18 April 2017

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Email: ec.sen@aph.gov.au

Senate inquiry into: Rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities

This submission is provided on behalf of Australia ICOMOS.

ICOMOS – the International Council for Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention.

Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 600 members across Australia in a range of heritage professions. We have expert members on a large number of ICOMOS International and National Scientific Committees, as well as on expert committees and boards in Australia.

We provide the attached comments to inform the Senate inquiry into the rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities, and we would be very happy to provide further information or to meet with representatives of the Environment and Communications References Committee to discuss this submission.

Thank you for the opportunity to comment on a matter that has such important cultural heritage implications.

Yours faithfully

Ian Travers
President, Australia ICOMOS
Senate inquiry into:
Rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities
April 2017
Submission by
Australia ICOMOS (International Council on Monuments and Sites)

ICOMOS, (http://www.icomos.org/en/), the International Council for Monuments and Sites is a non-government professional organisation that promotes expertise and professional practice in the conservation of cultural heritage. ICOMOS is an Advisory Body to the World Heritage Committee under the World Heritage Convention (the Convention Concerning the Protection of World Cultural and Natural Heritage, which was adopted by the General Conference of UNESCO on 16 November 1972 and to which Australia is a State Party.

Australia ICOMOS (http://australia.icomos.org/), formed in 1976, is one of over 100 national ICOMOS committees throughout the world. Australia ICOMOS has over 600 members across a broad range of heritage professions. The mission of Australia ICOMOS is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas.

The goals of Australia ICOMOS (http://australia.icomos.org/about-us/australia-icomos/) are to:

- Ensure that the organisation retains a leadership role in conservation philosophy and practice for culturally significant places
- Promote an understanding of the cultural significance of places and raise conservation standards through education and communications
- Inform and influence key decision makers concerning Australia ICOMOS’ aims and approaches to conservation philosophy and practice
- Participate in the international arena, both within and beyond the ICOMOS International family
- Develop, maintain and support a broad-based membership through effective administration.

In pursuing these goals Australia ICOMOS has developed a nationally and internationally recognised framework and a series of specific tools for ensuring that cultural heritage values receive appropriate identification, recognition and management. These tools include the Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013), associated Practice Notes and a ‘Toolkit’ of other useful guidelines and resources.

By way of background context, in relation to mine rehabilitation, Australia ICOMOS submits that:

1. Mining sites have important cultural heritage values for the Australian Community at a National, State/Territory and local level.
2. Mining sites with cultural values may also have potential as tourism and/or community assets.
3. The Commonwealth Environment Protection Biodiversity Conservation Act, 1999. (EPBC Act) specifically includes the ‘heritage values of places’ as part of the ‘environment’¹. Heritage values are defined in the EPBC Act as including ‘the place’s natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians’.
4. The provisions of the EPBC Act relating to Commonwealth lands², and Commonwealth actions³, as well as identified World, National and Commonwealth Heritage places apply to mining sites with cultural heritage values.

¹ Section 528 of the Environment Protection Biodiversity Conservation Act, 1999
² Section 26 of the Environment Protection Biodiversity Conservation Act, 1999
³ Section 28 of the Environment Protection Biodiversity Conservation Act, 1999
5. Rehabilitation of mining sites, should adopt practices that ensure their cultural values are assessed and conserved, consistent with other rehabilitation objectives.

6. Management of the cultural values of mining sites should adopt an inclusive approach that provides for the involvement of associated people and communities.

7. Mining sites can be made safe, stable and non-polluting without necessarily removing cultural heritage assets or features.

8. Where mining sites cannot be made safe and stable, digital technologies provide a suitable means to archive cultural heritage assets and community histories.

9. The *Burra Charter* and its related Practice Notes provide the appropriate standard for addressing mining cultural heritage in a rehabilitation context.

10. Where mines in Commonwealth ownership are assessed as having cultural values, they should be considered for nomination to the Commonwealth Heritage List.

11. The Australian Government should embody appropriate principles and processes for identification and management of cultural heritage values as obligatory elements of mine rehabilitation procedures.

This submission also addresses three elements from the Terms of Reference for the Senate inquiry into rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities:

i. International examples of effective rehabilitation policy and practice,

ii. Proposals for reform of rehabilitation of mining and resources projects; and

iii. Any other related matters.

**i) International examples of effective rehabilitation policy and practice**

The *European Route of Industrial Heritage* (the ‘Route’) ([www.erih.net/](http://www.erih.net/)) exemplifies current world’s best practice in relation to industrial heritage management and tourism development. The Route is a coordinated network of key European sites that work together to promote industrial heritage education, contribute to industrial heritage conservation, and advance economic development through heritage tourism. The Route consists of a series of designated Anchor Points, major sites of historical importance that cover the range of industrial history in Europe. Each Anchor Point provides a high quality visitor experience in terms of heritage-related guided tours, multi-media presentations and special events, as well as tourist-related infrastructure. Each Anchor Point also acts as a base for themed regional routes that provide a critical mass of complimentary experiences leading to longer or multiple tourist visits to each Anchor Point. A nomination and assessment system is used to maintain a basic quality of visitor experience and commitment to heritage management. Member sites then have access to a common promotional network and system of heritage management support. Other international examples where post-mining heritage management has been pivotal in social and economic regional regeneration include Blaenavon World Heritage Site, Ironbridge Gorge World Heritage Site and the Cornwall and West Devon Mining Landscape, also a World Heritage Site.

