

POLICY:

NON-RENEWABLE RESOURCES EXTRACTION and PROCESSING (MINING)

The following Policy was endorsed by the 2000 Annual Conference of the Nature Conservation Council.

Executive Summary

The Nature Conservation Council has for many years campaigned on individual mining developments and the resultant impact on local communities and environments. Examples of these impacts include the total destruction of ecosystems (Wingecarribee), inappropriate developments (Cowper) and disturbance of protected areas (exploration in Mungo National Park). Experiences such as these highlight the need for 'across the board' reform in the regulation and management of the mining industry.

The Policy outlines a principle based reform strategy of the non-renewable resources sector in NSW that:

- ensures the maintenance of biodiversity and the ecological integrity of natural systems in NSW;
- is subordinate to the social, economic and environmental requirements of the whole community;
- includes transparent, accountable and independent auditing mechanisms; and
- applies extraterritorially.

Hence this document assesses the need for reform throughout the entire mining process from pre-mining exploration to post-mine rehabilitation and land use strategies.

The Policy addresses the issues arising in the following areas:

1. Mining and its Environmental Impact including on Protected Areas.
2. Mining and its Community Impacts including Mining with respect to Indigenous Communities.
3. Regulation of the Mining Industry.
4. Environmental Planning and Assessment and the Mining Industry.
5. Mining Industry Conduct.

The Policy relates to all non-renewable resource extraction and processing, including:

- minerals as defined by the Mining Act 1992;
- extractive industries: sand and gravel; and
- offshore and onshore extraction of petroleum, coal and gas.

The term '**mining**' in this Policy describes all these forms of non-renewable resource extraction. The term '**exploration**' applies to exploration for all non-renewable resources, i.e. minerals, sand and gravel, petroleum, coal and gas.

Introduction

Mining and exploration for mining and processing creates a number of environmental and social impacts which are permanent and detrimental on a local through to global scale. The high impact nature of non-renewable resource extraction needs cohesive environmental management and regulation at 'best practice' level through the entire resource extraction process. The 1998 Nature Conservation Council Annual Conference requested a Mining Policy addressing these concerns.

Objectives

The Non-renewable Resources Extraction (Mining) Policy has 5 major objectives:

1. To provide a framework for the management of non-renewable resource extraction in NSW that achieves the maintenance of biodiversity and ecological integrity through the entire development process.
2. To promote management of approved mining operations that minimises the detrimental effect on communities and proactively pursues community participation through the total development process.
3. To ensure that mining industry regulation is consistent with the aims of other environmental protection legislation and Government environmental protection policies.
4. To promote that ecologically sustainable land uses, including renewable resource land use, should take precedence over non-renewable resource extraction.
5. To ensure that the mining industry proposal is the best economic, social and environmental use of the resource at a landscape and life cycle assessment level.

Principles

Five core principles have been identified to guide regulation and assessment at each stage of mining development:

Principle 1: *Maintenance of Biodiversity and Ecological Integrity*

Principle 2: *Community Participation*

Principle 3: *Transparent, Accountable and Independent Regulation*

Principle 4: *Extraction (Mining) of non-renewable resources subordinate to Environmental Planning framework*

Principle 5: *Extraterritoriality*

Scope

The policy relates to regulation, legislation and issues arising in the context of mining in NSW. Non-renewable resources referred to are defined as:

Minerals: as defined by the *Mining Act 1992*

Coal, Gas and Petroleum: offshore and onshore

Extractive Industries: as defined in s49 of the *Crown Lands Act 1989*;
"to remove gravel, sand, stone, shells or substances not being minerals within the meaning of the *Mining Act 1992*"

Small Scale Mining: includes prospecting and fossicking for gold, opals, precious stones.

This Policy considers reforms needed throughout the entire process of mining, from 'cradle to grave', including but not limited to:

- Pre-mining base-line data collection;
- Exploration;
- Regulation of operating mines and associated infrastructure;
- Decommissioning strategies; and
- Rehabilitation strategies.

1. Mining and its Environmental Impact

PRINCIPLE 1: Maintenance of Biodiversity and Ecological Integrity

The continued development of the mining industry is subordinate to the need to maintain biodiversity and ecological integrity of the natural systems of NSW. Mining interest should not be used to diminish the level of protection accorded to an area.

