4 August 2009

The Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606

Dear Registrar

Certification Trade Mark Application No 1259716 & 1259717

The Australian Competition and Consumer Commission (the ACCC), in accordance with the provisions of the Trade Marks Act 1995, has completed its final assessment of Certification Trade Mark (CTM) No 1259716 & 1259717.

A certificate detailing the ACCC’s assessment is attached, as well as a certified copy of the rules. The applicant has been notified.

If you have any queries about this matter, please contact Clare McGinness on (02) 6243 1049.

Yours sincerely

Darrell Channing
Director
Adjudication Branch
Final Assessment of Certification Trade Mark application 1259716 & 1259717 lodged by the Minerals Council of Australia

The Australian Competition and Consumer Commission (the ACCC), in accordance with the requirements of the Trade Marks Act 1995, has completed its Final Assessment of the above Certification Trade Mark (CTM) application.

The ACCC's Final Assessment is that it is satisfied that:

(a) the approved certifiers demonstrate the attributes necessary to competently certify the services in respect of which the CTM is to be registered;

(b) the rules governing the use of the CTM would not be to the detriment of the public; and

(c) the rules governing the use of the CTM are satisfactory having regard to the principles relating to restrictive trade practices set out in Part IV of the Trade Practices Act 1974 (the Act); the principles relating to unconscionable conduct set out in Part IVA of the Act; and the principles relating to unfair practices, product safety and product information set out in Part V of the Act.

Signed.............................................. (Deputy Chair)

Date..............................................

04 August 2009
RULES GOVERNING THE USE OF THE
ENDURING VALUE CERTIFICATION TRADE MARK

ENDURING VALUE
THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK
FOR SUSTAINABLE DEVELOPMENT

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FOR USE BY ENTITIES IN THE AUSTRALIAN MINERALS INDUSTRY WHO
WISH TO USE THE ENDURING VALUE CERTIFICATION TRADE MARK

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Appendix 1
Certificate of Approval

Appendix 2
ICMM Principles and Elements

Appendix 3
Enduring Value Style Guide

Certified copy
pursuant to section 175(2)(b)
of the Trade Marks Act 1995
1 **THIS DOCUMENT**

These Rules are for the eligibility and use of the Certification Mark “Enduring Value”, set out in this paragraph below (the “Enduring Value Mark”):

![Enduring Value Mark]

**ENDURING VALUE**

2 **AUSTRALIAN MINERALS INDUSTRY VISION**

The Enduring Value Mark is the means by which signatories to the Mineral Council of Australia’s “Enduring Value Framework” can publicly demonstrate their commitment and undertaking to the Mineral Council of Australia’s vision for the Australian minerals industry to achieve continual improvement in the environmental, social and economic performance and accountability of the Australian minerals industry through implementation of the Principles and Elements of Enduring Value.

3 **THE ENDURING VALUE FRAMEWORK**

The Enduring Value Framework is the Australian Minerals Industry framework for sustainable development, as prepared and recorded by the Mineral Council of Australia. The Enduring Value Framework is designed to help minerals industry managers implement the Australian minerals industry’s vision in a practical and operational manner that is targeted at the site level.

The key role of the Enduring Value Framework is to translate sustainable development principles into practices to be adopted and used by signatories to the Enduring Value Framework that will ensure that the Australian minerals industry operates in a manner which is attuned to the expectation of the community, and which seeks to maximise the long-term benefits to society that can be achieved through the effective management of Australia’s natural resources.

The Enduring Value Framework incorporates the sustainable development Principles and Elements adopted by the International Council on Mining and Metals (ICMM) in May 2003 and is also complemented by a range of tools, guidelines and extension activities such as training courses to deliver enhanced industry capacity in social and environments competencies, leading to opportunities to improve performance ‘on the ground’.
ELIGIBILITY FOR USE OF CERTIFICATION TRADE MARK

Signatories to the Enduring Value Framework will be entitled to use the Enduring Value certification trademark, provided they continue to meet the Enduring Value Framework obligations. The Enduring Value Framework obligations are included as conditions of using the Enduring Value Mark (see section 5).

