

# Legacy Mines Policy

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<b>Acronyms</b>	<b>Full form</b>
AMD	Acid metalliferous drainage
DITT	Department of Industry, Tourism and Trade
FMA	<i>Financial Management Act 1995</i>
LMU	Legacy Mines Unit
MMA	<i>Mining Management Act 2001</i>
MRF	Mining Remediation Fund
MTA	<i>Mineral Titles Act 2010</i>
NT	Northern Territory

Term	Definition for the purpose of this Policy
Advisory Panel	Industry based panel established to provide a forum for industry views and suggestions to be presented for Northern Territory (NT) government consideration.
Legacy Mine Site	Area of land containing features (such as infrastructure, waste rock dump etc) where mining has occurred in the past and there is no security (either never secured or security expended). Referred to as ' <b>unsecured mining activities</b> ' under the <i>Mining Management Act 2001</i> (MMA) section 46B(2).
Legacy Mine Feature	A feature (such as infrastructure, waste rock dump etc) on an area of land where mining has occurred in the past and there is no security (either never secured or security expended). Referred to as ' <b>unsecured mining activities</b> ' under the MMA section 46B(2).
Legacy Mine Unit	The Legacy Mine Unit (LMU) is located within the Mines Branch of the Department of Industry, Tourism and Trade (DITT). The LMU administers the Mining Remediation Fund (MRF) to undertake works that minimise or mitigate risks from legacy mining.
Levy	Mining operations authorised under the MMA are required to pay a non-refundable annual levy of 1% on their security. The levy is legislated at section 44A of the MMA and provides revenue for the MRF. It also contributes to the effective administration of the MMA in relation to minimising or rectifying environmental harm caused by mining activities.
Mining Management Plan	A plan for the management of a mining site for which the operator requires an authorisation to carry out mining activities under the MMA.
Mining Remediation Fund	Fund to hold money in trust to be used by the government in connection with minimising or rectifying environmental harm caused by unsecured mining activities. The Fund is legislated under section 46A of the MMA and in accordance with section 7 of the <i>Financial Management Act 1995</i> (FMA).
Remediation	A range of activities undertaken to minimise or rectify environmental harm or risk to public safety. Key considerations of legacy remediation are: <ul style="list-style-type: none"> <li>• physical safety of humans and animals</li> <li>• geo-technical stability</li> <li>• reduction of geo-chemical pollution/contamination.</li> </ul>
Security	Legislated at section 43(1) of the MMA, security is the amount payable by an operator carrying out mining activities authorised under the MMA. The purpose is to secure the payment of costs and expenses if the government were required to undertake action on or off the site to prevent, minimise or rectify environmental harm caused by mining activity. The calculated amount is based on the level of disturbance likely to be caused by the mining activities authorised under the MMA. The security is refundable when the disturbance is remediated in accordance with the approved Mining Management Plan.
Unsecured Mining Activities	Mining activities for which there is no security (either predates the MMA and never secured or security expended) and referred to as a legacy mine site or a legacy mine feature. In the NT, a legacy mining feature can exist within the footprint of an operational mine site.

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# 1. Introduction

Mining has been an important part of the Northern Territory's (NT) industrial history with mining occurring for over 150 years. Many early mines were small in scale and undertaken by individuals rather than large companies. Any on-going impacts were commonly associated with safety risks from mine workings or open shafts. As large scale mining commenced in the mid to late 1950s, environmental impacts became more evident. Over the last 40 years, mining management techniques, environmental standards and public expectations have advanced significantly.

Legacy mines and legacy mine features have the potential to pose a risk to the environment and/or public safety. Hazards associated with legacy mine features may include safety risks from open workings or pits, or degraded infrastructure. Environmental impacts include poor water quality, erosion, weed infestation and damage from acid metalliferous drainage (AMD). While there may be a large number of potential legacy sites, the majority are associated with old workings and relatively few are large complex sites.

In the early 2000s, the NT government introduced the *Mining Management Act 2001* (MMA) that placed responsibility on mining operators for the remediation of disturbance caused by their operations. The MMA also imposed a financial security on operators which is calculated on the level of likely disturbance carried out under the authorisation. The purpose of the security is for the payment of costs if action needs to be taken by the government to prevent, minimise or rectify environmental harm caused by mining activities on or off the mining site, or for completion of remediation.

The MMA was revised in 2013, and in addition to securities the NT government introduced the requirement for all mining operators to pay an annual 1% levy on their security. The purpose of the levy is to provide revenue for the Mining Remediation Fund (MRF). It also contributes to the effective administration of the MMA in relation to minimising or rectifying environmental harm caused by mining activities. The MRF is a fund to be used by the government in connection with minimising or rectifying environmental harm caused by legacy mines and legacy mine features.

## 2. Purpose

The purpose of this Policy is to guide the Department of Industry, Tourism and Trade (DITT) decision-making process when expending funds from the MRF on legacy mine sites and legacy mine features. It identifies the use of a risk based prioritisation approach to mitigate safety and environmental impacts caused by legacy mining using strong principles of governance and stakeholder engagement for the benefit of Territorians.

## 3. Scope

This Policy will apply when assessing and prioritising which legacy mines or legacy mine features to conduct identification, assessment, investigations, planning, or remediation related to harm caused by legacy mine sites or legacy mine features.

