

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Koongarra Project Area Bill 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Home Affairs
and Environment the Hon. I.B.C. Wilson)

OUTLINE

The purpose of this Bill is to amend the Proclamation of the Governor-General of 5 April 1979 made pursuant to sub-section 7(2) of the National Parks and Wildlife Conservation Act 1975 by which in paragraph (b) of Part 1 of the Schedule of the Proclamation, an area was excluded from the total description of the Kakadu National Park area for the Koongarra mining lease application area.

In August 1977 when the Government announced its uranium decisions, it also announced that the Koongarra lease area would be excluded from the Kakadu National Park. Subsequently in its environmental impact statement the proponent Company presented a revised concept requiring the tailings and evaporation ponds to be located outside the lease application area.

The adjustments necessary will entail the addition to the park of some of the current Koongarra lease application area and the removal from the park of a slightly smaller portion of land. The net effect will be a more practical and environmentally manageable Koongarra Project Area. The land to be added to the park, especially the escarpment area adjacent to the Nourlangie Rock is of great traditional significance to the Aboriginal people and has higher park value than that proposed to be removed.

The Bill provides that the Act shall not come into operation until such time as agreement has been reached between the Aboriginal Land Council and the mining company. The status of Aboriginal land is not affected. Copy of a map showing the changes is attached.

NOTES ON CLAUSESClause 1

This is a formal clause providing for the citation of the Bill.

Clause 2

Sub-clause 2(2) provides that clause 3 of the Bill shall not come into operation until the Minister for Aboriginal Affairs and the Aboriginal Land Council have, in accordance with Sub-section 40(1) of the Aboriginal Land Rights (Northern Territory) Act 1976, consented, in writing, to the making of a grant of a mining interest in respect of the land which will be excluded from the Kakadu National Park by this Bill.

Clause 3

Sub-clause (1) of clause 3 amends the Proclamation by the Governor-General dated 5 April 1979 establishing the Kakadu National Park by omitting the current description of the Koongarra lease application area and substituting a revised description of that area.

Sub-clause (2) provides that the revised description of the Koongarra lease area is, for all purposes, to be deemed to have been made by a Proclamation by the Governor-General under the provisions of the National Parks and Wildlife Conservation Act 1975 and to have been made in accordance with all the requirements of that Act.

Sub-clause (3) ensures that the Proclamation by which the Kakadu National Park was declared remains valid notwithstanding that, as a result of the amendment to the Proclamation made by sub-clause (1), the land described in the Schedule

.../may

may include some land that could not be included in a park declared by the Governor-General under section 7 of the National Parks and Wildlife Conservation Act 1975 (i.e. some land being returned to the Park may not fall within any of the meanings of "area" defined in sub-section 7(1) of the National Parks and Wildlife Conservation Act 1975).

Sub-clause (4) is a formal provision to provide 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, is to be vested in the Director of National Parks and Wildlife.