All companies and contractors operating in the exploration, mining and minerals processing industry are eligible to become signatories to the Enduring Value Framework, provided that they commit to meeting and continue to meet the Enduring Value Framework obligations.

Being a signatory to the Enduring Value Framework is a condition of membership of the Minerals Council of Australia, however membership of the Minerals Council of Australia or any other industry association is not a prerequisite to becoming a signatory.

A signatory to the Enduring Value Framework who publishes the Enduring Value Mark in a manner that represents they are authorised to associate themselves with the Enduring Value Mark is deemed to be representing that they currently comply with the Enduring Value Framework obligations, principles and elements.

CERTIFICATION REQUIREMENTS

The requirements that companies and contractors must meet to lawfully use the Enduring Value certification trade mark are:

1. Being a signatory to the Enduring Value Framework, which involves signing a certificate pledging commitment to the Enduring Value Framework obligations (see Appendix 1) and lodging that with the Enduring Value Secretariat;

2. Continuing to adhere to the International Council on Mining and Metals (ICCM) Principles and Elements where applicable to a particular company’s operations (see Appendix 2);

3. Continuing to publicly report on site level performance, on a minimum annual basis, with reporting metrics to be self-selected from the Global Reporting Initiative (GRI), the GRI Mining and Metals Sector Supplement or self-developed;

4. Having undertaken an assessment of the systems used to manage their key operational risks (using either internal or external assessment as appropriate); and

5. Meeting the reasonable requests for information which the Minerals Council of Australia may have from time to time regarding compliance with the Enduring Value Framework principles and elements (see Appendix 2).

The Minerals Council of Australia provides a “Guidance for Implementation” booklet which provides guidance statements on the operation of each ICCM Element to assist
signatories to meet the requirements of the ICCM Principles and Elements, but this booklet does not prescribe particular management systems or standards and does not form part of these rules.

Companies that commit to the Enduring Value Framework will be recorded on a register maintained by the Enduring Value Secretariat, which is provided by the Minerals Council of Australia. This register will be made available for public inspection on the Minerals Council of Australia’s website (www.minerals.org.au-enduringvalue). Individual companies may also choose to publicise their registration in their own way, subject to the rules for use of the Enduring Value Mark.

The Secretariat may, on occasion, ask signatories to reaffirm their commitment to Enduring Value, particularly following any review of the Enduring Value Framework requirements or a change in the structure or policies of a signatory. If a signatory refuses to reaffirm their commitment, it ceases to be eligible to use the Enduring Value Mark and must not continue to use the Enduring Value Mark. A signatory may withdraw its commitment to Enduring Value at any stage, but if a signatory withdraws its commitment, it must not continue to use the Enduring Value Mark.

Signatories may publish the Enduring Value Mark in public documents or on their website. When referring to Enduring Value or using the Enduring Value Mark, signatories must be transparent in identifying those aspects of their business (if not all) covered by their commitment to the Enduring Value Framework. If a signatory does not identify that Enduring Value applies only to identified aspects of their business, then their compliance shall be judged on the basis that they have represented that Enduring Value applies to all aspects of their business. For mining companies who are moving towards whole of business compliance this may entail identifying relevant operations within their operations that are compliant. Companies must not use the Enduring Value Mark in respect of any operations which are not covered by or compliant with the Enduring Value Framework.

The Enduring Value Framework will also apply to the relevant activities of contractors engaged by signatories to undertake such activities. Signatories may use the Enduring Value Mark in respect of those activities undertaken by contractors, providing those contractor activities adhere to the Enduring Value Framework. Contractors undertaking activities for a signatory must not use the Enduring Value Mark themselves unless they themselves are a signatory to the Enduring Value framework.

When using the Enduring Value Mark, signatories must also adhere to the style and colour guidelines of the trademark as stated in the Enduring Value Style Guide contained in Appendix 3. We may specify other colours from time to time.

The Minerals Council of Australia is the owner of the Enduring Value Mark and only entities who comply with the Enduring Value Framework obligations as set out in these Rules are entitled to use the Enduring Value Mark and signatories may not license any other person to use the Enduring Value Mark.
6 APPROVAL FOR USE OF CERTIFIED TRADE MARK

To become a signatory to the Enduring Value Framework, a company must lodge a certificate pledging commitment to the Enduring Value Framework in the form approved from time to time by the Minerals Council of Australia (currently the form in Appendix 1).

