

THIS MEMORANDUM OF UNDERSTANDING made the *twenty eighth* day of *September* one thousand nine hundred and ninety five.

BETWEEN:

COMMONWEALTH OF AUSTRALIA of the one part

AND:

NORTHERN TERRITORY OF AUSTRALIA of the other part

WHEREAS:


The Commonwealth Minister for Environment, Sport and Territories, the Commonwealth Minister for Primary Industries and Energy and the Northern Territory Minister for Mines and Energy agreed to conclude a Memorandum of Understanding (MOU) concerning the supervision and regulation of environmental aspects of the uranium mining in the Alligator Rivers Region.

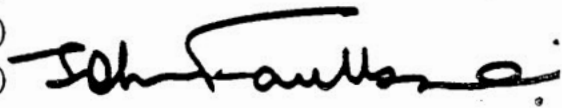
1. NOW THE PARTIES AGREE that this MOU:

- (a) revokes and replaces the Working Arrangements agreed by the Prime Minister and Chief Minister in 1979;
- (b) clarifies the roles of the Northern Territory Department of Mines and Energy and the Supervising Scientist, including the process of twice yearly Environment Performance Reviews;
- (c) emphasises the need for close consultation between the Northern Territory Department of Mines and Energy, the Supervising Scientist, the Department of Primary Industries and Energy (DPIE) and other interested parties, including the Australian Nature Conservation Agency, the Conservation Commission of the Northern Territory, the Northern Land Council and conservation groups;
- (d) rationalises the committee structure for consultation and co-operation between the parties;
- (e) establishes arrangements for reporting of incidents;
- (f) provides a mechanism for provision of information to interested parties;
- (g) does not create legal obligations between the parties.

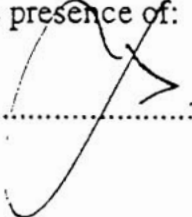
2. The Parties agree to the attached working arrangements contained in Attachment A.

SIGNED by Senator the Honourable  
JOHN FAULKNER, Minister for the  
Environment Sport and Territories of  
the Commonwealth of Australia  
in the presence of:

  
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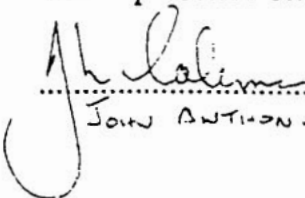
SIGNED by Senator the Honourable  
BOB COLLINS, Minister for Primary  
Industries and Energy of the  
Commonwealth of Australia  
in the presence of:

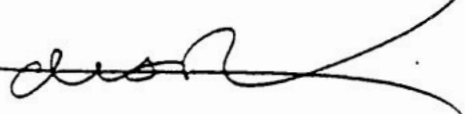
  
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SIGNED by the Honourable  
MIKE REED MLA, Minister for Mines  
and Energy of the Northern Territory  
of Australia

in the presence of:

  
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JOHN ANTHONY COLEMAN

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## REVISED WORKING ARRANGEMENTS FOR CO-ORDINATING THE REGULATION OF THE ENVIRONMENTAL ASPECTS OF URANIUM MINING IN THE ALLIGATOR RIVERS REGION

### *Preamble*

A number of Government agencies have responsibilities in relation to uranium mining in the Alligator Rivers Region. Relevant Legislation includes:

- Environment Protection (Alligator Rivers Region) Act 1978 (Cth)
- Atomic Energy Act 1953 (Cth)
- Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)
- Uranium Mining (Environment Control) Act 1979 (NT)

Working Arrangements for co-ordinating the supervision and regulation of the environmental aspects of uranium mining in the Alligator Rivers Region (ARR) were originally agreed by Commonwealth and Northern Territory Ministers in September 1979. Following a comprehensive review of the 1979 arrangements, these revised Working Arrangements have been developed to facilitate greater co-operation between the Supervising Scientist (SS) and Northern Territory regulatory authorities.

