

18 September 2023

Legacy Mines Unit
Department of Industry, Tourism and Trade
Via email: lm.ditt@nt.gov.au

Re: Legacy Mines Remediation Draft Bill – Newmont Submission

To whom it may concern

Thank you for the opportunity to provide a submission on the Draft Legacy Mines Remediation Bill 2023 (the 'draft Bill').

Newmont recognises the importance of fit-for-purpose legislation and a regulatory environment that can address the varied stakeholder requirements stemming from remediation works.

Company Overview

The Newmont Tanami Operations ('NTO') are located in the remote Tanami Desert in the Northern Territory of Australia, almost 540 kilometres from Alice Springs. NTO is a long-life, world-class asset; owned and operated by Newmont since 2002. Currently, the mine produces an average of 500 koz of gold each year.

Work on the Tanami Expansion project (TE2) is well underway, with expected completion in the second half of 2025. This project will deliver significant ounce, cost and efficiency improvements and has the potential to extend the mine life beyond 2040.

NTO is located on Aboriginal freehold land owned by the Warlpiri people, and managed on their behalf by the Central Land Council, who have formal agreements in place with Newmont to share value and protect their land, heritage and culture. In addition, NTO invest directly in initiatives that support community capacity-building activities, including traineeships and employment programs, scholarships, in-kind support and sponsorship grants.

NTO also contributes millions of dollars annually to the Northern Territory economy through the employment of local citizens, the purchase of goods and services, payroll taxes, government royalties, land use payments, salaries and community projects.

Newmont has also undertaken decommissioning, rehabilitation and monitoring activities since acquiring the Woodcutters site in 2002, as a result of its acquisition of Normandy. Newmont is the owner and operator of the non-operational site.

With a focus on a lower carbon future through cutting-edge, innovative mining systems, NTO is well positioned to partner with government and other stakeholders for the longer term.

General comments

Newmont welcomes the ability to engage on the intent of the draft Bill and the more detailed and technical aspects of the legislation as this is developed.

The Territory Government should seek to continue consultation and engagement with industry, as these reforms are progressed, in order to ensure outcomes are delivered through real-world practice.

A set of responses has been provided to address each of the public consultation considerations.

OBJECTIVE: Provide greater opportunities for Territory businesses and community groups to become involved in remediation works.

Newmont see the changes to engage more substantially with Territory businesses and community groups in remediation works as positive. This activity is an essential component of the mining lifecycle and should aim to create a focus on the sustainable operation of the mine well in advance of closure.

Outflows from the Mining Remediation Fund (MRF) can continue to allow for benefits to flow beyond the resources sector, with regard to First Nations engagement, knowledge sharing, skills development, environmental management and possible post mining land use development opportunities (i.e. exploring pumped-hydro or other initiatives).

Remediation works are often long-running and complex. The Territory Government should seek to draw on policy levers that can continue to foster the development of skills and capabilities for Territory businesses and community groups. Frequently, the ability to access localised skills and capabilities for remediation works, and by resources industry activity more generally, is difficult due to limited labour supply. This is further complicated with the Northern Territory having a limited pool of specialised civil contractors and comparable construction companies who already have capacity constraints or unable to take on further projects.

In keeping with the community's broader expectations for transparency and accountability, it is recommended that the MRF be subject to related improvements. Frequent disclosure of the MRF's size, its inflows and outflows, along with the use of funds and associated outcomes should be a logical reform that the Territory Government can implement.

Alongside the need to increase the MRF's transparency, it should be considered how local skills and capabilities, through direct employment or contracting, can be accelerated through the use of the MRF's funds.

OBJECTIVE: Expand the use of the Mining Remediation Fund to include provisions for incentives that will facilitate the leveraging of industry expertise and the use of funds for research purposes and legal and audit services.

Newmont anticipates that the draft Bill allows for the Territory Government to develop efficiencies within regulatory functions, particularly legal and audit services, in order to increase responsiveness and reduce turnaround times that can significantly delay the progress of site activities and achieve the required reclamation in a timely manner.

Newmont contributes a significant quantum of funding to the MRF and would seek to obtain greater transparency through the draft Bill regarding the outflows and outcomes, particularly the funding of applied research projects.

The aggregation of research findings and intellectual property stemming from the MRF would be significant and this should be leveraged by industry, to not only inform active remediation works but also orientate the planning and operation of active mines, in order to reduce remediation.

OBJECTIVE: Add an elevated classification of a ‘reserved legacy mine site’ increasing transparency of expenditure and providing greater certainty in the remediation of these sites and preventing competing land uses.

Newmont recognises the importance for regulators to respond to investment cycles in the resources sector, particularly due to exploration activity that may be linked to commodity price volatility or other external trends that influence investment and capital flows.

The Territory Government should remain open to a classification system for mine sites that is flexible and that prevents a lock-up of this land, particularly at a time when investment in energy transition is underway and novel uses for legacy mine sites could become commercially feasible.

For example, mine sites could provide opportunities for pumped hydro generation or thermal energy storage, in the event that remediation is yet to be completed.

The handover and treatment of any trailing liability for legacy mine sites needs to be further investigated by the Territory Government, to allow for certainty that other competing land uses can coexist with a partly or fully remediated mine site.

Newmont’s Woodcutters site is an example of changing and competing tensions between future development opportunities and both legacy remediation plans and ongoing liabilities. The ability to obtain regulatory flexibility has the potential to address the needs of Indigenous groups and their desire to oversee opportunities for training, employment and economic empowerment. An overview of the work undertaken to engage Indigenous groups through remediation planning and activity has been subject to research conducted by the Centre for Social Responsibility in Mining and The University of Queensland.¹

OBJECTIVE: Ensure the on-going collection of the mining levy used for the remediation of legacy mines and administration of the act.

¹ Barnes, R, Holcombe, S, and Parmenter, J (2020). ‘Indigenous groups, land rehabilitation and mine closure: exploring the Australian terrain’. Centre for Social Responsibility in Mining. University of Queensland: Brisbane.

As mentioned above, transparency over the size, uses and outcomes derived from the MRF is essential. This public availability of this information is likely to generate considerations for future research and opportunities for partnerships with Territory business and communities.

Newmont has seen the benefits of Indigenous engagement at NTO, which has led to sustainable Indigenous Ranger programs, site services delivered by Indigenous contracting organisations and direct employment in mine operations and management. This has led to programs such as biodiversity monitoring which in turn has benefitted from the collaboration on objectives commonly held by Newmont and Indigenous groups.

The Territory Government should establish additional guidance for regulating the transfer of existing remediation obligations and related financial liabilities.

OBJECTIVE: Enable the Minister to authorise some remediation activities to occur without requiring certain statutory approvals prescribed in the regulations

Further information is required from the Territory Government in relation to the types of remediation activities that could be authorised by the Minister without statutory approvals.

Newmont would welcome the opportunity to discuss these matters in further detail, as the draft Bill and associated recommendations continue to develop. Additionally, Newmont would seek to facilitate a site visit to assist with the further development of the draft Bill and outline the practical aspects that may need to be considered by regulators.

Yours sincerely



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