Approval for the use of the Enduring Value certification trade mark is automatic following 14 days upon the applicant lodging the certificate pledging commitment to the Enduring Value Framework, unless the Minerals Council of Australia has, within that 14 days, despatched a request to the Applicant requesting further information regarding the Applicant’s compliance with the Enduring Value Framework obligations, principles and elements. To be approved to use the Enduring Value Mark, a signatory must declare their current compliance with and commitment to remain compliant with the Enduring Value Framework obligations.

The Minerals Council of Australia is responsible for assessing whether a company continues to meet the Enduring Value Framework obligations (listed as the certification conditions in section 5) and accordingly whether the signatory keeps its rights to use the certification trademark.

The Minerals Council of Australia may from time to time require a signatory to provide detailed information on the signatory's compliance with the Enduring Value Framework obligations, including any one or more of the 10 principles and their respective elements (see Appendix 2). Should a signatory fail to respond to such a request in a timely way or fail to provide evidence that demonstrates such compliance to the reasonable satisfaction of the Minerals Council of Australia then the signatory shall be deemed to not be in compliance with the Enduring Value Framework obligations and the Minerals Council of Australia shall notify the signatory in writing that the signatory is no longer entitled to use or publish the Enduring Value Mark.

The Minerals Council of Australia's role as approved certifier is appropriate given its role as the minerals industry representative body and its close relationship with the International Council of Mining and Metals.

7 BREACH

Any breach of these rules may be actionable under the Trade Marks Act 1995 and the Minerals Council of Australia reserves its rights in relation to any breach of these rules.

Any person who has substantive evidence to show that a published signatory is not conforming to the Enduring Value Framework obligations, principles and elements may put that information to the Enduring Value Secretariat.

8 DISPUTE RESOLUTION

Where the Minerals Council of Australia finds that a company is in breach of the rules governing the use of the Enduring Value certification trade mark (including the ICMM Principles and Elements), the Minerals Council of Australia will notify the signatory of the breach and seek to address the breach through the following process:
1. Minerals Council of Australia Secretariat contacts the designated Signatory Coordinator to discuss the reasons behind the company being in breach, to agree to a process for ensuring that the company remedies the breach as soon as possible, and to identify strategies to reduce the likelihood of the signatory’s breach of the requirements in the future.

2. If this process does not lead to the signatory being in conformance with the obligations within a reasonable time frame, the Minerals Council of Australia Chief Executive will contact the Chief Executive or Managing Director of the relevant signatory company to ascertain the reasons for the non-conformance and to seek assurance from the signatory that they are committed to meeting their conformance requirements and have a strategy in place to ensure this occurs as soon as practicable.

3. Should the signatory company continue to be in breach of these rules, nothing shall prevent the Minerals Council of Australia from taking action under the Trade Marks Act 1995 or any other applicable law.

If a signatory disputes the Minerals Council of Australia’s finding that the Signatory is in breach of the rules governing the use of the Enduring Value Mark, the signatory is entitled to submit to the Minerals Council of Australia its reasons why the signatory should not be considered in breach of these rules. The Minerals Council of Australia must consider any reasons put forward by the signatory in determining whether the signatory is in breach of these rules before taking action under the Trade Marks Act 1995 or any other applicable law.

Notwithstanding the dispute resolution process, nothing shall prevent the Minerals Council of Australia from seeking injunctive or other interlocutory relief by a court, where necessary, in respect of any continued use of the Enduring Value Mark by a signatory in breach of the Enduring Value Framework obligations or by a non-signatory.

9 VARIATIONS TO RULES AND GUIDELINES

These rules and their annexures governing the use of the Enduring Value certified trademark may be varied from time to time provided:

- The Minerals Council of Australia applies to the Australian Competition and Consumer Commission (ACCC) to vary the rules;
- The ACCC approves the requested variation to the rules; and
- The Minerals Council of Australia notifies signatories of the variation.

