

EXPLORATION CODE OF CONDUCT



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Introduction

Mineral exploration in Fiji is permitted through grant of Prospecting Licence/Special Prospecting Licence (PL/SPL) to an individual or a company. SPL is granted under the provisions of the Mining Act and Regulations, which permits exploration on native land, state land and freehold land. All exploration activities should be carried out with care and responsibility so that there is minimum disturbance to land, the natural environment and to the local communities where exploration work is undertaken.

The rights of the exploration licence holder (Holder), the rights of the owner of the land and the legal occupier, and the requirement to protect the environment, are provided through various legislations. The Mining Act requires compliance of the various provisions in the Act relating to exploration activities and the compliance of the Special Conditions of the Special Prospecting Licence.

The purpose of this Code is to ensure that exploration activities are carried out in a responsible manner, using best practice environmental management methods and ensuring harmonious relationship with the owner of the land and local communities. It provides outline of various procedures which must be followed. The Code is supplemented by guidelines provided in the pamphlets "*Protocol and Procedures with Landowners and Occupiers*".

The conditions applying to various exploration activities in the Act or Special Conditions of the SPL may be more stringent than those presented in this Code. In these situations the requirements of the Act and the Special Conditions will take precedence over the Code.

This Code is applicable to all mineral exploration licences granted by the Director of Mines (Director) and failure to comply with this Code will be an offence under the Mining Act.

The following sections outline the general principles and procedures applicable to exploration work.

Appointment of a Field Coordinator

- The Holder should appoint a field coordinator for exploration and rehabilitation activities. The Field Coordinator should be familiar with local customs and traditions, speak Fijian and if possible Hindustani and have general knowledge of the Mining Regulations and the broad requirements of Occupation, Health and Safety Act applicable to exploration work.
- The Director is notified of this appointment.
- The person should be responsible for liaison between the licence holder, landowners/occupiers and the local authorities, eg the Provincial Office, Native Land Trust Board Office, District Office, and should preferably be a local person.

Consultation with Landowners and Occupiers

- The Holder or his Field Coordinator should deliver to the *Turaga ni Koro* and the *Turaga ni Mataqali* of the area under application, a copy of the notice of the application advertised soon after advertisement has appeared, so that the landowners have ample time to lodge any formal objection to the Director, if they have any issues to raise.
- Prior to initial entry to the exploration area and before each new field season, the Holder should personally or through his designated Field Coordinator contact and discuss with the landowner(s) or occupier(s) the proposed work program.
- The Holder should discuss and execute a ‘Standard Compensation Agreement’ before any work is started on the licence area and should be guided by the document “Compensation Policy for Fiji’s Mineral Sector”.
- In the case of native land, all Fijian protocol should be observed and the guidelines followed as provided for in the pamphlet ‘*Protocol and Procedures with Indigenous Landowners and Occupiers*’.

- In the case of native land, a representative from the Provincial Office and NLTB should participate in all meetings and discussions.

At the initial meeting the Holder/field coordinator should provide:

- a clear outline of the proposed work program
 - a detailed map showing: areas that will be disturbed in various ways, (pits, trenches, grid line cutting, new tracks, drill pads, proposed camp sites etc) and *mataqali* boundaries
 - when the programme will start and finish
 - the type of equipment that will be used
 - environmental protection and rehabilitation measures to be employed
- Consult with Landowners prior to using helicopters; observe the protocol about flying helicopters over, or landing helicopters in the village and obtain permission from landowners/occupiers before making any clearing for a helipad.
 - Consult Landowners before utilizing any source of water, access roads/tracks and recreational facilities.
 - Permission should be obtained from Landowners, before fishing in the creeks, utilizing naturally growing food crops and wild animals including prawns from creeks.
 - Any significant change to the exploration plans should be made known to the Landowners and occupiers.
 - Provide the number of the PL/SPL to the Landowner/Occupier and the names and contacts of senior company personnel and the Field Coordinator.
 - Adequate notice should be given to the members of the public prior to the use of any explosives, cables and other equipment that could affect their safety.

