

CONFIDENTIALCABINET DECISIONNO. 366

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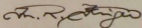
Submission No.: 316

Title: ENVIRONMENTAL REQUIREMENTS FOR  
RANGER PROJECT

Cabinet decided, subject to comments by the Controller,  
Special Development Projects -

- (a) to approve acceptance of the Commonwealth's proposal to vest in the Territory Government the control of the environmental requirements for the Ranger project to the maximum extent possible through the laws of the Northern Territory; and
- (b) to give effect to that policy, to approve the drafting of amendments to the Control of Waters Ordinance, the Soil Conservation and Land Utilization Ordinance and the Explosives Ordinance to allow regulations to be made for the control of the environmental requirements for the Ranger project.

In giving this approval, Cabinet asked that note be taken of the comments by Department of Finance.



(M.R. FINGER),  
Secretary to Cabinet.

3.8.78

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CONFIDENTIALFOR CABINETSUBMISSION NO. 316

Title:	ENVIRONMENTAL REQUIREMENTS FOR RANGER PROJECT
Cabinet Member:	Hon. I.L. Tuxworth, M.L.A., Minister for Mines and Energy
Purpose:	To approve the drafting of legislation to enable the environmental requirements for the Ranger project to be provided under Northern Territory regulations.
Relation to existing policy:	Consistent with the policy of legislating in the Northern Territory in preference to the imposition of Commonwealth legislation.
Timing/ legislative priority:	High drafting authority sought.
Announcement of decision, tabling, etc.:	Not necessary before introduction of legislation.
Action required before announcement:	Drafting of necessary legislation.
Staffing implications, numbers and costs, etc.:	Not known.
Total cost:	Not known.

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Comment by  
Director of  
Finance:

The financial considerations in paragraph 17 are in accordance with the Memorandum of Understanding on financial matters between the Governments. Consequently, in respect of the first recommendation in paragraph 21, the Cabinet approval will not carry with it any authority to expend money otherwise following agreement with the Commonwealth on the matter concerned.

Also in relation to paragraph 22, accurate details of the cost of the drafting involved should be kept so that reimbursement can be claimed from the Commonwealth. Before such drafting commences agreement with the Commonwealth will be required under the arrangement.

Approved/Not Approved

*[Handwritten signature]*

Signed:

Date:

*2/8/78*

Comment by  
Public Service  
Commissioner:

Approved/Not Approved

Signed:

Date:

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ENVIRONMENTAL REQUIREMENTS FOR RANGER PROJECT

Comment by  
Director of  
Finance:

Approved/Not Approved

Signed:


Date:

Comment by  
Public Service  
Commissioner:

In reference to paragraph 17, this office is unaware, after discussions with relevant Department of Treasury Officers, of specific financial arrangements between the Commonwealth and Northern Territory Governments in respect of re-imbursment for additional capital or other expenditures relating to the proposed acceptance by the N.T. Cabinet of the Commonwealth's proposal to vest in the N.T. Government the control of the environmental requirements for the Uranium Development Project. A separate submission is being prepared by this office which proposes to seek Cabinet approval for the Department of Treasury to establish and co-ordinate financial re-imbursment arrangements with the Commonwealth Government. This separate Submission also seeks Cabinet approval for this office to seek the approval of the Administrator to staffing increases of 85 positions with salaries and on-costs of \$2.2 million per year. Additional finance required is estimated at \$0.75 million for plant ~~and Equipment~~ and Equipment, \$0.85 million for Operational Items and \$2 million for the provision of temporary accommodation.

Signed:

Date:

  
(P.J. MURPHY) for the Public Service Commissioner.  
2 August 1978.

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MEMORANDUM

TO: Director-General

DATE: 14-8-78

FROM: Solicitor-General

REF: ML:67

RE: ENVIRONMENTAL LEGISLATION

I refer to the Chief Minister's memo to me of 9th August, wherein he authorised me to engage Mr. Fisher to advise on the environmental legislation if the submission to Cabinet receives approval.

