



MINERALS COUNCIL OF AUSTRALIA

INQUIRY INTO AUSTRALIA'S NATIONAL PARKS, CONSERVATION RESERVES AND MARINE PROTECTED AREAS

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EXECUTIVE SUMMARY

The Minerals Council of Australia (MCA) welcomes the opportunity to provide a submission to the Senate Environment, Communications, Information Technology and the Arts References Committee Inquiry into Australia's National Parks, Conservation Reserves and Marine Protected Areas.

The MCA supports the role of National Parks, other conservation reserves and marine protected areas as an essential component of sustainable development, and Australia's approach to biodiversity conservation.

The minerals industry is committed to the effective integration of biodiversity and heritage management at operations, particularly where this intersects with protected areas. This is evidenced by the innovative Arid Recovery Program for the management of arid-zone threatened species, which is outlined in more detail in Section 3.2 of this submission. Significant opportunities exist to enhance the contribution that these areas make to sustainable development.

The MCA advocates a system based on the principles of multiple and sequential land use to ensure that land uses compatible with the development of protected areas are properly considered during the planning and ongoing management of these areas.

Accordingly, the MCA advocates the following measures to improve the planning and management of national parks, conservation reserves and marine protected areas:

- > the planning and ongoing management of protected areas should aim to maximise the opportunities for multiple and sequential land use;
- > geoscience data and potential mineral resources be specifically considered during the planning of new protected areas;
- > that there be a greater focus on considering the sustainable development of mineral resources before areas are included in protected areas as a sequential land use;
- > additional joint industry/government collaborations aimed at enhancing the management of protected areas be developed to maximise the sharing of skills and experience in biodiversity and heritage management;
- > the further development of systems for the recognition and inclusion of traditional knowledge held by Indigenous communities in

the planning and management of protected areas;

- > there should be an immediate increase in funding for protected areas, particularly at the State and Territory government level, focused on the following areas:
 - effective monitoring and management of natural ecosystem processes, particularly fire;
 - effective engagement with traditional owners on current and future land uses;
 - the effective identification, recording and preservation of heritage values (both Indigenous and non-Indigenous);
 - the control of weeds, feral animals and inappropriate uses within the reserved areas; and
 - engagement with, and management of landscape-level processes such as migration and dispersion of animal populations, particularly the maintenance of wildlife corridors;
- > any additional protected areas should be accompanied by a comparable increase in resources;
- > existing joint industry/government initiatives should be expanded wherever possible, including the extension of work under offsetting schemes into protected areas, where appropriate;
- > undertaking works and/or land swaps within protected areas be considered when developing offsetting arrangements to manage the adverse impacts of mineral projects and enhance overall conservation outcomes;
- > global consistency in maritime regulation should be achieved through consistent national implementation of international conventions; and
- > the management of the potential impacts from shipping and port infrastructure on marine protected areas should be risk based, and implemented in a collaborative way that recognises the needs of all users.

1. THE MINERALS COUNCIL OF AUSTRALIA

The Minerals Council of Australia (MCA) represents Australia's exploration, mining and minerals processing industry, nationally and internationally, in its contribution to sustainable development and society. MCA member companies produce more than 85 per cent of Australia's annual mineral output.

The MCA's strategic objective is to advocate public policy and operational practice for a world-class industry that is safe, profitable, innovative, environmentally and socially responsible, attuned to community needs and expectations.

The MCA recognises that the future of the Australian minerals industry is inseparable from the global pursuit of sustainable development. Through the integration of economic progress, responsible social development and effective environmental management, the industry is committed to contributing to the sustained growth and prosperity of current and future generations.

2. BIODIVERSITY IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT

2.1 Enduring Value – the Australian Minerals Industry Framework for Sustainable Development

To give effect to the industry's commitment to sustainable development, the Minerals Council of Australia has developed *Enduring Value – The Australian Minerals Industry Framework for Sustainable Development*.

