

**COMMONWEALTH OF AUSTRALIA**

**AND:**

**NORTHERN TERRITORY OF  
AUSTRALIA**

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**AGREEMENT**

**PRINCIPLES TO BE APPLIED IN THE  
REGULATION OF URANIUM MINING  
IN THE NORTHERN TERRITORY**

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13 November 2000

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**AGREEMENT BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE  
NORTHERN TERRITORY OF AUSTRALIA IN RELATION TO PRINCIPLES TO  
BE APPLIED IN THE REGULATION OF URANIUM MINING IN THE  
NORTHERN TERRITORY OF AUSTRALIA**

**THIS AGREEMENT** is made the 17<sup>th</sup> day of November 2000

**BETWEEN:**

the **COMMONWEALTH OF AUSTRALIA** ("the Commonwealth")

**AND:**

the **NORTHERN TERRITORY OF AUSTRALIA** ("the Territory")

**WHEREAS:**

The Commonwealth and the Territory desire to build upon the working relationship that exists between them in order to ensure that the processes necessary to protect the environment of the Territory are in place and are being worked upon cooperatively between the Commonwealth and the Territory.

**AND WHEREAS:**

The Commonwealth and the Territory agree that there is no intention to diminish the role of the Territory in this regard but that there is need to clarify and make completely transparent the existing arrangements between the Commonwealth and the Territory and the Commonwealth's final accountability for uranium mining in the Territory.

**AND WHEREAS:**

The Commonwealth Minister for Industry, Science and Resources and the Territory Minister for Resource Development recognise that there is a need to revise Agreements between the Commonwealth and the Territory relating to the mining of prescribed substances in the Territory to accommodate the development and operation of Uranium Mining Projects in the Territory and to ensure that the highest environmental standards are applied.

**AND WHEREAS:**

It is desired to make it clear that Ministers of the Territory continue to have the necessary executive authority under section 35 of the *Northern Territory (Self-Government) Act 1978* (Cth) to exercise, observe and perform the duties, powers, functions and authorities under the relevant laws of the Territory in relation to the matter of mining of uranium and other prescribed substances in the Territory, on the terms hereafter provided.

**NOW THE PARTIES AGREE** as follows:

1. This Agreement repeals and replaces the following agreements:
  - the Agreement dated 22 March 1979 between the Commonwealth of Australia and the Territory signed by the Commonwealth Minister for Trade and Resources and the Chief Minister of the Territory;
  - the Agreement of April 1979 between the Commonwealth of Australia and the Territory signed by the Commonwealth Acting Minister for Trade and Resources and the Chief Minister of the Territory;
  - the Agreement dated 8 February 1982 between the Commonwealth of Australia and the Territory signed by the Commonwealth Minister for Trade and Resources and the Chief Minister of the Territory;
  - the Agreement dated 12 May 1982 between the Commonwealth of Australia and the Territory signed by the Commonwealth Minister for Trade and Resources and the Chief Minister of the Territory;
  - provided that these repeals shall not affect the validity or legal force of anything done prior to the commencement of this Agreement pursuant to, or in reliance on, or in any way by reference to any of those repealed agreements.

2. In this Agreement, unless the contrary intention appears:

**"Atomic Energy Act"** means the *Atomic Energy Act* 1953 (Cth);

**"Commonwealth"** means Commonwealth of Australia;

**"Commonwealth Minister"** means the Commonwealth Minister of State for the time being administering section 41 of the *Atomic Energy Act*;

**"ERA"** means Energy Resources of Australia Limited (A.C.N. 008 550 865);

**"Jabiluka Mine Project"** means the undertaking of activities connected with the Jabiluka Mineral Lease;

**"Jabiluka Mineral Lease"** means the mineral lease (MLN1) dated 12 August 1982 granted under the *Mining Act* to Pancontinental Mining Ltd and Getty Oil Development Ltd and assigned to ERA;

**"Jabiluka Requirements"** means the requirements set out in the letters dated 8 October 1997 and 27 August 1998 from the Commonwealth Minister for Resources and Energy to ERA (set out in Attachments A and B to this Agreement);

**"Mine Management Act"** means the *Mine Management Act* (NT) and regulations made under that Act, or any Act that repeals and replaces that Act, whether or not in conjunction with any other Territory legislation;

