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COMMITTEE ON EXPLORATION AND MINING IN NATIONAL PARKS AND NATURE RESERVES

DECEMBER 1986

**Report and Recommendations
by the
Environmental Protection Authority**

Environmental Protection Authority
Perth, Western Australia
Bulletin 287 August 1987

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

December 1986

REPORT AND RECOMMENDATIONS
by the
ENVIRONMENTAL PROTECTION AUTHORITY*

*Dr J Bailey a member of the Authority and Chairman of the Committee on Exploration and Mining in National Parks and Nature Reserves, did not participate in the formulation of this report.

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CONTENTS

	Page
i	SUMMARY AND RECOMMENDATIONS iii
1.	INTRODUCTION 1
2.	CONSIDERATION OF CONSERVATION RESERVE AND MINERAL EXPLORATION ISSUES 2
2.1	<u>CONSERVATION THROUGH RESERVATION</u> 2
2.2	<u>MINING ON RESERVED LANDS</u> 3
2.3	<u>WESTERN AUSTRALIAN EXPERIENCE - EPA CONSIDERATIONS</u> 4
3.	ECONOMIC AND RELATED FACTORS 6
4.	PROCEDURES FOR MANAGING EXPLORATION AND MINING IN NATIONAL PARKS AND RESERVES 8
5.	CONCLUSIONS 9
6.	REFERENCES 11

APPENDIX

1.	Recommendations of the Committee on Exploration and Mining in National Parks and Nature Reserves 15
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The Environmental Protection Authority (EPA) has made an assessment of the Report of the Committee on Exploration and Mining in National Parks and Nature Reserves (hereafter referred to as "the Committee").

The Committee was commissioned under five terms of reference to report to the Hon Ministers for Conservation and Land Management, and the Environment; and Minerals and Energy. It concluded amongst other things that national parks and nature reserves, should not be available for mining-related activity unless specifically and conditionally declared 'open' for that purpose.

The EPA has not considered in this assessment the comments of the community generated by the release of the Committee's report, as those submissions have been independently evaluated elsewhere for the Ministers concerned.

The EPA in reviewing the report and recommendations* of the Committee is influenced by its long-held view and priority, that as far as reasonably practicable, Western Australia should have a secure, representative network of conservation reserves. The Authority's various 'Systems' studies** of the 1970's and early 1980's reflect this. The State has already implemented 65% of the EPA's "Systems" recommendations leaving a significant 35% yet to be finalised.

The EPA would therefore stress that, if there is to be a conditional 'opening' of some national parks and nature reserves or parts thereof to mineral prospecting and perhaps mining, a concerted commitment should also be made throughout Government toward completing outstanding conservation recommendations.

Accordingly the EPA recommends that:

- . *As a concomitant of implementing the principal recommendations of the Committee's report an active commitment should be made by Government toward finalising outstanding EPA recommendations on the various Conservation Through Reserves reports, as far as reasonably practical.*

As a result of its examination of the particular recommendations contained in the Committee's report and the reasons supporting them, the EPA recommends that:

- . *National parks and A Class nature reserves should normally be free from mining and related activity.*
- . *If minerals deemed to be strategic, rare or economically important can be demonstrated as likely to occur in a national park or A Class nature reserve, that national park or A Class nature reserve might be declared 'open' for exploration and mining, subject to rigorous environmental controls.*

*Appendix 1 contains the recommendations of the Committee on Exploration and Mining in National Parks and Nature Reserves.

**Environmental Protection Authority recommendations for conservation reserves in Western Australia published in separate 'Red Books' 1975, 1976, 1980 and 1983.

In coming to these conclusions the Authority has had regard to the views widely held in the community and strongly advocated internationally that reserves for conservation, particularly national parks, should be closed to conflicting land uses. Further the EPA finds persuasive arguments developed overseas as well as within Australia, that mining activity in reserves should be progressively phased out.

The Authority would like to see the objective set for Western Australia that by the year 2001 all conservation reserves should be managed solely for the purposes for which they are set aside. Additionally, where in the interim an explorer has been denied access to a national park or nature reserve, no further application from that explorer for access to that locality should be considered within five years.