The Mineral Council of Australia may at any time amend the Guidance for Implementation document (but not the ICMM Principles and Elements contained therein), as the Guidance for Implementation document provides guidance on the implementation of the ICMM Principles and Elements only, and does not form part of these rules.
10 CONTACT DETAILS

For further information, visit the Enduring Value – the Australian Minerals Industry Framework for Sustainable Development section on the Minerals Council of Australia website:

www.minerals.org.au/enduringvalue or contact the Secretariat:
Minerals Council of Australia
Enduring Value Secretariat
PO Box 4497
KINGSTON ACT 2604

Tel: 02 6233 0600
Fax: 02 6233 0699
Email: enduringvalue@minerals.org.au
Appendix 1
Certificate of Approval

ENDURING VALUE
THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK
FOR SUSTAINABLE DEVELOPMENT

Recognising that our future is inseparable from the global pursuit of sustainable development, Australia's minerals industry has adopted Enduring Value, the Australian Minerals Industry Framework for Sustainable Development.

Enduring Value is the cornerstone of the industry's commitment to achieving continual improvement in its environmental, social and economic performance, accountability, and ensuring that it operates in a manner that is attuned to community expectations.

Signatories to Enduring Value are committed to excellence in sustainable development performance through the implementation of the following Principles and their related Elements:

1. Implement and maintain ethical business practices and sound systems of corporate governance.
2. Integrate sustainable development considerations within the corporate decision-making process.
3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.
4. Implement risk management strategies based on valid data and sound science.
5. Seek continual improvement of our health and safety performance.
6. Seek continual improvement of our environmental performance.
7. Contribute to conservation of biodiversity and integrated approaches to land use planning.
8. Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products.
9. Contribute to the social, economic and institutional development of the communities in which we operate.
10. Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

Company CEO

Commits to Enduring Value—the Australian Minerals Industry Framework for Sustainable Development

Company name

Date of commitment

The aforementioned company is officially recognised as a signatory to Enduring Value

Chief Executive, Minerals Council of Australia

Enduring Value Secretariat
ENDURING VALUE

1. Implement and maintain ethical business practices and sound systems of corporate governance.
   - Develop and implement company statements of ethical business principles and practices that management is committed to enforcing.
   - Implement policies and practices that seek to prevent bribery and corruption.
   - Comply with or exceed the requirements of host-country laws and regulations.
   - Work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies.

2. Integrate sustainable development considerations within the corporate decision-making process.
   - Integrate sustainable development principles into company policies and practices.
   - Plan, design, operate and close operations in a manner that enhances sustainable development.
   - Implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value.
   - Encourage customers, business partners and suppliers of goods and services to adopt principles and practices that are comparable to our own.
   - Provide sustainable development training to ensure adequate competency at all levels among our own employees and those of contractors.
   - Support public policies and practices that foster open and competitive markets.
3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.

- Ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour.
- Provide for the constructive engagement of employees on matters of mutual concern.
- Implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities.
- Ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance.
- Minimise involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided.
- Respect the culture and heritage of local communities, including indigenous peoples.

4. Implement risk management strategies based on valid data and sound science.

- Consult with interested and affected parties in the identification, assessment and management of all significant social, health, safety, environmental and economic impacts associated with our activities.
- Ensure regular review and updating of risk management systems.
- Inform potentially affected parties of significant risks from mining, minerals and metals operations and of the measures that will be taken to manage the potential risks effectively.
- Develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties.
5 Seek continual improvement of our health and safety performance.

- Implement a management system focused on continual improvement of all aspects of operations that could have a significant impact on the health and safety of our own employees, those of contractors and the communities where we operate.
- Take all practical and reasonable measures to eliminate workplace fatalities, injuries and diseases among our own employees and those of contractors.
- Provide all employees with health and safety training, and require employees of contractors to have undergone such training.
- Implement regular health surveillance and risk-based monitoring of employees.
- Rehilitate and reintegrate employees into operations following illness or injury, where feasible.

