

## BRIEFING NOTES - DEVELOPMENT OF MINING POLICY IN NATIONAL PARKS 1981 - 1996.

*FRANK BATINI*

### Introduction

In 1981 a committee of the upper house of the Western Australian State Parliament published a report concerning mining in national parks. This called for a ranking of national parks and other reserves based on their ecological importance.

In 1983 some gold mining leases were pegged and worked in a remote area of Karijini National Park. In 1984 the EPA released its report on a proposed alluvial gold mining venture on these leases. It found that "as a matter of principle mining on leases granted following the declaration of a national park should only be allowed if the following criteria are met:

(a) there is a strategic need for the mineral

or

(b) the mineral resource is rare and of high value, and its exploitation would be of high significant material benefit to the State, or the nation.

As a result of this finding, the mining proposal did not go ahead.

### Balancing the Scales Policy

In October 1985 the Government established a committee to receive submissions and make recommendations on exploration and mining activities in National Parks and Nature Reserves. The review arose out of the dilemma as to whether to continue to approve mineral exploration and mining in the State's National Parks and Nature Reserves.

The Committee's major finding was that "exploration licenses should not be granted over a National Park or Class A Nature Reserve unless that park or reserve has individually been declared open for granting or exploration licenses or reclassified in such a way as to accommodate exploration". In reviewing the Committee's report the EPA recommended that any exploration and mining in National Parks and Nature Reserves should be phased out by the year 2001.

In December 1988 the Labor Government used the Committee findings as a basis for its policy "Mining and Environment. Balancing the Scales". The major feature of this policy was that National Parks and Class A Nature Reserves were closed to exploration and mining tenements. Under a complicated system of interdepartmental research, EPA assessment and Government and Parliamentary approval detailed in the policy it might have been possible to open a reserve for mining tenement applications.

*Kieran A. Acemura*

In addition each class B or C Nature Reserve was to be reviewed and either be reclassified as Class A National Park or Nature Reserves or have it's NPNCA vesting status removed. The conservation status of any Class B or C reserve would have to be reviewed before any exploration licence application could be granted.

As a result of this policy exploration on Nature Reserves and National Parks was seriously curtailed apart from work on existing tenements and minor use of geoscientific survey permits. As a result during 1990 only 72 tenements were approved on reserved land.

The policy resulted in a much more rigorous mineral resource assessment being required for any proposed National Park or Nature Reserve. However throughout this period the mining industry and the Department of Minerals and Energy were concerned at the major restriction on exploration activity resulting from the policy.

#### Resolution Of Conflict Policy

The restrictions on mineral exploration and subsequent resistance to the creation of new conservation reserves due to the "Balancing the Scales" policy lead to an active process of discussion between a range of Government agencies as well as lobbying by industry and private conservation interests. Finally in November 1990 after two years experience with the "Balancing the Scales" policy, the Labor Government announced a different approach. The "Resolution of Conflict. A Clear Policy for National Parks" was developed to maintain the philosophy of restricted access to important conservation reserves but without preventing new mineral exploration.

The policy for the first time stated that there would be no mining in National Parks. However in the recognition of high resource values in 5 of the 62 National Parks, special provisions would allow for continued exploration and excision of mining leases from these five. With the excision of small areas from two national parks(Watheroo and Neerabup), only three national parks would be subject to exploration and mining (D'Entrecasteaux, Rudall River and Karijini).

An integral component of the policy was the establishment of a Mining and Environment Liaison Committee to enable the community to provide advice to the Minister for Mines concerning environmental implications of the operations of the Mining Act.

The specifics relating to each Park are as follows:

- Watheroo - Lakebed area was excised and company purchased private land which had a population of declared rare species E. rhodantha. This is now a Nature Reserve.

