

McArthur River Mine

Terms of Reference

1. Background

The Community Reference Group (CRG) for McArthur River Mine arose in response to recommendations made by the Northern Territory Environment Protection Authority (NT EPA) following its review of the Overburden Management Project (OMP) under the *Environmental Assessment Act 1982*.

The NT EPA identified the protection of the health of the McArthur River along its entire length from mine related impact as the overarching environmental outcome to be achieved through the regulation of McArthur River Mining Pty Ltd (MRM) in the operation of McArthur River Mine¹.

In its Assessment Report 86 the NT EPA identified a requirement for greater transparency and demonstrated public accountability to the broad range of stakeholders of the environment and its values in which McArthur River mine is located². Recommendations made by the NT EPA have been reflected as conditions of Authorisation 0059 issued to MRM under the *Mining Management Act 2001* (MMA) and requires the establishment of a CRG.

2. Purpose

The purpose³ of the CRG is to:

- communicate the McArthur River Mine's performance to the local and broader NT community
- advise on the most appropriate method for MRM to report information that is required to be made publicly available
- provide a structured forum for review and discussion on environmental objectives for adaptive management, operation, care and maintenance, mine closure and the evaluation and costing of mine closure options
- provide a forum for discussing economic and social post-mining impacts
- translate technical information into communication that is readily understood by the community, clearly stating the outcomes to be achieved and progress in achieving them for both operational and closure matters
- provide a mechanism to communicate community feedback to the Northern Territory Government and MRM regarding McArthur River Mine.

The relationships between the CRG and various parties relative to regulatory requirements is depicted in Figure 1.

¹ NT EPA Assessment Report 86, July 2018, <https://ntepa.nt.gov.au/your-business/public-registers/environmental-impact-assessments-register/completed-assessments/register/mcarthur-river-mine>

² Text copied from page 93 of NT EPA Assessment Report 86

³ Text copied from NT EPA recommendation 26 included with amendments made to improve readability