Issue

Mining and exploration impacts on the environment in the following ways:

- vegetation and habitat destruction;
- surface water run-off;
- visual pollution;
- subsidence;
- wilderness destruction;
- erosion;
- noise pollution;
- water pollution/waste water run-off/effect on groundwater aquifers;
- toxic pollution;
- greenhouse gases;
- airborne pollution;
- fuel/oil/chemical spills; and
- rubbish dumping.

The development of exploration and mining must be subordinate to the goal of maintaining biodiversity and the ecological integrity of the natural systems that it impacts on.

1.1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT and MINING IN NSW

Ecologically Sustainable Development (ESD) principles are entrenched in environmental regulation of resource use in NSW. The principles of ESD are outlined in the *Protection of the Environment Administration Act 1992* and various Environmental Protection Policies. ESD is based on the Precautionary Principle, namely:

- maintaining ecological systems and protecting biodiversity;
- dealing cautiously with risk, uncertainty and irreversibility;
- substituting low-impact renewable resources for non-renewable resources wherever possible;
- applying intra- and inter-generation equity; and
- integration of economic and environmental considerations: environmental factors included in the valuation of assets and services.

However the current degree of application of these principles to the regulation of mining activities has not been enough to avoid serious impacts on the ecological integrity of natural systems in NSW. The precautionary principle has been ignored in the following examples:

- The collapse of Wingecarribee swamp.
- Vegetation and habitat destruction and the threat of water pollution at Timbarra.

The meaningful implementation of ESD principles within the mining industry must be progressed (as far as practical), in the context of the consumption of non-renewable resources.

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- 1.1.1 A *State Environmental Planning Policy (SEPP) on Environmental Regulation of the Mining Industry* should be formulated to ensure the precautionary principle is considered in assessments at all stages of the entire mining development process.
- 1.1.2 Regulation and decision-making in relation to the mining industry must be consistent with the ESD provisions included in all State Cabinet policies, such as the State Rivers Estuarine Policy, the Healthy Rivers Commission Strategy, etc.
- 1.1.3 The application of ESD principles must be considered in the regulation of the mining industry and must be absorbed into the structure and functioning of departments across the whole of government. The application of ESD must be considered across the entire department.
- 1.1.4 The Director-General/CEO of each regulatory government department is responsible for ensuring managers adequately consider ESD in their work. This must be particularly apparent in the operations of the Department of Mineral Resources.
- 1.1.5 A formal requirement to apply ESD principles must be included in all legislative and administrative instruments regulating the mining industry.
- 1.1.6 Companies claiming to be instituting ESD principles in their operations should provide qualitative and quantitative public disclosure of methods and steps used to move towards this goal. These claims must be independently audited.

1.2 CLEAN PRODUCTION PROCESS

The 'clean production process' stipulates that minimal inputs of energy, raw materials and water should be used in a clean production process that produces a re-useable, non-toxic product which minimises waste creation through re-use of the final product and reduction of toxic wastes. This should apply to the entire mining process from initial exploration through to decommissioning.

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Toxic Substances

- 1.2.1 There should be zero emissions of toxic substances, including emissions of or from stored toxic substances.
- 1.2.2 The use of toxic substances in mineral production processes must be halted in circumstances where any potential release into ecosystems is fatal to that ecosystem.
- 1.2.3 The production of toxic substances as an end result or by-product of mining or exploration must be halted.
- 1.2.4 The community must be fully informed on the potential effect of toxic substances before the Environmental Impact Assessment process commences.

Waste Control, Recycling and Re-mining

- 1.2.5 Mining and exploration licences must include provisions for waste minimisation targets and recycling processes within production.
- 1.2.6 Companies should set goals for waste minimisation, recycling and life cycle targets for minerals/mineral products that are reported annually and available for independent assessment.
- 1.2.7 Legislative and regulatory controls must encourage the recycling of resources used and produced in all stages of the production process.