- Neerabup - Land exchange occurred. A small limestone pit was excised and some of the mining lease with a population of declared rare species E. argutifolia was retained in the Park.
- Karijini - Marandoo minesite and corridor were excised. After EPA assessment, the mine was developed and has been operating for over two years. Later, three additions to the National Park were made.
- Rudall - a significant mineral province surrounding the Kintyre deposit was excised and an area of equivalent size was added to this Park.
- D'Entrecasteaux - After EPA assessment, exploration was permitted for three years. The company has identified an ore body (Jangardup South) and is aiming for a land exchange (this is in accordance with the Resolution of Conflict Policy ie. "no more than one percent of the total land area will be excised from the Park and additional land will be incorporated into the Park")

The Department of Minerals and Energy, in consultation with CALM, NPNCA, LFC and EPA has produced schedules which detail conditions for mineral exploration and development on reserve land. These schedules include existing and proposed CALM managed conservation reserves, forests and other environmentally sensitive areas and cover both exploration and mining permits. The conditions are detailed in Department of Minerals and Energy Western Australia, Geological Survey of Western Australia, Information Series No 11, 1992.

The conditions require approval of clearly defined exploration program prior to any significant exploration or ground disturbing activity, with approval by the EPA for A Class reserves. No developmental or productive mining is allowed on mining leases without approval of a mining proposal that describes measures to safeguard the environment.

Between June 1990 and June 1991 over 1, 140, 000 ha were added to the conservation reserve system. In addition where 72 tenements on conservation reserves were granted in 1990, 193 were approved in 1992.

### Current Policy

In February 1993 there was a change in government at the State election. As a consequence, a series of policy changes were introduced. The Coalition Government is now of the opinion that exploration may be conducted within all National Parks with the agreement of the Minister for the Environment and the Minister for Mines. If an important mineral deposit is discovered then mining would be permitted if both Houses of Parliament agree following environmental assessment by the Environmental Protection Authority. This is in keeping with the provisions of the

Mining Act. It is recognised that some parts of National Parks are unique and will never be open to mining.

*NPNCA Policy*

A copy of the 1993 NPNCA policy is attached.

FB your copy

NPNC A POSITION ON MINING IN NATIONAL  
PARKS AND NATURE RESERVES

The National Parks and Nature Conservation Authority is opposed to mining in nature reserves and national parks, because mining is not compatible with the purposes for which such lands are vested in the Authority. This position is consistent with nationally and internationally accepted definitions of these areas.

The Authority has decided that the way we can best achieve our mandate to protect the conservation estate is to acknowledge the Government's prerogative to determine policy in this area, and to -

1. be involved in the process of reviewing applications for exploration, prospecting and mining;
2. identify the most important biological values and natural landscape features of the conservation estate, and seek to protect them from any detrimental impact;
3. recommend appropriate conditions and restrictions so as to minimise detrimental environmental impacts on other areas in the conservation estate.

The Authority therefore scrutinises each application to mine or explore in national parks and nature reserves, and either recommends 'no mining' [if the impact cannot be acceptably minimised] or the imposition of detailed constraints to ensure that, as far as is practicable, little permanent damage to the estate occurs. It is the Authority's view that rehabilitation should not be regarded as a replacement for the pre-existing conservation values.

Approvals for development mining are subject to EPA assessment and either Parliamentary approval or Ministerial agreement. The role of the NPNC A is to advise the Minister for the Environment on such proposals.

The Authority is mindful that mining should not be recommended unless it can be demonstrated that its value to the State clearly justifies the negation of the fundamental principle that National Park and Nature Reserve values should be conserved.

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The Authority is likely to recommend against a proposal to mine unless:

- a. there is strategic need for the mineral; or
- b. the mineral resource is rare, is of high value, and its exploitation would be of significant material benefit to the State; or
- c. the mineral resource is not available on other tenures of land, preferably those areas from which the native vegetation has been cleared.

