

NORTHERN TERRITORY OF AUSTRALIA

Mining Management Act 2001

VARIATION OF AUTHORISATION 0126-01

To: Groote Eylandt Mining Company Proprietary Limited ACN 004 618 491

I, **ROSLYN LEANNE VULCANO, Executive Director Mining Operations**, as delegate of the Minister and pursuant to section 38(2) of the *Mining Management Act 2001* (the Act), after having paid due regard to the matters referred to in section 34 of the Act and being satisfied as to the matters referred to in section 38(3) of the Act, vary Authorisation 0126-01 by:

1. Deleting the schedule to Authorisation 0126-01 and substituting it with Schedule 1 as attached to this Variation of Authorisation.
2. Omitting paragraph (a) of Authorisation 0126-01 and inserting:
 - (a) On the mining site known as the Gemco Mine, situated within MLN2, MLN3, MLN951, MLN952, MLN953, MLN956, MLN957, MLN958, MLN959, MLN960, MLN961, ML31219, ML31220, SPL382, SPL383, SPL392, SPL393 and AA31711 granted under the *Mineral Titles Act 2010*; and
3. Omitting paragraph (b) of Authorisation 0126-01 and inserting:
 - (b) For the period of grant and any renewal of the titles specified in paragraph (a).

This Variation commences on the date this document is signed.



Executive Director Mining Operations
as delegate of the Minister

25 February 2022

Document history:

Authorisation No.	Grant or variation	Date issued
0126-01	Grant	09/04/2003
0126-01	Variation 1	26/04/2013
0126-01	Variation 2	17/02/2014
0126-01	Variation 3	04/01/2017
0126-01	Variation 4	21/09/2018
0126-01	Variation 5	16/12/2019
0126-01	Variation 6	06/04/2020
0126-01	Variation 7	18/06/2021
0126-01	Variation 8	25/02/2022

SCHEDULE 1

Definitions

1. In this Schedule, unless the contrary intention appears:
 - a. **Act** means the *Mining Management Act 2001* and includes any statutory instruments made under it, any amendment to it, or replacement of it.
 - b. **Department** means the Department of Industry, Tourism and Trade (or any other Northern Territory Department or Agency that is, from time to time, responsible for the administration of these conditions) and the delegates, officers, employees and other agents of that Department.
 - c. **EMR** is an acronym for Environmental Mining Report, which has the same meaning as in the Act.
 - d. **EPBC Act** is the Australian Commonwealth Government *Environment Protection and Biodiversity Conservation Act 1999*.
 - e. **Independent**, in relation to a person, means the person has agreed in writing to:
 - I. Function independently of the parties with an interest in the person's engagement; and
 - II. Function with honesty, reason, and with the degree of professional care, skill, knowledge, experience and diligence which may reasonably be expected of the person in carrying out the engagement.
 - f. **Independent Certified Engineer** or **ICE** means a person or entity, subject to Condition 1e of this schedule, who has appropriate qualifications, training and experience, and relevant insurances, in fields relevant to this Authorisation.
 - g. **Mine** means the mining site known as the Gemco Mine as described in Authorisation 0126-01.
 - h. **Minister** means the Minister responsible for the *Mining Management Act 2001*.
 - i. **MMP** means the current Mining Management Plan as approved by the Minister in respect of the mining site known as Gemco Mine referred to in Authorisation 0126-01.
 - j. **Operator** means Groote Eylandt Mining Company Proprietary Limited ACN 004 618 491.
 - k. **Quality Assurance** or **QA** means a system for the maintenance of a desired level of quality in construction, especially by means of attention to every stage of the construction process.
 - l. **Quality Control** or **QC** means a system of maintaining standards in construction by testing samples of the output against pre-defined specifications.
 - m. **Resident Engineer** is an on-site engineer who has appropriate qualifications, training and experience in fields relevant to this Authorisation.

- n. **Site** means the area of land identified in the MMP for which an Authorisation has been granted under section 36 of the Act.

Interpretation

- 2. In this schedule, unless the contrary intention appears:
 - a. words defined or used in the Act have the same meaning as in the Act;
 - b. a reference to a document is a reference to that document as in effect from time to time;
 - c. the word “including” is not a word of limitation and is to be interpreted as though it were immediately followed by the words “but not limited to”;
 - d. headings have been included for ease of reference only and do not affect interpretation;
 - e. a reference to the singular includes the plural and vice versa;
 - f. a reference to time is to the time at Darwin in the Northern Territory of Australia; and
 - g. monetary references are references to Australian currency.