6 Seek continual improvement of our environmental performance.

- Assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure.
- Implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts.
- Rehilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses.
- Provide for safe storage and disposal of residual wastes and process residues.
- Design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.
7 Contribute to conservation of biodiversity and integrated approaches to land use planning.
   - Respect legally designated protected areas.
   - Disseminate scientific data on and promote practices and experiences in biodiversity assessment and management.
   - Support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining.

8 Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products.
   - Advance understanding of the properties of metals and minerals and their lifecycle effects on human health and the environment.
   - Conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials.
   - Develop and promote the concept of integrated materials management throughout the metals and minerals value chain.
   - Provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions.
   - Support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products.
9 Contribute to the social, economic and institutional development of the communities in which we operate.

- Engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts.
- Ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalised groups have equitable and culturally appropriate means of engagement.
- Contribute to community development from project development through closure in collaboration with host communities and their representatives.
- Encourage partnerships with governments and non-governmental organisations to ensure that programmes (such as community health, education, local business development) are well designed and effectively delivered.
- Enhance social and economic development by seeking opportunities to address poverty.

10 Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

- Report on our economic, social and environmental performance and contribution to sustainable development.
- Provide information that is timely, accurate and relevant.
- Engage with and respond to stakeholders through open consultation processes.
Appendix 3
Enduring Value Style Guide

ENDURING VALUE
THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK
FOR SUSTAINABLE DEVELOPMENT
ENDURING VALUE LOGO - STYLE SHEET

EV ICON

EV NO TAGLINE

ENDURING VALUE

EV TAGLINE

THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

PMS 452

C 24
M 18
Y 42
K 0

PMS 194

C 0
M 100
Y 64
K 33

PMS 431

C 11
M 1
Y 0
K 64
RULES GOVERNING THE USE OF THE ENDURING VALUE CERTIFICATION TRADE MARK

ENDURING VALUE
THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK
FOR SUSTAINABLE DEVELOPMENT

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Appendix 1
Certificate of Approval

Appendix 2
ICMM Principles and Elements

Appendix 3
Enduring Value Style Guide

Certified copy pursuant to section 175(2)(b) of the Trade Marks Act 1995

Commissioner

Date
1 THIS DOCUMENT
These Rules are for the eligibility and use of the Certification Mark "Enduring Value", set out in this paragraph below (the "Enduring Value Mark"):  

ENDURING VALUE

2 AUSTRALIAN MINERALS INDUSTRY VISION
The Enduring Value Mark is the means by which signatories to the Mineral Council of Australia's "Enduring Value Framework" can publicly demonstrate their commitment and undertaking to the Mineral Council of Australia's vision for the Australian minerals industry to achieve continual improvement in the environmental, social and economic performance and accountability of the Australian minerals industry through implementation of the Principles and Elements of Enduring Value.

3 THE ENDURING VALUE FRAMEWORK
The Enduring Value Framework is the Australian Minerals Industry framework for sustainable development, as prepared and recorded by the Mineral Council of Australia. The Enduring Value Framework is designed to help minerals industry managers implement the Australian minerals industry's vision in a practical and operational manner that is targeted at the site level.

The key role of the Enduring Value Framework is to translate sustainable development principles into practices to be adopted and used by signatories to the Enduring Value Framework that will ensure that the Australian minerals industry operates in a manner which is attuned to the expectation of the community, and which seeks to maximise the long-term benefits to society that can be achieved through the effective management of Australia's natural resources.

The Enduring Value Framework incorporates the sustainable development Principles and Elements adopted by the International Council on Mining and Metals (ICMM) in May 2003 and is also complemented by a range of tools, guidelines and extension activities such as training courses to deliver enhanced industry capacity in social and environments competencies, leading to opportunities to improve performance "on the ground".
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A signatory to the Enduring Value Framework who publishes the Enduring Value Mark in a manner that represents they are authorised to associate themselves with the Enduring Value Mark is deemed to be representing that they currently comply with the Enduring Value Framework obligations, principles and elements.