- 1.2.8 Regulatory barriers to the re-mining of tailings dams must be removed.
- 1.2.9 Companies should not mine high sulphide ore-bodies unless mechanisms are put in place to prevent the effects of Acid Mine Drainage (AMD).
- 1.2.10 Regulation of the Mining Industry must ensure the prevention of any type of ocean and/or riverine tailings disposal.
- 1.2.11 Assessment authorities must recognise that mineral deposits must not be developed unless full tailings containment is possible.
- 1.2.12 In order to ensure that companies properly control wastes, all mines should be required to conform to a closed-loop system.
- 1.2.13 Water intakes for the mine should be located downstream of the mine site and all mine site discharge points.
- 1.2.14 Regulatory management must ensure that pollution of riverine, groundwater and marine environments does not occur from waste rock dumps.

Water

- 1.2.15 Water allocations must be considered in the environmental impact assessment of mining developments. Water allocations should be charged at commercial rates.

Resource Use Efficiency

- 1.2.16 Regulatory management of the mining industry must include strategies to maximise the potential uses of a resource through the total production cycle including replacing non-renewable resource use with low-impact sustainable resource use where possible, e.g. peat mining should be banned.

Ecologically Degrading Mining Processes

- 1.2.17 Replace environmentally degrading production processes with more efficient and less degrading production processes as part of licence renewal provisions.
- 1.2.18 Expand research and development funds for sustainable energy development.
- 1.2.19 Explore incentives aimed at encouraging the use of by-products rather than wasting them.
- 1.2.20 Sand and gravel extraction should be prohibited in the instream riparian zone.

Other Pollution

- 1.2.21 Dust pollution should be minimised so as to achieve best practice and ongoing improvement in health and environmental standards.
- 1.2.22 Targets should be set to minimise the impacts of light illumination pollution which can cause adverse impacts on wildlife and adjacent settlements.

Abandoned Mine Sites

- 1.2.23 Companies, including directors jointly and severally, should be liable for the total cost of cleaning up abandoned mine sites. In the event of bankrupt subsidiaries, parent companies and directors should be liable.

1.3 MINING IN PROTECTED AREAS

Competition for access to land and resources promotes interest within the mining industry to argue for mining development in protected areas.

Issues include:

- a) The pressure to access all lands and seabeds, including established protected areas, reserves and sites of Aboriginal cultural significance.
- b) The demand for rights to explore the entire state particularly prior to protected area dedications; and
- c) The environmental impact of mining and exploration on protected areas.

Protected area reserve systems are considered fundamental to protecting ecological integrity and maintaining biodiversity throughout NSW.

Mining and exploration is an inappropriate land use in a protected conservation area for the following reasons:

- The potential detrimental impacts on protected areas are such as to undermine the ecological integrity of the protected area and risk the values aiming to be protected.
- Land appropriate for inclusion in a protected area system is site specific and scarce. Mining or exploration poses a high risk to these areas already greatly diminished due to human activities such as land clearing.
- Exploration (resource surveys) are conducted on the premise that ecological values will be traded-off against resource values if the economic benefits of resource exploitation are high enough. This premise is not appropriate in determining land use in a protected area.

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- 1.3.1 National Parks and Nature Reserves should be protected from mining in perpetuity.
- 1.3.2 The Nature Conservation Council reaffirms its commitment to the IUCN World Commission on Protected Areas (WCPA) principles on 'Mining in Protected Areas'.
- 1.3.3 Mining and exploration should be excluded from sites of international significance, e.g. Ramsar sites.
- 1.3.4 The existence of mineral resources should not delay or veto the declaration of a protected area.
- 1.3.5 Lands previously mined but now within declared protected areas, must be rehabilitated. Rehabilitation must take into account the impacts of the mine on all ecosystems.
- 1.3.6 Assessment of mining or exploration occurring on lands adjacent to Protected Areas must require the Environmental Impact Assessment (EIA) to consider the objectives of the protected area.
- 1.3.7 *A nationwide land classification and allocation system, which covers all land tenures, should be developed to classify land from areas of exclusive conservation to areas of multiple use guided by the requirements of ecological sustainability.*

2. MINING AND ITS COMMUNITY IMPACTS INCLUDING IMPACTS ON INDIGENOUS COMMUNITIES

PRINCIPLE 2: Community Participation

Any assessment of a mining development proposal must be guided by:

- *the entire community's views on the use of the land;*
- *the impact of the development on the community's social and economic functioning; and*
- *resourced community participation at all stages of project identification, development and monitoring.*

For the purposes of this policy statement, 'community' is defined as all who have a financial, social or ecological interest in the mining development and the area it may affect.

