

28<sup>th</sup> May 2010

Australian Heritage Council  
GPO Box 787 Parliament House  
CANBERRA ACT 2601

By email [Kimberley-NHL@environment.gov.au](mailto:Kimberley-NHL@environment.gov.au)

Dear Sir,

**West Kimberley National Heritage assessment**

The Association of Mining and Exploration Companies (AMEC) is the peak industry body for hundreds of mineral exploration and mining companies within Australia.

AMEC's strategic objective is to secure an environment that fosters mineral exploration and mining in Australia in a commercially, politically, socially and environmentally responsible manner. It is in this context that AMEC provides the following comments relating to the possible National Heritage values of the west Kimberley.

AMEC is extremely concerned that we were not formally advised by the Australian Heritage Council that it was seeking comment. The matter was brought to our attention by a member company and not the Council. This is a most unsatisfactory situation, noting that AMEC is a key stakeholder in this process. Please ensure that AMEC is included in all future advices and correspondence on this most important issue to ensure transparency of the process.

AMEC is concerned about the limited consultation period given the significance of the size of the nominated area (21 million hectares).

AMEC recognises that the west Kimberley is potentially a region with natural, Indigenous and historic heritage values, and notes the Government's commitment in ensuring that the long term protection of the Kimberley's environmental and cultural heritage is balanced with the social and economic aspirations of the region.

AMEC also notes the Australian Heritage Council's commitment that previously approved mining and exploration activities would not be affected, if the area or any part of it was included in the National Heritage List. It is our understanding that there are almost 200 tenement holders in the nominated area, the vast majority of which are active. It is therefore essential that these tenement holders are provided increased certainty and clarity in order that their existing activities, investment and financing decision making may continue unabated.

Cognisant that large areas within the proposed National Heritage List area have not been explored, and others are under explored, AMEC is also particularly concerned about the likely detrimental impact on future development projects and the likelihood that this large area of Western Australia could be 'sterilised', and minerals exploration and mining companies prevented from undertaking environmentally responsible activities in the nominated area.

AMEC is also concerned that the national heritage listing of the whole west Kimberley region will trigger the introduction of the Environmental Protection and Biodiversity Conservation Act in each and every approval mining and exploration activity, thereby introducing a further unnecessary layer of approval through the Federal Minister for the Environment.

It is also unclear on how the Minister will use his powers under the EPBC Act, noting that he may also take into consideration economic and social interests into consideration when assessing an application. He therefore appears to have a significant de facto role in determining future resource development applications, which is essentially the role of the State Government.

AMEC further notes that there are already significant and adequate environment and cultural heritage assessment processes in place in Western Australia. These processes are sufficiently open, accountable, robust and efficient to ensure adequate protection of 'places of national significance', and do not require duplication.

AMEC further notes that the Western Australian Government has commenced the development of the Kimberley Science and Conservation Strategy, and has committed further significant funding in the 2010/11 State Budget.

AMEC has previously indicated support, in principle, for the development of that Strategy and the subsequent provision of a sound scientific based analysis and record of the natural resources in the Kimberley, either for conservation of natural and cultural heritage; or for commercial development by tourism, agriculture, mining or mineral exploration purposes.

AMEC has also suggested that the Strategy must acknowledge that mining and minerals exploration activities can continue to operate in harmony with environmental protection and biodiversity conservation values, whilst allowing the region to fulfil its economic potential.

AMEC notes that although there is a reasonable quantity of published and unpublished data and information on the Kimberley, most of the datasets are broad scale with poor resolution, patchy with varying levels of resolution, or specific to a site.

*'A synthesis of scientific knowledge to support conservation management in the Kimberley region of Western Australia'*, clearly states that *"there are gaps in species inventory as well as in knowledge of species distribution and status. A systematic, site based, biodiversity survey of the entire Kimberley is required to provide a context for interpreting localised datasets, guiding land management and assessing development approvals"*.<sup>1</sup> AMEC considers that a similar inventory for 'natural and cultural heritage places' should also be developed prior to the area being heritage listed. To do otherwise would be most inefficient and create unnecessary and additional approvals processes, resulting in delays.

It is also important to understand how the region has been assessed, how the values have been determined, and how the area has been identified as potentially having significant heritage value. Without such a transparent and comprehensive analysis, research and assessment being undertaken the proposed heritage listing proposal is flawed.

AMEC further noted that the development and subsequent implementation of the Strategy must be undertaken cognizant of the requirements of the EPBC Act; the review of that Act; and the National Heritage listing process on which the Australian Heritage Council is to provide advice to the Minister for the Environment.

AMEC is therefore strongly opposed to the proposed national heritage listing of the west Kimberley area.

Yours faithfully,



Simon Bennison  
**Chief Executive Officer**

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<sup>1</sup> *'A synthesis of scientific knowledge to support conservation management in the Kimberley region of Western Australia'* - Page 31