be planned in a manner that minimises damage to the crop or pasture
- reach agreement with the landowner on action to rectify any damage that may occur to crop or pasture areas.

4.2. Environmental management

Exploration activities have the potential to adversely impact the environment if they are not managed appropriately. Aspects that require management are specific to the environment in which the exploration activities are proposed and are outlined in more detail below.

4.2.1. Flora and fauna

In relation to flora, the explorer should:

- be aware of threatened flora (critically endangered, endangered or vulnerable species) in the area and ensure employees are aware of the possible presence of these species and what to do if they encounter these species
- avoid unnecessary clearing and keep disturbance to a minimum to protect native vegetation
- stockpile cleared vegetation for re-spreading and remediation purposes.

In relation to fauna, the explorer should:

- be aware of threatened species (critically endangered, endangered or vulnerable species) in the area and ensure employees are aware of the possible presence of these species and what to do if they encounter these species
- not intentionally trap or harm fauna
- cap all drill holes as soon as possible after drilling to avoid fauna becoming trapped or harmed
- not bring pets into the field without the permission of both the landowner and the exploration manager, as they may present a threat to other animals

- incorporate egress ramps to sumps and costeans, if relevant, to prevent fauna from becoming trapped.

4.2.2. Soil

Depending on the soil conditions and terrain, controls may be necessary to reduce the risk of erosion occurring. The explorer should:

- use existing tracks where possible and only construct new roads or tracks if necessary
- consult with the landowner to ensure sensitive areas are avoided during track construction
- utilise the blade-up technique when constructing drill pads and tracks
- avoid formation of windrows
- keep vegetation clearing to a minimum
- rip the disturbed area if soil has become compacted.

4.2.3. Weeds

Explorers are required to manage weeds in accordance with the *Weeds Management Act 2001* and ensure measures are employed to reduce biosecurity risks in the Territory.

The explorer should:

- identify if declared weeds occur within the project area and consult with the landowner and appropriate regulatory authority on any control campaigns
- inspect vehicles and equipment for soil, seeds and weeds and wash or brush down prior to entering and leaving the site to reduce the risk of weed dispersal.

4.2.4. Waste

The explorer should:

- have spill kits available for hydrocarbon and chemical spillages
- store hydrocarbons and hazardous substances in accordance with Australian Standards
- manage domestic wastes to deter any fauna that may be attracted and keep stored wastes in fauna-proof receptacles
- use wooden pegs
- manage sewage and greywaters in accordance with the requirements of the landowner and the regulators.

4.2.5. Bushfires and fire control

The explorer should:

- comply with all relevant fire legislation and guidelines
- develop emergency procedures for use in the event of a bushfire

- ensure that all employees are aware of their roles in implementing emergency procedures
- minimise fire risk by containing combustible material within cleared areas
- avoid burning off, unless permission has been obtained from the landowner and the appropriate regulatory authority
- equip all exploration vehicles with appropriate, functioning fire extinguishers
- be aware of all bushfire alerts and fire danger warnings
- render all possible assistance to the landowner in the event of a bushfire.

5. After exploration

5.1. Progressive remediation

Areas disturbed as a result of exploration activities should be progressively remediated to minimise the total extent of disturbance at any one time. The explorer should:

- time remediation appropriately, based on local climatic conditions
- cap all drill holes as soon as possible after drilling, at a minimum, and plug them within six months of drilling.

5.2. Remediation and closure

It is a requirement under the MMA to rehabilitate an exploration site in accordance with closure criteria (outlined in the approved MMP).

The explorer should:

- remediate all areas disturbed as a result of exploration activities, ultimately providing a stable landform similar to surrounding undisturbed areas that supports suitable local native flora and vegetation species
- source topsoil or seed, or both, for remediation work from the surrounding area as close as practical to the disturbed area, in consultation with the landowner and the regulators
- remove all grid pegs, tags, sample bags and flagging tape from the site at the completion of exploration
- ensure the soil at drill sites and backfilled bulk sample pit or costean sites is in a condition to encourage re-growth (for example, topsoils and subsoils are re-spread or replaced in the correct sequence)
- make a final inspection of all operational areas to ensure they are free of all wastes and in a condition that will promote regrowth of vegetation
- leave any remaining infrastructure, such as tracks, in a suitable condition that will not deteriorate over time (for example, install erosion measures)
- provide evidence to the department if the landowner intends to take on liability for any remaining infrastructure
- make courtesy calls to the landowner before departing the area at the end of a field season and when finally decommissioning the area.

5.3. Monitoring and compliance

The explorer should implement and maintain a system of internal management processes and controls to ensure compliance with the code.

To ensure successful remediation, the explorer should monitor all remediation works following the wet season or after a significant rainfall event. It is considered best practice for the explorer to maintain a

rehabilitation register summarising the remediation status of all previous and current disturbances (for example, exploration drill holes, costeans or bulk sample sites, tracks and campsites).

The register should also include the drill hole ID, GPS coordinates and status of drill holes (that is, rehabilitated, sample bags removed, tracks ripped, sumps backfilled or other appropriate criteria).