Issue

The Rio Declaration (Principle 10) states "*Environmental issues are best handled with the participation of all concerned citizens*".

Impacts of mining and exploration are felt in various ways on a community level from the addition of new infrastructure and jobs to toxic pollution and environmental degradation. Community participation in the assessment of mining developments promotes accountability and transparency in the approval and regulation process.

More importantly it allows the community to define what is and what is not appropriate development in relation to its values, social systems and social cohesion.

In NSW, community participation in defining, assessing or controlling mining activities is curtailed. For example:

- *SEPP 45 Permissibility of Mining and State Environmental Planning (Permissible Mining) Act 1986* allows the consent authority to override provisions in Local Environment Plans (LEPs) that prohibit mining without certain environmental protection conditions being met. The conditions become irrelevant.
- Currently, communities do not need to be consulted on the appropriateness of rehabilitation plans under the *Mining Act 1992* or the *Environmental Planning and Assessment Act 1979*. The Department of Mineral Resources is responsible for the execution of both mine management plans and mine rehabilitation plans. There is little or no local involvement in these processes.

Community participation must be explicitly provided for throughout the entire resource extraction process.

2.1 MINING AND COMMUNITY PARTICIPATION

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- 2.1.1** Communities affected by mining developments have a legitimate right to equal and meaningful participation in the decision-making process and should be identified at the appraisal stage of the project cycle.
- 2.1.2** The principle of prior and informed consent should guide decision-making in all aspects of mining developments through the total development process, namely:
- i) community participation in the decision-making process is a continuous, interactive process of communication spanning the total development process;
 - ii) progress to each stage of the total development process is guided by the agreement of the community and groups affected by the development;
 - iii) communities must have unhindered access to all information resources to assess their options, and institutional mechanisms must support the culturally appropriate facilitation of information resourcing;

- iv) the community has a right to properly resourced representation in the decision-making process that is agreed upon at the beginning of the process by all participants;
- v) the community has a right to object to projects and negotiate the terms on which a project may proceed;
- vi) an independent dispute resolution process must be agreed upon at the beginning of the decision-making process;
- vii) consent is defined by the community in accordance with culturally embedded customs;
- viii) valid consent is free from coercion, external manipulation and interference and is based on the willingness of all parties to negotiate in good faith, and in an open and transparent manner.

2.1.3 In the event of inconsistency between community wants, including indigenous community wants, and environmental protection, environmental protection prevails.

2.2 MINING AND INDIGENOUS COMMUNITIES

In addition to the general Community Participation policy of Section 2.1, the following principles were resolved in regard to indigenous communities.

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2.2.1 Indigenous peoples' rights have often been denied in Australia and therefore indigenous people are entitled to distinct additional measures for protection of their rights.

2.2.2 The principles of community participation apply equally to indigenous communities. NCC recognises:

- i) indigenous peoples' rights to object to or negotiate the terms on which mineral developments or exploration should proceed, including on land subject to Native Title claims; and
- ii) indigenous peoples' rights to equity for mining projects within their region.

2.2.3 Government and company obligations to indigenous people in relation to decision-making on mining and exploration projects should include:

- i) identifying and involving all potentially affected indigenous communities and their representatives;
- ii) involving non-government organisations identified by indigenous communities;
- iii) ensuring indigenous communities understand all aspects of the exploration and mining proposals by providing information resources in a culturally appropriate manner;
- iv) ensuring equal participation in the decision-making process by resourcing communities to choose their representatives in the decision-making process;
- v) conducting liaison and negotiation with groups nominated according to traditional custom, if required by the indigenous communities involved; and
- vi) providing independent arbitration to resolve conflicts.