The EPA additionally recommends that:

- . *If Government adopts a restricted policy that national parks and nature reserves may be declared 'open' for mineral exploration activity under exceptional circumstances, the policy should not apply beyond the year 2001.*

After that date no new exploration or new mining operations should be permitted in such areas; and

- . *Individuals or companies denied an exploration licence in a national park or nature reserve should not be eligible to reapply for a licence for the same national park or reserve within five years of the date of refusal.*

Where a rare and perhaps valuable mineral, or unusual geological anomaly is reflected in a 'unique' community of plants and animals, or in dramatic landscape features in a national park or nature reserve, alternative sources of the mineral or its product should be considered.

The public and the Authority could well be guided by a register listing strategic, rare, or economically important minerals. This would assist the Authority to make judgements on the importance of a mineral in a conservation area.

The EPA therefore recommends that:

- . *A publicly-available register listing minerals considered to be strategic or rare, or economically important be kept by Government; the register to be amended as circumstances change.*

1. INTRODUCTION

In October 1985 the Government set up a Committee to receive submissions and make recommendations on exploration and mining activities in national parks and nature reserves (Committee on Exploration and Mining in National Parks and Nature Reserves 1986). The Committee of three comprising Dr John Bailey as Chairman, Mr Chris Haynes, and Dr Phil Playford was asked to report on:

- (1) Appropriate government policy concerning exploration and mining activities in national parks and nature reserves.
- (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.
- (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.
- (4) Means of authorising access to national parks and nature reserves in order to mark out tenements.
- (5) Whether exploration in national parks and nature reserves without holding a tenement should be allowed, and if so, under what conditions.

The Committee reported to the Honorable Ministers for Conservation and Land Management, and the Environment; and Minerals and Energy, in December 1986.

The review arose out of the dilemma as to whether to continue to approve mining exploration, and in consequence possibly disruptive mining, in Western Australia's national parks and nature reserves.

Mineral production in the State has generated substantial wealth and contributed greatly to Australia's economic well-being. In this regard, the State needs to know where its resources lie, so that it may draw continued prosperity and security from the exploitation of these resources. On the other hand, there is arguably an equal, if not greater merit, in conserving superior elements of the natural environment, to ensure the retention of genetic diversity, and to provide for the aesthetic, cultural and recreational needs of the wider population, both present and future. Mining in national parks and nature reserves though generally a once only activity, results in environmental alteration of a kind that can be seen as incompatible with the maintenance of these objectives.

The Committee in considering these issues made 18 recommendations. One recommendation (No 2) is pivotal to the rest. Principally, the Committee found 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 granting of exploration licences, or reclassified" in such a way as to accommodate exploration.

The issue at stake is the desirability or otherwise of allowing the granting in the first instance of exploration licences in national parks and reserves which normally would be expected to be closed, by way of providing for them

to be 'open'. After careful consideration, the EPA supports the principal finding "that exploration licences should not normally be granted in national parks and A Class nature reserves".

The Committee also considered that it was appropriate to locate and document all the resources - both biological and physical - within national parks or nature reserves. This information forms the basis of management plans. It also adds to the overall body of knowledge about the resources of the State. 'Geoscientific survey work' was felt by the Committee therefore to be justified and should be subject to conditional permit.

2. CONSIDERATION OF CONSERVATION RESERVE AND MINERAL EXPLORATION ISSUES

2.1 CONSERVATION THROUGH RESERVATION

The examination undertaken by the Committee included a detailed review of relevant literature as well as a consideration of views of the public as expressed through written submissions.

The report gave substantial weight to international opinion relating to conservation of the environment, particularly the means for achieving conservation, as well as the categories for reservation, as promulgated by IUCN* a division of UNESCO.

The Committee concluded that national parks were different from other conservation reserves, in that in addition to having an objective of conserving the natural environment, they also cater for public use and appreciation. Nature reserves on the other hand, have a generally restricted level of public access, and have a primary purpose of allowing natural processes to take place without human intervention or impact. The EPA supports this conclusion.

It is the Authority's further understanding that most governments recognise national parks as the most desirable form of nature reservation not only for conservation reasons, but also as important elements in attracting tourism. However, often areas of majestic landscape, shaped from unusual geological events, lend themselves to dedication as reserves or parks. This is frequently so where rarer plants and animals are associated with uncommon rock types and structures. Ironically, these areas sometimes coincide with highly-mineralised belts.