NATIONAL PARKS  
MINING (EXPLORATION) TENEMENT APPLICATIONS PROCESSED  
TO 24 JULY 1996 (LAST NPNCA REPORTING PERIOD)

TENEMENT APPLICATIONS PROCESSED FOR NATIONAL PARKS:

TYPE	APPROVED (WITH CONDITIONS)	REFUSED
EXPLORATION	42 (25 RUDALL RIVER, 4 KARIJINI, 12 D'ENTRECASTEAUX, 1 MOORE RIVER)	9 (1 LEEUWIN, 3 FITZGERALD RIVER, 5 DRYSDALE RIVER)

- Under agreed procedures, DOME have imposed “no mining (exploration)” conditions on an undetermined number of applications for small impingements on National Parks.
- Figures given are from 1991 to 24 July 1996.



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Please address all correspondence to Executive Director, P.O. Box 104, COMO W.A. 6152

Your Ref:  
Our Ref: PS:SB  
Enquiries: Mr J Sharp  
Phone: 442 0304

011154M

HON MINISTER FOR THE ENVIRONMENT

MINING POLICY IN NATIONAL PARKS

I understand Mr Ian Fletcher, Chief Executive Officer, Premier's Department was seeking clarification of matters relating to mining in national parks.

Attached is a letter to Mr Fletcher with notes provided by CALM which outlines the history of the issue and how the Government's policy sits in relation to decisions made under the previous Government's policy.

Syd Shea  
EXECUTIVE DIRECTOR

4 September 1996

Att

PS:LETTERS/FLETCHER

OFFICE OF THE ATTORNEY GENERAL

MOI	<input type="checkbox"/>	CAVY	<input type="checkbox"/>	PRM	<input type="checkbox"/>	Dist Rep	<input type="checkbox"/>
SOL GEN	<input type="checkbox"/>	DCS-PA	<input type="checkbox"/>	DCS	<input type="checkbox"/>	Minister's secretary	<input type="checkbox"/>
DFP	<input type="checkbox"/>	WAC	<input type="checkbox"/>	RC	<input type="checkbox"/>	Legal	<input type="checkbox"/>
IC	<input type="checkbox"/>					Public Inq	<input type="checkbox"/>
REG ADL	<input type="checkbox"/>					Legal	<input type="checkbox"/>
IC	<input type="checkbox"/>					Comments/Advice	<input type="checkbox"/>
CSO	<input type="checkbox"/>					Administration	<input type="checkbox"/>
PC	<input type="checkbox"/>					Information	<input type="checkbox"/>
LRC	<input type="checkbox"/>					Interim	<input type="checkbox"/>

9 SEP 1996

AG to sign

File .....

MIN. NO: 29585 DATE DUE: .....

5 1107 1996

① J Sharp  
② P Sharp  
③ J. Kotini M. Kasa



WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

29585

24 SEP 1996

Mr Ian Fletcher  
Chief Executive Officer  
Premier's Department  
197 St George's Terrace  
PERTH WA 6000

Dear Ian

**MINING POLICY IN NATIONAL PARKS**

I understand that you were seeking some information regarding mining policy in national parks. I have attached a copy of briefing notes provided by CALM.

You will probably be aware that the initial approach to explore D'Entrecasteaux National Park was approved under the previous Government and that the arrangement that has been made between the current Government and Cable Sands Pty Ltd would have been entirely consistent with the previous Government's "Resolution of Conflict Policy".

Cable Sands Pty Ltd discovered the Janjardup South deposit on private land in 1987. Subsequent exploration was carried out initially under a geoscientific permit and later under the previous Government's "Resolution of Conflict Policy" which indicated the deposit extended into the D'Entrecasteaux National Park.

The "Resolution of Conflict Policy" allowed for up to one per cent of a reserve to be excised and exchanged for land of ecological importance that can be added to the park. The D'Entrecasteaux arrangement under the Government's current policy also falls within the one per cent threshold of the previous Government's "Resolution of Conflict Policy".

It should be borne in mind that mining tenement applications have been refused, eg Fitzgerald River National Park, under this Government's policy of obtaining agreement of the Hon Minister for the Environment and the Hon Minister for Mines.

Yours sincerely

Signed

Hon Peter Foss, MLC

Hon Peter Foss QC MLC  
ATTORNEY GENERAL  
MINISTER FOR JUSTICE; THE ENVIRONMENT; THE ARTS

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