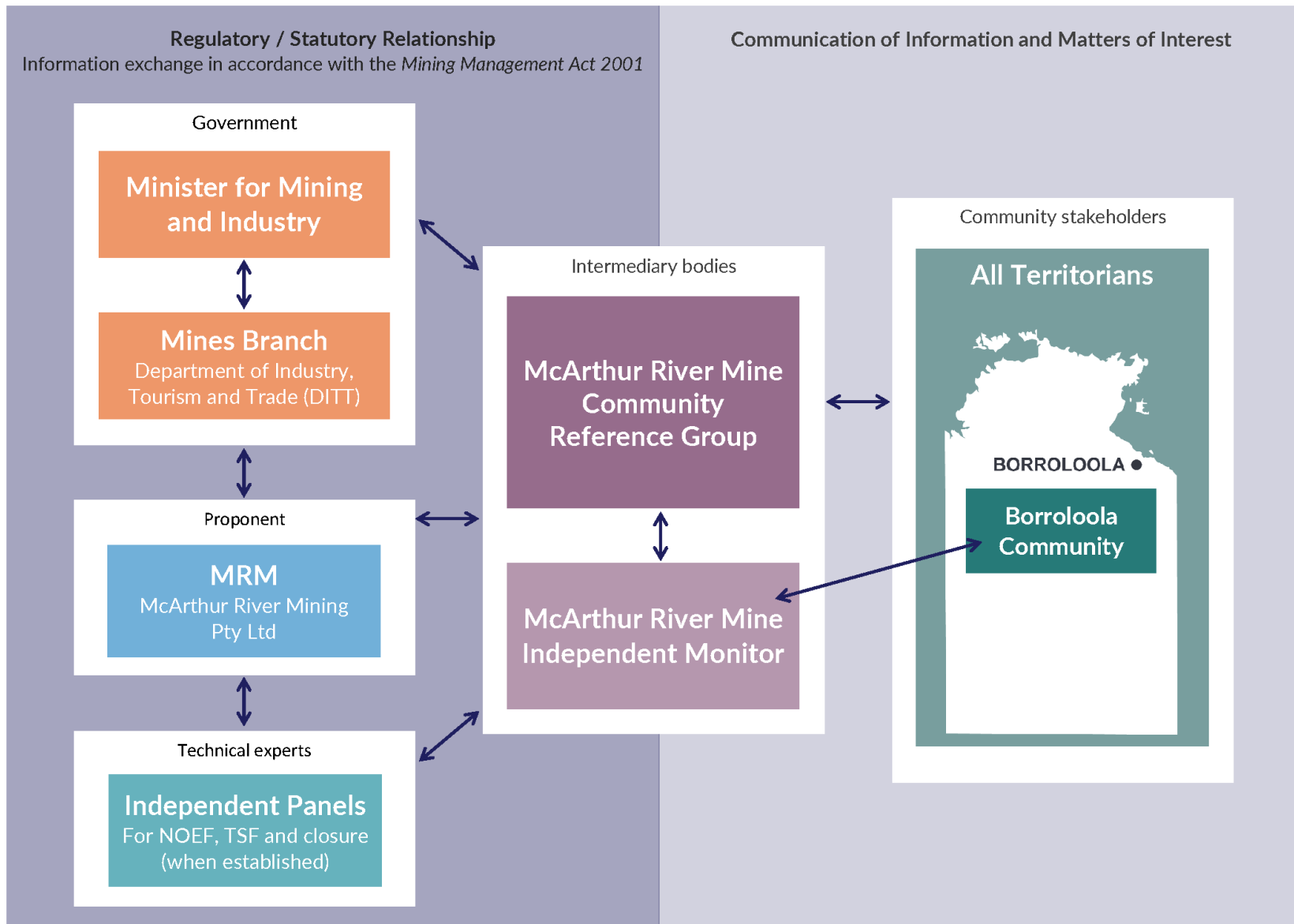


Figure 1: McArthur River Mine Community Reference Group relationships relative to regulatory requirements

3. Scope

The CRG is not a decision-making or regulatory body.

In the conduct of the duties of the CRG, members will:

- receive and may provide comment on reports from the mine operator such as:
 - McArthur River Mine's Mining Management Plan and other relevant plans (including the Adaptive Management Plan)
 - McArthur River Mine's regulatory licence documents
 - annual Environmental Mining Report
 - any independent or audit reports required by Authorisation 0059
- receive and may provide comment on updates and reports from the various independent governance groups for McArthur River Mine associated with:
 - management of the Northern Overburden Management Facility⁴ (NOEF)
 - management and rehabilitation of the Tailings Storage Facility⁵ (TSF)
 - development of closure and care and maintenance strategies⁶
 - the water monitoring program⁷
 - development of the McArthur River Mine Adaptive Management Plan⁸
 - the periodic review of the McArthur River Mine Adaptive Management Plan by the Independent Monitor⁹
 - review of the annual performance of the mine and regulator as reported by the Independent Monitor¹⁰
- provide a forum for a consultation process supporting custodians and traditional owners regarding the environmental objectives to be established and achieved in case the mine site enters into care and maintenance
- discuss matters raised and disseminate information about the project with the wider community, including stakeholder groups.

The CRG is not the forum through which to achieve resolution of matters relating to sacred sites or cultural heritage as these are not regulated under the *Mining Management Act 2001*.

The CRG may release statements or other information to the media, or adopt other approaches to public dissemination of information. However, only the Chairperson may speak publicly on behalf of the CRG.

⁴ NT EPA Recommendations 8, 10 and 19

⁵ NT EPA Recommendation 11

⁶ NT EPA Recommendation 23

⁷ NT EPA Recommendation 13

⁸ NT EPA Recommendations 28 and 29

⁹ NT EPA Recommendation 28,

https://ntepa.nt.gov.au/_data/assets/pdf_file/0003/622092/guideline_adaptive_management.pdf

¹⁰ Independent Monitoring Assessment Conditions of Authorisation 0059 granted under the *Mining Management Act 2001*

4. Membership

The CRG will be chaired by an independent person appointed by government, who is held in high regard in civic life and has expertise in taking the community interests into account and experience in the position of chair¹¹.

The CRG will comprise members who represent the local community directly influenced by the operation of McArthur River Mine, as well as key stakeholders, particularly custodians and Traditional Owners, and the broader Northern Territory community¹².

The members appointed will bring a diversity of skills and stakeholder views from the community, environmental groups, local business, land councils, the mining industry and local government.

The name, credentials, and (if the member agrees) contact details of members will be published on an appropriate NT Government website.

Representatives from MRM and the Mines Branch will be present at CRG meetings to provide an immediately accessible source of expert advice with respect to operational and environmental management or regulatory matters of relevance to McArthur River Mine.

5. Terms of appointment

Membership of the CRG will be by Ministerial appointment for a two year term.

Members who do not attend two consecutive meetings may have their membership reviewed by the Chairperson.

Proxies (or alternative representatives) are not permitted.

6. Role of Chairperson

The Chairperson is to:

- advise members of their roles and responsibilities as members of the CRG
- formulate and settle the meeting dates and agenda in consultation with all members
- convene and run meetings in a fair and independent manner
- conduct meetings to foster effective consideration of issues referred to or raised by the CRG
- facilitate discussion to ensure all members have an opportunity to speak and share their views
- identify any items of a confidential nature and assist members to understand how this information may or may not be used
- support constructive dialogue
- recognise and acknowledge differences of opinion in a fair, transparent and supportive manner
- provide an accurate summary of matters and clearly identify the actions to be taken before the next meeting, who is responsible and by when.