The conflict between areas of scenic attraction which may include sites of rarer flora and fauna, and mineralisation, has to be recognised and appropriately reconciled and managed.

Tourism in Western Australia is an expanding industry. It is compatible with the objectives of national parks where the activities of people can be appropriately regulated. Controlling visitor use, however, may take considerable effort.

*IUCN - International Union for the Conservation of Nature and Natural Resources.

The concept of ensuring ecological diversity through protection of representative components of the environment is widely accepted throughout the world. The commitments that should be undertaken towards this are set out in the World Conservation Strategy (1980) which Australia has endorsed as well as the National Conservation Strategy (1984) developed by the Commonwealth Government. More recently the State Conservation Strategy for Western Australia (1987) adopts as a principle the need "to adequately protect and manage representative areas, as well as striving to prevent further decline in species and genetic diversity." The objective of ensuring 'representativeness' is through protecting as many species as possible by managing diverse ecosystems. In this context scientific benchmarks can be established to form a basis against which changes to the environment can be identified and measured.

The Environmental Protection Authority set out to protect representative areas in its Conservation Through Reserves studies in the 1970's and early 1980's. Subsequently, Government has endorsed the Authority's four 'Red Books' (1975, 1976, 1980, 1983). To date 65% of the various recommendations have been implemented, resulting in a significantly increased national park and nature reserve network throughout Western Australia. The area of these reserves represents only about 5.6% of the State's land surface.

In the opinion of the EPA, acceptance of any concessions by Government in terms of permitting mining in areas reserved for conservation, cannot be divorced from the objective of achieving the minimum area of reserves, identified through the 'Red Books' by the EPA as essential for conservation. This means that there should be a continued commitment by Government in implementing the remaining 35% of outstanding recommendations before encouraging alternative and conflicting land uses such as exploration and mining on reserved land.

In viewing the report and recommendations of the Committee the EPA concludes that:

- . As a concomitant of implementing the principal recommendations of the Committee's report an active commitment should be made by Government towards finalising outstanding EPA recommendations on the various Conservation Through Reserves reports, as far as reasonably practical.*

2.2 MINING ON RESERVED LANDS

A review of practices overseas throws light on how comparable countries resolve the question of what is perceived as the incompatibility between mining and conservation.

Mining-related activity in national parks and nature reserves is mostly prohibited, with few exceptions (Lucas 1981; Mayer and Riley 1985). Most documented information discusses the experience of the United States, Canada and the United Kingdom, although broader ecological issues world-wide are also considered in UNESCO publications.

Within the United States exploration and mining are prohibited from national parks, except where pre-existing rights acquired under the (US) 1872 Mining Law prevail, or where special legislation has opened particular areas to mining. Normally in this latter case park boundaries have been adjusted to exclude from the park the area of operation. More recently Congress

(1976)^{1,2} has moved to close new mining activity in national parks and some other public lands subject to the 1872 legislation, but the law does not override existing claims.

In Canada, mining activity in national parks is mostly excluded under the 'Parks Canada Policy' (Parks Canada 1979). Furthermore, that policy provides for pre-existing "natural resource use" entailing mining to be terminated before a national park is established. However, some Dominion legislation relating to the Canadian Territories, permits mining in parks on long-standing leases (Gardner and Nelson 1980).

In the United Kingdom, mining is accommodated in national parks where it can be shown that there is a compelling national, regional, economic or strategic need. In such cases these benefits must be seen to outweigh conservation values (Lucas 1981). However, many British national parks include areas already modified by human activity, although the present thrust is towards conserving in national parks, features of outstanding natural beauty (The Conservation and Development Programme for the UK 1983).

In developing countries, experience shows an inclination towards accepting mining in nature reserves, although clearly-defined wildlife habitat and 'wildlife refuge' areas are by and large totally protected.

In the United States, where substantial public lands have been subject to the 1964 National Wilderness Preservation System Act, concessions were provided for mining interests (Matthews, Haak and Toffenetti 1985).

That Act allowed 'wilderness' areas to remain open to mineral exploration for 19 years until 1 January, 1984. From then mining could only take place on valid existing claims, but no further prospecting would be allowed. As a counterbalance however, the various US land management agencies were given discretionary powers under the Act to regulate activity to protect wilderness values. Interestingly, most US administrations since 1964 tended to discourage mining-related activity in wilderness areas (Mayer and Riley, 1985), although in the early 1980's there was a concerted effort by industry for the relaxation of restrictive provisions.