I notice that Mr. Everingham's submission to Cabinet suggests that the legislation should be ready for the September sittings. This will preclude any effective consultation with Mr. Fisher, and the legislation will require much careful thought.

I strongly urge that presentation of the bill be deferred at least until November. I believe September is too early. I would like to know Cabinet's decision before I approach Mr. Fisher.

  
Ian Barker

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1. The issue is resolved into two parts -
  - (a) to adopt the environmental and other requirements for the Ranger project as agreed between the Commonwealth and the Northern Land Council;
  - (b) to provide for the taking of action to meet those environmental requirements under the laws of the Northern Territory by amendment, where necessary, to the Control of Waters Ordinance, the Soil Conservation and Land Utilization Ordinance and the Explosives Ordinance and by making appropriate regulations under the Control of Waters Ordinance and the Mines Regulation Ordinance.

BACKGROUND

2. The Ranger Uranium Environmental Inquiry was established in 1975 under the Environment Protection (Impact of Proposals) Act and reported in 1977 on matters associated with the mining and production of uranium and, in particular, the measures that should be adopted in relation to the protection and maintenance of the environment - described as being all aspects of the surroundings of man whether affecting him as an individual or in his social groupings.
3. Included in the matters affecting the environment are the storage of tailings, the retention, release and seepage of contaminated waters from the mine zone, the discharge into the atmosphere of pollutant emissions from treatment operations, the effect of blasting operations and the conservation of the soil and the natural flora and fauna.
4. The environmental requirements in the Ranger project with regard to the mining of uranium, including many of the recommendations of the Ranger Inquiry, have been agreed between the Commonwealth and the Northern Land Council.
5. Although ownership of uranium and other prescribed substances under the Atomic Energy Act will continue to be vested in the Crown in right of the Commonwealth, the Commonwealth has agreed that the provision of regulatory services for the Ranger project should be controlled to the maximum extent possible through the laws of the Northern Territory.
6. The Ranger project is to be authorised pursuant to section 41 of the Atomic Energy Act and that authorisation is to set down the mining and environmental requirements agreed between the Commonwealth, the Northern Land Council and the principals in the project. Lengthy negotiation over the matters to be agreed has resulted in this proposal only now coming before the Northern Territory Cabinet.

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7. The understanding reached between the Commonwealth and the Northern Land Council comprises the environmental requirements for the Ranger project and are those detailed at Attachment A. In addition, Attachment A nominates the activities that are to be regulated by a condition in the licence to mine under the Atomic Energy Act and by Territory law respectively.

CONSIDERATION OF THE ISSUE

8. The issue is for the Territory Government to take control of the regulatory services of the Ranger project to the maximum extent possible through the laws of the Northern Territory.
9. The Commonwealth favours such an approach which, on the agreement of Cabinet, would require amendment to the provisions of appropriate Territory legislation and the making of regulations in some cases specific to the Ranger project.
10. The adoption of the proposals would result in the Territory being responsible for the provision of covering regulation of the following activities :
- (a) Mines Regulation -
- (i) provision by Ranger of suitable environmental personnel;
  - (ii) construction and maintenance of the tailings dam;
  - (iii) control of atmospheric pollution including emissions from the acid plant, the calciner and the yellow-cake processing plant;
  - (iv) Standardisation of blasting practices and the storage of explosives;
  - (v) maintenance of the sulphur stockpile, the waste rock dump, mining excavations and tailings storage;
  - (vi) disposal of tailings;
  - (vii) revegetation of affected areas;
  - (viii) monitoring of ambient conditions in the Ranger area for radiation protection.
- (b) Control of Waters -
- (i) establishment of a Restricted Release Zone determined as necessary from time to time to control water releases whether natural or intentional;

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- (b) (ii) provision of a water management system to prevent contaminated waters entering into the natural water systems in the mine zone and adjacent areas;
  - (iii) maintenance of water retention and evaporation ponds;
  - (iv) use of proper engineering practices relating to all works, processes and equipment for water control.
- (c) Soil Conservation and Land Utilization -
- (i) establishment and protection of natural vegetation
  - (ii) soil conservation measures to be undertaken by Ranger.