5 CERTIFICATION REQUIREMENTS

The requirements that companies and contractors must meet to lawfully use the Enduring Value certification trade mark are:

1. Being a signatory to the Enduring Value Framework, which involves signing a certificate pledging commitment to the Enduring Value Framework obligations (see Appendix 1) and lodging that with the Enduring Value Secretariat;

2. Continuing to adhere to the International Council on Mining and Metals (ICCM) Principles and Elements where applicable to a particular company's operations (see Appendix 2);

3. Continuing to publicly report on site level performance, on a minimum annual basis, with reporting metrics to be self-selected from the Global Reporting Initiative (GRI), the GRI Mining and Metals Sector Supplement or self-developed;

4. Having undertaken an assessment of the systems used to manage their key operational risks (using either internal or external assessment as appropriate); and

5. Meeting the reasonable requests for information which the Minerals Council of Australia may have from time to time regarding compliance with the Enduring Value Framework principles and elements (see Appendix 2).

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The Secretariat may, on occasion, ask signatories to reaffirm their commitment to Enduring Value, particularly following any review of the Enduring Value Framework requirements or a change in the structure or policies of a signatory. If a signatory refuses to reaffirm their commitment, it ceases to be eligible to use the Enduring Value Mark and must not continue to use the Enduring Value Mark. A signatory may withdraw its commitment to Enduring Value at any stage, but if a signatory withdraws its commitment, it must not continue to use the Enduring Value Mark.

Signatories may publish the Enduring Value Mark in public documents or on their website. When referring to Enduring Value or using the Enduring Value Mark, signatories must be transparent in identifying those aspects of their business (if not all) covered by their commitment to the Enduring Value Framework. If a signatory does not identify that Enduring Value applies only to identified aspects of their business, then their compliance shall be judged on the basis that they have represented that Enduring Value applies to all aspects of their business. For mining companies who are moving towards whole of business compliance this may entail identifying relevant operations within their operations that are compliant. Companies must not use the Enduring Value Mark in respect of any operations which are not covered by or compliant with the Enduring Value Framework.

The Enduring Value Framework will also apply to the relevant activities of contractors engaged by signatories to undertake such activities. Signatories may use the Enduring Value Mark in respect of those activities undertaken by contractors, providing those contractor activities adhere to the Enduring Value Framework. Contractors undertaking activities for a signatory must not use the Enduring Value Mark themselves unless they themselves are a signatory to the Enduring Value framework.

When using the Enduring Value Mark, signatories must also adhere to the style and colour guidelines of the trademark as stated in the Enduring Value Style Guide contained in Appendix 3. We may specify other colours from time to time.

The Minerals Council of Australia is the owner of the Enduring Value Mark and only entities who comply with the Enduring Value Framework obligations as set out in these Rules are entitled to use the Enduring Value Mark and signatories may not license any other person to use the Enduring Value Mark.
6 APPROVAL FOR USE OF CERTIFIED TRADE MARK

To become a signatory to the Enduring Value Framework, a company must lodge a certificate pledging commitment to the Enduring Value Framework in the form approved from time to time by the Minerals Council of Australia (currently the form in Appendix 1).

Approval for the use of the Enduring Value certification trade mark is automatic following 14 days upon the applicant lodging the certificate pledging commitment to the Enduring Value Framework, unless the Minerals Council of Australia has, within that 14 days, despatched a request to the Applicant requesting further information regarding the Applicant’s compliance with the Enduring Value Framework obligations, principles and elements. To be approved to use the Enduring Value Mark, a signatory must declare their current compliance with and commitment to remain compliant with the Enduring Value Framework obligations.

The Minerals Council of Australia is responsible for assessing whether a company continues to meet the Enduring Value Framework obligations (listed as the certification conditions in section 5) and accordingly whether the signatory keeps its rights to use the certification trademark.

The Minerals Council of Australia may from time to time require a signatory to provide detailed information on the signatory’s compliance with the Enduring Value Framework obligations, including any one or more of the 10 principles and their respective elements (see Appendix 2). Should a signatory fail to respond to such a request in a timely way or fail to provide evidence that demonstrates such compliance to the reasonable satisfaction of the Minerals Council of Australia then the signatory shall be deemed to not be in compliance with the Enduring Value Framework obligations and the Minerals Council of Australia shall notify the signatory in writing that the signatory is no longer entitled to use or publish the Enduring Value Mark.

