

COMO RESOURCE CENTRE
DEPARTMENT OF CONSERVATION
& LAND MANAGEMENT
WESTERN AUSTRALIA

**REPORT OF THE COMMITTEE ON EXPLORATION AND MINING
IN NATIONAL PARKS AND NATURE RESERVES**

DECEMBER 1986

REVIEW OF PUBLIC SUBMISSIONS

**Report to the Hon Ministers for
Conservation and Land Management,
and the Environment,
and Minerals and Energy**

August 1987

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EXECUTIVE SUMMARY

The report of the Committee on Exploration and Mining in National Parks and Nature Reserves was released on 22 December 1986 with the period for public comment finishing on 20 March 1987. During this time a total of 167 written submissions were received. A large proportion of these submissions were in the form of brief letters which restricted their comment to a few issues. However, forty one submissions addressed the report in detail and commented on many or all of the recommendations made by the Committee. A summarised breakdown of the level of acceptance of each of the Committee's recommendations by each of the detailed submissions is provided in Table 1. In addition, two duplicated forms signed by members of the public have been received in large numbers.

Although the vast majority of submissions were received from individual members of the public, an array of state government departments, agencies and committees, private companies, conservation groups, bodies representing mining or industry interests and a range of special interest groups provided substantial comment.

Many of the submissions rejected the Committee's recommendations on the basis that they would facilitate exploration and mining in national parks and nature reserves, a proposition they considered to be unacceptable. Submissions in this category were largely from individuals and conservation groups but also included an array of interest groups and organisations. Other submissions, primarily from the mining industry, were critical of the Committee's approach in recommending national parks and A class nature reserves to be closed to exploration and mining unless specifically declared open. However, six submissions indicated support in principle for the document, with a further seventeen submissions providing constructive comment on the report and recommendations without signalling general acceptance or rejection. Included in this group were government departments, agencies and committees, a mining industry organisation, private companies, individuals and an environmental research group.

Support for the international and national definitions of national parks, a rejection of the Committee's recommendations which would make national parks and nature reserves available for mining, and a recommendation that legislation should be enacted to prohibit mining in the areas were the matters listed in one of the duplicate forms signed by 1 230 members of the public. The other form which was signed by 883 individuals, indicated support for an amendment to the WA Constitution to prohibit mining in national parks and nature reserves.

GENERAL COMMENTS

Whereas a large proportion of submissions were opposed to exploration and mining in any national park or nature reserve and recommended the introduction of legislation to prohibit these activities in such areas, a small number of submissions from the mining industry in particular argued that a case-by-case approach provided the most appropriate framework for making these land use decisions. In contrast to the recommendations of the Committee, the submissions in this latter group argued for national parks and nature reserves to be open for exploration and mining unless specifically declared closed. This was considered to be important to allow variable circumstances to be taken account of, and to afford the government some flexibility in land use decisions.

Submissions which focussed on the fundamental issue of whether exploration and mining activities are compatible with the purpose of national parks and nature reserves frequently referred to the IUCN definition of national parks. It was claimed that the primary purpose of these areas is to conserve representative ecosystems which should be protected from all interference other than essential management practices. Even with the implementation of rehabilitation techniques the damage to the environment should exploration and mining be permitted in national parks and nature reserves was considered untenable. However, a mining industry organisation argued that this international definition has little relevance in Western Australia as statutory management objectives of national parks and nature reserves in this State are public recreation and the promotion of study of flora and fauna respectively, to the maximum extent consistent with the proper maintenance of the environment. Notwithstanding the potential for short term adverse environmental effects arising from exploration and mining, this organisation claimed that the mining industry makes a positive contribution toward these objectives, particularly the research of flora and fauna at both the exploration and mining stage.

Some individuals and groups perceived the report and recommendations of the Committee to be biased in favour of the mining industry. Comments made in this regard include:

- (a) with the exception of the first term of reference, the remainder deal with regulating exploration and mining activities in national parks and nature reserves as an accomplished fact; and
- (b) the report includes a detailed discussion on the importance of the mining industry in Western Australia. Data on the recreation, tourism, research, educational and wilderness values as well as the conservation values of national parks and nature reserves should also have been included in the report.

ISSUES

Major issues raised in the public submissions are:

- . **Role of Minister for Minerals and Energy and Department of Mines in implementing the Committee's recommendations.**

Several submissions stressed the importance of the Minister for Minerals and Energy to have pre-eminence in relation to all mining matters and for the Department of Mines to be the central coordinating agency in such matters. For this reason, the Minister for Minerals and Energy and/or the Department of Mines were seen to have a prime role in (a) issuing permits for geoscientific survey work; and (b) collecting reports from companies on the environmental management of mining activities. The Minister and/or Department could then liaise with other government departments as appropriate, particularly the Department of Conservation and Land Management.

- . **Representation on proposed interdepartmental and technical committees.**

Concern was expressed at the proposal to include the Department of Mines on the interdepartmental committee to coordinate programmes of non-destructive research and to assess the results of this research, as the

Department would be in a position to influence assessment in favour of declaring a national park or nature reserve open for the granting of exploration licences.

An alternative view was that both the interdepartmental committee to coordinate and assess research inventories, and the technical committee proposed to formulate guidelines for the assessment of exploration and mining proposals in national parks and nature reserves should have representatives of the mining industry, and that the latter committee should be convened by the Department of Mines.

Issue of permits for geoscientific survey work.

Several submissions argued that rather than issuing permits to allow companies to undertake geoscientific survey work in national parks and nature reserves, it would be most appropriate for such surveys to be conducted by either the Department of Conservation and Land Management or the National Parks and Nature Conservation Authority as management agencies. In making this comment, it was noted that geoscientific surveys undertaken by mining companies would focus on specific mineralisation rather than providing useful information for managing conservation reserves. Furthermore, there was a perceived risk that with the information gathered during geoscientific surveys, the mining industry would be in a position to argue more strongly for an area to be declared open for the granting of exploration licences at a later stage.

Opposition to the proposed permit system was also expressed in other submissions which considered that an exploration licence granted under existing provisions of the Mining Act provides the same level of protection to national parks and nature reserves as the proposed permit system. In addition, the Committee's recommended administrative procedures for the review of exploration licences was considered to provide a suitable mechanism for approving geoscientific survey work.

An array of respondents either opposed or questioned the value of issuing permits for non-invasive geoscientific survey work (eg aerial exploration) claiming that this type of survey work has no impact on the environment and it would be difficult to monitor.

Responsibility for compiling resource inventories of areas in national parks and nature reserves.

Submissions from an array of individuals and groups objected to the proposal that where a company has lodged a tenement application over a closed area, it should be required to meet the cost of necessary research inventories. The most notable reasons for rejecting this proposal were (a) the objectivity of research done by mining companies or their consultants would be questionable; (b) on the basis of information collected during such research, the company could apply pressure for areas to be declared opened; and (c) to require the initial explorer to bear the entire costs of such research would be inequitable, particularly as there is no guarantee that the company would be successful in its application for an exploration licence.

It was generally agreed that the data resulting from such research inventories constitutes an integral part of park and reserve management and that it should be funded by government and undertaken by management agencies, either the Department of Conservation and Land Management or the National Parks and Nature Conservation Authority. However, a government department argued that the cost of compiling all resource inventories should be borne by the proponent, with technical assessment of the biological and landscape values to be contracted to and supervised by the Department of Conservation and Land Management.

- . **Classification system for nature reserves and grading of conservation areas as low, intermediate and high value.**

Some submissions perceived the current system of classification of nature reserves as A, B or C class to be unsatisfactory from a conservation viewpoint. Concern was also expressed on the proposal to grade areas of national parks and nature reserves as being of low, intermediate or high biological or landscape value. The need for an objective method of grading areas on biological and landscape values was stressed, and it was noted that areas identified as having low biological and landscape value may be important for the management of a national park or nature reserve as a whole.

Conversely, there was a perception by some respondents that the report gives precedence to the preservation of areas of high conservation value which does not take account of competing land use demands and is inflexible.

- . **Criteria for assessing whether or not to recommend that a national park or A class nature reserve or part thereof be declared open for the granting of exploration licences.**

The proposed list of criteria was seen to be restrictive in only considering biological and landscape values. Other factors which should be considered include (a) recreation and tourism values; and (b) mineral prospectivity of an area and the economic consequences of denying access.

Furthermore, it was argued that it is not just the presence of the various features mentioned that should be the determinant, but the potential environmental consequences of exploration on the conservation values of the reserve.

- . **Rationalisation of national park and nature reserve boundaries.**

Several submissions stressed that there was an urgent need for rationalisation of national park and nature reserve boundaries, and further that there should be periodic reassessments as management plans are reviewed.

However, other respondents were alarmed at the possible implications of this proposal believing that the criteria for rationalisation would not be readily definable, and that the mining industry may use this as a mechanism to gain access to mineralised areas located within national parks and nature reserves. Should rationalisation of national park and nature reserve boundaries proceed, these submissions argued that it should be based solely on ecological factors and occur only where it will assist reserve management.

. **Procedures for assessing applications for exploration licences and mining leases over national parks and nature reserves.**

Although there was considerable support for the proposed administrative procedures amongst individuals and groups who addressed the relevant recommendations, a number of submissions from the mining industry reasoned that given the extensive opportunity for authorities with relevant environmental expertise to review proposed exploration and mining programmes, and to impose relevant constraints on an exploration licence or mining lease, the Warden should be expressly precluded from considering environmental matters.

However, other individuals and groups who were opposed to exploration and mining in national parks and nature reserves claimed that the recommended procedures will not reduce conflict between conservation values and mining interests.

. **Rights of existing tenement holders.**

While some submissions argued that provisions must be made to ensure continuity of tenement rights at the expiration of all mining tenements currently held over national parks and nature reserves, others were of the opinion that the government should negotiate the relinquishment of these tenements.

. **Heritage value of national parks and nature reserves.**

The importance of protecting the conservation values of national parks and nature reserves for both present and future generations was frequently mentioned in submissions from individual members of the public.

. **Relationship between exploration and mining.**

Varied perceptions on the relationship between exploration and mining activities were recorded in the submissions. Some individuals and groups considered exploration to be inextricably linked to mining because that is the industry's intent in exploration. However, others considered there to be a vast difference between exploration and mining which is not reflected in the Committee's recommendations. Even within the exploration phase it was stressed that there can exist significant differences in the potential impact of different exploration programmes which will depend upon a range of factors.