2.2.4 Government, with community participation, should develop and regulate a Code of Practice for negotiations over exploration and mining with indigenous people and their representative spokespersons. This must include mechanisms for:

- i) identifying potentially affected indigenous people;
- ii) employment of appropriate independent consultants for SIA's;
- iii) procedures for contacting and meeting indigenous peoples including the assignation of resources to facilitate travel to meetings, accommodation assistance and other costs involved in equal access to participatory processes;
- iv) the provisions of independent technical, environmental and social advice to landowners and/or their advisers;
- v) protocols governing the point at which companies accept that negotiations should cease (after a refusal for example); and
- vi) financial assistance to indigenous people or their representatives.

3. REGULATION OF THE MINING INDUSTRY

PRINCIPLE 3: Transparent, Accountable and Independent Regulation

Regulation of the mining industry must occur in a transparent and accountable framework that is guided by:

- *The need to maintain the biodiversity and ecological integrity of the natural environment; and*
- *the social, ecological and financial needs of the whole community.*

Issue

While recognising the progress being made towards self-regulation in the mining industry in environmental matters, there remains the need to bring the regulatory framework up to date to ensure that culture and practice is consistent with best practice both departmentally and across industry.

Environmental and community impacts must be managed to eliminate risk passed both intra- and inter-generationally. Independent management and regulation of the mining industry is paramount to ensuring this outcome.

The current regulation of the mining industry restricts appropriate independent environmental management and community assessment.

For Example:

- No EIA is required for Mineral Exploration Licences or Prospecting Licences;
- There is no public participation in assessment of Mineral Exploration and Prospecting Licences
- There is no community consultation on rehabilitation plans;
- There is a restriction on the application of the environmental protection measures of the EP&A Act: e.g. sections 65 and 74 of the *Mining Act 1992*.

Further restrictions are imposed by the fact that responsibility for environmental regulation of the mining industry is held by the Department of Mineral Resources (DMR). As both advocate and regulator of the mining industry, the DMR faces the dilemma of a conflict of interests. It is necessary for the roles of advocate and regulator to be held by separate governmental departments in order to ensure accountability, transparency and independent regulation of the mining industry. In addition, the Mining Wardens Court has not been able to keep pace with key environmental principles.

3.1 ENVIRONMENTAL ASSESSMENT AND JUDICIAL PROCESS

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- 3.1.1 Separation of the roles of regulator and advocate of the mining industry is necessary to ensure transparency in the regulation of the mining industry.
- 3.1.2 The Environmental Protection Authority (EPA) should undertake the Environmental Impact Assessment, environmental licensing, environmental compliance audits and enforcement of the mining industry including:
- i) environmental authorisation for prospecting permits and mining claims;
 - ii) environmental authorisation for exploration permits, mineral development licences and mining leases; and
 - iii) environmental enforcement on all mining tenements.
- 3.1.3 The Environmental Unit of the Department of Mineral Resources should move to the EPA.
- 3.1.4 The Environmental Unit should be responsible for monitoring compliance with lease terms.
- 3.1.5 The mining industry must be assessed without exemption under the *Environmental Planning and Assessment Act 1979* (EP&A Act) at all stages of development.

- 3.1.6 Repeal s65, s73 s(2), s74 and s138 of the *Mining Act 1992* as they are inhibitors on the operation of the EP&A Act.
- 3.1.7 Repeal State Environmental Planning Policy (SEPP) 45 - Permissibility of Mining.
- 3.1.8 Include all stages of mining from exploration through to rehabilitation strategies in the list of designated development in the EP&A Act.
- 3.1.9 Where both mining developments and other resource developments are being considered together, each should be targeted for full consideration under the EP&A Act.
- 3.1.10 Broad third party standing rights must apply to all aspects of mining regulation in line with s123 of the EP&A Act.
- 3.1.11 Mining proposals and licences should when appeals are involved, be evaluated by a body suitably skilled in environmental and social matters and independent of the Department of Mineral Resources.

4. ENVIRONMENTAL PLANNING AND ASSESSMENT AND THE MINING INDUSTRY

PRINCIPLE 4: Extraction (Mining) of non-renewable resources must be subordinate to the Environmental Planning Framework

The assessment of environmental concerns should come under the regulatory provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) throughout the total development process. Consideration must be given to:

- *best practice Environmental Impact Assessment procedures; and*
- *environmental protection in the application of licensing conditions.*

Issue

Current regulation of mining and mining industries restricts the operation of the EP&A Act. This is apparent in the following areas:

Exploration Licences

- exploration licences do not require an EIA: e.g. s237 *Mining Act 1992* and s47H(3) *National Parks and Wildlife Act 1974*.