2.3 WESTERN AUSTRALIAN EXPERIENCE - EPA CONSIDERATIONS

Geologically much of Western Australia is still not well known. Broad-scale mapping of the State at 1:250 000 level was only completed a few years ago, and more detailed geological mapping as the basis for further mineral exploration within the State is now in progress (Playford 1987). Over large areas, features of rock type and structure are obscure or concealed under deeply-weathered terrain. It is reasonable to expect therefore, that there are zones of prospectivity which have yet to be adequately explored, and as technology improves many known mineralised areas may need to be re-evaluated. It is also likely that minerals currently of low value, even if their location is known, may well in time become economically more important.

1. National Parks System, Mining Activity Regulation. 94-429.

2. Federal Lands Policy and Management Act. 94-579.

These issues were discussed by the Committee in Chapters 2, 3, 4 and 5 of their report (Committee on Exploration and Mining in National Parks and Nature Reserves 1986).

The Mining Act 1978 provides that reserves, including national parks and nature reserves, may be open for exploration and possibly mining, under certain conditions. This essentially has been the policy for Western Australia over the past 90 years. As noted (2.2), allowing mining in reserves, particularly national parks, is generally inconsistent with international standards.

The EPA, shortly after its inception in 1971, considered the problems of mining access to reserve land. In the first place the Authority established the Conservation Through Reserves Committee to review the adequacy of national parks and nature reserves of the State; and on the other, the Government was advised during drafting of new mining legislation, the Mining Act 1978, that subject to consultation with the Minister for Environmental Protection about the setting of conditions, exploration could take place in A Class reserves and national parks (Environmental Protection Authority 1972).

Since then, this has largely been the position of the EPA and its specialist committees (eg Conservation and Environment Council 1972, 1973; Review Committee on Recommendations for Reserves in the South-West 1975).

In some cases the Authority recommended action to mitigate the effects of mining activity. In others 'trade-offs' have been negotiated aimed at further securing or increasing the reserves concerned. For example in 1971 with respect to the search for montan wax in the Fitzgerald River Reserve (then C-Class), the EPA recommended that the State undertake the detailed exploration needed to prove the resource by agreement with the Company involved, and in addition dedicate the reserve as national park. Both recommendations were followed by the Government of the day. The exploration programme which involved drilling on a grid pattern proved the montan wax deposit to be uneconomic.

Similarly, following EPA advice boundary adjustments were made to Hamersley Range National Park in 1972, to bring into the reserve scenic attractions previously outside, and to remove from the park substantial iron ore tenements which were considered to be unviable.

As a result of the 'opening-up' for mining of Rudall River National Park in 1977, shortly after the park was established, the EPA recommended a set of conditions on exploration to the (then) National Parks Authority and Western Australian Wildlife Authority, and the Mines Department, which were jointly agreed. Regulation of exploration in national parks and nature reserves has continued on the basis of these conditions, albeit modified as appropriate for the reserve in question. The more recent general conditions are set out in Section 3.2.1 in the Committee's Report.

In 1983 some gold mining leases were pegged and partly worked in a remote area of Hamersley Range National Park. The EPA (1984a), after assessing the environmental implications of a proposal to carry out alluvial gold mining at this locality, developed the view 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(and)

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

At other times the EPA has warned against the incremental loss of natural environment resources for development purposes, and has advocated for compensatory increases to the State's reserves system (Environmental Protection Authority 1980). In the same vein where developmental pressures have been affecting a national park the EPA has called for greater resources to be allocated for management purposes. A recommendation of this kind was made with regard to the Newman-White Springs section of the new national highway through Hamersley Range National Park (Environmental Protection Authority 1984b).

The EPA sees no reason to depart from its earlier position.

3. ECONOMIC AND RELATED FACTORS

Two main issues concerning the economic evolution of conservation reserves have been identified. These are:

- (a) the cost of excluding from investigation areas which reasonably might contain marketable resources; and
- (b) on the credit side, consideration of the revenue generating capacity of tourism, based on natural attractions.