Other issues raised in the public submissions include:

- . Importance of providing an opportunity for public participation at each stage of the recommended procedures.
- . The National Parks and Nature Conservation Authority was seen to have a role at various stages of the recommended procedures, either directly or through the Department of Conservation and Land Management.
- . Ensuring adequate resources (staff and financial) to enable implementation of the recommendations.
- . Provision for appeal should an application for a geoscientific survey permit or exploration licence be refused.

- . Procedures for determining the magnitude of bonds as security against break of environmental conditions need to be established. It was suggested that the bonds should be indexed to the environmental and recreation values being lost, and should cover the cost of rehabilitation.

- . Aspirations of Aboriginal communities for national parks and nature reserve areas need to be recognised in the establishment and implementation of new policies.

1. INTRODUCTION

This report presents a review of submissions received following the release for a three month public comment period of the report of the Committee on Exploration and Mining in National Parks and Nature Reserves on 22 December 1986.

A total of 167 written submissions were received. Organisations and individuals who made written submissions are listed in Appendix 1. A large proportion of these submissions were in the form of brief letters which restricted their comment to a few issues. However, forty one submissions addressed the report in detail and commented on many or all of the recommendations made by the Committee. In addition, two duplicated forms signed by members of the public have been received in large numbers. One of these forms was signed by 1 230 members of the public, with the other form signed by 883 individuals. Copies of each of these forms are included as Appendices 2 and 3.

Although the vast majority of submissions were received from individual members of the public, substantial comment was also provided from nineteen conservation groups; eight state government departments, agencies or committees; seven private companies (mining, petroleum and tourism companies); four bodies representing mining or industry interests; and a range of special interest groups (eg bushwalking clubs, speleological research group), an Aboriginal organisation, and a local government authority association. Two submissions fully endorsed the submission prepared by the Conservation Council of WA (Inc), with one submission each endorsing submissions from the Australian Conservation Foundation and the Chamber of Mines of WA (Inc).

The following discussion provides a summary of comments made in the comprehensive submissions on the report. It first addresses issues which are not the subject of specific recommendations, and then comments on specific recommendations. Following this there is a discussion of issues recorded in submissions dealing with the report more generally and a section dealing with matters raised in the duplicated forms. The final section records calls, made in both detailed and brief submissions, for further reviews of related resource use issues effecting conservation reserves and State Forest.

Some of the comments raised in submissions appear to be based on an inaccurate understanding of the current situation or that proposed in the Committee's report. This review has presented in summary all comments received, it has not attempted to judge the accuracy of comments, nor to exclude comments based upon inaccurate or limited understanding of the current situation or the Committee's report and recommendations.

2. COMMENTS ON THE REPORT - ISSUES NOT RELATED TO SPECIFIC RECOMMENDATIONS

2.1 TERMS OF REFERENCE

Several submissions considered the Committee's terms of reference to be blatantly biased. While the first term of reference is concerned if there should or should not be exploration and mining in national parks and nature reserves, the other four were seen to be dealing with regulating exploration and mining activities in these areas as an accomplished fact.

Probably for this reason, many of the individuals and conservation groups provided comment on recommendations which address the issue of exploration and mining in national parks and nature reserves, and provided no comment on recommendations which deal with mechanisms which may allow mining and associated activities in conservation reserves.

2.2 GENERAL STATEMENT OF ACCEPTANCE OR REJECTION OF REPORT AND RECOMMENDATIONS

Nine of the detailed submissions stated explicitly their general rejection of the Committee's recommendations on the basis that they would facilitate exploration and mining in national parks and nature reserves. Submissions in this category were largely from individuals and conservation groups who were opposed to mining and associated activities occurring in national parks and nature reserves. Conversely, four of the detailed submissions indicated support in principle for the document, with a further fifteen submissions providing constructive comment on the report and recommendations without signalling general acceptance or rejection. Included in this group were government departments, agencies and committees, a mining industry organisation, private companies individuals and an environmental research group. Other submissions were critical of the Committee's approach or opposed several of the recommendations but did not specify a total rejection of the document.

2.3 FAVOURABLE COMMENTS

A number of respondents commended the Committee on its report considering the document to be a thorough and balanced discussion of a difficult and sensitive subject.

2.4 INADEQUACIES OF THE REPORT AND/OR ITS PRESENTATION

2.4.1 INFORMATION GAPS

Section 2.2 of the report which discusses the exploration and mining industry in Western Australia was criticised for:

- (a) Over-emphasising the economic contribution of the mining industry in Western Australia. The value of the mining industry was considered to be much less than indicated for several reasons including:
 - (i) the industry is capital intensive rather than labour intensive;
and
 - (ii) the industry has a relatively high level of foreign ownership.
- (b) Presenting a superficial account of the environmental impacts of mining.

Even greater concern was expressed at the fact that the report discusses in detail the importance of the mining industry in Western Australia, but that corresponding data on recreation, tourism, research, educational and wilderness values as well as the conservation values of national parks and nature reserves have been omitted.

Suggestions for specific items of information to be included in the report include:

- . Details of the location of exploration titles, prospecting licences and mining leases, and the total number of mining leases granted over national parks and nature reserves.
- . Examples of actual areas of claimed successful rehabilitation which have been incorporated into national parks.
- . Information on which minerals are potentially in either existing or proposed national parks and nature reserves, and the availability of these minerals outside of national parks and nature reserves.
- . Examples as to in what circumstances it might be "in the public interest" to mine national parks and nature reserves.
- . Difference between granted and applied for tenements to be clearly distinguished.

2.4.2 PUBLIC OPINION SURVEYS

The comparison of the Jakob-Hoff and Australian Mining Industry Council surveys of public attitudes discussed in section 5.2 was not considered to be valid. Some submissions noted that the AMIC survey was inherently biased and had misleading questions, and dealt with only one national park.

2.4.3 REPORT STRUCTURE

One submission criticised the layout of the report, claiming that it was difficult to follow and that it had conflicting statements.

2.5 ISSUES NOT RELATED TO SPECIFIC RECOMMENDATIONS

2.5.1 EXPLORATION AND MINING IN NATIONAL PARKS AND NATURE RESERVES

Twenty two individuals and groups who provided detailed comment on the Committee's report and recommendations indicated their general view on the issue of exploration and mining in national parks and nature reserves. The view expressed in ten submissions was that there should be no exploration and mining in any national park or nature reserve. Four submissions indicated that ideally activities associated with mining should be prohibited from these areas, but accepted that exploration and mining will be permitted in national parks and nature reserves. According to two submissions, where exploration and mining will be of particular benefit to the community, either strategically or economically, they should be permitted in national parks and nature reserves. Four submissions considered that it is generally appropriate to allow exploration and mining in national parks and nature reserves unless an area has been specifically closed to such activities, while another submission argued that a case-by-case approach should be adopted in this matter. Given modern restorative technology and mining practices, one submission argued it would not be inappropriate for some mining in some national parks and nature reserves.

2.5.2 DEFINITIONS AND POLICIES

The Committee's report states that "productive mining as a land use is inconsistent with international definitions of national parks and nature reserves" (p 53). Submissions from an array of groups and individuals who analysed the report in detail were critical that the Committee's recommendations are not consistent with the IUCN and CONCOM definitions of national parks. These submissions stressed the importance of adherence to these definitions by government and argued that national parks and nature reserves in Western Australia should be protected from mining and associated activities.

However, a mining industry organisation argued that the international definition has little relevance in Western Australia as statutory management objectives of national parks and nature reserves in this State are public recreation and the promotion of the study of flora and fauna respectively, to the maximum extent consistent with the proper maintenance of the environment. Notwithstanding the potential for short term adverse environmental effects arising from exploration and mining, this organisation claimed that the mining industry makes a positive contribution towards these objectives, particularly the research of flora and fauna at both the exploration and mining stage.

Several submissions referred to the WA Labor Party Policy - 1986 State Platform, which indicates the Party's policy on the conservation of natural areas. Reference was also made to section 6.2.1 of the WA State Conservation Strategy which deals with the protection and management of national parks and A class nature reserves.

2.5.3 LEGISLATIVE AMENDMENTS

Several of the comprehensive submissions which were opposed to exploration and mining in national parks and nature reserves recommended that legislation be enacted to prohibit exploration and mining in these areas. More specifically, it was suggested that this legislation should be an amendment to the WA State Constitution Act.

2.5.4 MISCELLANEOUS ISSUES

Other issues raised in the detailed submissions include:

- . The existing area of land set aside as national parks and nature reserves in Western Australia is inadequate to represent the full range of ecosystems in the State. In contrast to the small area of land reserved for conservation, it was noted that the mining industry has access to over 80 per cent of Western Australia for exploration.
- . Western Australia's national park and nature reserve system suffers from a lack of finances and management, particularly when compared to expenditure in other Australian states.

3. COMMENTS ON SPECIFIC RECOMMENDATIONS

The Committee's recommendations have been reprinted in Appendix 4. Table 1 provides a summarised breakdown of the level of acceptance of each of the recommendations, with submissions numbered according to the order in which they were received.

RECOMMENDATION ONE

Issue of Permits for Geoscientific Survey Work in National Parks and A Class Nature Reserves

A total of thirty five submissions commented on recommendation one, with four submissions agreeing, thirteen submissions agreeing in part and eighteen submissions disagreeing with the proposed permit system.

Many of the submissions which agreed in part with the recommendation considered that the Minister for Minerals and Energy should have in pre-eminence relation to all mining matters, and that the Department of Mines should be the central coordinating agency for ensuring maintenance of continuity in the granting of mineral tenements. Nine submissions were thus of the opinion that the permits for geoscientific survey work should be issued by either the Minister for Minerals and Energy or the Department of Mines, a view shared by a submission which disagreed with the recommendation. Some of these submissions proposed that the Minister for Conservation and Land Management, the National Parks and Nature Conservation Authority (NPNCA) and/or the Department of Conservation and Land Management (CALM) should be consulted in this matter.

Alternative procedures proposed for issuing the permits include:

- (a) the permits should be issued on the approval of both the Ministers for Conservation and Land Management, and Minerals and Energy, or by Cabinet if they cannot agree; and
- (b) geoscientific survey work should only be permitted by consent of both Houses of Parliament taking into account a report on the environmental acceptability of the proposal prepared by the Environmental Protection Authority (EPA).

Concern was expressed in six submissions that the proposed permit system could create problems with respect to an explorer's prior right and that some form of priority and security for exploration licences would need to be granted with the issue of a geoscientific permit. The importance of confidentiality of information was also stressed.

Several submissions commented on the issue of permits for non-invasive exploration involving aerial geophysical work. Comments made in this regard include:

- (a) that aerial exploration has no impact on the environment and therefore should not require special administrative controls; and
- (b) the issue of permits for airborne geoscientific survey work is impracticable because it could not be policed.