An Australian approach might use a similar system of anchor points to house creative virtual environments that provide interactive interpretations of place, digital archives enriched with film and audio recordings, and histories augmented by crowd-sourced data. The foundation of such a system could be 3-dimensional digital scans of physical mine environments, community oral histories and archival research conducted by heritage specialists prior to any decommissioning, demolition and revegetation. Australia is founded on a significant history of industrial activity, most recently recognised with the inclusion of the City of Broken Hill on the National Heritage List. The remoteness of mining activity and its transient nature in this country places it in particular danger of being lost unless there is a concerted effort to capture and archive key aspects of the heritage.

A study of leading practice abandoned mine rehabilitation and post-mining land use ([Unger, 2009](https://www.churchilltrust.com.au/media/fellows/UNGER_Corinne_2009.pdf)) included the Cornwall and West Devon Mining Landscape and concluded that Australian best practice could learn from specific examples at:

1. The Eden Project
2. Clay country mining
3. Geevor Tin Mine
4. Levant Beam engine

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5. The role of collaboration between multiple groups – National Trust and community based historical groups

6. Cornish Mining – heritage listed area – guided and self-guided tours

Key principles applied to successful regeneration (a term which describes both the physical landscape and the socio-economic benefit of post-mining) from the book; ‘101 things to do with a hole in the ground’ are listed as:

- Local solutions to fit local circumstances;
- Leadership, vision and commitment;
- Creative partnerships for funding, development and implementation;
- Collaboration with unusual suspects, developing shared interest;
- Community involvement and consultation at all stages, developing shared responsibility and ownership; and
- Uniqueness, spectacle, good design

National and other leadership will need to be applied if Australia’s mining heritage values are to be conserved, interpreted and made accessible long into the future for the benefit of local communities, as well as the wider Australian and overseas society.

ii) Proposals for reform of rehabilitation of mining and resources projects

Mine rehabilitation legislation and guidance, as applied by the States and Territories, does not currently apply best practice standards to mining heritage. The regulations and strategic frameworks do not recognise and apply the principles of the Burra Charter and do not generally engage appropriate cultural heritage expertise.

The Burra Charter

The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013) and its associated series of Practice Notes, provide a widely-recognised, best practice standard for managing cultural heritage places in Australia.

First adopted in 1979, the Burra Charter is periodically updated to reflect developing understanding of the theory and practice of cultural heritage management. The current version of the Burra Charter was adopted in 2013.

The Practice Notes to the Burra Charter currently include:

- Understanding and assessing cultural significance
- Developing Policy
- Preparing studies and reports – contractual and ethical issues
- Archaeological Practice
- Indigenous Cultural Heritage Management
- Interpretation
- New Work

An integral part of applying the Burra Charter is the need to engage appropriate cultural heritage expertise in regulatory reform and the oversight of mine rehabilitation and closure. This expertise exists within government and the private sector but there are relatively few examples where this expertise, or the principles and practices of the Burra Charter and the Practice Notes, are effectively applied to mine rehabilitation and closure by governments at any level in Australia.

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5 Post-mining Alliance (2009) 101 Things to do with a hole in the ground, Georgina Pearman
Examples where best-practice needs to be applied

The two examples used below illustrate where best practice methods for managing places of cultural significance in Australia need to be applied to guidance for, and implementation of, mining heritage management at sites of national and other significance:

- New South Wales Government’s Mining Operations Plan (MOP, 2013) Guideline (Department of Trade and Investment), and
- Strategic framework for managing abandoned mines in the minerals industry (MCMPR/MCA, 2010)

a) New South Wales Government’s Mining Operations Plan

Regulatory guidance for mine rehabilitation in NSW is provided in the Mining Operations Plan (MOP):


Recent government changes have moved the Department of Trade and Investment’s Resources and Energy to the Department of Planning and Environment. Placing mine rehabilitation in this ‘planning’ context may result in recognition of the barriers to the effective application of the Burra Charter to mine rehabilitation guidance and regulatory oversight, where heritage values are to be conserved and managed beyond mining.

The NSW Government requires rehabilitation planning but it does not specifically require a closure plan. A closure plan is more holistic in the sense that is must take account of all aspects of the landscape and stakeholder engagement to clarify the post-mining land use. ICMM (2008) Planning for Integrated Mine Closure; tool-kit, provides a series of tools that aim to engage stakeholders and communities effectively throughout the closure planning process as part of goal setting and change management for closure. In this way, it is more process and outcomes based, and better suited to the incorporation and effective consideration of heritage values than the NSW MOP guidelines, which by comparison are prescriptive and difficult to apply to a nationally heritage listed site.

