

THE NORTHERN TERRITORY OF AUSTRALIA

Copy No. ....

**CONFIDENTIAL**

**CABINET DECISION**

No. .... 6392 .....

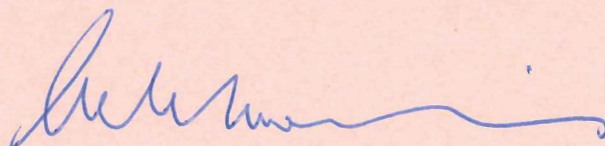
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Submission No.: 5488

Title: DECLARATION OF GREGORY NATIONAL PARK

Cabinet -

- (a) noted that agreement has been reached between the Conservation Commission and the Department of Mines and Energy in relation to exploration and mining operations in Northern Territory parks and reserves;
- (b) agreed that the agreement and other action satisfies the requirements of Cabinet Decision No. 3668 of 19 July 1984 and that the declaration of Gregory National Park may now proceed; and
- (c) directed that advice be sought from the Department of Law prior to the declaration being submitted to Executive Council that there is no impediment to declaration flowing from an existing Aboriginal land claim over portion of the area.



**A. G. MORRIS**  
Secretary to Cabinet.

2 March 1990

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FOR CABINET

SUBMISSION No: 5488 .....

|  |   |
|--|---|
| Title:   | DECLARATION OF GREGORY NATIONAL PARK  |
| Minister                                       | MINISTER FOR CONSERVATION<br>HON S P HATTON, MLA  |
| Purpose:                                       | TO ADVISE CABINET OF AN AGREEMENT REGARDING MINERAL EXPLORATION IN PARKS AND RESERVES WHICH HAS BEEN REACHED BETWEEN THE CONSERVATION COMMISSION AND THE DEPARTMENT OF MINES AND ENERGY AND TO SEEK AGREEMENT FROM CABINET THAT DECLARATION OF GREGORY NATIONAL PARK CAN NOW PROCEED. |
| Relation to existing policy:                   | CONSISTENT  |
| Timing/legislative priority:                   | ROUTINE   |
| Announcement of decision, tabling, etc:        | UNNECESSARY AT THIS STAGE   |
| Action required before announcement:           | NIL   |
| Staffing implications, numbers and costs, etc: | NIL   |
| Total cost:                                    | NIL   |

Department/~~Authority~~ OF THE CHIEF MINISTER

COMMENT ON CABINET SUBMISSION No.

TITLE: DECLARATION OF GREGORY NATIONAL PARK

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**COMMENTS:**

The Submission is supported.

*B Chambers*

SIGNED: B CHAMBERS

DESIGNATION: A/DEPUTY SECRETARY

DATE: 5<sup>th</sup> FEB 1990 **CONFIDENTIAL**

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Department/Authority..NORTHERN..TERRITORY..TREASURY.....

COMMENT ON CABINET SUBMISSION No.

TITLE: .....DECLARATION OF GREGORY NATIONAL PARK.....

**COMMENTS:**

Treasury notes that the declaration of Gregory National Park does not have any immediate budgetary consequences. There may well be future funding requirements, however, and these will have to be addressed in the normal budget context.



SIGNED: N R CONN  
DESIGNATION: UNDER TREASURER

DATE: 2 FEBRUARY 1990 **CONFIDENTIAL**

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Department/Authority: .....LAW.....

COMMENT ON CABINET SUBMISSION No.

TITLE: .....DECLARATION OF GREGORY NATIONAL PARK.....  
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COMMENTS:

There appear to be no constitutional or legal barriers to the proposal.

Mining exploration activity on Aboriginal Sacred Sites must comply with the Northern Territory Aboriginal Sacred Sites Act 1989.

SIGNED: Peter Conran  
DESIGNATION: Secretary, Department of Law  
DATE: 29 January 1990

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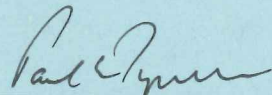
Department/Authority..... LANDS AND HOUSING.....