Protection of Archaeological, Historic and Sacred Sites

Any impact on sacred and historic sites in an exploration area is of major concern to Fijian landowners.

- The Holder should obtain information on the location and significance of important sites from MRD, The National Trust for Fiji, The Fiji Museum and the Landowners before and during the early meeting with Landowners.
- All the impact sites should be recorded in the Holder's locality map and all measures proposed for protection should be presented to the Landowners, the National Trust, NLTB and The Fiji Museum. The Landowners should have a copy of this information.
- Where in the course of operations, a suspected archeological site or burial ground is unearthed or discovered, the holder shall immediately suspend operations at the site and notify the Director of the location of the site.
- The Holder should be aware of his obligations regarding the protection of heritage and archaeological sites as required by the National Trust for Fiji Act, Cap. 265 and the Preservation of Objects of Archaeological and Palaeontological Interest, Cap 264.
- The Holder should not conduct any operation within 30m of a known monument, or a known or suspected archeological site or burial ground or a longer distance if requested by the landowners or NLTB.

Camping and Campsites

- Obtain permission from Landowners for: erecting a camp and the acceptability of the location; use of water or local food crops; fishing in the creeks and use of facilities for recreation.
- The "Standard Compensation Agreement" should include compensation for a campsite.

- Clearing of vegetation for the campsite should be kept to a minimum.
- Field work may be carried out from base camps.
- The general rule is to leave the campsite in the same condition as first occupied; all rubbish to be removed from the camp site and disposed of in an acceptable manner, eg buried away from any water course.
- Pit latrines should be located away from any water course.
- All precautions should be taken to prevent the start of bush fires.

Cutting Grid Lines

- Obtain permission from Landowners/Occupier to cut grid lines.
- The "Standard Compensation Agreement" should include compensation for the damage and disturbance to vegetation and improvements.
- Disturbance to the vegetation should be kept to a minimum and be acceptable to the Landowners.
- Workers should recognise and avoid cutting young plants of economic trees.
- The Department of Forestry should be consulted before any economic tree is felled and appropriate compensation paid.

Tracks, Trenches and Pits

- The route of any new track should be first agreed with the landowner/occupier; agreement should be entered into about disturbance, protection of certain sites or special trees, compensation and use of any fill material, prior to the commencement of work.
- The tracks should be well planned, carefully sited, properly made

and be environmentally acceptable and cause minimum soil erosion and retain landscape value.

- Consult the Landowners during the planning of the exploration programme and before rehabilitating the tracks, as they may wish to retain them for their own purposes.
- Maintenance and rehabilitation requirements of tracks should be considered in the planning of an exploration programme.
- Use an existing road/track in preference to constructing a new one.
- Establish the ownership and/or controlling authority of an existing track and obtain permission before use. Enter into an agreement for the use of the track.
- Tracks should be used with care; avoid excessive speed; do not use oversize or overloaded vehicles; do not use in very wet conditions.
- When constructing tracks and trenches, do not make them wider than necessary; limit vegetation clearance; minimize number of streams crossings; fit the route to the topography to minimize earthworks; provide adequate drainage and minimize impact of run-off.
- Stockpile cleared vegetation adjacent to the trench in preparation for subsequent rehabilitation.
- Do not cut fences without consent from Landowners/Occupiers.
- Compensation should be paid for track construction, to the Landowner for damage done to land, and to the occupier for improvements.
- The contractor doing the earth works should abide by all the arrangements made between the Holder the Landowner/Occupier.
- Rehabilitation of embankments and fills should be undertaken at

the time of construction; eg replanting.