Developed with the input of over 900 stakeholders, Enduring Value provides an operational framework for the integration of environmental, economic and social considerations into mining and minerals processing operations at the site level. Commitment to Enduring Value is a condition of membership of the MCA, however non-MCA companies are also eligible for signature to this framework.

Commitment to Enduring Value includes several obligations, including:

- the progressive implementation of ICMM principles and elements contained in the Framework;
- public reporting of site-level performance, on a minimum annual basis, with reporting metrics self-selected from the Global Reporting Initiative (GRI), the GRI Mining and Metals Sector Supplement, or self developed; and
- assessment of the systems used to manage key operational risks.

Principle 7 of Enduring Value requires signatories to "Contribute to conservation of biodiversity and integrated approaches to land use planning.

More specifically, Element 7.3 of Enduring Value requires companies, among other things, to "support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity conservation and mining".

To provide further assistance for site level implementation of these goals, the implementation guidance for Enduring Value includes specific reference to the management of biodiversity and protected areas, covering:

- the inclusion of sustainable development considerations in the planning, design, and closure of operations (Element 2.2);
- assessment of the positive, negative, indirect and cumulative impacts of new projects, from exploration through to closure (Element 6.1);
- implementation of environmental management systems focused on continual improvement (Element 6.2);
- the rehabilitation of land disturbed by operations, including stakeholder engagement on final land uses (Element 6.4);
- designing and planning operations to ensure that adequate resources are available to meet closure requirements (Element 6.5);
- respect for legally designated protected areas, particularly with respect to the ecosystem integrity of these areas (Element 7.1); and
- support for the development scientifically sound, inclusive and transparent procedures for integrated land use planning, biodiversity conservation and mining.

2.2 Principles of multiple and sequential land use

The MCA advocates the application of multiple and sequential land use principles in land use planning and management. In applying these principles, the MCA considers that:

- a precautionary approach should be adopted in making decision about tenure and reserve boundaries, so that options for future generations are not foreclosed;
- regulatory arrangements should not presume incompatibility between uses of land;
- decisions regarding access to land should be based on rigorous scientific assessment and genuine engagement with affected communities;
- the effects of development-environment interactions should be assessed on a case-by-case basis that focuses on the actual risk posed by proposed developments;
- transparent environmental impact assessment processes should be used to evaluate development proposals and to ensure maintenance of significant environmental values; and
- levels of management and controls should be appropriate for the environmental sensitivity of the area in question.

The MCA considers these principles fundamental to achieving, simultaneously, the nation's economic and conservation objectives.

Through the application of leading practice technological and management approaches, minerals exploration can be undertaken in ecologically sensitive areas without compromising biodiversity and heritage values.

The impact of any subsequent minerals development would depend on the mining and rehabilitation technologies to be employed and the environmental and heritage values in the area. It should be possible to protect significant environmental values whilst allowing development to proceed. Accordingly, the availability of cleaner and less intensive mining and processing technologies (such as in-situ leaching) should also be included as factors in the assessment and related decision making for new reserve areas.

The Minerals Council does not advocate access to existing National Parks, where such access is currently prohibited, but rather advocates the application of these principles during the planning of new protected areas.

Recommendation:

The MCA recommends that the planning and ongoing management of protected areas should aim to maximise the opportunities for multiple and sequential land use.

2.3 Mining and World Heritage Areas

The MCA recognises that, in some cases, exploration and mining development may be incompatible with the objectives for protected areas, even after all technically and economically feasible steps to reduce adverse impacts have been considered.

In line with the International Council on Mining and Metals (ICMM) commitment of August 2003, the MCA recognises World Heritage Areas as 'no go' zones for mining and exploration. This was widely lauded internationally as a landmark commitment with respect to the interaction between mining and protected areas.

Where existing operations are within or directly adjacent to World Heritage properties, ICMM members, including MCA member companies, will ensure that operations on these sites are not incompatible with the outstanding universal values of these areas, and do not put the integrity of these properties at risk.