General

- 3. Subject to any conditions contained in the Act and this schedule,¹ the Operator must comply with the commitments and activities contained in the MMP including the implementation of all systems referred to in the MMP.²
- 4. The Operator may only conduct mining activities identified in the MMP within the Site subject to any conditions contained in the Act, this schedule and the conditions commitments and systems contained in the MMP.
- 5. The Operator must abide by recommendations provided in Assessment Report 77 Issued by the Northern Territory Environment Protection Authority in March 2016.
- 6. The Operator must undertake works proposed in the approved MMP in accordance with approval conditions for Gemco Mine (Eastern easements) Project, NT (Ref: EPBC2014/7228) subject to the *Environment Protection and Biodiversity Conservation Act 1999*.
- 7. All activities relating to extraction of water, discharge of water, or interference with a waterway must be undertaken in accordance with the *Water Act 1992*.

¹ Section 37(1) *Mining Management Act 2001*

² Section 37(2) *Mining Management Act 2001*

Mining Management Plan (MMP)

8. The Operator must on 30 September and on each anniversary of that date (or such other date as nominated by the Operator and approved by the Minister), review the MMP and if necessary, amend the MMP.³
9. The Operator may at any time review and if necessary amend the MMP.⁴
10. Each time the Operator amends the MMP, the Operator must submit the MMP to the Minister for approval⁵ and when doing so, the Operator must clearly identify the MMP amendments.⁶
11. On or before 14 days from the date of this Authorisation and within 14 days of the date of approval of any subsequent amendment to the MMP the Operator must make the MMP available to the public.⁷

Security and levy

12. The Operator must provide a security of \$156,893,690.00 in the form of cash or an unconditional bank guarantee to the Minister⁸ prior to undertaking any mining activities authorised by this Variation of Authorisation 0126-01.⁹
13. The security provided for under clause 12 will be reassessed, and may be revised, following each submission of an amended MMP. The Operator must provide the revised security amount in the form of cash or an unconditional bank guarantee to the Minister.
14. Each financial year, upon receipt of a written notice by the Minister as to the levy payable for that financial year, the Operator must pay a levy to the mining remediation fund of an amount calculated in accordance with the Act and as stated by the Minister in that written notice.¹⁰

Independent oversight

15. The Operator must appoint an Independent Certified Engineer (ICE), approved by the Department, to:
 - a. Review and endorse design and construction of new or existing structures (e.g. Dams, Roads, Bridge etc.) that are to be developed, as per the approved MMP, that:
 - i. Confirms design lifetimes of above-ground waste structures are appropriate, taking into account the uncertainties of climate variability;

³ Section 41(1) *Mining Management Act 2001*

⁴ Section 41(2) *Mining Management Act 2001*

⁵ Section 41(1) (b) and 41(2) *Mining Management Act 2001*

⁶ Section 41(3) *Mining Management Act 2001*

⁷ Section 37(3)(f) *Mining Management Act 2001*

⁸ Section 43 *Mining Management Act 2001*

⁹ Section 37(2)(b)(i) *Mining Management Act 2001*

¹⁰ Sections 37(2)(b)(ii), 44A and 44B *Mining Management Act 2001*

- ii. Confirms the design includes construction hold-points at key stages of the structure development that is likely to affect the construction and/or future performance of the structure;
 - iii. Includes implementation of appropriate monitoring equipment/system to enable performance monitoring of the structure;
 - iv. Confirms that the adequacy of the design is in accordance with industry best practice including codes, guidelines and Australian Standards;
 - v. Confirms the suitability and adequacy of the construction methodology, including QA/QC and construction material specifications; and,
 - vi. Confirms that relevant matters from any independent review have been adequately addressed;
- 16. The ICE may agree in writing that the Operator appoint a Resident Engineer as an onsite representative.
- 17. The ICE must agree in writing that using a Resident Engineer does not diminish the ICE's responsibility or liability for the project.
- 18. The ICE must, by being present on site and sighting construction and/or through the Operator's Resident Engineer:
 - a. Verify that structures meet design specifications and Condition 15a of this schedule;
 - b. Approve re-commencement of construction at defined hold points;
 - c. Approve any material changes to the design during construction;
 - d. Verify that monitoring equipment/structures installed or to be installed as part of the construction, as specified in the relevant detailed designs, remain functional at the conclusion of the construction works; and
 - e. Endorse replacement or alternative monitoring equipment used in structures in the event that such equipment becomes non-functional.
- 19. On completion of construction, endorse an "as-constructed" report, which includes:
 - a. All the works undertaken, including relevant designs and scaled maps; and
 - b. Evidence of:
 - i. Hold point sign-offs;
 - ii. Conformance where deviations to the endorsed plan have occurred and justification that demonstrates the design intent and performance of the structure has not been compromised;
- 20. The Operator must ensure the ICE holds appropriate public and professional indemnity insurance.
- 21. Prior to commissioning new structures as per Condition 15(a) the Operator must provide the report required under Condition 19 to the Department for review and acceptance.

Environmental Mining Report

22. The Operator must submit to the Department an Environmental Mining Report (EMR), and related environmental monitoring data, on or before 30 September and on each anniversary date and be made available to the public.
23. The EMR must report against environmental commitments, annual highlights and Environmental Management Systems performance as specified in the MMP.