**"Mining Act"** means the *Mining Act* (NT) and regulations made under that Act;

**"Northern Territory Act"** or **"Northern Territory Acts"** includes regulations made under that Act or those Acts;

**"prescribed substance"** has the same meaning as in the *Atomic Energy Act*;

**"Ranger Authority"** means the authority to carry on operations on the Ranger Project Area for a period of 26 years commencing 9 January 2000 granted to ERA under section 41 of the *Atomic Energy Act*;

**"Ranger Project Area"** has the same meaning as in the *Atomic Energy Act*;

**"Supervising Scientist"** has the same meaning as in the *Environment Protection (Alligator Rivers Region) Act* 1978;

**"Territory Minister"** in relation to a Northern Territory Act or an activity under such an Act, means the Minister of the Territory appointed under section 36 of the *Northern Territory (Self-Government) Act* 1978 (Cth) and for the time being administering that Northern Territory Act, or any other Minister of the Territory acting for or on behalf of that Minister of the Territory;

**"UMEC Act"** means the *Uranium Mining (Environment Control) Act* (NT) and regulations made under that Act, or any Act that repeals and replaces that Act, whether or not in conjunction with any other Territory legislation.

### **General Obligations**

3. The Commonwealth and the Territory agree that it is in the public interest that the laws of the Commonwealth and the Territory applicable to mining prescribed substances in the Territory be observed and enforced to ensure to the greatest extent possible the reduction of any adverse environmental effects, consistent with the exploration for and mining of those prescribed substances.
4. Whenever the *Mining Act*, the UMEC Act or the *Mine Management Act* apply to or in relation to the mining of prescribed substances in the Territory, the parties hereto agree that the Territory Minister shall continue to have executive authority under section 35 of the *Northern Territory (Self-Government) Act* 1978 (Cth) with respect to any matters arising under those Northern Territory Acts or any of them, and subject as hereinafter provided, the Territory Minister shall exercise, observe or perform, with respect to the mining of those prescribed substances, the duties, powers, functions and authorities imposed or conferred on the Territory Minister by or under those Northern Territory Acts.
5. The Commonwealth and the Territory recognise the basic principle that the Territory shall consult with the Commonwealth in respect of any matters

agreed in writing between them relating to the mining of prescribed substances in the Territory. The Territory Minister shall act in accordance with any advice on the matter which is provided by the Commonwealth Minister. The Territory Minister will seek appropriate amendment of Northern Territory Acts to achieve this principle.

6. The Territory Minister shall give or cause to be given to the Commonwealth Minister such information in respect of any matter relating to mining for prescribed substances in the Territory as the Commonwealth Minister may request.
7. The Commonwealth Minister shall give or cause to be given to the Territory Minister such information in respect of any matter relating to mining for prescribed substances in the Territory as the Territory Minister may request.
8. Wherever it appears to the Commonwealth Minister or the Territory Minister that the exercise of any powers, duties or functions by the Territory Minister under the *Mining Act*, the *UMEC Act*, the *Mine Management Act* or any other Northern Territory Act relating to the mining or milling of prescribed substances in the Territory may affect the exercise by the Commonwealth Minister, or any other Minister of the Commonwealth, of any powers, duties or functions with respect to prescribed substances in the Territory, the Commonwealth Minister and the Territory Minister will, at the request of either of them, consult together to resolve any differences which may arise. Where, following such consultation, advice is provided by the Commonwealth Minister to the Territory Minister, the Territory Minister will give effect to any advice so provided.

### ***Mining Act***

9. In all matters under the *Mining Act* relating to prescribed substances situated in the Territory, that are so agreed in writing, but in any event including the grant or renewal of a mineral lease under that Act for the mining of prescribed substances, the Territory Minister:
  - (a) shall exercise or perform his or her duties, powers, functions and authorities in accordance with, and give effect to, the advice of the Commonwealth Minister, and
  - (b) shall not exercise or perform his or her duties, powers, functions and authorities otherwise than in accordance with that advice.
10. The Territory Minister shall ensure that:
  - (a) whenever the Territory Minister or an officer of the Territory becomes aware of any mining project that involves or may involve prescribed substances, consultations between the Commonwealth Minister and the Territory Minister or their officers will be held at the earliest practicable stage;

- (b) in every mineral lease granted, renewed or approved under the *Mining Act* for the mining of a prescribed substance, there is specified in terms approved by the Commonwealth Minister, all relevant matters relating to the determination, variation, assessment and payment of royalty to be paid in respect of prescribed substances mined in the Territory under that mineral lease.