2.4 ICMM/IUCN dialogue on protected areas

Through our relationship with the ICMM, the MCA is engaged in a strategic dialogue with the IUCN – the World Conservation Union on:

- developing and promoting best practice guidance in the area of biodiversity conservation;
- ensuring that the criteria for assessing potential protected areas are based on the principles of sustainable development and include a rigorous science-based assessment that includes both natural resource and mineral values;
- developing a science-based set of explicit principles and procedures to assist governments in decisions to restructure the management of degraded protected areas;

- developing a science-based approach to define the conditions under which mining may access (or be excluded from) each of the IUCN protected area classifications; and
- managing the de-designation and/or adjustment to the boundaries of legally designated protected areas.

It is anticipated that the outcomes of this dialogue will provide the basis for an agreed ICMM/IUCN position on:

- 'no-go' areas for mining;
- guidance for companies on biodiversity management; and
- the basis of a nationally consistent system for the management of interactions between mining and protected areas.

3. RESOURCE AND INFORMATION NEEDS FOR RESERVE DESIGN

3.1 The role of pre-competitive geoscience data in reserve design

The availability of high-quality digital pre-competitive geoscience data is an essential input to both exploration and reserve design. The use of geoscience data in reserve design represents leading practice, and facilitates:

- the adoption of a science-based approach that includes consideration of the principles of multiple and sequential land use (as outlined earlier);
- the targeting of specific ecosystems, such as vegetation communities dependent on a particular soil type; and
- the recognition that the maintenance of areas with mineral potential in an undisturbed state is not a costless exercise, and that the sterilisation of these resources represents a lost opportunity for sustainable development.

The MCA recommends that when building a set of baseline data to support decisions on reserve design, information on the mineral development potential of areas proposed for listing for protection, including potential World Heritage properties, must be considered.

When developing new protected areas, the active consideration of mineral resource potential may allow for the sustainable development of these resources, particularly where post-mining rehabilitated areas are incorporated into reserved areas as a sequential land use, whilst ensuring the protection of environmental and heritage conservation values.

Recommendation:

The MCA recommends that:

- geoscience data and potential mineral resources be specifically considered during the planning of new protected areas; and
- that there be a greater focus on considering the sustainable development of mineral resources before such areas are included in protected areas as a sequential land use.

3.2 Inclusion of Indigenous knowledge in reserve design and management

It is essential to ensure that community engagement programs associated with National Parks, conservation reserves and marine protected areas are conducted in a way that is sensitive to the rights and interests of Indigenous communities.

Ideally these programs should be focused on directly involving relevant Indigenous communities in the planning and management of protected areas. This approach has the following advantages:

- access to improved knowledge on ecological interactions, heritage values and other areas critical to successful reserve design and management;
- better recognition and integration of traditional knowledge in both reserve design and ongoing management, particularly where this can be linked to wider regional development outcomes;
- improved coverage for management or consultative committees and other planning bodies; and
- direct employment.

Further development and refinement of systems for optimising the use of traditional knowledge that is respectful of Indigenous people's ownership of that knowledge is needed, and the related Indigenous protocols regarding its use.

Recommendation:

The MCA recommends the further development of systems for the recognition and inclusion of traditional knowledge held by Indigenous communities in the planning and management of protected areas.

3.3 Landscape level biodiversity planning

The MCA advocates the development of landscape-level biodiversity planning such as the regional biodiversity plans being implemented in several States and Territories. Planning at this level is an effective way to manage issues such as wildlife corridors, management of environmental water allocations and the management of threatened species and ecological communities during the assessment and approvals process.

The design of these schemes should also include adequate consideration of areas with potential mineral resources. This is particularly the case where these plans include the determination of 'no-go' areas for mineral exploration and mining.

The adoption of landscape-level biodiversity planning has the potential to establish a nationally consistent approach to the management of biodiversity. This approach is an effective mechanism for improving consistency between jurisdictional boundaries, enabling a science-based decision making process to be applied at the landscape level.