Two submissions which agreed in part commented on the possible decision by the Minister to refuse to issue a permit for geoscientific survey work. It was suggested that guidelines should be provided to assist the Minister in his determination to refuse to issue a permit, and that the Minister should give reasons for refusal of a permit.

The major issue of particular concern to individuals and groups who disagreed with the recommendation was that of the appropriate agency to undertake geoscientific surveys in national parks and nature reserves. Six

submissions in this group generally argued that geoscientific surveys undertaken by mining companies would focus on identifying specific mineralisation rather than providing useful information for managing conservation reserves. For this reason, it was considered more appropriate for geoscientific survey work to be conducted by either CALM or the NPNCA as part of the preparation of management plans. Alternatively, the survey work should be undertaken by independent bodies such as academic institutions, or by a recognised research agency or consultants.

Four submissions which disagreed with the recommendation considered it would be preferable for the results of geological survey work to be available in public reports, as opposed to private company documents.

A comment made in three submissions was that to allow geoscientific survey work in national parks and nature reserves is the 'thin edge of the wedge' leading to full scale production mining. Furthermore, it was suggested that unless it is the intention to allow full scale mining should commercial deposits be found, there is no point in permitting this type of survey.

Three submissions from the mining industry which were opposed to the recommendation argued that an exploration licence granted under the existing provisions of the Mining Act provides the same level of protection to national parks and nature reserves as the proposed permit system. The necessary controls were thus considered to exist in the Mining Act, and any change to the existing procedures to be unjustified. In addition, the recommended administrative process for the review of exploration licences (recommendation thirteen) was considered to provide a suitable mechanism for approving geoscientific survey work. Two of these submissions stressed their opposition to any requirement for a permit or licence for strictly aerial exploration work in national parks and A class nature reserves.

Other important issues raised in the submissions include:

- . Mechanisms would need to be established to determine an appropriate period of tenure and limitations on the area encompassed by the permit.
- . Provision would be necessary to enable an applicant for a permit to appeal against a refusal by the Minister to grant the permit.
- . Under the proposed system the Minister for Conservation and Land Management may be liable as a party to prosecution under the Aboriginal Heritage Act 1972.
- . Provisions should exist so that academic institutions are not constrained in their research objectives.
- . Mineral explorers should not be subject to more onerous conditions of access than field research officers in other non-disturbing scientific endeavours.
- . A permit system would be administratively cumbersome.

RECOMMENDATION TWO

Exploration Licences over National Parks and A Class Nature Reserves

Thirty five submissions made detailed comments on recommendation two. The majority of these disagreed, although fourteen submissions agreed or agreed in part with the recommendation.

One submission which agreed in part considered that the decision to grant an exploration licence should be made by both Houses of Parliament, taking into account a report on the environmental acceptability of the proposal to be prepared by the EPA; another submission suggested that applications to open a park or reserve for exploration should be presented as a Notice of Intent to the EPA. Both these submissions noted that there should be an opportunity for public involvement in the process, while another submission called for mining industry participation.

Many submissions expressed concern with the concept of grading reserves into areas of lower and higher biological or landscape value. This issue was raised in nine submissions disagreeing and three submissions agreeing in part with the recommendation. The terms 'lower' and 'higher' value were considered to be subjective and a need was seen for an objective method for grading areas of different biological or landscape value. Protection of whole ecosystems rather than fragmented parts was stressed as important for reserve management.

Given the information gathered under the proposed geoscientific permit (recommendation one), together with the influence of the mining industry, there was a perception that in fact it will be difficult to refuse to declare a national park or A class nature reserve open for the granting of exploration licences.

A number of submissions, primarily from the mining industry, were of the opinion that national parks and nature reserves should be open for exploration and mining unless specifically declared closed. A case-by-case approach was seen to be important to afford government some flexibility in this matter, particularly when dealing with minerals of strategic or economic value. Five of these submissions subsequently opposed recommendation two, with their comments on this recommendation generally flowing through recommendations three to six. Existing procedures for the granting of exploration licences and mining leases and/or the procedures recommended by the Committee for the administration of exploration licences (recommendation thirteen), were seen to provide adequate opportunity to assess the potential impact of mining and to impose all necessary environmental controls.

Submissions from a small sector of the mining industry argued that in making its recommendations, the Committee failed to clearly distinguish between exploration and mining. Given that the potential impact of exploration programmes is variable, it was considered inappropriate for them all to be subject to uniform constraints.

Other issues raised include a view that if the country is ever confronted with a crisis need for a strategic mineral then Parliament can authorise its removal from a national park or nature reserve. A general comment on recommendations two to four was that provision should be made for alternative viewpoints to those of the EPA.

RECOMMENDATION THREE

Proposals to Declare a National Park or A Class Nature Reserve or Part Thereof Open for the Granting of Exploration Licences

A total of thirty three submissions commented on recommendation three with one submission agreeing, twelve submissions agreeing in part, nineteen submissions disagreeing and one submission seeking clarification on the recommendation.

Considerable comment focused on the extent of company and/or government responsibility for conducting the resource inventory of a national park or A class nature reserve or part thereof prior to it being declared open for the granting of exploration licences. Five submissions which agreed in part considered it would be untenable to require the initial explorer to bear the entire costs of such research, as there is no guarantee that the company would be successful in its application for an exploration licence. Furthermore, data resulting from this type of research was seen to constitute an integral part of park and reserve management and thus should be at least partly funded by the government. Similar views were expressed in three submissions from the mining industry which disagreed with the recommendation.

Submissions from four conservation groups and individuals who disagreed with the recommendation were particularly concerned about the objectivity of resource inventories compiled by private consulting firms chosen by the proponent. These submissions argued that it would be more appropriate for the inventories to be undertaken by CALM or the NPNCA in conjunction with the EPA, with this information to be made available to the public.

However, the Department of Conservation and Land Management argued that the cost of compiling all inventories should be borne by the proponent, with technical assessment of the biological and landscape values to be contracted to and supervised by CALM.

The need for the reserve area value assessment procedure to be done in the context of the whole conservation reserve system was stressed in one submission, with another respondent suggesting that the research and determination of the possible impact of exploration should be analysed using formalised environmental impact assessment procedures. Ecological interpretation as well as inventory compilation was stressed in one submission.

Membership of the interdepartmental committee proposed in the recommendation generated much discussion. Three submissions which agreed in part suggested it would be appropriate for the mining industry to have representation on the committee, a view shared by two further submissions which in fact disagreed with the recommendation. The Treasury Department and the Department of Resources Development were also suggested for representation on the proposed committee, while the NPNCA was seen to have a role in the proposed assessment procedure.

Conversely, five submissions which disagreed with the recommendation objected to the inclusion of the Department of Mines on the interdepartmental committee, believing that the department would be in a position to influence the assessment in favour of opening a national park or A class nature reserve.

A proposal was put forward in one submission, agreeing in part, that exploration and mining should only be permitted in existing national parks and A class nature reserves after a five year exploration period, and a time during which applications may be made to mine in these areas. After this, the area should be closed to exploration and mining unless supported by a majority in a referendum. National parks and A class nature reserves declared in the future should automatically be protected from these activities.

Concern was expressed in one submission that a company must commit substantial resources to exploration, without prior indication of Parliament's likely attitude to production mining. To reduce this risk, a company should be able to provide sufficient environmental data on its area of interest when seeking an exploration licence to have Parliament, following consideration of EPA recommendations, decide whether mining should be permitted given the area's conservation value. Any mining proposals would still be subject to an ERMP when a mining lease application is lodged, and to the EPA conditions imposed consequent to the ERMP.

One submission considered there is some confusion as to the processes involved leading to the declaration of "open" national parks and nature reserves in recommendation two, and the avenue for proposals from the Department of Mines to open areas for the granting of exploration licences in recommendation three. A single process for both should be established, based on a list of priorities supplied by industry (W.A. Chamber of Mines) for particular national parks and nature reserves.

Another submission sought clarification of the term "sufficient prospectivity" and further information on what a programme of "non-destructive research" would entail.

RECOMMENDATION FOUR

Environmental Protection Authority Recommendations to Government on an Area for which an Application has been Lodged for it to be Declared Open

A total of thirty six submissions commented on recommendation four, including one submission which agreed, thirteen submissions which agreed in part and nineteen submissions which disagreed. Three submissions sought clarification on the recommendation.

The concept of grading areas in national parks and A class nature reserves as being of low and high biological or landscape value was a particular concern raised in nine submissions disagreeing with the recommendation. These submissions which were primarily from conservation groups and individuals noted that limiting full protection to only those areas of highest value and removing areas of low value would jeopardise reserve management. Furthermore, there was concern about who would determine the areas of low value, and the relative importance of the various criteria in the determination.

Six submissions were alarmed at the possible excision of areas of low biological and landscape value from the reserve system, with three of these submissions which agreed in part with the recommendation, noting that areas of low value may be important for the management of a national park and

nature reserve. One submission considered that the Committee did not clearly indicate the status of areas which may be recommended for removal from the national park and nature reserve system.

In addition to biological and landscape values, a number of submissions suggested that in making its recommendations the EPA should consider ecological, social, historical, cultural, scientific, economic, educational and recreational values. An Aboriginal organisation was particularly concerned that the recommendation does not make mention of the human values which are requisites for living areas inside national parks and nature reserves including privacy and freedom. In making this comment, the group indicated that the EPA would not be the appropriate agency to advise government on these matters.

Two submissions from the mining industry which disagreed with the recommendation argued that it gives precedence to the preservation of areas of highest conservation value, and that it did not take account of competing land use demands. Consequently, the recommendation does not allow flexibility in land use decision making. These submissions, together with a submission which agreed in part, suggested that the EPA should consider the mineral prospectivity of an area along with biological and landscape values.

Other suggestions made in submissions agreeing in part include:

- (a) that the recommendations of the EPA should be ratified by Parliament;
- (b) the Department of Mines and the Department of Resources and Development should have input on economic factors; and
- (c) it would be more appropriate for a joint committee of the Department of Mines and CALM to undertake the assessment, in preference to the EPA.

RECOMMENDATION FIVE

Criteria to be Taken into Account when Assessing whether or not to Recommend that a National Park or A Class Nature Reserve or Part Thereof be Declared Open for the Granting of Exploration Licences

Twenty four submissions commented on recommendation five. The majority of these agreed or agreed in part, with ten submissions disagreeing with the recommendation.