¹¹ NT EPA Recommendation 26

¹² Text copied from NT EPA recommendation 26 including amendments to improve readability and clarity

7. Operating arrangements

At the inaugural meeting of the CRG is to:

1. confirm the Terms of Reference for settlement by the Minister
2. develop guidance with respect to determining the frequency of meetings in consideration of the stage of development of McArthur River Mine and level of public interest (to be no more than a total of four meetings per calendar year)
3. propose a schedule of meetings for the first 12 months to maximise attendance by members
4. identify the point at which meetings will be set for the subsequent 12 months.

The Chairperson may invite a non-member to attend meetings such as:

- representatives of regulatory bodies, including but not limited to the Department of Industry, Tourism and Trade (DITT), Department of Environment, Parks and Water Security (DEPWS)
- the Independent Monitor
- technical experts or consultants
- members of the general public.

The Chairperson is to consult with the other members before issuing an invitation.

Requests from the public for items to be included on the meeting agenda may be directed to individual members or to the Chairperson.

The Chairperson will facilitate crafting of a public communique during each meeting of the CRG.

The Chairperson will be the only public spokesperson for the CRG.

8. Reporting arrangements

The CRG will develop a public communique in each meeting to be made available on DITT's website within 7 days following the meeting. It is the intent that the communique will be interpreted into Aboriginal languages, in accordance with availability and advice from the Aboriginal Interpreter Service.

The CRG Chairperson will provide direct feedback, verbally and in writing as appropriate, and advice to:

- the Minister for Mining and Industry annually at a minimum
- DITT with respect to regulatory matters as appropriate
- MRM with respect to operational concerns as appropriate
- the Independent Monitor as required
- independent technical expert panels as required.

9. Period of review

The structure of the CRG and its Terms of Reference are to be reviewed after 12 months and subsequently every six years¹³. Notwithstanding this, these may be reviewed more often if and when

¹³ NT EPA Recommendation 26

needs arise. Reviews are to be conducted in consultation with the Minister for Mining and Industry with input from the Minister for Environment and the NT EPA.

If the Chairperson has concerns about the effectiveness of the CRG, they may refer the matter to the Minister. The Minister will examine these concerns and determine what action should be taken.

10. Obligations of the operator and government regulators

MRM is required to:

1. assist as necessary with the establishment and operation of the CRG¹⁴
2. organise site visits for the CRG as requested by the Chairperson
3. provide the CRG with timely, accurate and comprehensive reports on the project such as:
 - the annual Environmental Mining Report (or equivalent)
 - an overview and the environmental management section of McArthur River Mine's Mining Management Plan and other relevant environmental plans (including the Adaptive Management Plan)
 - McArthur River Mine's regulatory licence documents
 - any independent or audit reports required as a condition of Authorisation 0059
 - responses to community concerns and reports on progress addressing them
4. respond to questions asked or advice given by the CRG about McArthur River Mine's environmental performance or community relations within 28 days of receiving the request.

Government agencies responsible for the administration of legislation in the Northern Territory, including but not limited to the *Mining Management Act 2001* and *Water Act 1992*, are required to respond to questions asked about McArthur River Mine's environmental performance within 28 days of receiving the request.

¹⁴ Included as a condition of Authorisation 0059

11. Relevant Excerpts

11.1.1. Excerpt 1 – Variation of Authorisation 0059 Condition 43¹⁵

43. *The Operator must assist, as required, the Department to establish and operate a Community Reference Group (CRG).*

11.1.2. Excerpt 2 – NT EPA Assessment Report 86 Recommendation 26

Recommendation 26

Approvals and decisions in relation to the Proposal shall include conditions that require a Community Reference Group to be established that has the following roles:

- i. communicate the mine's performance to the local and broader NT community*
- ii. advise on the most appropriate method for the Proponent to report information that is required to be made publicly available*
- iii. provide a structured forum for review and discussion in setting environmental objectives for adaptive management, operation, care and maintenance, mine closure and the evaluation and costing of mine closure options*
- iv. provide a forum for discussing economic and social post-mining impacts*
- v. translate technical information into communication that is readily understood by the community, clear statement of outcomes to be achieved and progress in achieving them for both operational and closure matters.*

The Group shall be chaired by an independent person appointed by government, who is held in high regard in civic life and has expertise in taking the community interests into account and experience in the position of chair.

The Group shall comprise members who represent the local community and broader Northern Territory community, as well as key stakeholders, particularly custodians and Traditional Owners.

A Terms of Reference for the Group shall be developed to the satisfaction of the NT EPA and agreed by the relevant regulator/s and the Department of the Chief Minister. Details regarding the establishment of the Community Reference Group, including roles and responsibilities, membership, timeframe for commencement and scope, reporting obligations and accountability should be decided within 12 months of all approvals being received for the Proposal.

The structure of the Group and its Terms of Reference shall be reviewed every six years from the date the Terms of Reference are finalised.

¹⁵ Issued under the *Mining Management Act 2001* on 13 November 2020