4. RESOURCE AND INFORMATION NEEDS FOR ONGOING MANAGEMENT

4.1 Funding of existing National Parks

The Minerals Council considers there has been a chronic failure, particularly at the State and Territory level, to adequately resource existing reserve areas, while simultaneously expanding the total conservation estate. This has resulted in both a reduced ability for National Parks and conservation reserves to contribute towards biodiversity conservation, and a reduced level of public confidence in reserved areas as a mechanism for effective conservation.

Recommendation:

The MCA recommends increased resourcing for protected areas, particularly at the State and Territory government level, focused on the following areas:

- effective monitoring and management of natural ecosystem processes, particularly fire;
- effective engagement with traditional owners on current and future land uses;
- the effective identification, recording and preservation of heritage values (both Indigenous and non-Indigenous);
- the control of weeds, feral animals and inappropriate uses within the reserved areas; and
- engagement with, and management of landscape-level processes such as migration and dispersion of animal populations, particularly the maintenance of wildlife corridors.

4.2 Building capacity in biodiversity management

The Australian minerals industry makes a significant contribution towards scientific research with both a direct and indirect focus on more effective management of reserved areas. A number of MCA member companies manage significant habitat areas and heritage sites as part of their operations further increasing industry skills, knowledge and experience in biodiversity management. Where appropriate, this work is conducted in collaboration with government, research organisations, non-government organisations and local communities.

Whilst this research is focused primarily on ameliorating the environmental impacts arising from mining, it also has significant potential for improving the ongoing management of national parks and other protected areas.

Key examples include the development of innovative practices for:

- the more effective establishment of native vegetation;

- the management of vertebrate pests and weed species; and
- measurement and monitoring of both flora and fauna, particularly for rehabilitated areas.

The Arid Recovery Project, a joint venture between WMC Resources – a BHP Billiton company, Department for Environment and Heritage South Australia and the Friends of Arid Recovery aims to facilitate the restoration of arid zone ecosystems through on-ground works, applied research and industry/community partnerships.

As part of this innovative research program, a rabbit, cat and fox-proof fence has been constructed to enclose a 60-square kilometre reserve from which domestic stock and feral animals have been removed. The Reserve is situated partly on the Olympic Dam mine lease and partly on four neighbouring pastoral stations. There has been significant vegetation regeneration within the Reserve, and small native animals are thriving. In the absence of feral predators, locally extinct species such as Greater Bilbies, Burrowing Bettongs, Greater Stick-Nest Rats and Westerns Barred Bandicoots have all been successfully reintroduced.

Research on broad-scale feral animal control is also being conducted to ensure that the gains being achieved within the reserve can be replicated in the wider region through sensitively managed mining and pastoral activities.

Other key research initiative being conducted on the site include:

- the trial of a modified fence design to enclose a further 26 square kilometres;
- the effectiveness of large-scale aerial fox baiting; and
- reintroduction of Greater Bilbies outside the fenced areas, particularly in terms of investigating the ability of Bilbies to adapt to the threat of predation by feral cats.

Arid Recovery is recognised as one of the leading research sites for the restoration of arid ecosystems and particularly for research into the interactions between native fauna and introduced predators. Projects such as this undertaken and resourced by the minerals industry represent real opportunities to enhance capacity in the effective management of biodiversity.

Recommendation:

The MCA recommends that additional joint industry/government collaborations aimed at enhancing the management of protected areas be developed to maximise the sharing of skills and experience in biodiversity and heritage management.

4.3 Potential for joint industry/government initiatives on offsetting

The practice of environmental offsetting is a commonly used regulatory approach, where a company is required to provide environmental services to compensate for unavoidable impacts (such as the removal of overburden) as a condition of project approval.

National Parks, conservation reserves and marine protected areas often represent the most important remaining populations and critical habitats for a wide range of species, as well as including significant heritage values. Accordingly, the MCA advocates the application of offsetting within protected areas where this will deliver the greatest benefit to biodiversity and heritage conservation. Such offsetting arrangements should specifically target the environmental values being impacted by minerals development, such as habitat for a specific threatened species or ecological community.