Among other things, the revised arrangements reflect the Supervising Scientist's new emphasis on environmental outcomes instead of day to day management of mine site environmental controls. The primary mechanism to be used by the SS to assess the impact of uranium mining on the ARR environment will be regular reviews of the environmental performance of the mining operations. These reviews will be conducted jointly with the Northern Territory Department of Mines and Energy (NT DME). While the Office of the Supervising Scientist (OSS), which acts on behalf of the SS, will no longer perform site inspections, except as part of the environmental reviews or following incidents, NT DME will continue to routinely check on the adequacy and accuracy of the environmental monitoring programs required to be undertaken by the mining companies.

The Working Arrangements will embrace the concept of best practicable technology (BPT) in assessing the appropriate level of environmental protection within the lease areas, i.e.:

*The mining operations should be managed by the application of best practicable technology (BPT) so that impact on the environment is as low as can be reasonably achieved during the operational period of the mine and in such a way as to be compatible with or not compromise the requirements of the final land use in the post mining phase.*

### *Purpose of the Working Arrangements*

The purpose of the Working Arrangements is to establish procedures for consultation between the SS and NT DME (which will act on behalf of all NT authorities responsible for environmental aspects of mining in the ARR) to ensure that:

- each party can carry out its legal responsibilities with maximum efficiency and minimum duplication;
- technical aspects of proposed research and monitoring programs are examined and comments exchanged;
- there is open communication between the two parties in connection with the environmental aspects of uranium mining;
- wherever possible authorisations are approved in time to avoid delays in mining operations; and
- the main interested parties, DPIE, ANCA, the Northern Land Council and relevant conservation groups, are kept informed via effective consultative and reporting procedures.

### *Consultation and Co-operation*

There should be frequent and detailed communication between the SS and NT DME. These communications and consultations between the SS and NT DME should be based on an appreciation of their respective roles, with the NT DME responsible for day-to-day regulation of uranium mining in the ARR and the SS responsible for research and advice on the effects on the environment of the ARR of uranium mining and for the development of standards, practices and procedures for the protection and restoration of the environment from the effects of mining.

NT DME will:

- consult and have regard to the views of the SS prior to granting an approval or authorisation, or issuing a licence or permit, in connection with environmental aspects of uranium mining operations in the ARR.
- consult with and have regard to the views of the SS prior to setting standards in connection with any permit, licence, etc., relating to environmental aspects of uranium mining.
- send to the SS copies of all authorisations, approvals and directions issued by the NT Minister.

In the event that approvals and directions are required to be issued at short notice because of emergencies, NT DME will inform and consult with the SS as soon as practicable thereafter.

NT DME and the SS will collaborate in developing standards or measures which will enable acceptable and unacceptable levels of impact to be determined.

Both NT DME and the SS will, subject to the approval of Government, forewarn the other party of significant briefings of, or statements by, their respective Ministers concerning matters encompassed by these working arrangements, giving such details as will be necessary to deal with the matter in Parliament or the media.

Wherever practicable, the NT DME will consult with the Northern Land Council (NLC) and have regard to their views prior to the issuing of any approval, authorisation, licence or permit, or the setting of any standard, relating to environmental aspects of uranium mining in the ARR.

### Committees

Regular consultation and collaboration between OSS, NT DME, the mining companies and the NLC will be facilitated for each minesite by a Minesite Technical Committee (MTC). These committees will provide a forum for discussion of a wide range of matters relevant to the regulatory functions of NT DME and the supervisory and assessment functions of the SS, including any current or anticipated issues, short and long term issues, and operational, pre-operational or post-operational issues which may be of consequence to the environment.

#### Ranger Minesite Technical Committee

The Ranger MTC will be chaired by NT DME. Core members will comprise representatives of the SS, Energy Resources of Australia (ERA) and the NLC. The Ranger MTC will normally convene within eight weeks after the Ranger environmental performance reviews (i.e. at least twice each year) to:

- take action in response to the outcomes and recommendations of the environmental performance reviews
- routinely address the following issues:
  - practices, procedures and measures for the management, storage and disposal of water and tailings and waste material;
  - performance of the approved water and tailings management systems and structures;
  - radiological exposures to workers and members of the public;
  - environmental monitoring programs and reports, and the environmental impact of mining operations;
  - applications for Authorisation alterations or approvals, where practicable within the required time frame for action; and
  - address minesite rehabilitation planning and works.

