

1987

PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

NATIONAL PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Arts, Heritage and
Environment, the Hon Barry Cohen, MP)

OUTLINE

This is a Bill for an Act to amend the National Parks and Wildlife Conservation Act 1975

The Bill is one of a number of Bills required to give effect to the Government's decision to extend the present Kakadu National Park to include the pastoral leases of Gimbat and Goodparla.

In summary this Bill:

- (a) enables a conservation zone to be declared over part of Gimbat and Goodparla;
- (b) permits Aboriginal land claims over the areas declared as Park or conservation zone and permits the declaration of Park and conservation zone over areas subject to land claim;
- (c) clarifies the objects of a conservation zone to ensure that regulations can be made to encourage exploration generally within a conservation zone;
- (d) ensures that any exploration on existing interests within the conservation zone is subject to the same assessment procedures as exploration in other parts of the conservation zone; and
- (e) clarifies the regulation making power for a conservation zone.

Financial Implications

There will be increased costs incurred by the Australian National Parks and Wildlife Service associated with the management of the additional Park area and conservation zone. Additional costs will be incurred by the Bureau of Mineral Resources in relation to mineral research and resource assessment. There will be further costs associated with monitoring of the technical aspects of exploration activities.

NOTES ON CLAUSES

Clause 1 - Short Title etc

This is a formal provision. It provides for citation of the Act and for a reference in the Act to "the Principal Act" to be read as a reference to the National Parks and Wildlife Conservation Act 1975.

Clause 2 - Commencement

This clause provides that the legislation will come into operation on the day on which it receives the Royal Assent.

Clause 3 - Interpretation

This clause amends the definition of "Region" so that the areas of Gimbat and Goodparla are no longer excluded and are therefore capable of being included in the Park and conservation zone. For the purposes of the Principal Act "Region" is defined by reference to the definition of that term in the Environment Protection (Alligator Rivers Region) Act 1978. An appropriate amendment is, therefore, being effected by the Environment Protection (Alligator Rivers Region) Amendment Bill to extend the meaning of "Region" to include Gimbat and Goodparla.

Clause 4 - Conservation zones

Once an area is declared a conservation zone under the Act, the recovery of minerals in that zone is to be controlled in part by regulations made under the Act. This clause amends section 8A of the Act as follows:

- sub-section (1) is amended to recognise that some land in a conservation zone might not be declared to be park or reserve;
- sub-section (6) is amended to apply all the heads of regulation-making powers included in section 71 (2) and (3) to a conservation zone, with the exception of the head of power "providing for giving effect to plans of management in relation to parks and reserves". This amendment will enable the regulation of general activities in the zone, provided that those regulations are consistent with regulations under paragraph 8A(8)(a) and with terms and conditions included in a licence or lease granted under the Lands Acquisition Act 1955
- paragraph 8A (8)(a) is amended to clarify that the regulation-making power extends to prohibiting operations for the recovery of minerals to ensure

compliance with environmental requirements arising from environmental assessment procedures;

- . sub-section (9) is inserted to clarify that the power to make regulations under paragraph 8(a) which in effect facilitate the exploration of minerals within a conservation zone, are not contrary to the objects of a conservation zone as specified in the sub-section (1);
- . sub-section (10) is inserted to provide that regulations made in relation to a conservation zone continue to apply in relation to an area later excised from the zone for mining in order to ensure the environment assessment procedure can be applied to mining operations as well as to exploration;
- . sub-section (11) is inserted to ensure that regulations can be made governing exploration and mining activities on existing interests notwithstanding any other regulations made under the Act or law of the Northern Territory or any Act under which the existing interests were created, preserved or otherwise affected;
- . sub-section (12) is inserted so that general regulations under the Act have no effect to the extent that they are inconsistent with the terms and conditions included in a licence or lease granted under the Lands Acquisition Act 1955; and
- . sub-section (13) is inserted to provide that any operation for the recovery of minerals in the exercise of an existing interest shall be subject to the Environment Protection (Impact of Proposals) Act 1974.

Clause 5 - Existing interests, etc, in parks, reserves and conservation zones

This clause amends section 8B of the Act so that existing interests are not exempted from environment assessment procedures or the application of regulations made under paragraph 8A(8)(a) for the regulation and prohibition of operations for the recovery of minerals. This allows the recommendations arising from environmental assessment to be given effect.

Clause 6 - Township at Jabiru

This clause amends the definition of the term "Park" for the purposes of section 8D, which relates to the township at Jabiru, to take account of the insertion of a definition of "Kakadu National Park" into the Act by the National Parks and Wildlife Conservation Amendment Bill 1986

Clause 7 - No compensation payable

This clause provides that the Commonwealth is not liable to pay compensation to any person by reason of the enactment of this Bill.