COMMENT ON CABINET SUBMISSION No.

TITLE: ..... DECLARATION OF GREGORY NATIONAL PARK.....

COMMENTS:

The submission is supported.



SIGNED: PAUL TYRRELL

DESIGNATION: Secretary

DATE: 31/1/90

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Department/Authority..... **NORTHERN TERRITORY TOURIST COMMISSION**.....

**COMMENT ON CABINET SUBMISSION No.**

**TITLE:** ..... **DECLARATION OF GREGORY NATIONAL PARK**.....

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**COMMENTS:**

Endorse as proposed.

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SIGNED:

*J. b. Dunne*

DESIGNATION: REGIONAL DIRECTOR

DATE: 9/2/90

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Department/Authority DEPARTMENT OF MINES & ENERGY/POWER & WATER AUTHORITY

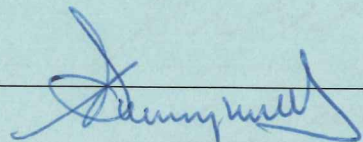
COMMENT ON CABINET SUBMISSION No.

TITLE: DECLARATION OF GREGORY NATIONAL PARK

COMMENTS:

The submission is supported.

SIGNED:



DESIGNATION: SECRETARY/CHAIRMAN

DATE:

5/2/1990

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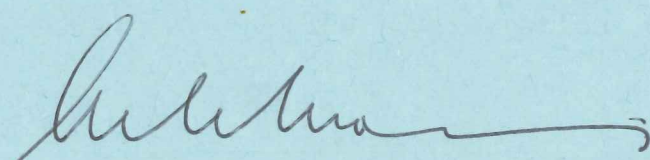
Department/Authority..... **CO-ORDINATION COMMITTEE**

**COMMENT ON CABINET SUBMISSION No.**

**TITLE:** DECLARATION OF GREGORY NATIONAL PARK

**COMMENTS:**

The Committee supports the Submission.



**SIGNED:**

**A.G. MORRIS**  
Chairman

**DESIGNATION:**

**DATE:**

**7.2-90 CONFIDENTIAL**

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RECOMMENDATION

1. It is recommended that Cabinet -
  - (a) note that agreement has been reached between the Conservation Commission and the Department of Mines and Energy in relation to exploration and mining operations in Northern Territory parks and reserves;
  - (b) agree that the agreement and other action satisfies the requirements of Cabinet Decision No.3668 and that the declaration of Gregory National Park may now proceed.

BACKGROUND

2. On 19 July 1984, Cabinet, by Decision No. 3668, approved in principle the establishment of a national park in the Victoria River District. This involved the acquisition of portions of land from existing pastoral properties in the area.
3. The acquired land was vested in the Northern Territory Development Land Corporation (now the Northern Territory Land Corporation). The Conservation Commission was

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appointed to be the management authority of the area until such time as mineral exploration in the area was complete. It was the intention that following satisfactory provision for any consequential mining activities in the park, title was to be transferred to the Conservation Land Corporation.

4. Cabinet directed that legislative amendments be developed which would permit and regulate exploration activities in parks and reserves.

#### CONSIDERATION OF THE ISSUES

5. In accordance with the directions of Cabinet, amending legislation was developed and eventually commenced in 1986 following a lengthy period of public involvement.
6. Also, discussions between the Department of Mines and Energy and the Conservation Commission have resulted in the drawing up of an agreement on guidelines for the conduct of exploration and mining activities in parks and reserves. This agreement has been endorsed by the Minister for Mines and Energy and the Minister for Conservation and is at Attachment A.
7. The Department of Mines and Energy has further reserved certain areas within the park from occupation under the

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Mining Act. At Attachment B is a map of the proposed park showing the locations of these reservations.