The MCA supports the inclusion of land swaps as part of offsetting arrangements to provide additional opportunities to enhance the reserve estate. This arrangement involves the purchase of non-reserved land of equal or greater conservation/heritage value to compensate for the disturbance of existing protected area of low conservation value. This may include areas of the conservation estate that have been degraded due to human disturbance or poor management. Given existing legal requirements for disturbed sites to be rehabilitated as part of mine closure, this can result in a significant net benefit for the environment and heritage values.

Recommendation:

The MCA recommends that undertaking works and/or land swaps within protected areas be considered when developing offsetting arrangements to manage the adverse impacts of mineral projects and enhance overall conservation outcomes.

5. ISSUES SPECIFIC TO MARINE PROTECTED AREAS

5.1 Ballast water management

The management of invasive species is a critical issue for marine protected areas, and ballast water represents one of the most significant vectors for the movement of pest species worldwide. Accordingly, the MCA supports the implementation of a nationally consistent, regulatory framework for ballast water management aimed at managing the risk of marine pest incursions and translocations. This framework should also be consistent with the International Maritime Organisation's (IMO) Convention for the Control and Management of Ships Ballast Water and Sediment and other existing international maritime regulation frameworks.

The shipping industry is a well-organised global industry and operates within a highly regulated environment established by the IMO and implemented by nation states. Global consistency in regulation is of paramount importance to shipping operations and services and is achieved through consistent national implementation of international conventions.

Understanding obligations and requirements under IMO regulations (and thence under Australian law), is a fundamental aspect of ship operation, and the industry has a proven record of compliance with the existing safety and environmental regulations.

Australia introduced mandatory reporting of ballast water management from 1 July 2001. The MCA commends the Australian Quarantine and Inspection Service for its implementation and management of those requirements, thereby enabling the industry to effectively demonstrate compliance domestically. The MCA also supports Australia's ratification of the subsequently developed IMO Convention.

With regard to coastal shipping movements, (Australian flag and international shipping), the MCA supports a non-prescriptive model to deliver an acceptable balanced outcome. This should be consistent with the objective of the IMO Ballast Water Convention and Australia's implementation of this Convention. Other options are far more invasive, more expensive and administratively complex. International vessels are aware of Australia's strict Port State Control and of our ballast water management requirements and, given this experience, are unlikely to deliberately attempt to breach Australian requirements. Similarly, inter- and intra- State movements of Australian flag shipping is aware of the implications of any failure to observe Australian Maritime Safety Authority, State or Federal quarantine requirements, or any other legal requirements.

The MCA strongly advocates the establishment of a nationally consistent model. It is regrettable that Victoria has introduced its own requirements ahead of the development of a national system, that Western Australia appears likely to do the same and that NSW has not signed onto the relevant joint Ministerial Council Inter-Government Agreement.

Recommendation:

The MCA considers that global consistency in regulation is of paramount importance to shipping operations and services and should be achieved through consistent national implementation of international conventions.

5.2 Management of shipping within the Great Barrier Reef Marine Park

The vast majority (over 99%) of Australia's mineral exports are transported via ship representing the largest bulk-shipping task of any nation in the world.

The MCA supports the existing compulsory pilotage requirements for the Great Barrier Reef Marine Park as a necessary risk-management arrangement to prevent shipping accidents that could threaten the World Heritage values of this area.

More broadly, the MCA supports the application of the following principles to manage the potential impacts of shipping on the values of the Great Barrier Reef:

- The waters of the Great Barrier Reef are a shared resource that provides a wide range of environmental, economic, cultural and recreational values to Australians and the international community. Regulation should aim to strike a pragmatic and practical balance between these interests.
- The approach to ship safety and environmental issues in the Great Barrier Reef should be based on a risk management strategy that aims to:
 - o identify risks and changes in risk factors over time;
 - o implement risk mitigation measures that are both operationally and cost effective;
 - o provide cost-effective incident response measures;

- be alert to and promote the application of new technology in improving risk management and incident response; and
- meet Australia's international treaty obligations.
- Shared amenities should imply shared obligations, with all users and other beneficiaries of the Great Barrier Reef prepared to accept responsibility for managing the risks to ship safety and the protection of the marine environment.
- Legislation or regulation that restricts competition and trade should be retained or proposed only if the benefits to the community demonstrably outweigh the costs and if the objectives cannot be achieved through other means.
- There should not be any arbitrary exclusion of a particular shipping activity or practice from the Great Barrier Reef area that is not based on the adopted risk management approach.