The Minerals Council of Australia’s role as approved certifier is appropriate given its role as the minerals industry representative body and its close relationship with the International Council of Mining and Metals.

7 BREACH

Any breach of these rules may be actionable under the Trade Marks Act 1995 and the Minerals Council of Australia reserves its rights in relation to any breach of these rules.

Any person who has substantive evidence to show that a published signatory is not conforming to the Enduring Value Framework obligations, principles and elements may put that information to the Enduring Value Secretariat.

8 DISPUTE RESOLUTION

Where the Minerals Council of Australia finds that a company is in breach of the rules governing the use of the Enduring Value certification trade mark (including the ICMM Principles and Elements), the Minerals Council of Australia will notify the signatory of the breach and seek to address the breach through the following process:
1. Minerals Council of Australia Secretariat contacts the designated Signatory Coordinator to discuss the reasons behind the company being in breach, to agree to a process for ensuring that the company remedies the breach as soon as possible, and to identify strategies to reduce the likelihood of the signatory’s breach of the requirements in the future.

2. If this process does not lead to the signatory being in conformance with the obligations within a reasonable time frame, the Minerals Council of Australia Chief Executive will contact the Chief Executive or Managing Director of the relevant signatory company to ascertain the reasons for the non-conformance and to seek assurance from the signatory that they are committed to meeting their conformance requirements and have a strategy in place to ensure this occurs as soon as practicable.

3. Should the signatory company continue to be in breach of these rules, nothing shall prevent the Minerals Council of Australia from taking action under the Trade Marks Act 1995 or any other applicable law.

If a signatory disputes the Minerals Council of Australia’s finding that the Signatory is in breach of the rules governing the use of the Enduring Value Mark, the signatory is entitled to submit to the Minerals Council of Australia its reasons why the signatory should not be considered in breach of these rules. The Minerals Council of Australia must consider any reasons put forward by the signatory in determining whether the signatory is in breach of these rules before taking action under the Trade Marks Act 1995 or any other applicable law.

Notwithstanding the dispute resolution process, nothing shall prevent the Minerals Council of Australia from seeking injunctive or other interlocutory relief by a court, where necessary, in respect of any continued use of the Enduring Value Mark by a signatory in breach of the Enduring Value Framework obligations or by a non-signatory.

9 VARIATIONS TO RULES AND GUIDELINES

These rules and their annexures governing the use of the Enduring Value certified trademark may be varied from time to time provided:

- The Minerals Council of Australia applies to the Australian Competition and Consumer Commission (ACCC) to vary the rules;
- The ACCC approves the requested variation to the rules; and
- The Minerals Council of Australia notifies signatories of the variation.

The Mineral Council of Australia may at any time amend the Guidance for Implementation document (but not the ICMM Principles and Elements contained therein), as the Guidance for Implementation document provides guidance on the implementation of the ICMM Principles and Elements only, and does not form part of these rules.
CONTACT DETAILS

For further information, visit the Enduring Value – the Australian Minerals Industry Framework for Sustainable Development section on the Minerals Council of Australia website:

www.minerals.org.au/enduringvalue or contact the Secretariat:
Minerals Council of Australia
Enduring Value Secretariat
PO Box 4497
KINGSTON ACT 2604

Tel: 02 6233 0600
Fax: 02 6233 0699
Email: enduringvalue@minerals.org.au
Recognising that our future is inseparable from the global pursuit of sustainable development, Australia’s minerals industry has adopted Enduring Value, the Australian Minerals Industry Framework for Sustainable Development.

Enduring Value is the cornerstone of the industry’s commitment to achieving continual improvement in its environmental, social and economic performance, accountability, and ensuring that it operates in a manner that is attuned to community expectations.

Signatories to Enduring Value are committed to excellence in sustainable development performance through the implementation of the following Principles and their related Elements:

1. Implement and maintain ethical business practices and sound systems of corporate governance.

2. Integrate sustainable development considerations within the corporate decision-making process.

3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.

4. Implement risk management strategies based on valid data and sound science.

5. Seek continual improvement of our health and safety performance.

6. Seek continual improvement of our environmental performance.

7. Contribute to conservation of biodiversity and integrated approaches to land use planning.

8. Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products.

