Date Introduced: 10 April 1978
House: House of Representatives
Presented by: Hon. R.J. Groom, M.P.,
Minister for Environment Housing
and Community Development

Purpose

(a) To enable the declaration of a large national park in the Alligator Rivers Region under circumstances where much of the proposed park is to be made Aboriginal land; (b) to control land use within a further area of the Region designated as a 'conservation zone'; (c) to give the park Director some additional powers with regard to the uranium mining industry.

Background

During the Ranger Environmental Inquiry into the development of uranium in the Alligator Rivers Region, an important breakthrough came when the newly-formed Northern Lands Council let it be known to the Inquiry that local Aboriginals would agree to Aboriginal land becoming part of a national park. Realising that conservation and Aboriginal values were reasonably compatible, and that Aboriginals could play an important role in helping to manage the park, the Ranger Commissioners subsequently recommended that the Ranger uranium mining project be entirely enclosed within a framework of national park/Aboriginal use and control. As recognised by the Commissioners, this would require amendment of the National Parks and Wildlife Conservation Act 1975 to allow a park to be sited on land leased from its Aboriginal owners.

In accordance with an option left open by the Ranger Commissioners, the park is being declared in stages, the second stage being subject to further minerals exploration before its transfer to full park status. Certain land use controls can be applied to the second stage so that it becomes a 'conservation zone' for the time being.

Although the Ranger, Pancontinental and Noranda leases are excluded from parkland, the Ranger Commissioners have recommended that the Director of a national park surrounding one or more uranium mines should have special powers for environmental protection of the park. It was therefore recommended that the Director (i) be enabled to obtain
relevant information from mining companies and their contractors, and (ii) be given the power to enforce environment protection provisions, the Supreme Court of the Northern Territory having jurisdiction concerning these legal requirements.

Main Provisions

Clause 5 allows a declared park or reserve to be an area of Aboriginal land leased to the Director of National Parks and Wildlife.

Clause 6 introduces a new category of land known as a conservation zone. Regulations prohibiting pollution and the movement of animals and plants within the conservation zone may be proclaimed. There is also allowance for regulations for controlling, but not prohibiting, tourism, camping, fires, trade, commerce, vehicular movement, vessels, aircraft, mining, fishing, agriculture, works and forestry within the conservation zone.

Clause 6 also ensures that any private interest (including mineral interest) held immediately before the declaration of a park or reserve is not affected by the plan of management. Non-mining interests would not be renewed except by Ministerial consent, but reasonable compensation is to be paid to an affected person.

Clause 8 allows the Director to authorise buildings and other structures in the Alligator Rivers Region to be erected while no plan of management is in force.

Clause 9 amends section 11 so as to require the Director to take into account when formulating the plan of management of a park within the Region the interests of Aboriginals in the area (sub-clause 9(b)). He will also be required to serve a copy of the plan on the relevant Aboriginal Land Council Chairman to allow him to comment on it (sub-clause 9(f)). There is also provision for the Minister to seek the views of the relevant Chairman after he has received a copy of the plan of management (sub-clause 9(g)).

Clause 10 allows for the appointment of an adjudicator in the case of disagreement between the Chairman and the Director about management of a park on Aboriginal land.

Clause 13 confers additional powers upon the Director. He can obtain information about uranium mining in the Region, he has access with the occupier's consent to buildings and places in the Region, and he can apply to the Supreme Court of the Northern Territory for an order against persons refusing information or access.

28 April 1978

Defence, Science and Technology Group

LEGISLATIVE RESEARCH SERVICE