Suggestions were made in seven submissions agreeing in part, and two submissions in disagreement, for additional factors which should be taken into account by the EPA when considering whether to declare an area open for the granting of exploration licences. Recreation and tourism values were the most frequently recorded factors, with other matters listed including the importance of buffer zones, and corridors between islands of native vegetation; research and education; and geological resources and inferred mineral values. A further submission agreeing in part considered that the way in which terms such as landscape and wilderness values are evaluated requires further consideration.

Four submissions from the mining industry opposed the recommendation, with two of these submissions arguing that the government would not be able to

make informed decisions on land use on the basis of the recommendation. It was suggested that account should be taken of:

- (a) the potential environmental consequences of exploration on the conservation values of the reserve; and
- (b) the potential mineral prospectivity of the area, and the economic consequences of denying access using data prepared by the Department of Mines.

Similar points to these were made in two submissions which agreed in part with the recommendation.

As with recommendation four, suggestions were made that:

- (a) the EPA recommendations should be ratified by Parliament; and
- (b) a joint committee of the Department of Mines and CALM should undertake the assessment rather than the EPA.

Other matters noted include the fact that the assessment does not allow for public input or provision for appeal; and that the recommendation fails to recognise that damaging any part of a national park or nature reserve will diminish the whole.

RECOMMENDATION SIX

Granting of Mining Leases over National Parks and A Class Nature Reserves

Twenty two submissions commented on recommendation six, including six submissions which agreed, four submissions which agreed in part and eleven submissions which disagreed. One submission requested further information on the recommendation.

Continuity of tenement rights was an issue of some concern, with one submission agreeing in part and another submission which disagreed, stressing that there should be provision for continuity of tenement rights at the expiration of all mining tenements held over existing national parks and nature reserves. Another submission suggested that should a mining lease be refused over an area for which an exploration licence has previously been granted, the exploration licence holder should be granted some form of holding lease for when he may lodge a further application in the future.

It was argued in one submission which agreed in part that upon the expiry of the exploration licences, any included area of a national park or A class nature reserve should revert to the open/closed status of the reserve as a whole. Another submission suggested that mining leases should not be granted over existing national parks and A class nature reserves without the consent of both Houses of Parliament, after a five year exploration period and a time during which Parliament can consider application for mining, followed by a referendum.

Five submissions from conservation groups and individuals rejected recommendation six on the basis that mining should not be permitted in any national park or nature reserve. It was further proposed that the government should negotiate the relinquishment of all mining tenements over existing national parks and nature reserves.

RECOMMENDATION SEVEN

Issue of Permits for Geoscientific Survey Work in B and C Class Nature Reserves

A total of twenty one submissions commented on recommendation seven, with two submissions agreeing, eight submissions agreeing in part and eleven submissions disagreeing with the recommendation. In making their comments on this recommendation, several individuals and groups also referred to their comments on recommendation one.

The Department of Mines, after consultation with CALM, was seen to be the appropriate agency for issuing the permits for geoscientific survey work by three submissions agreeing in part. A similar proposal was made in two submissions which disagreed with the recommendation. A further suggestion was that the Department of Mines should be the lead agency in collecting the reports on the results of surveys.

The right for appeal against a decision to refuse to issue a permit was mentioned in one submission, with another submission suggesting that the Minister should indicate reasons for refusal.

Recognition of the conservation value of B and C class nature reserves in assessing applications for permits was stressed in a number of submissions.

Many of the submissions disagreeing with the recommendation were from conservation groups and individuals, seven of whom argued that exploration and mining should not be permitted in any national parks or nature reserves irrespective of their classification as A, B or C.

Four submissions from the mining industry opposed the recommendation with two of these noting that geoscientific survey work has no impact on the environment. Furthermore, it was suggested that such work should be permitted under an exploration licence which offers the same level of protection as is being sought under the proposed permit system.

RECOMMENDATION EIGHT

Regulation and Control of Ground Disturbing Exploration and Productive Mining Activities in B and C Class Nature Reserves

Twenty one submissions commented on recommendation eight, including four submissions agreeing, seven submissions agreeing in part and eight submissions disagreeing with the recommendation. Two submissions considered the recommendation required further clarification. Many of these submissions, including all those opposed to the recommendation, referred to their comments on previous recommendations.

A case-by-case approach was seen to provide an appropriate framework for the regulation and control of access to all national parks and nature reserves for exploration and mining by two submissions agreeing with the recommendation.

Two submissions which agreed in part considered that regulation and control should be interdepartmental, including the Department of Mines and CALM.

Another submission proposed that the NPNCA be advised at an early stage if ground disturbing exploration or productive mining are contemplated in B and C class nature reserves.

Concern was expressed in two submissions that some B and C class nature reserves should have A class status, and it was suggested that there should be the opportunity for reclassification prior to the consideration of mining tenements.

RECOMMENDATION NINE

Resource Inventories of B and C Class Nature Reserves

The majority of the nineteen submissions commenting on recommendation nine agreed or agreed in part, although five submissions disagreed and one sought further clarification.

The need for inventories of B and C class nature reserves to be periodically reassessed was noted in four submissions which agreed in part with the recommendation. Reasons for regular reviews include the need to take account of changing conservation and mineral values, and the emergence of new exploration techniques. Completion of inventories prior to approval for exploration was stressed in one submission.

Two submissions argued that there should be mining industry representation on the proposed interdepartmental committee, with the opportunity for public input considered important in another submission.

All five submissions disagreeing with the recommendation referred to their comments on previous recommendations, with one conservation group stressing that inventories of B and C class nature reserves should be undertaken as part of the preparation of management plans for the reserves.

One submission questioned the meaning of the phrase 'as resources permit', asking if this meant as tenements are placed, and if not who establishes priority for survey.

RECOMMENDATION TEN

Areas Proposed and Fully Approved for Reservation as National Parks or Nature Reserves

Considerable support was given for recommendation ten with eleven submissions agreeing and six submissions agreeing in part. Four submissions disagreed with the recommendation while a further four submissions provided comment which did not indicate acceptance or opposition.

Three of the submissions agreeing in part were supportive of outstanding reserve proposals being implemented but argued that these areas should be protected from exploration and mining.

The rights of pre-existing tenement holders, including applications and approved tenements, must be preserved in areas not formally declared as national parks and nature reserves, according to two submissions disagreeing with the recommendation. Assessment of the mineral potential of areas fully approved as national parks or nature reserves so that prospective areas can be excluded from the park or reserve was stressed in two submissions.

Proposals were made in two submissions that new or additional areas of parks or reserves should be subject to:

- (i) the same environmental procedures as apply to other major land uses; and
- (ii) the approval of both Houses of Parliament.

These comments are not directly relevant to the recommendation, but indicate a process which could be applied leading to the declaration of areas as national parks or nature reserves.

What constitutes 'fully approved' was queried in one submission, which also noted that the system of gazettal of land needs streamlining.

RECOMMENDATION ELEVEN

Rationalisation of National Park and Nature Reserve Boundaries

Thirty one submissions commented on recommendation eleven with nine submissions agreeing, seven submissions agreeing in part, fourteen submissions disagreeing and one submission seeking clarification on the recommendation.

Many of the submissions agreeing with the recommendation stressed that national park and nature reserve boundaries should be periodically reassessed as management plans are reviewed, although one submission argued that rationalisation should occur only once. Several of these submissions noted that boundary rationalisation should be undertaken as a matter of some urgency. The NPNCA was seen to have a role in the review process so as to ensure that conservation and recreation values are maintained.

Concern was expressed in two submissions which agreed in part that mineralised areas may be excised from the reserve system, while another submission considered the removal of mineralised areas and areas of high prospectivity to be particularly important. An arbitrary approach in offsetting excisions from national parks and nature reserves in one area by additions to parks and reserves in the same or other areas was stressed in one submission.

For rationalisation to be effective, suggestions were made to include industry input, and for the Treasury Department or Department of Resources Development to be involved.

One submission suggested that boundaries should be rationalised after a five year controlled exploratory period, EPA recommendations and public input, with the final decision dependent upon Parliament's acceptance or refusal of applications to mine in the area.

Submissions opposing the recommendation were largely from individuals and conservation groups alarmed at the possible implications of the proposal to rationalise national park and nature reserve boundaries. Eight of these submissions noted that the criteria for boundary rationalisation are not readily definable. According to these submissions, rationalisation should be based solely on ecological factors and should proceed only where it will

assist reserve management. Other matters raised were a concern that the mining industry could exert pressure to gain access to mineral deposits in national parks and nature reserves. Public input into the process was considered important, but consultation with the Department of Mines was thought to be inappropriate.

One submission noted that existing conservation reserve boundaries were often located to exclude tenements or badly grazed or otherwise damaged land, and that relocation of boundaries may consequently lead to further conflict with mining or increase management costs.

RECOMMENDATION TWELVE

Amendments to the Mining Act 1978

The majority of the twenty one submissions which commented on recommendation twelve agreed (seven submissions) or agreed in part (seven submissions) with six submissions disagreeing and one submission not indicating acceptance or rejection.

Several submissions in agreement noted that the proposed provisions currently exist in the Mining Act 1978.

Suggestions were made in two submissions that the objective of minimising damage to the surface of the land should be extended to include groundwater and other subsurface features such as caves. The proposal to allow additional environmental conditions to be imposed at any time should apply to all leases according to one submission, while another submission argued that the imposition of additional conditions should be restricted to unforeseen environmental hazards.

A suggestion was made in one submission that the Minister for the Environment should have the responsibility for imposing additional environmental conditions, while another submission considered that in applying conditions the Minister for Minerals and Energy should receive advice from CALM.

Other matters raised include the possibility of revising the standard set of conditions developed by CALM which could then be incorporated into the Mining Act. The importance of more precisely defining the term 'minimised' and to specify methods by which land disturbance can be minimised and rectified was also noted in some submissions.

Submissions from five individuals and conservation groups disagreeing with the recommendation generally argued that application of even the strictest environmental conditions may not guarantee total replacement of lost values should mining be permitted in national parks and nature reserves. However, some of these submissions noted that the recommendation could be reworded to apply to mining in areas outside conservation reserves. One submission, from a mining industry organisation, considered the recommendation to be unrealistically restrictive.

RECOMMENDATIONS THIRTEEN AND FOURTEEN

Procedures for the Assessment of Exploration Programmes and Mining Proposals over National Parks and Nature Reserves

Many of the views expressed in comments on recommendation thirteen also apply to recommendation fourteen and therefore they are discussed together. A total of nineteen submissions commented on each of these recommendations with the majority agreeing or agreeing in part. Six submissions opposed recommendation thirteen, with five submissions disagreeing with recommendation fourteen. Two submissions considered both recommendations to be redundant given that there should be no exploration or mining in national parks and nature reserves.