Drilling and Drilling Pads

- The Holder should obtain permission from the landowner and/or occupier for clearing an area for a drill pad and constructing access tracks and enter into an agreement for the disturbance and occupancy of the site.
- Minimize environmental damage.
- Do not make the drilling pad any larger than necessary.
- Provide adequate sumps around all drilling sites.
- Samples and cuttings from the drill holes are either put back in the hole or blended with the top soil near the drill hole.
- All holes must be sealed and capped below ground level, unless required by the Landowner/Occupier.
- After completion of drilling, the drill site should be rehabilitated.
- All fuel drums should be sealed and contained in a bund during the operation phase.
- Any agreement with the drill contractor for campsite procedures and environment management and rehabilitation, should be disclosed to the Director prior to commencement of work.
- After rehabilitation work, Director NLTB and Landowners/Occupiers should be advised for inspection of completed work.

Environmental Consideration **Streams and Water Quality**

- Ensure that all possible sources of contamination from fuel, drilling additives, lubrication and chemicals of all type are sited away from streams and are properly contained and stored and ensure that these contaminants or their containers are disposed of in a manner which will not pollute streams or underground water.

- Exploration work should be conducted in a manner as much as reasonably possible to ensure that water quality of streams is maintained.
- Remove any debris or material deposited in the stream caused by operations.
- Restore the channel and bed of a stream to their original alignment and cross section at the completion of the operations.

Soils

- Soil disturbance should be kept to a minimum.
- Where soil is disturbed significantly, top soil should be stockpiled separately for subsequent rehabilitation of disturbed surface, eg at drill sites, camp sites.
- Refill holes and trenches, thoroughly compacting, to minimize settlement.
- Remedy significant settlement by further refilling and compaction.

Plant Diseases

- The Holder should familiarize himself on any restrictions imposed because of prevalent plant diseases and take precautions to minimize spread of these diseases.
- Seek advice from the local agricultural office.

Noise and Dust

- Dust generated from exploration activities should be kept to a minimum.
- Noise levels should not exceed any regulatory requirement.
- Communities who will be affected by noise from exploration

activities should be advised prior to the commencement of the activities, eg blasting.

- Noisy operations near dwellings should be restricted to daylight hours.

Cutting of Trees

- The Holder shall only cut trees of any type where there is no reasonable alternative than cutting trees for the creation of survey lines, access roads/tracks or areas necessary for work or camps. Trees cut will be compensated under compensation rules and procedures.

Rehabilitation

- The Holder is required to rehabilitate the land in accordance with the plan of rehabilitation approved with the PL/SPL.
- Rehabilitated sites should be monitored by the holder and further work carried out to ensure success of rehabilitation.
- The result of monitoring is presented to the Director and NLTB.

Compliance

- The Holder should ensure that his staff, contractors and contractor's employees are familiar with the provisions of the Code and comply with the requirements.
- Bonds are required to be lodged with PL/SPL for ensuring compliance with the obligations under the Act, Special Conditions and the Code.

References containing additional information*

- *Protocol and Procedures with Indigenous Landowners and Occupiers*
- *Compensation Policy for Fiji's Mineral Sector (in preparation).*

* Copies available from Mineral Resources Department, Private Mail Bag, Suva.

GLOSSARY OF TERMS

NOTES

Holder means holder of a Prospector's Right or a holder of a Mining Tenement.

Mataqali means a native Fijian primary social division, commonly recognised as the land-owning unit.

Mining Tenement means a Prospecting Licence/Special Prospecting Licence or a Mining Lease/Special Mining Lease

Native Land means land which are neither State Land or freehold.

Native Owner of land means the mataqali or other division or subdivision of Fijians having the customary right to occupy and use any native land.

Occupier means legal occupier.

Sevusevu means a ceremonial presentation.

Tenement means Prospecting Licence/Special Prospecting Licence or Mining Lease.

Turaga-ni-koro means a civil servant appointed by the Provincial Office to serve as a coordinator and a facilitator in a village.

Turaga-ni-mataqali means a customarily recognised head of a mataqali.