8. It is now considered that the requirements of Cabinet Decision No.3668 have been fulfilled and, in consequence, action to declare the area to be a park under the Territory Parks and Wildlife Conservation Act can commence.

#### OPTIONS

9. The options available to Cabinet are:

- (a) to agree that the agreement reached between the Conservation Commission and the Department of Mines and Energy together with legislation already enacted, satisfies the requirements of Cabinet Decision No.3668 and, in consequence, declaration action can proceed; or

- (b) not agree to the above.

10. Option (a) is the recommended option. Not only will declaration of the park be very favourably received in the public arena, but also it will enable the Conservation Commission, as managers, to use available legislative controls as part of the management activity.

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PUBLIC IMPACT OF THE RECOMMENDATIONS

11. It is believed that the recommendations will be favourably received.

FINANCIAL CONSIDERATIONS

12. Declaration of the park will not involve expenditure. Development of proposed Gregory Park is continuing with funding allocated through normal budgetary processes.

REGULATORY IMPACT

13. Nil.

EMPLOYMENT AND INDUSTRIAL RELATIONS

14. Nil.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

15. No effect.

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CO-ORDINATION AND CONSULTATION

16. The Submission has been circulated to the NT Treasury, the Departments of the Chief Minister, Law, Lands and Housing, Mines and Energy, the NT Tourist Commission and the Co-ordination Committee.

LEGISLATION

17. No requirement.

PUBLICITY

18. Not considered necessary at this stage.

TIMING

19. Routine.



STEVE HATTON

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AGREEMENT FOR EXPLORATION AND MINING ON  
TERRITORY PARKS AND RESERVES

1. This agreement is between the Conservation Commission of the Northern Territory (CCNT) and the Department of Mines and Energy (DME).

The agreement applies to all areas of land declared as a park or reserve under section 9(4) or section 12 of the Territory Parks and Wildlife Conservation Act, for the purposes of the mining legislation, including the Mining, Coal and Petroleum Acts, and defines conditions which will apply to all exploration and mining tenements issued by the DME.

It also defines associated procedures to be implemented by the CCNT and DME. For individual areas of land, the agreement will be accompanied by maps identifying agreed Reserves from Occupation, sensitive areas, and areas over which general conditions will apply.

2. The Commission will advise DME of all areas of land subject to Commission care, control and management which have not been declared under section 12 of the Territory Parks and Wildlife Conservation Act and which are proposed for declaration under section 9(4) of the Territory Parks and Wildlife Conservation Act.

3. Areas described at 2 above will be declared under section 9(4) of the Territory Parks and Wildlife Conservation Act.
4. DME will assess any exploration licences current over such areas and will negotiate in good faith with the companies for inclusion of these agreed conditions for exploration in those cases where existing conditions do not adequately comply with this agreement.
5. DME will assess any mining tenement current within such areas and will negotiate in good faith with the companies concerned to agree to environmental assessment of projects which have not yet proceeded to development.
6. The Commission and DME will agree on those areas within parks and reserves, which by reason of their particular sensitivity or asset value, should be declared as Reserves from Occupation under the provisions of the Mining Act, the Coal Act and the Petroleum Act.
7. Existing Reserves from Occupation within parks and reserves will be reviewed jointly and those which are not necessary will be revoked.



8. In general, parks and reserves less than 1,000 hectares in size will be reserved from occupation under the provisions of the Mining Act, the Coal Act and the Petroleum Act. It is considered that exploration and mining activity in such areas would be insignificant and could not be accommodated without seriously impairing park values.
  
9. The general conditions of exploration as approved by Cabinet Decision No. 4385 will apply over the area of all parks and reserves, together with some additional conditions which it is agreed will also apply over the whole of the area of all parks and reserves. These are listed in Attachment 1.
  