For meetings where issues involve groups other than the core members, technical experts from these groups will be invited to put a view.

Bearing in mind that the current Authority to Mine issued under section 41 of the *Atomic Energy Act 1953* requires that rehabilitation is to commence in the year 2000, part of the objective of the subcommittees to the MTC is to devise and agree standards and measures for the Ranger area, by January 1998.

#### Nabarlek Minesite Technical Committee

The Nabarlek MTC will be chaired by NT DME. Core members will comprise representatives of the SS, Queensland Mines Pty Ltd (QMPL) and the NLC. The Nabarlek MTC will meet at least once a year, and will meet after each environmental performance review (i.e. twice a year) if requested by the review team. The meetings will normally take place within eight weeks after an environmental performance review.



The committee may agree to meet more frequently during periods of high activity during decommissioning works on the minesite. The committee will:

- take action in response to the outcomes and recommendations of the environmental performance reviews
- routinely address issues related to planning for and execution of decommissioning and rehabilitation of the Nabarlek site, including radiological safety and post-closure environmental management, with emphasis on environmental impact and the level of site restoration achieved.

Ad hoc Technical Working Groups may be convened when required to address topical operational and other matters thought to have developed or have the potential to develop into an unacceptable environmental situation and which have not been discussed at the MTC. They may also be convened to consider ways of minimising environmental impact during the planning stage of future developments, and to consider detailed technical issues such as erosion, re-vegetation, water quality and radiation aspects of rehabilitation research. The TWGs will comprise technical experts from NT DME, the SS, NLC and the companies and where appropriate, other organisations.

In addition to these minesite-specific committees and working groups, collaboration on a broader scale will also occur through the Alligator Rivers Region Advisory Committee and the Alligator Rivers Region Technical Committee.

#### Alligator Rivers Region Advisory Committee (ARRAC)

ARRAC consists of an independent chairperson, the Supervising Scientist, the Director of National Parks and Wildlife, and representatives of NT authorities, mining companies, unions, Aboriginal and conservation groups, plus such other members or their deputies as are from time to time appointed by the Commonwealth's Environment Minister. ARRAC provides a formal forum for consultation among interest groups on matters relating to the effects of uranium mining operations on the ARR environment, and on matters relating to environmental research in the region that are referred to it by the Alligator Rivers Region Technical Committee. The results of the EPRs are to be presented to and discussed at ARRAC. A summary record of all meetings of ARRAC will be prepared and made available to the public.

#### Alligator Rivers Region Technical Committee (ARRTC)

ARRTC consists of an independent chairperson and appropriate technical experts representing the SS, NT authorities, ANCA, the NLC and mining companies, plus such other members as are from time to time appointed by the Commonwealth's Environment Minister. ARRTC advises the Environment Minister on the nature and extent of research necessary to protect and restore the ARR environment, and on the most appropriate organisations to undertake that research. In undertaking this role, ARRTC will consider all relevant research conducted in the region by the Environmental Research Institute for the Supervising Scientist (ERISS), mining companies, NT authorities, the NT University and other Commonwealth agencies.

A summary record of all meetings of ARRTC will be prepared and will be made available to the public.

#### *Environmental Requirements*

In addressing proposals from a company and defining appropriate standards, practices, procedures and measures, NT DME and the SS will ensure effective implementation of the current Environmental Requirements as attached to the NT *Uranium Mining (Environment Control) Act* and other instruments. In implementing these Requirements, the SS and NT DME will consider their underlying rationale and will avoid an excessive focus on individual Environmental Requirements without regard to their overall impact.

Any revision of the Environmental Requirements would be undertaken by the SS, NT DME, the Commonwealth Department of Primary Industries and Energy (DPIE) and the respective mining company, in full consultation with the NLC and other bodies as appropriate.