Neither aspect can be realistically evaluated in the absence of knowledge of the overall biophysical resources of the areas concerned. This information base should include documentation of not only the flora and fauna present, but also an appreciation of an area's 'attractiveness and scientific worth', as well as mineral deposits, usable water resources and basic raw materials.

The EPA therefore concurs with the Committee's view that the argument for a fuller accounting of the resources within national parks and nature reserves, is compelling.

It is clear that Australia has a resource-intensive economy. Although in time the dependence on natural resources or consumable energy may be reduced, a solution is not close at hand. Whilst the World, National and State Conservation Strategies point the way to a more conserving society, there is a community expectation that some resources should continue to be exploited for the security or prosperity of the nation even if in conservation areas. This is particularly true of strategic or rare minerals and hydrocarbons. There may be other minerals also which are not specifically strategic or rare, but nonetheless are economically important.

This Authority is not competent to say what commodities constitute strategic, rare or economically important minerals, as raw materials necessary to provide security for the nation. The Federal Government's schedule of prohibited mineral exports* may however give a broad guide.

*Customs (Prohibited Exports) Regulations 1980 (as amended) - Seventh and Ninth Schedules.

An additional factor as noted earlier (2.1), is that a rare or valuable mineral may very probably be reflected in the natural environment by a unique community of plants or animals, or an impressive and unusual landform. For these very reasons such areas might be in a national park or nature reserve. It seems reasonable therefore, for the State to encourage the search for such minerals toward geologically related areas outside conservation reserves.

In this context, before opening a national park or nature reserve to exploration, it needs to be demonstrated that there is a lack of available, alternative geological occurrences, of the type likely to host the minerals being sought.

The value or relative worth of a product also needs to be carefully considered. Minerals of high economic value, even though common, may well be regarded as important. It seems reasonable also for the Government to define clearly materials which would fall into this category. The establishment of a register of minerals seems appropriate, but recognising that market conditions could well cause rapid demand/price fluctuations, and therefore that index would need to be easily amendable as circumstances change.

The EPA recommends that:

- . *A publicly-available register listing minerals considered to be strategic or rare, or economically important be kept by Government; the register to be amended as circumstances change.*

Presently in Western Australia there is an increasing rate of prospecting activity, even over reserved lands, although no new mines have been established in national parks. A rush to commence actual mining is unlikely, despite the probability of some viable ore-bodies being proven. Nevertheless mining companies that choose to explore in national parks appreciate the reality that exceptional circumstances would need to be demonstrated before approval to establish a mine was granted.

The severity of impact of a mining operation on the environment is variable. As discussed by the Committee in their report the effect will depend on factors such as the size of the reserve and its environmental qualities, as well as the extent and type of mining proposed. On this basis, the Authority believes that the mining industry should not expect that an automatic right exists to mine if an economic mineral deposit is found in a national park or A Class nature reserve, nor should a mining company receive compensation if mining is refused. Much will depend on circumstances, for example underground mining proposals leading to a lowered environmental impact are more likely to receive approval than surface-disturbing, open-cast mining operations.

The EPA accepts the argument of the Committee that "as a starting point for a policy of flexibility", national parks and nature reserves should be "safe from ground-disturbing exploration and productive mining until the acceptability of such activities has been established". In regard to resolving the dilemma and justifying this "acceptability", the Committee came forward with its first two recommendations (Appendix 1).

For these reasons the EPA forms the opinion, and advises that:

- . *National parks and nature reserves should normally be free of mining-related activity.*

- . *If minerals deemed to be strategic, rare or economically important can be demonstrated as likely to occur in a national park or A Class nature reserve, that national park or A Class nature reserve might be declared 'open' for exploration and mining, subject to rigorous environmental controls.*

The Committee's recommendations 1 and 2 generally conform to this opinion. However, by way of refinement the EPA sees merit in the progressive removal of non-conforming uses from national parks and nature reserves, as is the trend overseas. It is the Authority's belief therefore, that a reasonable time limit should be set to phase-out mining-related activity from national parks and nature reserves. Fourteen years, to the year 2001, is probably reasonable.

The EPA recommends that:

- . *If Government adopts a restricted policy that national parks and nature reserves may be declared 'open' for mineral exploration activity under exceptional circumstances, the policy should not apply beyond the year 2001.*

After that date no new exploration or new mining operations should be permitted in such areas.