10. Areas of special sensitivity within parks and reserves will be agreed between officers of DME and the Commission, and the following additional conditions will apply:
  - (a) "The licensee shall, prior to the commencement of a programme of exploration, request the Secretary of the Department to convene a Programme Review Meeting consisting of a delegate of the Secretary, a delegate of the Director of Conservation, and the licensee or his agents, under the Chairmanship of the delegate of the Secretary to review all aspects

of the programme of exploration". Further programme review meetings shall be convened at agreed appropriate intervals.

(b) "The licensee shall conduct its exploration in a manner consistent with the programme as approved by the delegate of the Secretary following the review by the Programme Review Meeting and any instructions that may be given to the licensee by the delegate of the Secretary".

(c) "If the licensee is involved in activities that in the opinion of an officer of the Conservation Commission could be deemed to be activities outside the agreed programme and the matter cannot be resolved immediately on-site, the officer may instruct the licensee or his agents in writing to cease those activities for 24 hours or one full working day and the licensee shall comply with such an instruction. The Conservation Commission officer shall advise the delegate of the Secretary who shall investigate the matter and further instruct the licensee or his agent".

Mining

11. All mining tenements proposed for issue within an area the subject of this agreement will be subject to environmental assessment as required by Cabinet Decision No. 4385 and procedures are to accord with the requirements of the Environmental Assessment Act.

Extractive Minerals

12. Permits and leases for extractive minerals will only be granted within parks and reserves subject to such additional conditions as may be agreed between the Commission and DME as required by sections 176A(2)(b) and 176A(4) of the Mining Act.

GENERAL CONDITIONS FOR EXPLORATION

The agreed conditions in accordance with Cabinet Decision No. 4385 are:

- (a) exploration personnel and their contractors and agents shall ensure that no firearms or traps are brought into the park and that no wildlife is taken or killed in the park.
- (b) No historic sites or structures shall be disturbed or interfered with in any way unless prior written approval has been granted by the Director of Conservation.
- (c) Fire shall not be used except for the purpose of preparing food or heating water and all reasonable steps shall be taken to prevent fires from spreading.
- (d) Disturbance of vegetation, soil, rock and wildlife in the area is to be kept to a minimum.
- (e) All structures, facilities, survey markings or other related work shall be of a temporary nature and shall be removed from the area at the completion of each

programme unless approved otherwise by the Minister for Mines and Energy.