Renewal of Mining Authorities

- A mining operation may continue without consent to the renewal of its grant or licence: e.g. s75 (2) , s117 (1) *Mining Act 1992*.

The Minister has the power to renew a licence despite serious breaches of compliance with the Act: e.g. s135(1) *Mining Act 1992*.

Restriction on environmental considerations when approving licences

- s237 of the *Mining Act 1992* gives discretion to the Minister on whether an EIS should be carried out in relation to a licence.
- s237 does not comply with best practice environmental impact assessment procedures.

Rehabilitation

- s240 of the *Mining Act 1992* does not make failure to comply with rehabilitation licence conditions an offence. To ensure best practice environmental management of mining and exploration, EIA and environmental licence conditions must be able to be imposed on all licences and grants throughout the total development process.

4.1 ENVIRONMENTAL IMPACT ASSESSMENTS

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- 4.1.1 Best Practice in Environmental Impact Assessment must be followed throughout the entire process.
- 4.1.2 Additional EIAs must cover exploration expansions and modifications to existing operations including, but not limited to:
 - i) subsequential developments; and
 - ii) each stage of multi-stage development applications.
- 4.1.3 EIAs must take account of the cumulative impact of development.
- 4.1.4 EIAs must be commissioned independently from the company. The EPA should appoint an independent consultant to conduct the EIA.
- 4.1.5 An Environmental Assessment Fund must be established from percentages of royalty collections from mining activity to assure the appointment of independent consultants by the EPA.
- 4.1.6 EIA must include the impacts of infrastructure, processing and resource requirements associated with the mining development, e.g. provision of housing, schools, air strips.

4.2 MINING LICENCES

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Exploration Licences

- 4.2.1 Exploration Licences must be accompanied by an EIA as per the EP&A Act.

Renewals

- 4.2.2 Development consent should terminate on the expiry of the licence or lease for the purposes of mining activities.
- 4.2.3 There should be no automatic right of renewal for licences. Licensed activity must cease at the expiry of the licence unless a new development consent is in place.
- 4.2.4 An EIA of the renewal application must be conducted by an EPA appointed independent consultant.

Environmental Conditions on Licences

- 4.2.5 All barriers to the inclusion of environment protection conditions on all forms of licences must be removed.
- 4.2.6 Removal of licence conditions during the life of a licence or on renewal must require EPA consent and public consultation.
- 4.2.7 All licence conditions must be publicly reported and reviewed every five (5) years to reflect improvement and knowledge and world's best practice
- 4.2.8 The EPA must be able to review compliance to environmental licence conditions by access to all company operations and information.

4.2.9 Breach of licence conditions must be enforceable in the Land and Environment Court.

4.2.10 Breaches of licence conditions resulting in adverse environmental impacts should be subject to a range of penalties, including the cancellation of the licence.

Rehabilitation

4.2.11 Rehabilitation management plans for an area nominated for protected status must aim to return land back to a functioning ecosystem promoting biodiversity – not just to its original state. Rehabilitation plans must be designed with community consultation and independent comment at the exploration licence assessment and mining development assessment stage.

4.2.12 Rehabilitation management strategies must be independently reviewed and monitored by the EPA.

4.2.13 Rehabilitation must be a condition of the Licence.

4.2.14 Rehabilitation is the restoration of natural local indigenous ecosystems.
It does not include:
i) the planting of State Forest for the purposes of gaining carbon sequestrant permits; or
ii) using old mine sites for landfill.

Insurance Replaces Bonds

4.2.15 Insurance must be taken out at a level sufficient to cover repairs for environmental damage. This would replace the current inadequate system of bonds.

4.2.16 To cover the total security liability (the gap between the costs of rehabilitation and securities held) a Security Fund should be managed by the EPA to 'insure against' environmental disaster and repair in relation to mining processes.

Royalties

4.2.17 Royalties gained from the exploitation of a non-renewable resource must reflect the true cost of its exploitation. Tabulation of royalties must include the cost of environmental degradation and capital depletion.