### **UMEC Act**

- 11. (1) In the exercise or performance of a duty, power or function under the UMEC Act relating to the grant or variation of an authorization under that Act, the Territory Minister:
    - (a) will refer the matter to the Supervising Scientist for comment; and
    - (b) shall not act until he or she receives comments from the Supervising Scientist. Such comments are to be made within fourteen (14) days unless the urgency of the situation requires an earlier response;
  - (2) Where the Supervising Scientist has advised the Territory Minister that he or she has referred the matter to the Commonwealth Minister, the Territory Minister shall not exercise his duties, powers, functions and authorities under the UMEC Act otherwise than in accordance with the advice of the Commonwealth Minister.
12. The Territory Minister:
- (a) recognises that any Authorisation or Approval issued under the UMEC Act should incorporate and reflect the environmental requirements to which the Ranger Authority is subject; and
  - (b) will seek appropriate amendment of the UMEC Act to achieve this result.

### **Mine Management Act**

13. In the exercise or performance of a duty, power or function under sections 5 and 41 of the *Mine Management Act* relating to the management of mines extracting, or for exploration activities relating to, a prescribed substance, the Territory Minister:
- (a) will consult with the Commonwealth Minister and give effect to any advice provided to the Territory Minister by the Commonwealth Minister; and
  - (b) shall not exercise or perform his or her duties, powers, functions and authorities otherwise than in accordance with that advice.



The Territory Minister will seek appropriate amendment of the *Mine Management Act* to achieve this result.

### **Jabiluka Requirements**

14. The Territory Minister acknowledges the Jabiluka Requirements and will seek the appropriate amendment of relevant Northern Territory Acts to incorporate the Jabiluka Requirements in a form to be agreed by the Commonwealth Minister and the Territory Minister. Where appropriate, the substance of those requirements will be imposed as conditions of operation on ERA in respect of the Jabiluka Mine Project.

### **Jabiluka Mineral Lease Environmental requirements**

15. The Territory Minister will seek to amend the environmental requirements attached as a condition to the Jabiluka Mineral Lease to reflect changes to be developed by the Commonwealth after consultation with the Territory to more closely reflect the environmental requirements to which the Ranger Authority is subject.

### **Working Arrangements**


16. While recognising the efficacy of the arrangements to date, the Territory Minister and the Commonwealth Minister agree to review the Working Arrangements agreed to by the Commonwealth Minister for Environment, Sport and Territories, the Commonwealth Minister for Primary Industries and Energy and the Territory Minister for Mines and Energy in September 1995, to more clearly define by agreement the roles and responsibilities shared between the Territory and the Commonwealth in relation to the mining of prescribed substances in the Territory. The revised Working Arrangements will reflect both the responsibility of the Territory for the day to day regulation of uranium mining activities in the Territory and the responsibility of the Commonwealth under relevant Commonwealth legislation relating to the mining of prescribed substances in the Territory.

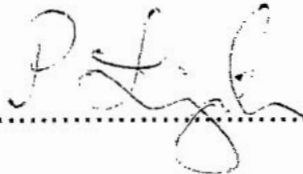
### **General**

17. The Territory Minister and the Commonwealth Minister agree to maintain through appropriate working arrangements the high degree of consultation between the Territory and the Commonwealth and other stakeholders, such as the traditional owners of Aboriginal land and the relevant Land Councils under the *Aboriginal Land Rights (Northern Territory) Act 1976*, in relation to the mining of prescribed substances in the Territory.

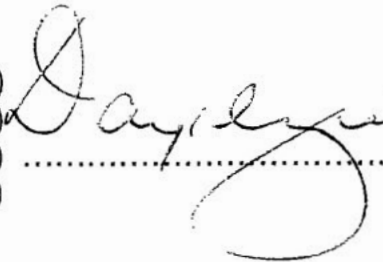
**EXECUTED** by the parties as an Agreement

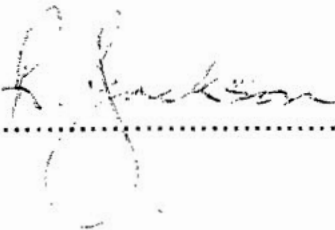
**SIGNED** by Senator the Honourable  
**NICK MINCHIN**, Minister for Industry,  
Science and Resources of the  
Commonwealth of Australia in the  
presence of:

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**SIGNED** by the Honourable  
**DARYL MANZIE MLA**, Minister for  
Resource Development of the Northern  
Territory of Australia in the presence of:

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