KOONGARRA PROJECT AREA BILL 1981

Date Introduced: 28 May 1981
House: House of Representatives
Presented by: Hon. I.B.C. Wilson, Minister for Home Affairs and Environment.

Short Digest of Bill

Purpose

To adjust the boundaries of the Kakadu National Park and the Koongarra Special Mineral Lease Application Area, the latter area to be now known as the Koongarra Project Area.

Background

On 5 April 1979 by Proclamation under Section 7(2) of the National Parks and Wildlife Conservation Act 1975 the Governor-General declared an area of approximately 5,700 square kilometres in the Northern Territory as the Kakadu National Park. Excluded from this area were six parcels of land of a total area approximately 15.7 square kilometres which contained mining and commercial interests. One of these parcels of land was known as the Koongarra Special Mineral Lease Application Area.

In his Second Reading Speech the Minister advised that following an extensive environmental impact study by the Noranda Australia Limited, the applicant for the special mineral lease, presented a proposal involving the use of an area outside the current lease application area. The Minister stated that the net effect of the revision of boundaries is that the area of the Kakadu National Park will be slightly increased and also that the area to be added includes an environmentally important area in the Nourlangie Escarpment.

Main Provisions

Clause 3(1) amends the Proclamation of the Governor-General of the Kakadu National Park by substituting a revised description of the boundaries of the area and by sub-clause (2) provides that the revised area shall be deemed to have been proclaimed by the Governor-General under the provisions of, and in accordance with all the requirements of the National Parks and Wildlife Conservation
Act 1975. In effect by this latter provision Parliament will override the obligation imposed on the Governor-General by section 7(11) and (12) of the National Wildlife and Conservation Act 1975 to observe the procedures therein prescribed prior to any amendment of an existing Proclamation. Should any of the area being added to the Park by this provision not be an "area" within the meaning of Section 7(1) of the National Parks and Wildlife Conservation Act 1975, Clause 3(3) operates to ensure the validity of the Proclamation. Clause 3(4) provides that any interest held by the Commonwealth in land returned to the Park by virtue of the revised description, other than an interest in any minerals, shall vest in the Director of National Parks and Wildlife.

By virtue of Clause 2(2) the proposed Section 3 of the Act shall not be proclaimed until the Minister for Aboriginal Affairs and the Aboriginal Land Council have consented in writing for the purpose of Section 40(1) of the Aboriginal Land Rights (Northern Territory) Act 1976 to the making of a grant of a mining interest in respect of the land to be excluded from the Park by the amendment of the boundaries.

For further information, if required, contact:

Science, Technology & Environment Group
3 June 1981

LEGISLATIVE RESEARCH SERVICE