The MOP guidelines do refer to ‘heritage’ within the text and on pro-forma maps. What is absent, however, is the requirement to apply the Burra Charter and the recognition that at some sites heritage values are so significant that they will dominate the closure planning process. Guidelines, such as the MOP guidelines, which have been written to address all mining types, are bound to fall short when site specific closure plans are needed for each mine. This is particularly true when referring to the City of Broken Hill, a Nationally Heritage listed site that contains significant mining heritage on active mine sites, as well as within the broader local government area.

The general principles that dominate the rehabilitation guidelines are those relating to rehabilitation phases or biophysical domains (See Table 5 from MOP).

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While Figure 4 in the MOP Guideline acknowledges that there are alternative land uses to those being returned to agriculture or biodiversity, most of the guidance is directed toward vegetation related solutions.
b) Strategic Framework for Abandoned Mines in the Minerals Industry

The Strategic Framework (2010) was developed under COAG by the then Ministerial Council on Mineral and Petroleum Resources and the Minerals Council of Australia. The framework can be found at: https://industry.gov.au/resource/Mining/Documents/StrategicFrameworkforManagingAbandonedMines.pdf

This framework was developed over a five year period by the Abandoned Mines Working Group. The working group comprised abandoned mine managers in most, but not all jurisdictions. The framework aims to:

“Promote a strategic approach to managing abandoned mines so that risks are minimised, sites are managed efficiently and sustainably, and the values associated with these sites are recognised.

Currently, each state and territory has developed its own approach to managing abandoned mine sites. The framework will promote convergence of these approaches across jurisdictions, to address issues such as:

- site inventories and site data management
- improved understanding of liability and risk relating to abandoned mines
- improved performance reporting
- the standardisation of processes and methodologies
- knowledge and skill sharing across jurisdictions.”

(Source: MCMPR/MCA, 2010)

Chapter 1: Valuing abandoned mines acknowledges there are potential historic values that need to be managed and a case study from South Australia is included. There is no reference to the need to apply the Burra Charter to mining heritage values in the Strategic Framework.

Following completion of the Strategic Framework, the Australian Government withdrew its support for the working group. There is no implementation plan for this Strategic Framework. While there are examples of heritage considerations being part of abandoned site management, there is no consistent approach applied in Australia at a jurisdiction level and there are examples where heritage values have been destroyed by inappropriate ‘safety-related’ works that have resulted from inadequate site assessment by appropriately skilled experts. While the Land Access for Resources Working Group under COAG (Standing Council for Energy and Resources) has included abandoned mines and mine rehabilitation in a 2016 workshop, there is no systematic national strategy to ensure that all jurisdictions apply appropriate best practice standards to abandoned mine management (for heritage or any other aspect). It is up to each jurisdiction as to whether they adopt the Strategic Framework or not.

There is a role for the Australian Government to ensure that regulatory processes for the rehabilitation and closure of active mines with significant heritage values:

- Engage the right cultural heritage expertise and agencies within government in developing those guidelines,
- Engage communities in the process of agreeing on post-mining land uses,
- Recognise the human connection to landscapes, as part of rehabilitation and closure planning and that the application of agriculture and biodiversity to post-mine landscapes will not be applicable to all sites,

• Ensure that socio-economic values are considered, as well as environmental, for the transition to, and management of, post-mining land uses, and
• Ensure long-term management of such sites is facilitated by government(s) during the mine’s life, not left until the end.

There is a role for the Australian Government to ensure that jurisdictions managing mine rehabilitation and closure of abandoned /legacy mines with significant heritage values;

• Have policies and programs for managing legacy sites which include the application of the Burra Charter to cultural heritage (integral with other site management activities),
• Support a national multi-stakeholder working group to build capacity to manage the complex and challenging issues associated with heritage conservation and environmental and safety risks,
• Undertake risk and opportunity evaluation, which includes heritage assessment and socio-economic values, and
• Fund heritage networks that help to make accessible significant heritage values in a manner that promotes regional development and employment.

iii) Any other related matters

Indigenous Values and Consultation Processes

Mine rehabilitation may affect places with Indigenous values, (tangible and/or intangible). Potential Indigenous values should be considered within the frameworks outlined above and consultative processes should include adequate provision for involvement of Indigenous Traditional Owners and other Indigenous stakeholders. The appropriate guidelines for consultation with Indigenous people are provided in Ask First: A Guide to Respecting Indigenous Heritage Places and Values.

The Rum Jungle legacy mine rehabilitation is one project which incorporates engagement with Indigenous land owners as part of rehabilitation planning to ensure the final landscape and land uses are sensitive to the needs of the local land owners. The completion criteria and framework document for this project aims to integrate Indigenous cultural heritage values with environmental values: https://dpir.nt.gov.au/__data/assets/pdf_file/0008/362618/RJ-Completion-Criteria.pdf