The EPA's attention has been drawn to practices and procedures in place elsewhere regarding limiting the effects of disruptive activities on the life-style and pursuits of some indigenous peoples. Experience suggests that external pressures are reduced where mineral exploration for example, is limited to a few individuals or companies. The eligibility of explorers to apply continually for exploration licences over national parks and nature reserves needs reconsideration. Where by reason of lack of merit, or for reasons to protect special qualities, a prospector is denied an exploration licence in a national park or nature reserve, that explorer should not be able to reapply for a licence to the area in question for a period of five years. External pressures upon conservation areas will thereby be reduced. This proposal is similar to procedures recommended in respect to mining applications in the Northern Territory that potentially disrupt the culture and life-style of indigenous occupants.

In taking this view the Authority places a very high value on the protection of conservation reserves. The Authority believes in this regard, that such a moratorium should apply both to individuals and companies, which once denied an exploration licence should not be able to reapply on the basis of changed exploration programme, minerals being sought; or indeed change of company name or ownership.

The EPA recommends that:

- . *Individuals or companies denied an exploration licence in a national park or nature reserve should not be eligible to reapply for a licence for the same national park or nature reserve within five years of the date of refusal.*

4. PROCEDURES FOR MANAGING EXPLORATION AND MINING IN NATIONAL PARKS AND RESERVES

Of the 18 recommendations of the Committee the majority dealt with mechanisms that should be put in place to manage mining-related activity.

The first step suggested is to identify from time to time those national parks and nature reserves, or parts thereof, that because of sufficient prospectivity could be declared 'open'. This step is to be followed by procedures to be put in train to test whether it is in the State's interest to do this. Recommendations 3 to 6 of the Committee cover these arrangements.

The matter of deciding whether a reserve is sufficiently prospective is, by the Committee's judgement, left to the Mines Department. It is the EPA's view also that that Department is best placed to make such decisions.

The decision on advising Government actually to open a national park or nature reserve to exploration is left to the Environmental Protection Authority, assisted by a specialist Committee. The functions of the EPA include advising generally on environmental protection and coordinating-related activities. The Authority is expected to act in such matters in the public's interest.

The EPA also sees that there is a need to ensure sufficient checks and balances in the system to allow the Department of Conservation and Land Management to manage a national park or nature reserve for its prime purpose, whilst approved exploration is underway. One way of achieving this is, as recommended by the Committee (Recommendation 3) for that Department to be represented on the group assisting the EPA in determining whether a reserve should be declared 'open'.

The EPA is also aware of the need for boundaries of national parks and reserves to be rationalised from time to time. This can be for a number of reasons. Some such changes have in fact occurred over recent years; for example:

- (a) for urban and regional planning reasons (Yalgorup and Leeuwin-Naturaliste National Parks);
- (b) for better road alignments (Stirling Range and Hamersley Range National Parks); and
- (c) for pastoral purposes as well as local open-space rationalisation (Kalbarri National Park).

It is also logical for boundary adjustments to be made to parks and reserves to meet management objectives on the one hand, and to allow for the excision of prospective areas on the other. This latter action should not be followed where exclusion of a prospective area would result in the loss of conservation values not replaced by reservation of an alternative area with either generally similar values, or other values worthy of inclusion.

The EPA notes the other recommendations of the Committee and views these as consequential and reasonable. The procedures set out in Figures 5 and 6 of the Committee's report, however, need evaluating by the Departments involved to ensure that the suggested arrangements are practical.

5. CONCLUSIONS

Having regard to comparative overseas experience, and prior Western Australian practices, the Authority adopts as its basic criterion that mining-related activity should not normally be permitted in national parks or nature reserves.

The EPA recognises that there are arguments however, to suggest that suitable arrangements may be made to allow in the public's interest controlled mineral exploration in national parks and nature reserves declared 'open' for the purpose.

The Authority is not totally opposed to such a conclusion if concurrently the system of conservation reserves that the EPA has long advocated is finalised. Secondly, the presumption against exploration of prospective areas in reserves can only be overcome where exceptional circumstances are demonstrated to justify the 'opening-up' of national parks and nature reserves to non-conforming activity.

This is, to a large extent the position reached also by the Committee.

Going further than the Committee, because the EPA believes in the very high value of conservation reserves, exploration and mining in reserves of high status should be progressively phased-out, with the year 2001 seen as a reasonable time to terminate such activity.