Many of the submissions which agreed that the proposed procedures provide an adequate basis for the assessment of exploration and mining proposals made no further comment. However, it was suggested in one submission that the NPNCA should be advised of the existence and progress of applications at the earliest possible stage. Another submission stressed the importance for applications to be assessed within a reasonable time frame.

Given the extensive opportunity for authorities with relevant environmental expertise to review proposed exploration and mining programmes, and to impose relevant constraints on an exploration licence or mining lease, three submissions from the mining industry which agreed in part argued that the Warden should be expressly precluded from considering environmental matters. It was also noted in another submission that there is no option for proponent representations or appeal within the proposed system.

Three submissions which disagreed with the recommendations were opposed to exploration and mining in national parks and nature reserves. These submissions were from individuals and conservation groups who argued that the proposed procedures would not reduce the conflict between conservation values and mining interests. Another submission considered that the Minister for Minerals and Energy and the Governor in Council should not be involved in the decision making process, but suggested that there should be an opportunity for public review of proposals. One submission from a mining industry organisation expressed a belief that exploration should not be permitted unless it is the intent to allow mining to proceed.

With specific reference to recommendation fourteen, it was suggested that mining should only be permitted in existing national parks and A class nature reserves, and that no exploration or mining should be permitted in future parks and reserves unless supported by a referendum. A distinction in the procedures to deal with A and B/C class nature reserves was also considered to be important. A further proposal was that some form of holding lease conferring legal title might be worthy of consideration.

RECOMMENDATION FIFTEEN

Reports Describing the Environmental Management of Mining Activities over National Parks and Nature Reserves

A total of twenty one submissions commented on recommendation fifteen, including five submissions which opposed the recommendation, with the remainder agreeing or agreeing in part.

Suggestions made in submissions agreeing with the recommendation include:

- (a) the reports should also set out intentions for the next phase of exploration to enable the managing agencies to propose modifications and controls before the event; and

(b) facilities should be available for the NPNCA to inspect the mining tenement and activities.

Seven submissions which agreed in part considered that the environmental reports should be forwarded to the Department of Mines who would liaise with other government departments as appropriate. It was also suggested that appropriate intervals for reporting need to be defined. Two submissions argued that the recommendation should only apply to existing tenements over national parks and nature reserves.

The independence of consultants (who would report to CALM and the Department of Mines) and the ability to enforce any breaches detected were stressed as important issues in one submission.

Submissions disagreeing with the recommendation were essentially opposed to exploration and mining in national parks and nature reserves, but generally considered that it may be appropriate for regulating mining outside these areas. One submission noted that there is no provision for supervision by CALM, while another submission considered that CALM does not have the resources to enable adequate inspection or verification of such reports.

RECOMMENDATION SIXTEEN

Bonds as a Security Against Breach of Environmental Conditions

Twenty submissions commented on recommendation sixteen including twelve submissions agreeing, two submissions agreeing in part, four submissions disagreeing and one submission seeking clarification on the recommendation. One submission dismissed the recommendation as irrelevant as there should be no exploration or mining in national parks and nature reserves.

Procedures for determining bonds were mentioned in two submissions in agreement with the recommendation. A proposed tax system which would encourage companies to explore and mine in areas of lowest classification index, to degrade the least possible area, and to mine according to the least destructive techniques was discussed in detail in one of these submissions. The other submission considered that bonds should cover the costs of rehabilitation, and that they should be compulsory for all tenements. Legislation to ensure that both the mining companies and their contractors are bonded was noted in another submission.

One submission which agreed in part with the recommendation argued that to impose a bond on existing permit holders would be contrary to the Committee's view that the rights of existing tenement holders should remain. Another submission suggested that rather than an up front bond, which may be a disincentive on smaller companies in particular, a levy imposed on production tonnage may be appropriate.

All submissions disagreeing with the recommendation were from conservation groups and individuals who rejected it on the grounds that it was a mechanism which would facilitate mining in national parks and nature reserves. However, three of these submissions favoured application of bonds as security against breach of environmental conditions for mining in other areas.

One submission questioned who has the responsibility to determine whether a security or bond against breach of environmental conditions is required, and the magnitude of such security or bond.

RECOMMENDATION SEVENTEEN

Technical Committee to Formulate Guidelines for the Assessment of Exploration and Mining Proposals in National Parks and Nature Reserves

The majority of the twenty submissions commenting on recommendation seventeen agreed or agreed in part with the recommendation. Six submissions opposed the recommendation, and one submission considered it to be irrelevant as exploration and mining should not be permitted in national parks or nature reserves.

One submission in agreement considered that there could be a role for the NPNCA to interact with the proposed technical committee. Seven submissions which agreed in part believed that the mining industry should have representation on the committee, with several of these submissions also arguing that the committee should be convened by the Department of Mines. Another suggestion was that the technical committee should be the same committee as proposed in recommendation three. One submission agreed with the recommendation, noting that it should only affect existing national parks and nature reserves and that the committee should report to Parliament.

Many of the six submissions which rejected the recommendation were opposed to exploration and mining in national parks and nature reserves, although two of these submissions considered it could be applied to areas outside conservation reserves. One submission argued that formulating guidelines for the assessment of exploration and mining proposals in national parks and nature reserves should be the responsibility of the EPA. Another submission noted that it appears that the decisions of the technical committee will not be subject to public debate.

RECOMMENDATION EIGHTEEN

Access to National Parks and Nature Reserves for Exploration and Mining Activities

A total of seventeen submissions commented on recommendation eighteen, with five submissions agreeing, six submissions agreeing in part and four submissions opposing the recommendation. Two submissions believed the recommendation to be redundant as there should be no exploration or mining in national parks and nature reserves.

Establishment of a mechanism which would enable an applicant for a mining lease to define the region of interest without physically marking out the area was suggested in two submissions agreeing in part. Another submission argued that the geoscientific permit referred to, should be a permit issued under the Mining Act. One submission agreed with the application of the recommendation only to existing national parks and nature reserves.

Submissions which rejected the recommendation were generally of the opinion that exploration and mining should be prohibited in national parks and nature reserves. However, one of these submissions noted that it could be applied to mining activities in areas outside conservation reserves.

Existing procedures under the Mining Act were considered adequate by one mining company, to provide for conditional and limited access to national parks and nature reserves at the stage of applications for exploration licences.

4. GENERAL COMMENTS

As mentioned in the introduction, 126 submissions were brief letters which generally commented on a few issues. Many of these matters have been discussed as part of the comments made in more detailed submissions.

Most of these submissions made a general statement regarding the Committee's report, with the majority (65) rejecting the report and its recommendations. Linked to this was a statement in 58 submissions that there should be no exploration and mining in national parks and nature reserves. Conversely, two submissions supported the Committee's report and recommendations with a further two submissions providing comment which did not indicate general acceptance or rejection of the report. Six submissions expressed a view that under some circumstances exploration and mining in national parks and nature reserves may be acceptable.

Fifty nine submissions requested that legislation be enacted to prohibit exploration and mining in national parks and nature reserves, with many submissions indicating that this should be in the form of an amendment to the WA State Constitution Act.

Matters which were frequently raised in the brief submissions are:

- . Support for international definitions of national parks was mentioned in 35 submissions, with a small number of these submissions also referring to the ALP State Platform Policy on mining in national parks.
- . Thirty five submissions considered the area of land set aside for conservation in Western Australia to be inadequate and/or recommended the immediate implementation of 'Red Book' reserve proposals. The relinquishment of existing tenements over national parks and nature reserves was requested in 21 submissions.
- . Mining industry access to over 80 per cent of Western Australia was seen to be adequate to meet the industry's demands by 18 individuals and groups.
- . A particular concern mentioned in 29 submissions was that national parks and nature reserves are a vital part of our heritage, and are important for both present and future generations.
- . The adverse environmental impacts of exploration and mining, even with rehabilitation, was mentioned in 24 submissions.
- . Seventeen submissions discussed public opinion on the issue of mining in national parks. Some of these were unsubstantiated statements, but several submissions quoted results from the Jakob-Hoff survey, and the bias of the survey conducted by the Australian Mining Industry Council.

- . The Committee's report was biased in favour of the mining industry, according to 14 submissions. In relation to this, some concern was expressed that the report does not adequately discuss the benefits of national parks and nature reserves to the community, including recreation, tourism, education and scientific values.
- . Eight submissions argued that should exploration be permitted and commercial deposits found, the expectation of explorers will be raised and there will be pressure to allow exploitation of these resources.

Other comments made in the brief submissions include:

- . A perceived need for the allocation of additional resources to improve management of national parks and nature reserves.
- . Tourism was considered to be a more appropriate activity for national parks in preference to mining.
- . Concern was expressed about the adequacy of the current classification system for nature reserves.

5. DUPLICATED FORMS

Support for the international and national definitions of national parks, a rejection of the Committee's recommendations which would make national parks and nature reserves available for mining, and a recommendation that legislation should be enacted to prohibit mining in these areas were the matters listed in one of the duplicate forms signed by 1 230 members of the public. The other form which was signed by 883 individuals, indicated support for an amendment to the WA Constitution to prohibit mining in national parks and nature reserves.

6. SUGGESTIONS FOR ADDITIONAL REVIEWS

A number of submissions, both detailed and brief, made the following comments:-

- . a similar review to that of the Committee's should be undertaken for the petroleum industry;
- . a review of exploration and mining in areas of State Forest and areas covered by State Agreement Acts is required; and
- . in parallel with mining, there is a need to consider assessment, exploration and possible use of water in national parks and nature reserves.

