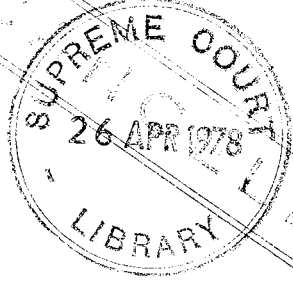


1978

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES



HOUSE OF
COMMONS
JOINT LAW COURTS
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26 APR 1978

ENVIRONMENT PROTECTION (NORTHERN TERRITORY SUPREME
COURT) BILL 1978

NOTES ON CLAUSES

(Circulated by the Minister representing the Attorney-General,
the Hon. R.I. Viner, M.P.)

ENVIRONMENT PROTECTION (NORTHERN TERRITORY SUPREME
COURT) BILL 1978

Introduction

This Bill will give effect to the decision of the Government to accept the recommendation of the Ranger Uranium Environmental Inquiry that:

"Legislative action ... be taken to enable the Director [of National Parks and Wildlife] and the Northern Land Council to enforce environmental protection provisions, particularly by way of injunction to restrain or compel action, and to give the Supreme Court [of the Northern Territory] a wide discretion as to the exercise of its jurisdiction in such cases."

Notes on clauses

Clause 1 - Short title and citation

Clause 2 - Commencement

The Act is to come into operation on the day it receives the Royal Assent.

Clause 3 - Interpretation

This clause defines the meaning of certain words and phrases used in the Bill. In particular, attention is drawn to the following -

"environment" - this definition is similar to that used in the Environment Protection (Impact of Proposals) Act 1974.

"prescribed instruments" - are laws of the Commonwealth or the Northern Territory, and instruments made granted or issued under or for the purpose of any such laws.

"uranium mining operations" - are widely defined to include operations and activities connected with mining, such as prospecting and exploration, milling, transportation, storage, construction of mine works and infrastructure.

Clause 4 - Jurisdiction of the Supreme Court

This clause confers jurisdiction on the Supreme Court of the Northern Territory to make orders

- . relating to the enforcement, in relation to uranium mining operations
- . of requirements of, or having effect under, prescribed instruments
- . so far as the requirements relate to matters affecting the environment in the Alligator Rivers Region.

A Land Council has standing to invoke this jurisdiction where the matter affects the environment in a part of the Alligator Rivers Region that is

included in the area for which that Land Council has been established and is Aboriginal land.

The Director has standing where the matter affects the environment in a part of the Region that is national park, reserve or conservation zone under the National Parks and Wildlife Conservation Act 1975.

The Clause does not give the Court power to impose new environmental requirements - only to make orders in relation to requirements which are imposed elsewhere.

Clause 5 - Exercise of Jurisdiction

In accordance with the recommendation of the RUEI, the Supreme Court is given a wide discretion as to the exercise of its jurisdiction. In particular, the Court may, if it thinks it appropriate

- . require a person to carry out work to remedy a detriment to the environment caused by a failure to comply with a requirement in a prescribed instrument,
- . authorise or approve the carrying out or the doing of work by a third person to remedy such a detriment and make an order relating to the reimbursement of costs incurred.

Clause 6 - Savings

The jurisdiction conferred on the Supreme Court by the Bill is in addition to other jurisdiction

of the Court. Any other right of action, and any other civil or criminal liability, is expressly saved by this Clause.