6. Key contacts

6.1. Northern Territory Government

Department of Industry, Tourism and Trade

- Mining Operations: 08 8999 6528 or nt.gov.au/industry/mining-and-petroleum/mining-activities
- Mineral Titles: 08 8999 5322 or nt.gov.au/industry/mining-and-petroleum/mineral-titles
- Heritage: 08 8999 5039

Department of Environment, Parks and Water Security

Environment (Assessments): 08 8924 4218 or https://depws.nt.gov.au/environment-information

- Bushfires: 08 8922 0844 or denr.nt.gov.au/about/bushfires-nt
- Weeds Management: 08 8999 4567 or nt.gov.au/environment/weeds
- Flora and Fauna: 08 8995 5000 or nt.gov.au/environment/native-plants and nt.gov.au/environment/animals

Aboriginal Areas Protection Authority

- Head office: 08 8999 4365 or www.aapant.org.au/

For all other Territory Government inquiries, contact the government switchboard on 08 8999 5511.

6.2. Mining industry contacts

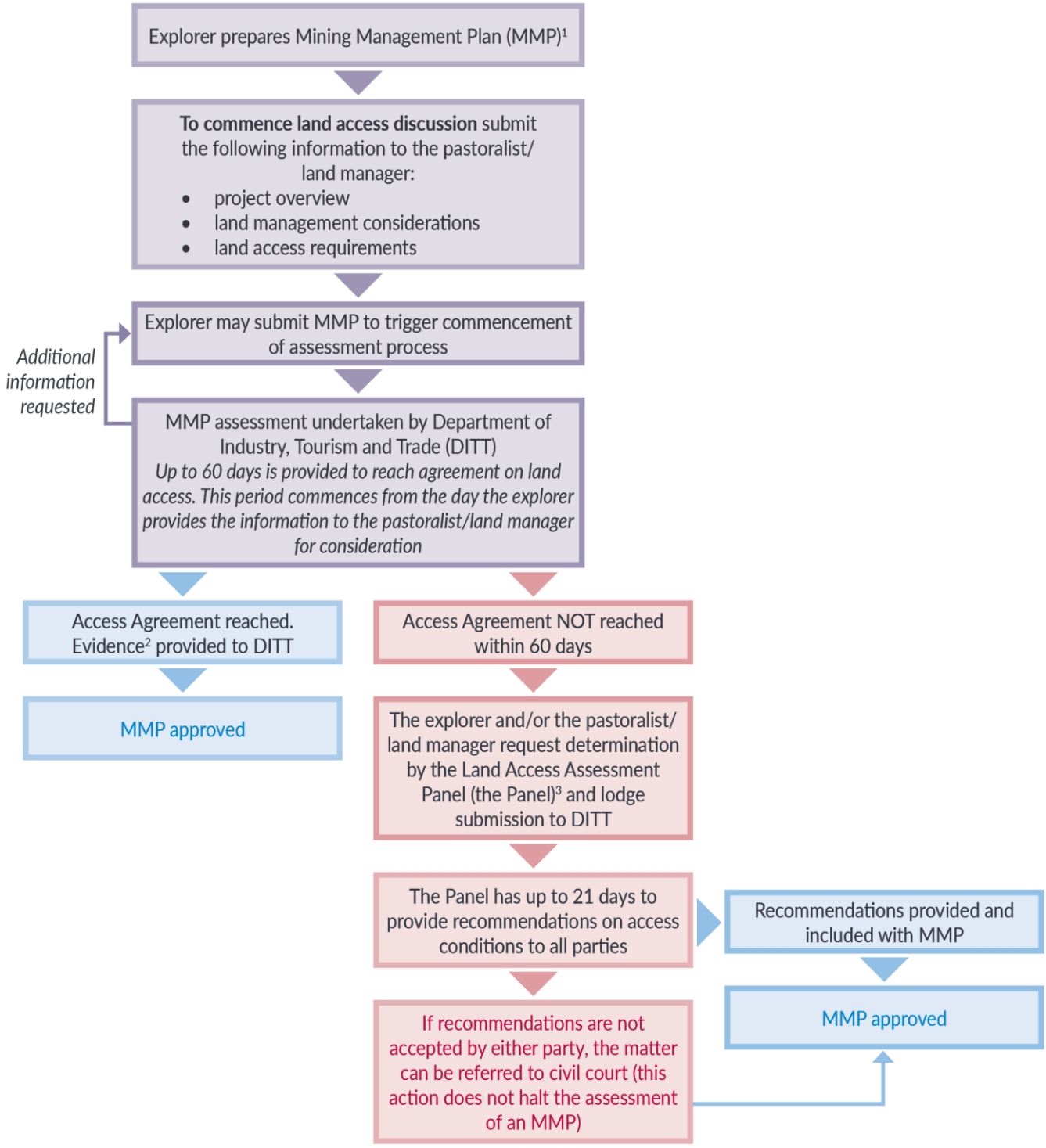
Association of Mining and Exploration Companies

- 1300 738 184 or amec.org.au

Minerals Council of Australia – NT Division

- 08 8981 4486 or minerals.org.au/mca-nt

Appendix 1: Land access – substantial disturbance on pastoral land



1. Available on the Department of Industry, Tourism and Trade web page at https://dpir.nt.gov.au/mining-and-energy/mines-and-energy-publications-information-and-statistics
2. Evidence that both parties have entered into an access agreement must be provided. This does not require submission of the agreement.

3. The Land Access Assessment Panel comprises the Department of Industry, Tourism and Trade, Department of Environment, Parks and Water Security, and relevant industry sectors.