#### *Environmental Performance Reviews*

The SS and NT DME will initially conduct twice-yearly reviews of the impact of uranium mining operations on the ARR environment. Some reviews may pursue a particular theme, such as the mining companies' environmental management, water management systems, radiological safety, research and planning activities etc., with a view to producing over time a comprehensive understanding of the overall environmental performance of the mines. Particular attention will be given to identifying any mining practices, procedures and measures which threaten the ARR environment. The frequency of the reviews will be reassessed as required.

Any issues or concerns identified during an environmental performance review will be fully discussed with the mining company prior to preparation of the review report. These reports will be made publicly available and submitted to the NT Minister for Mines and Energy and the Commonwealth Ministers for the Environment and for Primary Industries and Energy. The findings of the reviews of environmental performance will be referred to Minesite Technical Committee meetings held after each review (or at least annually for Nabarlek, see above). The review reports will also be made available to the meetings of ARRAC, generally very soon after the reviews are concluded, and to ARRTC.

Site inspections will no longer be performed by OSS except as part of the environmental reviews or to examine the sites of environmental events or incidents. NT DME as the regulatory authority will continue to undertake routine site inspections and will promptly provide reports of these inspections to the SS emphasising any items of significance. The frequency and design of the site inspections and of NT DME's program of check monitoring will meet the Commonwealth's expectations, as agreed between the SS and NT DME. These expectations will be detailed in the latest version of the document 'Agreed Commonwealth Requirements for Environmental Monitoring by the Northern Territory Regulatory Authorities of Uranium Mining in the Alligator Rivers Region'.

### *Reporting*

Any mine-related event or longer term management practice which results in significant risk to biological integrity will be considered unacceptable, for example where there are:

- deaths to aquatic or terrestrial biota outside natural rates;
- increases in mine-derived solute loads to aquatic and terrestrial ecosystems that result in species compositions significantly different from the natural compositions;
- impacts on groundwater resources used or with the likelihood of being used as a potable water supply, which result in the water becoming unpotable (solute levels as defined by NHMRC; the sum of all radiological exposure to be within the public dose limit [currently 1mSv/yr]).

NT DME is responsible for ensuring that the mining companies directly and immediately notify NT DME, the Supervising Scientist, DPIE and NLC, should such events or practices occur. In addition, NT DME is responsible for ensuring that the mining companies immediately report any environmental event or incident which has the potential to:

- cause harm to people living or working in the area; or
- cause concern to traditional owners or the broader public.

Initial notification of such incidents will be provided by telephone or facsimile as soon as possible after the event and will be followed by a written report from the mining company outlining the nature of the event/incident and any response action taken.

In addition to notification of incidents, NT DME will ensure that companies provide monthly environmental monitoring data direct to the SS and NT DME. These data will be accessible to the public at the offices of NT DME and the SS. The annual environmental reports of the companies will evaluate and interpret the data for the twelve month period and discuss the short and long term implications for any trends detected.

NT DME will ensure that all regulatory environmental monitoring data and reports from the mining companies are provided to the SS and NT DME one week before being made publicly available.

NT DME will prepare six-monthly evaluative reports on the results of its check monitoring programs. The SS will also produce six-monthly reports which evaluate the mining company data and NT DME's monitoring program. The SS and NT DME will provide each other with draft versions of these and any other major reports that they produce relating to the environmental impacts of uranium mining operations in the ARR. Any comments provided by the other party will be considered in finalising these reports. The six-monthly evaluative reports prepared by NT DME and the SS will be produced in time for consideration by the environmental performance reviews and by ARRAC.



Copies of all reports prepared by the mining companies, NT DME and the SS on the environmental impacts of uranium mining operations in the ARR should be provided to the NLC.

Similarly, any reports produced by the SS or NT DME on particular uranium mining operations should be provided to the relevant mining company at least one week before being made available to the public.

#### *Review of Working Arrangements*

These working arrangements may be jointly reviewed by NT DME and the SS at the request of either party.