This Policy will apply to all identified legacy mine sites or legacy mine features in the NT.

For the purposes of this Policy, legacy mine sites and legacy mine features (referred to as unsecured mining activities at section 46B(2) in the MMA) are former mining activities where there is no security (either never secured or the security has been expended). While the majority of these are small, single shafts, some legacy mines present a significant and ongoing risk to public safety and the environment.

This Policy is designed to be read in conjunction with supporting documentation outlined in [section 7](#).

## 4. Policy statement

The Northern Territory Government is committed to minimising safety risks and environmental impacts from legacy mine sites and legacy mine features, for the benefit of all Territorians. The Legacy Mines Unit are responsible for delivering this commitment by undertaking risk assessments, prioritising key sites, conducting investigations and managing remediation projects on legacy mine sites and legacy mine features using funds from the Mining Remediation Fund.

Ensuring strong governance, integrity and accountability, all decisions about project prioritisation and expenditure from the Mining Remediation Fund will be undertaken in accordance with the Principles set out in [section 5](#) of this Policy and section 46D of the *Mining Management Act 2001*.

An overview of the risk assessment, prioritisation and remediation pathway can be found at Attachment A.

## 5. Principles

The LMU manages a rolling program of investigations, assessments and remediation projects on legacy mine sites across the NT. Availability of resources and funds mean that multiple rehabilitation projects are undertaken over many years. Therefore, principles are required to guide decision-making about the allocation of resources to undertake work on legacy sites that are prioritised based on risk to public safety and the environment.

The following principles will guide decision-making and application of this Policy:

### 1. **Protect the public and the environment from the impacts of legacy mine sites and legacy mine features.**

- Safety hazards on prioritised legacy sites that may pose a risk will be managed to prevent potential exposure to the public and surrounding communities.
- Remediation activities of legacy sites that impact the environment aim to limit the level of adverse impacts such that the site will be safe, stable and non-polluting.

### 2. **Decisions are made using a risk-based approach using robust data and scientific integrity.**

- Sound data and information must be used to underpin risk assessment, prioritisation and decision-making.
- A precautionary, risk-based approach inform prioritisation, planning and delivery.
- The prioritisation process includes a combination of the risk assessment outcome together with other factors such as likelihood of success, beneficial land use and cost effectiveness.

### 3. **Engage with relevant stakeholders, the affected community and explore partnerships.**

- Community and stakeholder engagement should commence as soon as practicable in project development and continue through to completion.
- Where possible and appropriate, partnerships will be investigated to deliver projects with other government bodies, community groups, industry and businesses.

#### 4. Provide value and benefit for the whole of the Territory.

- Value and benefit includes consideration of other factors such as; cultural, community, social, heritage, beneficial re-use and the economy.
- Management and/or remediation of legacy mine sites should be cost-effective.
- Options to maximise local/regional economic growth, employment opportunities and community development, including for Aboriginal businesses and people, should be considered.

#### 5. Strong governance and transparency underpin decisions.

- A strong governance structure must support funding decisions to ensure accountability, transparency and integrity.
- The Legacy Mines Advisory Panel will provide a forum for industry views and suggestions to be presented for NT government consideration.
- Information about legacy mine remediation activities will be publicly available.

### 6. Authorising environment

The Authorising Environment for expenditure from the MRF on legacy mine sites and legacy mine features will align with:

- *Mining Management Act 2001*, specifically section 46D
- *Financial Management Act 1995* and Treasurers Directions
- *Procurement Act 1995*
- *Contracts Act 1978*
- DITT Delegations:
  - Financial Delegations
  - Procurement and Contract Delegations

## 7. Legislation and related documents

<a href="#">Financial Management Act 1995</a>	An Act relating to the financial management of the Territory and certain government business activities, and for related purposes. The Mining Remediation Fund is established under this Act.
<a href="#">Mining Management Act 2001</a>	The MMA establishes the requirement for a security and an annual 1% levy to be payable by operators carrying out mining activities. It also establishes the Mining Remediation Fund for the purpose of minimising or rectifying harm caused by legacy mines (defined as ‘unsecured mining activities’).
<a href="#">Mineral Titles Act 2010</a>	This Act defines the different types of mineral titles which may require authorisation under the MMA and are therefore relevant to the LMU. It relates to the exploration for, and extraction and processing of, minerals and extractive minerals in the NT.
<a href="#">Procurement Act 1995</a>	An Act to provide for the procurement of supplies for the purposes of the Territory and agencies. <a href="#">Procurement Rules</a> and <a href="#">Principles</a> also guide government staff when purchasing goods and services.
<a href="#">Contracts Act 1978</a>	An Act relating to the making and execution of contracts affecting the Northern Territory.
DITT Delegations	Delegations set out the authority within the public service for decision-making and approvals under legislation. <a href="#">Financial Delegations</a> <a href="#">Procurement and Contract Delegations</a>
<a href="#">LMU Strategic Plan 2021-25</a> (DITT)	Outlines the priorities of the Legacy Mines Unit for the short to medium term to achieve the vision of “Territory legacy mine features are managed to minimise safety risks and environmental impacts”.



# Legacy Assessment and Remediation Pathway