4.2.18 All royalties must be subject to CPI adjustment.

4.2.19 There should be no further royalty exemptions on non-renewable resource extraction.

Subsidence

4.2.20 The environmental impact of subsidence must be considered in EIAs and reflected in licence conditions including:
i) underground geological structures; and
ii) subterranean water surfaces.

5. MINING INDUSTRY CONDUCT

PRINCIPLE 5: Extraterritoriality

Environmental Management Standards should aim towards ever-increasing international best practice. Companies should be bound by the jurisdiction of the territory in which they have their headquarters or in the jurisdiction where they are operating, whichever has the highest standards of environmental protection.

Issue

In addition to government regulation, companies have an obligation to ensure best practice in self-regulation.

Recognition must be made of the improvement in mining industry application of environmental management standards. Environmental Management Strategies have been implemented for most in situ mining processes for mines operating in NSW. Companies have become aware of the need to prove sufficient strategies to manage environmental impacts to reassure shareholders on the potential risk of environmental disasters on share value and to also improve their acceptance within the wider community.

5.1 MINING INDUSTRY SELF-CONDUCT

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- 5.1.1 Australian companies operating overseas should adhere, at all stages of operations, to the highest standards of environmental protection and management that are required and practised in Australia. Companies should comply with local and international standards where these are higher than in Australia.
- 5.1.2 Companies should agree to best practice targets being defined not by companies but by independent committees comprising scientists, other experts (e.g. social scientists), NGOs, community representatives and company representatives.
- 5.1.3 Companies should establish baseline monitoring programs at the earliest stage.

5.2 COMPANY REPORTING

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- 5.2.1 Company Reporting of Environmental Management Strategies must be publicly available. Decisions and recommendations must be made in a transparent and accountable manner involving public participation at each stage with adequate resourcing to allow meaningful input from the community.

6. In addition, Conference moved:

Moved: Noel Plumb Seconded: Tom Widdup

- 6.1 **THAT** the NCC Executive be asked to consider attaching additional points to the mining policy on:
 - the banning of cyanide mining; and
 - the banning of peat mining; and
- 6.2 **THAT** policy sections 2.1 (Mining and Community Participation) and 2.2 (Mining and Indigenous Communities) be referred back to the Executive for review, to ensure consistency based upon principles of equity between these two sections.

ADDENDUM

The following IUCN Motions on Mining were carried as an Urgency Motion to be added as an Addendum to the Policy on Non-Renewable Resources Extraction (Mining):

**IUCN MOTIONS RE: MINING
IUCN WORLD CONSERVATION CONGRESS
AMMAN, JORDAN, OCT 4-11, 2000**

The World Conservation Congress:

1. INVITES all governments and corporations to promote and implement best practice in all aspects of mining and mineral extraction, from first exploration through to decommissioning and subsequent land use;
2. CALLS on all IUCN's State members to prohibit by law, all exploration and extraction of mineral resources in protected areas corresponding to IUCN protected areas management categories 1 to IV;
3. RECOMMENDS THAT:
 - (a) In categories V and VI, exploration and localised extraction would be acceptable only where the nature and extent of the proposed activities of the mining project indicates the compatibility of the project activities with the objectives of the protected areas;
 - (b) authorisation for localised exploration and mining require an environmental impact assessment (EIA) of the project and approval by the relevant competent authority and stakeholder groups after public disclosure of the EIA draft document; and
 - (c) authorised exploration and mining projects be subject to strict planning, operating, monitoring and post-use restoration conditions;
4. URGES that proposed changes to the boundaries of protected areas, or to the categorisation, to allow for the exploration or localised extraction of mineral resources, should be subject to procedures at least as rigorous as those involved in the establishment of the protected area in the first place;
5. RECOMMENDS that exploration and extraction of mineral resources and allied infrastructure development work, which is outside of a protected area, but which may negatively affect the values for which the protected areas were established should be subject to:
 - (a) EIA preparation and approval from relevant competent authority and stakeholder groups after public disclosure of the EIA draft document; and
 - (b) strict planning, operating, monitoring and post-use restoration conditions.