LIST OF SUBMISSIONS

Mr B Alexander
 Lot 55 Macona Crescent
 CANNONVALE QLD 4802

Ms Angela Bornman
 RMB 1218B
 DENMARK WA 6333

C Arnold
 (Joint submission with B G Muir)
 51 Lionel Road
 DARLINGTON WA 6070

Ms K Boulter
 6 Merton Street
 VICTORIA PARK WA 6100

Associated Minerals Consolidated Ltd
 45 Stirling Highway
 NEDLANDS WA 6009

Mrs L Bourne
 112 Stanhope Road
 KALAMUNDA WA 6076

Association of Mining and
 Exploration Companies Inc
 161 Great Eastern Highway
 BELMONT WA 6104

Bushwalkers of WA
 c/- 27 Union Street
 SUBIACO WA 6008

Australian Conservation
 Foundation
 The Environment Centre
 794 Hay Street
 PERTH WA 6000

Mr W H Butler, Principal Consultant
 Dinara Pty Ltd T/A
 W H and M H Butler
 Conservation Consultants
 233 Adelaide Terrace
 PERTH WA 6001

Australian Labor Party
 Floreat Branch
 c/- State Executive Labor Centre
 82 Beaufort Street
 PERTH WA 6000

CRA Limited
 G P O Box A42
 PERTH WA 6001

Bond Corporation
 Petroleum Division
 Griffin Centre
 28 The Esplanade
 PERTH WA 6000

Cable Sands (W A) Pty Ltd
 P O Box 180
 BUNBURY WA 6230

Campaign to Save Native Forests WA
 P O Box 7375 Cloisters Square
 PERTH WA 6001

BHP Minerals Ltd
 GPC Box 86A
 MELBOURNE VIC 3001

Cape Naturaliste Association
 c/- Post Office
 DUNSBOROUGH WA 6280

Ms Tasha Bonsignore and Mr E Leibel
 10 Gilbert Avenue
 DENMARK WA 6333

C B Carr
 38 Scott Street
 SOUTH FREMANTLE WA 6162

LIST OF SUBMISSIONS (contd)

Central West Regional Development
Advisory Committee
815 Hay Street
PERTH WA 6000

Conservation and Land
Management, Dept of
Hackett Drive
CRAWLEY WA 6009

The Chamber of Mines
of Western Australia Incorporated
231 Adelaide Terrace
PERTH WA 6000

The Country Shire Councils' Assoc
of WA Inc
Local Government House
134 Adelaide Terrace
PERTH WA 6000

Ms M E Chandler
20 Rivett Way
BRENTWOOD WA 6153

Mr Andrew B Craig
5 Bostock Street
WHITE GUM VALLEY WA 6162

Mr Andrew Chapman
P O Box 216
RAVENSTHORPE WA 6346

Mr Ian Cresswell
Lot 5 Georgette Way
PREVELLY WA 6285

Ms Barbara Churchward
3 Dunkeld Street
FLOREAT PARK WA 6014

Mr Ronald Currie
5 Tilton Terrace
CITY BEACH WA 6015

Mr J B Clark
P O Box 83
PARABURDOO WA 6754

Ms M M Davis
RMB 14 Donnelly Mail
MANJIMUP WA 6258

Mrs J M Collier
24 Lisle Street
MT CLAREMONT WA 6010

P R E and C S Day
5 Constance Street
DARLINGTON WA 6070

Confederation of W A Industry
P O Box 6209 Hay Street East
PERTH WA 6000

Mr Donald Defenderfer
RSD 512
WINNALEAH TAS 7254

Conservation Council of W A (Inc)
794 Hay Street
PERTH WA 6000

Ms J Dodd
RMB 1050
DENMARK WA 6333

Mr Kim Doohan
P O Box 903
ALBANY WA 6330

LIST OF SUBMISSIONS (contd)

Ms J Dyer
Malimup Springs
c/- Post Office
NORTHCLIFFE WA 6262

M R and J L Frith
P O Box 74
BRIDGETOWN WA 6255

P Edwards
11 Monash Avenue
THORNBURY VIC 3071

Ms Sharon Genovese
11 Clarice Avenue
YOKINE WA 6060

L A Eidsvold
27a Elvira Street
PALMYRA WA 6157

Geraldton Mid-West Regional Development
Advisory Committee
Cathedral Avenue
GERALDTON WA 6530

Ms Sonia Emery
45 Greenshields Street
ALBANY WA 6330

H S Gorham
53 Estuary View Road
DAWESVILLE WA 6210

Environment Centre N T Inc
G P O Box 2120
DARWIN NT 5794

Mr C Gray
16 Knutsford Street
FREMANTLE WA 6160

Mr Ian Everett
30 Otram Way
CHURCHLANDS WA 6013

Great Southern Development Authority
142-144 Stirling Terrace
ALBANY WA 6330

Mr Peter Ewing
11 Rosser Street
COTTESLOE WA 6011

Greenpeace Australia
787 George Street
SYDNEY NSW 2000

Ms R Ferrell
52 Wood Street
WHITE GUM VALLEY WA 6162

M Griffiths
97/12 Wall Street
MAYLANDS WA 6051

B J and S Field
8 Possum Place
KELMSCOTT WA 6111

Ms L Grigg
Box 62
DONNYBROOK WA 6239

Fitzgerald River National Park
Association
P O Box 199
RAVENSTHORPE WA 6346

Mr Colin M Hall
Department of Geography
University of W A
NEDLANDS WA 6009

LIST OF SUBMISSIONS (contd)

Mr Neil T M Hamilton
Unit 4/37 Hurlingham Road
SOUTH PERTH WA 6151

Mr Chris Harris
71 Coghlan Road
SUBIACO WA 6008

Mr Philip Haydock
9 Salter Road
KELMSCOTT WA 6111

Mr Sean Hefferon
c/- 18 Lenore Road
WANNEROO WA 6065

Mr Stephen Hewett
P O Box 12
NANNUP WA 6275

Ms M Hewitt
c/- Post Office
NORTHCLIFFE WA 6262

Mr David Hides
Lot 71 Park Street
HENLEY BROOK WA 6055

Mrs J P Hooper
61a Matheson Road
APPLECROSS WA 6152

Mr Rick Humphries
1/2 Gadsdon Street
COTTESLOE WA 6011

Ms June R Hutchinson
50 Attfield Street
FREMANTLE WA 6160

Institute of Foresters
of Australia, W A Division
Clunies Ross Centre
Stirling Highway
NEDLANDS WA 6009

Irwin District Conservation Trust
P O Box 60
DONGARA WA 6525

Mr P Jennings
Associate Professor of Physics
Murdoch University
MURDOCH WA 6150

Ms H Johnston
2 Berlie Street
GUILDFORD WA 6055

A L Jones
24 Malba Crescent
DIANELLA WA 6062

Mr Lloyd Jones
35 Asquith Avenue
WENTWORTH FALLS NSW 2782

Mr Simon Keall
1/375 Bagot Road
SUBIACO WA 6008

Mr Ian R Ker
90 Vincent Street
MT LAWLEY WA 6050

N Keys
1/2 Gadsdon Street
COTTESLOE WA 6011

Kimberley Regional Development
Advisory Committee
P O Box 620
KUNUNURRA WA 6743

LIST OF SUBMISSIONS (contd)

Mr Ian Lantzke
4 Ailsa Street
WEMBLEY DOWNS WA 6019

D McColl
PO Box 257
YORK WA 6302

Mr Bart Lebbing
RMB 1067
DENMARK WA 6333

Ms F McColl
P O Box 257
YORK WA 6302

Leeuwin Conservation Group
Post Office
MARGARET RIVER WA 6285

Mr M McGrath
54 Blencowe Street
WEST LEEDERVILLE WA 6007

M Lennard
16 Blackbutt Street
KAMBALDA WA 6442

J D McLaughlin
3/23 Lawley Crescent
MT LAWLEY WA 6050

Ms Margaret Leslie
c/- Post Office
VASSE WA 6282

Mr D Merrilees
RMB 256
MANJIMUP WA 6258

Hon A A Lewis, MLC
Parliament House
PERTH WA 6000

Ms M E Michael
P O Box 18
BRIDGETOWN WA 6255

C P Lindsey
15 Suffolk Street
ALBANY WA 6330

Dr J Mills
20 Rivett Way
BRENTWOOD WA 6153

Mr R Livesey
242 Berwick Street
VICTORIA PARK WA 6100

Mr T Mitchell
Wyndabyne Farm
PIAWANING WA 6572

Mr B M Lythe
6 Eclipse Way
BECKENHAM WA 6107

Ms Susan Morrison
Post Office
NORTHCLIFFE WA 6262

M A Macmillan
31 Darlington Road
DARLINGTON WA 6070

B G Muir (Joint submission with C Arnold)
44 Coulston Road
BOYA WA 6056

Ms Robyn Marshall
4/22 Recreation Street
TWEED HEADS NSW 2485

Ms R L Murphy
129 Abbett Street
SCARBOROUGH WA 6019

LIST OF SUBMISSIONS (contd)

National Parks & Nature Conservation Authority Hackett Drive CRAWLEY WA 6009	Mr S J Pedrick 48 Baden Street JOONDANNA WA 7060
National Parks Association of NSW State Council P O Box A96 SYDNEY SOUTH NSW 2000	Peel Preservation Group 20 Mistral Street FALCON WA 6210
National Trust of Aust (WA), The The Old Observatory 4 Havelock Street WEST PERTH WA 6005	Mr T Pentreath 317 Marmion Street COTTESLOE WA 6011
Nature Conservation Council of NSW 176 Cumberland Street SYDNEY NSW 2000	Perth Bushwalkers Club Inc P O Box 8321 Stirling Street PERTH WA 6000
Ms R Nevill RMB 8945 ROSEDALE VIC 3847	Mrs I J Plant 228 Weaponess Road WEMBLEY DOWNS WA 6019
New Holland Mining N L 108 Egan Street KALGOORLIE WA 6430	Dr R M Porter 38 Broome Street COTTESLOE WA 6011
Mr Ken Newbey P O Box 42 ONGERUP WA 6336	Ms Joyce B S Pugh 26 Kintyne Crescent FLOREAT PARK WA 6014
Mrs N Nyman 35 Mullings Way MYAREE WA 6154	Ms Susan Quinnell 78 School Road THE GAP QLD 4061
Mr Cyril Ottaway 9B Neville Drive WANNEROO WA 6065	Quinns Rocks Environmental Research Group 3 Cameron Street QUINNS ROCKS WA 6030
Ms Catherine Paul P O Box 3266 DARWIN NT 5794	Dr G V T Ranzetta 4 Lentana Crescent CITY BEACH WA 6015

LIST OF SUBMISSIONS (contd)

Mr John Renshaw
49 Mijura Avenue
DIXON
CANBERRA ACT 2600

H B and M C Shugg
5 McCallum Crescent
APPLECROSS WA 6153

Resources Development, Department of
179 St George's Terrace
PERTH WA 6000

Ms H Sinclair
1 South Glen
41 Hurlingham Road
SOUTH PERTH WA 6151

Mr & Mrs V D Riddell
44 Francis Street
BLACKBURN VIC 3130

Mr Ted Sommer
4/14 Victoria Avenue
CLAREMONT WA 6010

Mary and Michael Rose
115 Clontarf Street
SORRENTO WA 6020

Southern Cross Bushcraft & Camping
P O Box 326
MIRRABOOKA WA 6060

Dr Beth Schultz
91 Webster Street
NEDLANDS WA 6009

Speleological Research Group W A
81 Hamersley Avenue
MORLEY WA 6062

Ms Rosalie Schultz
91 Webster Street
NEDLANDS WA 6009

Ms E L Stafford
36 Kinnimont Avenue
NEDLANDS WA 6009

Mr Basil Schur
9 George Street
COTTESLOE WA 6011

Mrs L Stafford
109 Hawkins Road
ROLEYSTONE WA 6011

Ms Annie Scott
15 Smith Street
MOOLGOOLGA NSW 2456

Mrs C M Staniland
22 Saunders Street
NORTH BEACH WA 6020

Mr D H Seery
31 Envall Way
LEEMING WA 6155

Mr A A Strandring
COWARAMUP WA 6284

Mr I Shaw
123 Hollis Road
WILSON WA 6107

Ms Pat Sundstrom
RMB 1155 South Coast Highway
NORNALUP WA 6333

Mr A Shipley
3/37 Birdwood Circus West
BICTON WA 6157

Ms C Taylor
47 McMillan Street
VICTORIA PARK WA 6100

LIST OF SUBMISSIONS (contd)