Generally the EPA accepts the various procedural recommendations of the Committee subject to the changes and further observations made herein.

These would ensure an orderly and systematic approach to solving the conflicts inherent in allowing mining activity in national parks and nature reserves.

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APPENDIX

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:

*The Department of Conservation and Environment is now known as the Environmental Protection Authority.

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

- . 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
- . 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,

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

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.

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.

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

*The Department of Conservation and Environment is now known as the Environmental Protection Authority.

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

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.

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.

*The Department of Conservation and Environment is now known as the Environmental Protection Authority.

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.

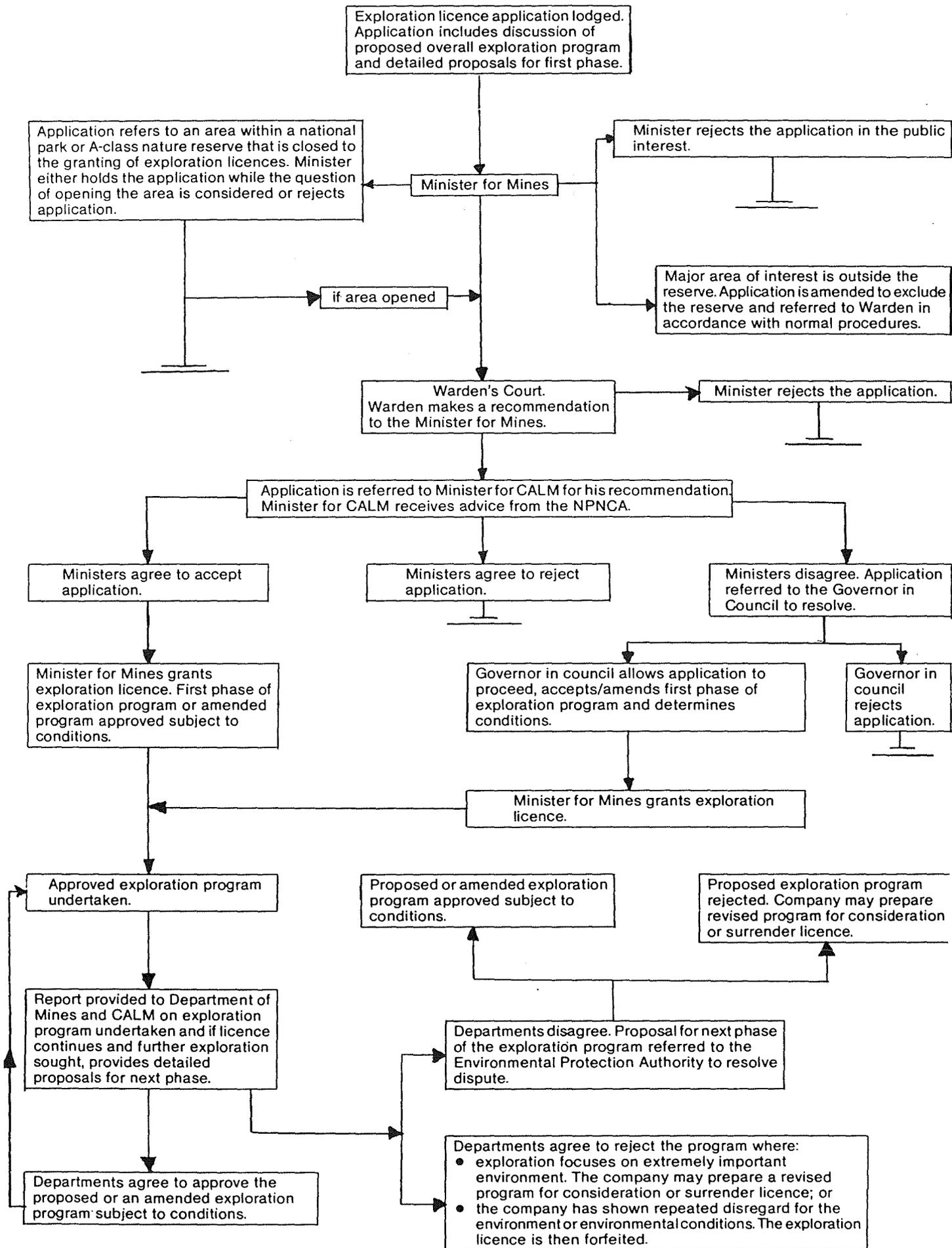


Figure 5. Procedure for reviewing exploration licence applications and exploration programs over national parks and nature reserve