OPTIONS

11. The Northern Territory Government has the option of agreement in full, or in part, with respect to the environmental requirements of the Ranger project agreed between officers of the Commonwealth and the Territory and the Northern Land Council and in which the Commonwealth would propose leaving control to the Northern Territory.
12. Having determined its position with respect to the environmental requirements which it elects to accept, the Territory Government may choose whether the accepted requirements are to be applied through the one piece of legislation, e.g., the Mines Regulation Ordinance, or, in a composite manner, e.g., that Ordinance in combination with the Control of Waters Ordinance and the Soil Conservation and Land Utilization Ordinance.
13. This Government has displayed to the Commonwealth its readiness to accept control of the regulatory services for the Ranger project to the maximum extent possible and this is the policy supported in this submission.
14. Officer to officer discussions within the Territory Government have resolved that the proper and most appropriate means of implementing the regulation of the environmental requirements is to adopt that option which will allow individual Departments to manage those aspects in which it has a specific expertise.

PUBLIC IMPACT OF THE RECOMMENDATIONS

15. All sectors of the public throughout the Northern Territory and beyond have been made aware of the likelihood of the mining and processing of uranium ore in the Territory and, in particular, have had the opportunity to contribute in an inquiry on the environmental aspects of the Ranger project.



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16. There is little doubt that the population at large would enthusiastically support the Territory Government in its conviction that control over the environmental aspects associated with the mining of uranium at Ranger should be exercised in the Territory through its local administrative organisations.

FINANCIAL CONSIDERATIONS

17. In the financial arrangements confirmed between the Commonwealth and the Territory, the Commonwealth agreed to grant to the Territory an amount in lieu of uranium royalties at the existing Northern Territory Mining Ordinance rate of 1½%. In addition, the Commonwealth undertook to make reimbursement for additional capital or other expenditures to the extent that such expenditure is incurred by the Northern Territory Government in accordance with prior specific arrangements between the two Governments.

CO-ORDINATION

18. There are implications for the Chief Minister in his executive control of environment and conservation matters, the Minister for Mines and Energy with respect to mining and the Minister for Transport and Works in explosives and water resource activities.

LEGISLATION

19. Amendment is required of the Control of Waters Ordinance to expand the regulation making power so that Regulations may be made covering the subject matters in which it has been agreed control is to be exercised. The Explosives Ordinance needs amendment because it is much more appropriate to control the use of explosives in mines under the Mines Regulation Ordinance rather than the Explosives Ordinance. The Explosives Ordinance provides conditions which are impossible of application in the Mining Industry and the amendment required will limit the operation of the Explosives Ordinance to the use of explosives in industries other than mining. The Soil Conservation and Land Utilization Ordinance needs amendment also to enlarge the regulation making power to permit Regulations to be made on the specific subjects which are detailed in Attachment A. Once these amendments are made, the Regulations to cover all the matters listed in Attachment A which are the responsibility of the Territory, can be made.

TIMING

20. There is an urgency to provide the legislative capability to meet the responsibilities that will accrue to the Territory Government in the Ranger project and in order

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20. (contd.)  
that this Government cannot be seen to have in any way contributed a hindrance in the development of the project. To that end, instructions should be given to the Legislative Draftsman at the earliest possible opportunity.

RECOMMENDATION

21. That Cabinet approve acceptance of the Commonwealth's proposal to vest in the Territory Government the control of the environmental requirements for the Ranger project to the maximum extent possible through the laws of the Northern Territory.
22. That, to give effect to that policy, Cabinet approve the drafting of amendments to the Control of Waters Ordinance, the Soil Conservation and Land Utilization Ordinance and the Explosives Ordinance to allow regulations to be made for the control of the environmental requirements for the Ranger project.