Ms C M Taylor
2-8 Houston Street
ROCKINGHAM WA 6168

Mr B G Wainwright
186 Kenwick Road
KENWICK WA 6107

Mr P W Taylor
c/- Post Office
GLEN FORREST WA 6071

P Warrilow
RMB 210
KARRIDALE WA 6288

B Thayne
RMB 1067
South Coast Highway
DENMARK WA 6333

Water Authority of WA
P O Box 100
LEEDERVILLE WA 6007

Toodyay Naturalists' Club
P O Box 26
TOODYAY WA 6566

Waterbird Conservation Group Inc
Lot 139 Urch Road
ROLEYSTONE WA 6111

The Tree Society
P O Box 106
MT LAWLEY WA 6050

Ms Jane Weir
1/9 Kirkham Hill Terrace
MAYLANDS WA 6051

Victorian National Parks
Association Inc
G P O Box 785F
MELBOURNE VIC 3001

Ms Alexandra Welborn
53 Kingsway
NEDLANDS WA 6009

Mr J L Vincent, BA, JP
3/8 Cliffbrook Parade
CLOVELLY NSW 2031

Western Desert Land Council
Resource Centres
P O Box 2358
SOUTH HEDLAND WA 6722

W A Petroleum Pty Ltd
G P O Box C1580
PERTH WA 6001

A S Weston
8 Pitt Street
ST JAMES WA 6102

W A Wildflower Society
Armadale-Kelmscott Branch
6 Lindley Avenue
KELMSCOTT WA 6111

G Whittell
7/206 Marine Parade
MAROUBRA NSW 2035

W A Wildflower Society Inc
P O Box 64
NEDLANDS WA 6009

P C Williams
16 Waraker Way
LEEMING WA 6155

Peter Wilmot
5/7 McLarty Road
SHOALWATER WA 6169

LIST OF SUBMISSIONS (contd)

Ms Lucinda Woodend
88 Watkins Street
WHITE GUM VALLEY WA 6162

Ms Alison Wylie
25 King Albert Road
TRIGG WA 6020

Yilgarn Prospectors & Lease Holders
Assoc, Southern Cross
Marvel Loch & Bullfinch Divisions
c/- P O
MARVEL LOCH WA 6426

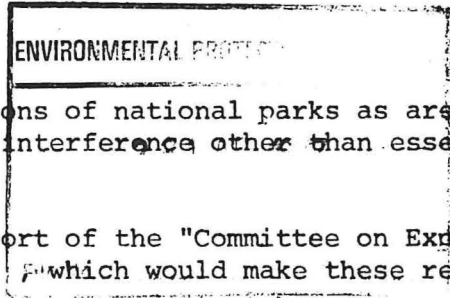
Mrs S Young
180 Peet Road
ROLEYSTONE WA 6111

D Zlatnik
12 Glebe Road
DARLINGTON WA 6070

DUPLICATE FORM NO 1
Total Number Received: 1 230

The Acting Director
Department of Conservation and Environment
1 Mount Street
PERTH 6000

Dear Sir,



I support the international and national definitions of national parks as areas reserved for conservation and protected from all interference other than essential management practices.

I therefore reject the recommendations of the report of the "Committee on Exploration and Mining in National Parks and Nature Reserves" which would make these reserves available for mining.

I recommend that W.A. National Parks and Nature Reserves be more securely protected through legislation which would prohibit mining in them.

Yours faithfully,

SIGNED DATE
ADDRESS
. POSTCODE

DUPLICATE FORM NO 2
Total Number Received: 883

Date:

Dear Mr Hodge,

I support the amendment to the W.A. Constitution to prohibit mining in National Parks and Nature Reserves.

Signed:

Address:

.....

.....

**The Hon. B.
Hodge,**

**Minister for Conservation
& Environment,**

Ground Floor,
Central Govt. Building
20 Barrack St.,

Perth, 6000.
ENVIRONMENTAL PROTECTION AUTHORITY

File No. _____

RECOMMENDATIONS OF THE COMMITTEE ON EXPLORATION AND MINING IN NATIONAL
PARKS AND NATURE RESERVES

RECOMMENDATION 1

The Committee recommends that geoscientific survey work should be permitted without holding an exploration licence in national parks and A class nature reserves under permit issued by the Minister for Conservation and Land Management. Before issuing a permit the Minister should seek the views of the National Parks and Nature Conservation Authority, Department of Conservation and Land Management, and Mines Department. The Minister may attach appropriate conditions to such a permit or, in exceptional circumstances, refuse to issue a permit. Appropriate reports on the results of the survey should be prepared for the Department of Conservation and Land Management and Mines Department.

RECOMMENDATION 2

The Committee recommends that exploration licences should not be granted over a national park or A class nature reserve unless that park or reserve has individually either been declared open for the granting of exploration licences or reclassified as provided for in Recommendation 4. The Committee further recommends that areas of the highest biological or landscape value should not be declared open for the granting of exploration licences.

RECOMMENDATION 3

The Committee recommends that if the Mines Department believes that a particular national park or A class nature reserve or part thereof is of sufficient prospectivity, then they should submit to the Environmental Protection Authority a proposal to open the area for the granting of exploration licences. A program of non-destructive research should then be carried out with the objective of compiling an inventory of the biological, landscape and geological resources of the area. This program should be co-ordinated by an interdepartmental committee, convened by the Department of Conservation and Environment and including representatives of the Department of Conservation and Land Management, and Mines Department. Such a committee would assess the results of the research and report to the Environmental Protection Authority, which would then recommend to Government. Where a company has lodged a tenement application over such a closed area, it should be required to meet the cost of the necessary research.

RECOMMENDATION 4

The Committee recommends that in reporting to Government the Environmental Protection Authority would recommend:

- . that the area in question not be declared open for the granting of exploration licences if it is considered to be of the highest biological or landscape value; or
- . that the area in question be declared open for the granting of exploration licences subject to appropriate conditions but remain part of the national park or nature reserve if it is considered to be of intermediate biological and landscape value; or

RECOMMENDATIONS OF THE COMMITTEE ON EXPLORATION AND MINING IN NATIONAL
PARKS AND NATURE RESERVES (contd)

- . that the area in question be removed from the national park and A class nature reserve system if it is considered to be of low biological and landscape value.

RECOMMENDATION 5

The Committee recommends that the following matters be taken into account by the Environmental Protection Authority, when assessing whether or not to recommend that a national park A class nature reserve or part thereof be declared open for the granting of exploration licences:

- . the presence of rare or endangered species of fauna and flora, communities or habitats;
- . the presence of areas of outstanding scenic or landscape value;
- . the presence of significant wilderness or important wetlands;
- . the presence of sites of archaeological, cultural, historic, or scientific value, or a geological monument;
- . the importance of the area in terms of its role in protecting representative ecosystems; and
- . the particular importance of islands to nature conservation.

RECOMMENDATION 6

The Committee recommends that mining leases should not be granted over national parks or A class nature reserves unless the area concerned has previously been declared open for the granting of exploration licences or the mining lease application covers an area subject to a pre-existing exploration licence or prospecting licence.

RECOMMENDATION 7

The Committee recommends that geoscientific survey work should be permitted in B and C class nature reserves under permit issued by the Executive Director of the Department of Conservation and Land Management after consultation with the Mines Department. The Executive Director may attach appropriate conditions to such a permit or, in exceptional circumstances, refuse to issue a permit. Appropriate reports on the results of the survey should be prepared for the Department of Conservation and Land Management and Mines Department.

RECOMMENDATION 8

The Committee recommends that ground-disturbing exploration and productive mining activities in B and C class nature reserves be regulated and controlled on a case-by-case basis.

RECOMMENDATIONS OF THE COMMITTEE ON EXPLORATION AND MINING IN NATIONAL
PARKS AND NATURE RESERVES (contd)

RECOMMENDATION 9

The Committee recommends that inventories of the biological, landscape and geological resources of B and C class nature reserves be compiled as resources permit. The corresponding research could be coordinated by the interdepartmental committee referred to in Recommendation 3.

RECOMMENDATION 10

The Committee recommends that areas proposed for reservation as national parks or nature reserves and fully approved by Government be treated administratively as if they are so reserved.

RECOMMENDATION 11

The Committee recommends that the Government initiate a public review of the national park and nature reserve boundaries, with a view to rationalization. This process should have as its primary objective the setting of ecologically sensible and manageable boundaries while maintaining the values and area of the reserve system. A secondary objective would be to avoid areas of high prospectivity wherever this can be accomplished without prejudice to the primary objective.

The Committee further recommends that the review proposed be undertaken by the Department of Conservation and Land Management in liaison with the Mines Department and Department of Conservation and Environment. The review could be carried out as part of the preparation by the Department of Conservation and Land Management of a management plan for each park or reserve.

TERM OF REFERENCE 2 - Whether existing provisions of the Mining Act and Regulations governing conservation and rehabilitation in national parks and nature reserves are adequate to control environmental aspects of exploration and mining activities.

RECOMMENDATION 12

The Committee recommends that insofar as it relates to national parks and nature reserves the Mining Act 1978 be amended to:

- . require that exploration licences and mining leases are only granted subject to the condition that damage to the surface of the land and anything on the surface of the land (eg flora and fauna) is prevented or minimized and repaired; and
- . enable the Minister for Mines to impose additional environmental conditions at any time.

TERM OF REFERENCE 3 - Procedures to be followed in reviewing exploration and mining proposals in national parks and nature reserves and in setting and enforcing appropriate environmental conditions.

RECOMMENDATIONS OF THE COMMITTEE ON EXPLORATION AND MINING IN NATIONAL
PARKS AND NATURE RESERVES (contd)

RECOMMENDATION 13

The Committee recommends that applications for exploration licences over national parks and nature reserves and the assessment of exploration programs should be processed according to the procedures illustrated in figure 5.