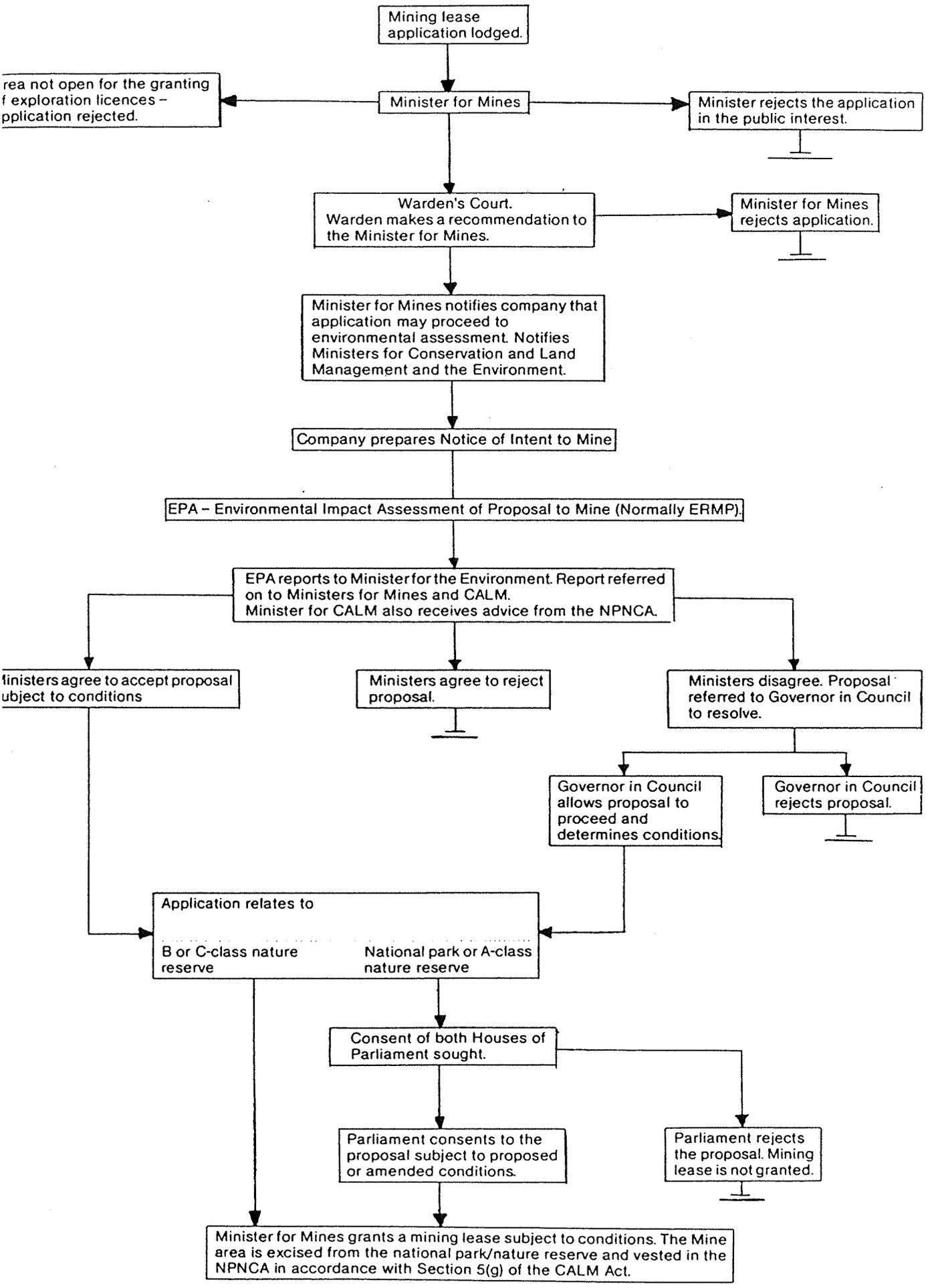


Figure 6. Procedure for reviewing mining lease applications over national parks and nature reserves