9. Contribute to the social, economic and institutional development of the communities in which we operate.

10. Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

Company CEO

Commits to Enduring Value—the Australian Minerals Industry Framework for Sustainable Development

Company name

Date of commitment

The aforementioned company is officially recognised as a signatory to Enduring Value

Chief Executive, Minerals Council of Australia

Enduring Value Secretariat
ENDURING VALUE

1 Implement and maintain ethical business practices and sound systems of corporate governance.

- Develop and implement company statements of ethical business principles and practices that management is committed to enforcing.
- Implement policies and practices that seek to prevent bribery and corruption.
- Comply with or exceed the requirements of host-country laws and regulations.
- Work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies.

2 Integrate sustainable development considerations within the corporate decision-making process.

- Integrate sustainable development principles into company policies and practices.
- Plan, design, operate and close operations in a manner that enhances sustainable development.
- Implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value.
- Encourage customers, business partners and suppliers of goods and services to adopt principles and practices that are comparable to our own.
- Provide sustainable development training to ensure adequate competency at all levels among our own employees and those of contractors.
- Support public policies and practices that foster open and competitive markets.
3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.

- Ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour.
- Provide for the constructive engagement of employees on matters of mutual concern.
- Implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities.
- Ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance.
- Minimise involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided.
- Respect the culture and heritage of local communities, including indigenous peoples.

4. Implement risk management strategies based on valid data and sound science.

- Consult with interested and affected parties in the identification, assessment and management of all significant social, health, safety, environmental and economic impacts associated with our activities.
- Ensure regular review and updating of risk management systems.
- Inform potentially affected parties of significant risks from mining, minerals and metals operations and of the measures that will be taken to manage the potential risks effectively.
- Develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties.
5 Seek continual improvement of our health and safety performance.
   - Implement a management system focused on continual improvement of all aspects of operations that could have a significant impact on the health and safety of our own employees, those of contractors and the communities where we operate.
   - Take all practical and reasonable measures to eliminate workplace fatalities, injuries and diseases among our own employees and those of contractors.
   - Provide all employees with health and safety training, and require employees of contractors to have undergone such training.
   - Implement regular health surveillance and risk-based monitoring of employees.
   - Rehabilitate and reintegrate employees into operations following illness or injury, where feasible.

6 Seek continual improvement of our environmental performance.
   - Assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure.
   - Implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts.
   - Rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses.
   - Provide for safe storage and disposal of residual wastes and process residues.
   - Design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.
7 Contribute to conservation of biodiversity and integrated approaches to land use planning.
   - Respect legally designated protected areas.
   - Disseminate scientific data on and promote practices and experiences in biodiversity assessment and management.
   - Support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining.

8 Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products.
   - Advance understanding of the properties of metals and minerals and their lifecycle effects on human health and the environment.
   - Conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials.
   - Develop and promote the concept of integrated materials management throughout the metals and minerals value chain.
   - Provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions.
   - Support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products.
9 Contribute to the social, economic and institutional development of the communities in which we operate.

- Engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts.

- Ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalised groups have equitable and culturally appropriate means of engagement.

- Contribute to community development from project development through closure in collaboration with host communities and their representatives.

- Encourage partnerships with governments and non-governmental organisations to ensure that programmes (such as community health, education, local business development) are well designed and effectively delivered.

- Enhance social and economic development by seeking opportunities to address poverty.

10 Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

- Report on our economic, social and environmental performance and contribution to sustainable development.

- Provide information that is timely, accurate and relevant.

- Engage with and respond to stakeholders through open consultation processes.
Appendix 3
Enduring Value Style Guide

ENDURING VALUE
THE AUSTRALIAN MINERALS INDUSTRY FRAMEWORK
FOR SUSTAINABLE DEVELOPMENT
ENDURING VALUE ICONS - STYLE SHEET

EV ICONS

EV ICONS MONO

EV ENVIRONMENT

EV SOCIAL

EV ECONOMIC

PMS 452
C 24
M 18
Y 42
K 0

PMS 194
C 0
M 100
Y 64
K 33

PMS 431
C 11
M 1
Y 0
K 64