RECOMMENDATION 14

The Committee recommends that applications for mining leases over national parks and nature reserves and the assessment of mining proposals should be processed according to the procedures illustrated in figure 6.

RECOMMENDATION 15

The Committee recommends that reports should be prepared by the holders of mining tenements over national parks and nature reserves at appropriate intervals describing the environmental management of their activities. Such reports should be forwarded to the Mines Department, Department of Conservation and Land Management and (when appropriate) the Department of Conservation and Environment.

RECOMMENDATION 16

The Committee recommends that:

- . tenement holders over national parks and nature reserves be required, when necessary, to lodge bonds as a security against breach of environmental conditions; and
- . Government allocate sufficient resources to enable adequate inspection and enforcement of the adherence to such conditions.

RECOMMENDATION 17

The Committee recommends that a technical committee be established as a matter of urgency to formulate guidelines for the assessment of exploration and mining proposals in national parks and nature reserves. The committee should consist of representatives from the Mines Department, Department of Conservation and Land Management and Department of Conservation and Environment, and be convened by the last named Department.

TERM OF REFERENCE 4 - Means of authorising access to national parks and nature reserves in order to mark out tenements.

AND

TERM OF REFERENCE 5 - Whether exploration in national parks and nature reserves without holding a tenement should be allowed, and if so under what conditions.

RECOMMENDATIONS OF THE COMMITTEE ON EXPLORATION AND MINING IN NATIONAL
PARKS AND NATURE RESERVES (contd)

RECOMMENDATION 18

The Committee recommends that access to national parks and nature reserves for exploration and mining activities including access for the purpose of marking out a tenement should occur under only three circumstances:

- . as authorized by a geoscientific survey permit; or
- . in accordance with the terms and conditions of an exploration licence; or
- . in accordance with the terms and conditions of a mining lease.

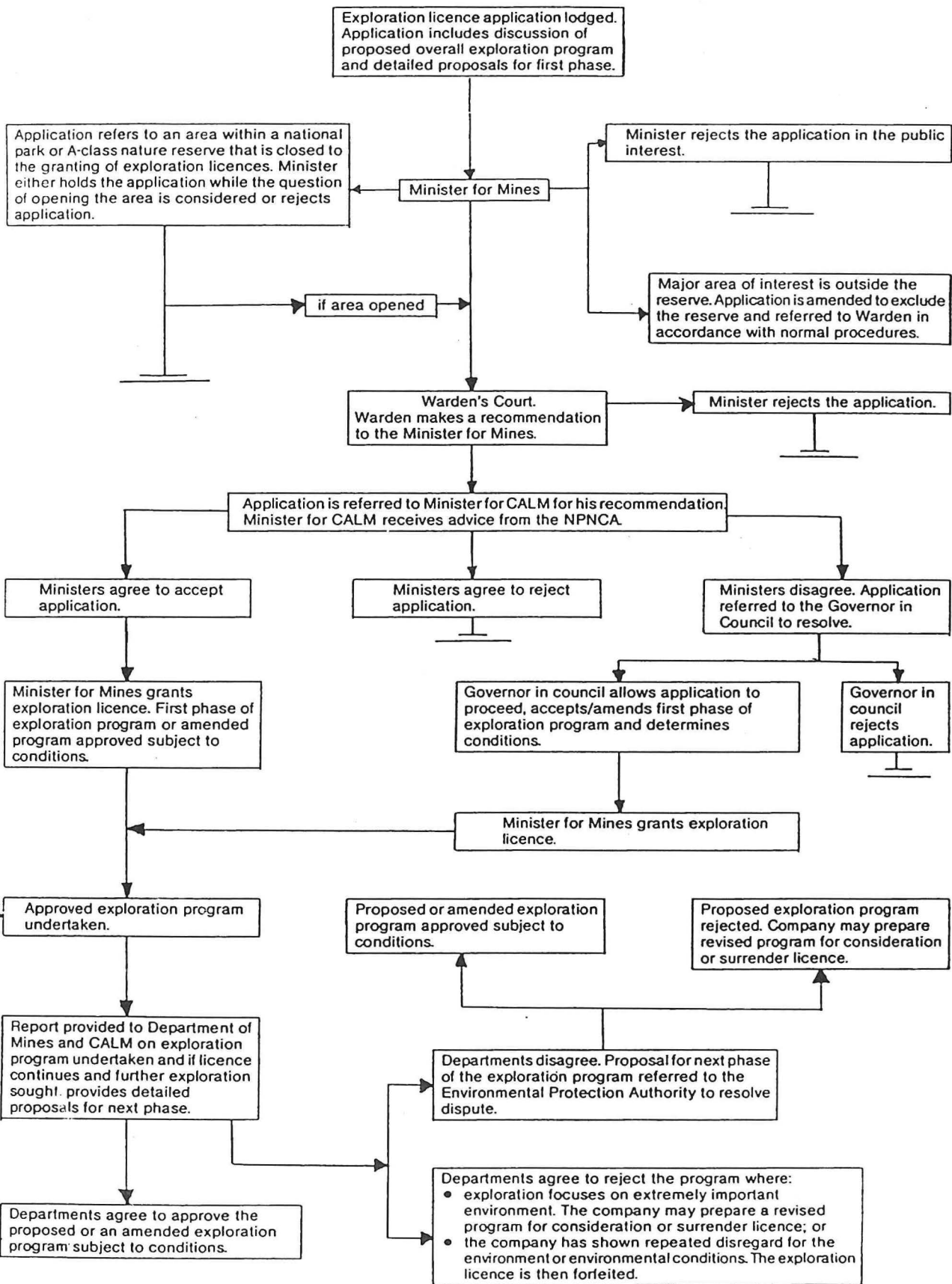


Figure 5. Procedure for reviewing exploration licence applications and exploration programs over national parks and nature reserves

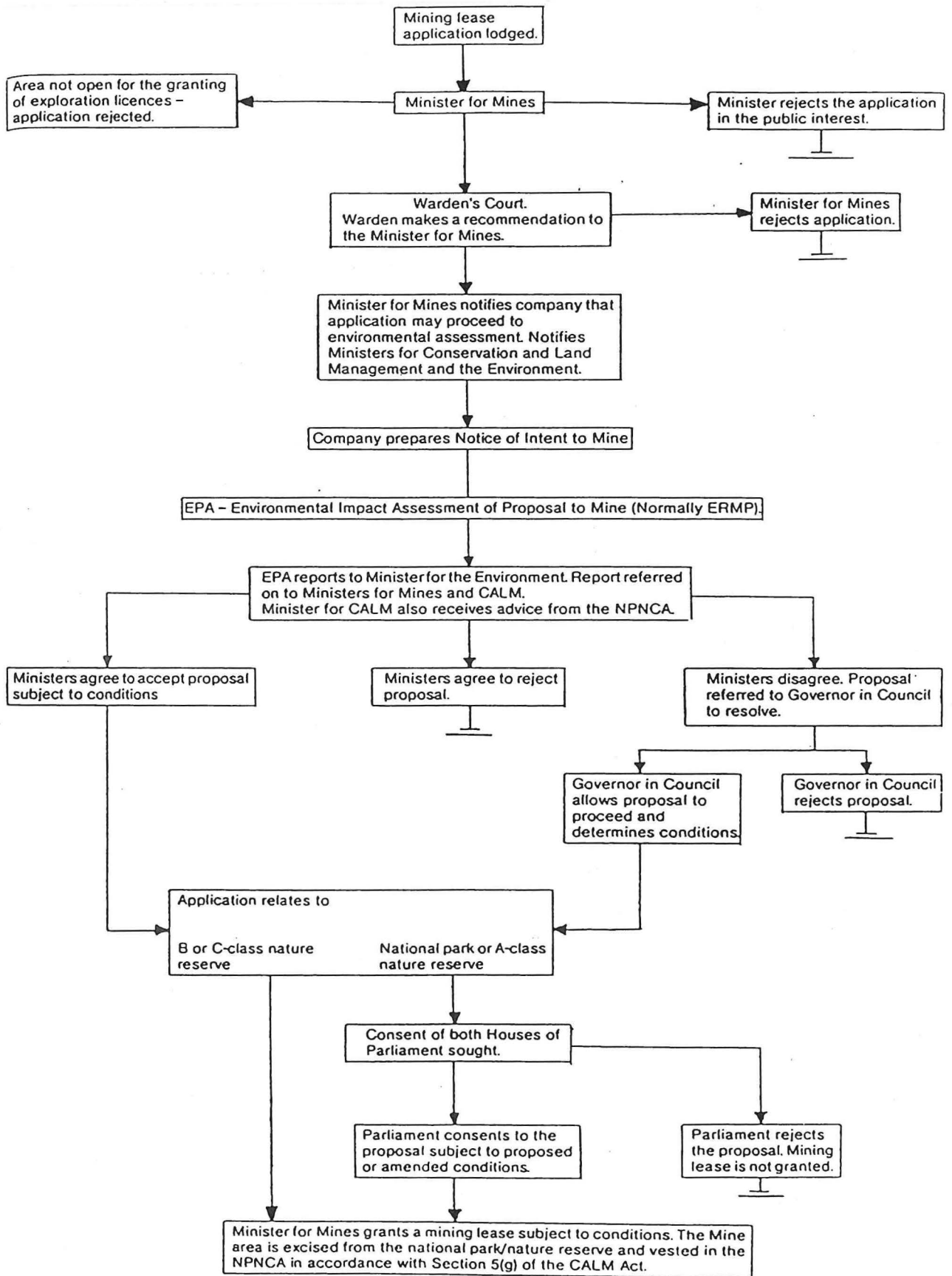


Figure 6. Procedure for reviewing mining lease applications over national parks and nature reserves

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METROPOLITAN
REGION

MINING ON CALM LANDS - GUIDELINES

These guidelines were prepared, mostly by Mr N Caporn, to assist Regions and Districts. They may be used as a reference, and will form the basis for Regional training programmes which will be convened in the next few months, by the Environmental Protection Branch.

I refer you particularly to the introduction (Section 1), pro-forma for assessing applications (Section 13) and guidelines for approving exploration (Section 7). These are brief and worth reading.

The conditions for mining tenements have been prepared in consultation with the Mines Department and CALM Directors.

Frank Batini

Frank Batini
MANAGER
ENVIRONMENTAL PROTECTION

24 February 1989

*added c. 21.02
in file 0.5.7
21, 2/89 to note
(1) copy for Mr. Graham
and Mr. Hamill. Please
bind*