

LEGISLATIVE RESEARCH SERVICE  
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NATIONAL PARKS AND WILDLIFE CONSERVATION  
AMENDMENT BILL 1986

Date introduced: 27 November 1986  
House: House of Representatives  
Presented by: Hon. Barry Cohen, M.P.  
Minister for Arts, Heritage and  
Environment

DIGEST OF BILL

**Purpose**

To amend the National Parks and Wildlife Conservation Act 1975 (the Principal Act) to prohibit exploration and mining in the Kakadu National Park.

**Background**

The Ranger Uranium Environmental Inquiry recommended, in 1977, that a major national park be established in the Alligator Rivers region of the Northern Territory to provide protection for rare species of flora and fauna, rare habitats and important Aboriginal art and archaeological sites of significance. The Commonwealth implemented the recommendation in April 1979 by declaring Stage I of the Kakadu National Park under the National Parks and Wildlife Conservation Act 1975. This area, covering 6144 sq km, incorporates the former Woolwonga and Alligator Rivers Wildlife Sanctuaries.[1] Stage II of the Park, an area covering 6929 sq km, was declared in 1984.

Under the terms of the Convention for the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of Unesco in 1972, the World Heritage Committee has established a list of properties forming part of the cultural and natural heritage which it considers as having outstanding "universal value", the destruction of which would constitute a "harmful impoverishment of the heritage of all nations of the world".[2] Stage I of the Park was listed as a World Heritage Site in 1981.

Kakadu National Park is administered by the Australian National Parks and Wildlife Service which, in June 1986, called for submissions on the 2nd plan of management to ensure the conservation and appropriate use of Stages I and II. The original 5 year plan, which provided for "operations for the recovery of minerals" subject to environmental controls, expired in December 1985. Before Stage II was declared, some fourteen mineral exploration leases had been granted while approximately 400 applications for mineral exploration rights had been lodged, but not granted. Most of the leases and applications are held by Geopeko Mineral Exploration, the exploration arm of Peko-Wallsend Operations Limited.

On 16 September 1986, the Minister for Arts Heritage and Environment, in a joint statement with the Minister for Resources and Energy, announced that the Government had agreed to a Plan of Management which would exclude the possibility of mining activity within Stages I and II and that Stage II should be nominated for inclusion in the World Heritage List. It was also announced that Stage III, constituting the Gimbat and Goodparla pastoral leases which cover 6726 sq km and include a large area of the catchment of the South Alligator Rivers, would be created. The Coronation Hill mineral lease, located within the Gimbat pastoral lease, would be excluded from the Park extension, allowing development of gold and platinum resources to proceed subject to the usual environmental, Aboriginal heritage and related clearances.[3]

On two separate occasions, in October and November 1986, Geopeko carried out mineral exploration in Stage II of the Park. On the second occasion, it being questionable whether the activity was confined to leasehold areas under Commonwealth law, the Commonwealth sought an injunction in the Northern Territory Supreme Court to restrain Peko-Wallsend and its joint venture partner, the Electrolytic Zinc Company of Australasia Limited, from further exploration in the Park. The two companies undertook not to enter the Park for mining or exploration until the matter was resolved.

Both Peko-Wallsend and the Northern Territory government made separate applications in the Federal Court, on 20 November, for interlocutory injunctions to restrain the Commonwealth from proceeding with the nomination of Stage II for the World Heritage List. On 24 November, the application by Peko-Wallsend resulted in Mr Justice Beaumont

of the Federal Court ordering the Commonwealth to direct its representatives in Paris to ask for a deferral of consideration of the Stage II listing proposal. The Committee of Unesco was due to hear the Government's submission that night and a deferral would mean that the proposal would not be considered until November 1987. The Full Court of the Federal Court refused application by the Commonwealth for leave to appeal from the decision. On 26 November, the High Court refused the Commonwealth's application for special leave to appeal from the decision of the Full Court and a stay of the order made by Mr Justice Beaumont.

This Bill will amend the National Parks and Wildlife Conservation Act 1975 to retroactively ban mineral exploration and mining in the existing Kakadu National Park. The Bill will cover mineral interests existing before the Park was proclaimed and expressly stipulates that no compensation will be paid.

#### **Main Provisions**

Section 8B of the Principal Act provides for the preservation of existing mineral interests. Clause 3 will amend the section so that any mineral interest and any other interest that relates to operations for the recovery of minerals within Kakadu National Park will no longer be preserved by the operation of the section.

Clause 4 will amend section 10 of the Principal Act to prohibit operations for the recovery of minerals in Kakadu National Park (proposed sub-section 10 (1A)). New sub-section 10 (1B) will make it clear that the amendment will not prevent the use, development or re-construction of Jabiru township.

The Commonwealth will not be liable to pay compensation to any person by reason of the enactment of the Bill (clause 5).

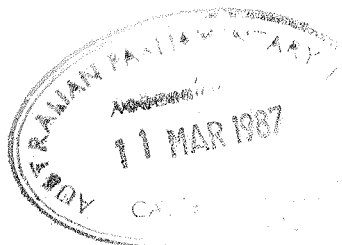
For further information, if required, contact the Science, Technology and Environment Group.

5 March 1987

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## References

1. Nomination of Kakadu National Park for inclusion in the World Heritage List, Australian National Parks and Wildlife Service, May 1980.
2. Ibid.
3. Joint Statement by the Ministers for Resources and Energy and Arts, Heritage and Environment, 16 September 1986.



This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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