The MCA sees the integration of sustainable development principles into the conduct of shipping and associated port infrastructure as essential for the maintenance of the industry's social licence to operate. Accordingly, the MCA advocates the extension of these principles to other marine protected areas where there is a clearly identified need to manage risks from the operation of ports and associated shipping traffic.

Recommendation:

The MCA recommends that the management of the potential impacts from shipping and port infrastructure on marine protected areas should be risk based, and be implemented in a collaborative way that recognises the needs of all users.

6. CONCLUSION

The Australian minerals industry supports the role of national parks, conservation reserves and marine protected areas as essential to the effective conservation of biodiversity and heritage. In line with the industry's commitment to sustainable development and to effective biodiversity management, members of the MCA:

- > made a landmark commitment in relation to World Heritage Areas and is engaged in an ongoing dialogue with the IUCN to enhance the management of protected areas;
- > developed Enduring Value as a public commitment to continuous performance improvement in sustainable development, including through minimising the environmental impacts of minerals development during operations, and to rehabilitating sites once mining has ceased;
- > manage significant areas for biodiversity and heritage conservation and minimise impacts on adjacent conservation of marine protected areas;
- > are actively involved in research to improve the management of areas subject to minerals development, as well as the management of protected areas more generally; and
- > are developing strategic partnerships between industry, government and academia as appropriate to facilitate the exchange of skills and the building of further capacity in biodiversity and heritage management.

There remains significant untapped potential to enhance the contribution that these protected areas can make to sustainable development. Significant improvements could be made to national parks, conservation reserves and marine protected areas by adopting the principles of multiple and sequential land use during the planning and management of protected areas.

Recommendations:

In relation to the management of National Parks, conservation reserves and marine protected areas, the MCA makes the following recommendations:

- > the planning and ongoing management of protected areas should aim to maximise the opportunities for multiple and sequential land use;
- > geoscience data and potential mineral resources be specifically considered during the planning of new protected areas;
- > that there be a greater focus on considering the sustainable development of mineral resources before areas are included in protected areas as a sequential land use;

- > additional joint industry/government collaborations aimed at enhancing the management of protected areas be developed to maximise the sharing of skills and experience in biodiversity and heritage management;
- > the further development of systems for the recognition and inclusion of traditional knowledge held by Indigenous communities in the planning and management of protected areas;
- > there should be an immediate increase in funding for protected areas, particularly at the State and Territory government level, focused on the following areas:
 - effective monitoring and management of natural ecosystem processes, particularly fire;
 - effective engagement with traditional owners on current and future land uses;
 - the effective identification, recording and preservation of heritage values (both Indigenous and non-Indigenous);
 - the control of weeds, feral animals and inappropriate uses within the reserved areas; and
 - engagement with, and management of landscape-level processes such as migration and dispersion of animal populations, particularly the maintenance of wildlife corridors;
- > any additional protected areas should be accompanied by a comparable increase in resources;
- > existing joint industry/government initiatives should be expanded wherever possible, including the extension of work under offsetting schemes into protected areas, where appropriate;
- > undertaking works and/or land swaps within protected areas be considered when developing offsetting arrangements to manage the adverse impacts of mineral projects and enhance overall conservation outcomes;
- > global consistency in regulation is of paramount importance to shipping operations and services and should be achieved through consistent national implementation of international conventions; and
- > the management of the potential impacts from shipping and port infrastructure on marine protected areas should be risk based, and be implemented in a collaborative way that recognises the needs of all users.