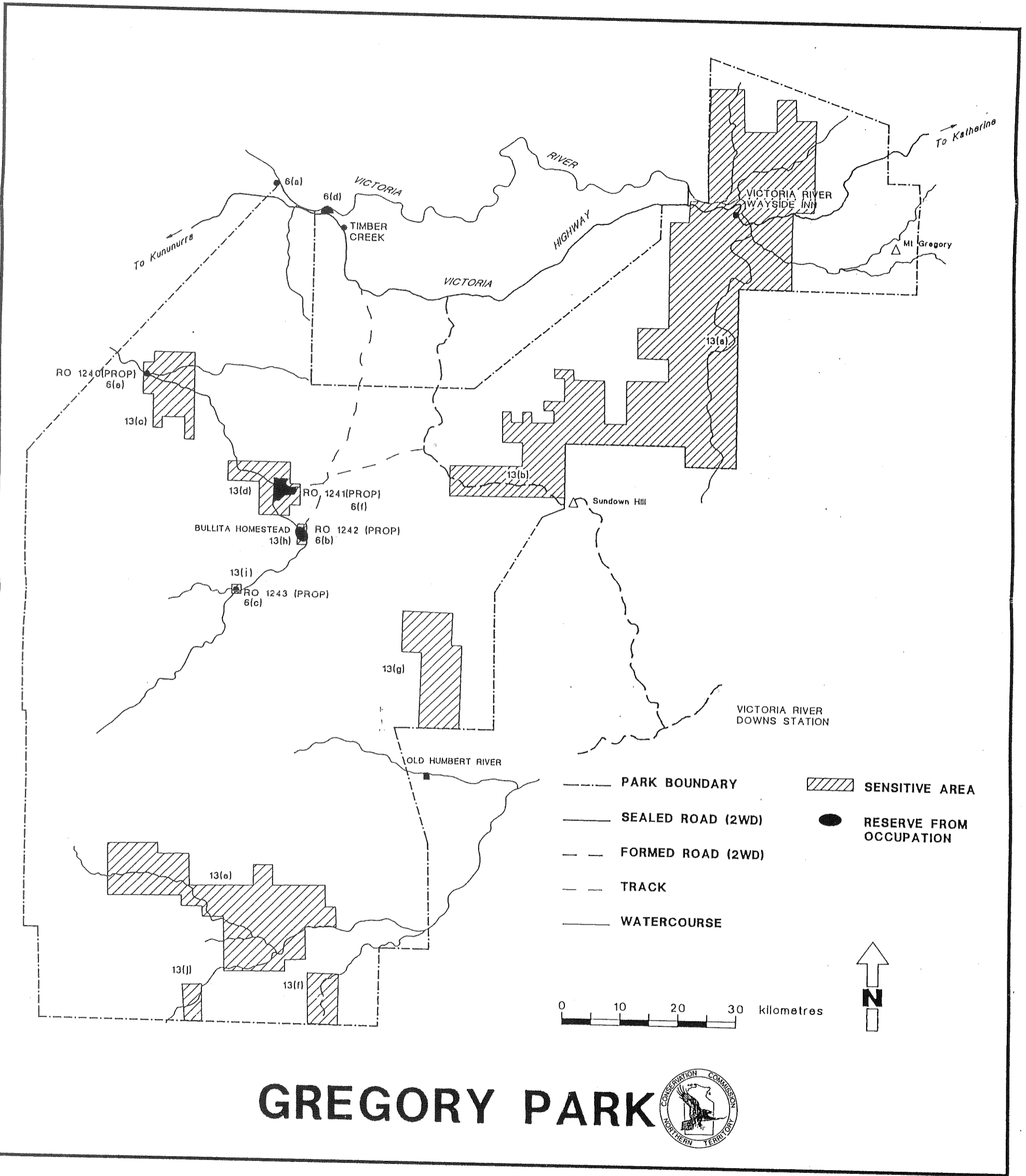
- (f) All sites where the ground has been disturbed shall be rehabilitated and revegetated to standards approved by the Minister for Mines and Energy.
- (g) Exploration camps and associated services and facilities shall only be established in such areas as are approved by the Minister for Mines and Energy.
- (h) All waste material apart from soil, rock and vegetation resulting from exploration activities (including camp-related activities), shall be removed from the park or disposed of in a manner approved by the Minister for Mines and Energy.
- (i) All exploration personnel and contractors shall be instructed on the necessity to protect archaeological, Aboriginal, historic and other significant sites and structures which may exist within the park.
- (j) The holder of the exploration rights shall advise and keep the Director of Conservation informed, in general terms, of the exploration programme and activities within the park.

Note

In relation to conditions (e), (f), (g) and (h) above, the Department undertakes that consideration of these issues will be done in consultation with the Commission and that any determination will be in accordance with the express requirements of the Minister for Conservation.

In addition, the following general conditions will also apply:

- (k) Exploration companies are required to contact the Commission's delegated representative in the field prior to commencing exploration.
- (l) Any tracks, roads or airstrips which are established within the park shall be rehabilitated in accordance with Clause (f) of this section, unless required to be retained for park purposes. Such requirements to be notified in writing by the Director of Conservation or his delegate to the Secretary of DME and the licensee.
- (m) The licensee shall strip the top 100-150mm of soil from areas to be excavated and stockpile separately. Following completion of assessment, sub-soil should be replaced first in the excavation and compacted. The surface should be restored as near as practicable to natural ground contours and the stockpiled top 100-150mm should then be spread evenly over the surface.



# GREGORY PARK

