



Environment Protection (Northern Territory Supreme Court) Act 1978

No. 30 of 1978

AN ACT

Relating to the enforcement by the Supreme Court of the Northern Territory of Australia of certain provisions for the protection of the environment in the Alligator Rivers Region.

[Assented to 9 June 1978]

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. This Act may be cited as the *Environment Protection (Northern Territory Supreme Court) Act 1978*. Short title
- 5 2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement
3. In this Act, unless the contrary intention appears— Interpretation
- “Alligator Rivers Region” has the same meaning as in the *Environment Protection (Alligator Rivers Region) Act 1978*;
- 10 “Commission” means the Territory Parks and Wildlife Commission, being the body corporate established under that name by the *Territory Parks and Wildlife Conservation Ordinance 1976* of the Northern Territory;
- 15 “Director” means the Director of National Parks and Wildlife, being the corporation established under that name by the *National Parks and Wildlife Conservation Act 1975*;
- “environment” includes all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings;

“Land Council” means an Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* for an area that is, in whole or in part, within the Alligator Rivers Region;

“person” includes the Commonwealth, the Director or any other authority or body appointed or created by or under a law of the Commonwealth or the Northern Territory and also includes a Land Council; 5

“prescribed instrument” means any of the following, whether in force at the commencement of this Act or coming into force 10 after that commencement:

(a) a law of the Commonwealth or of the Northern Territory;

(b) an instrument made, granted or issued under or for the purposes of any such law, including—

(i) a permit, licence or lease under any such law; 15

(ii) an authority under section 41 of the *Atomic Energy Act 1953*;

(iii) an agreement under Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976*; or

(iv) an instrument giving the approval of the Governor- 20 General under section 10 of the *National Parks and Wildlife Conservation Act 1975*;

“requirement” means an obligation, condition, restriction or prohibition;

“uranium mining operations” means any operations or activities for 25 or in connexion with, or incidental to, the mining (whether by underground or surface working) or recovery of uranium-bearing ore or the production of material from that ore and, in particular, without limiting the generality of the foregoing, includes—

(a) prospecting and exploration for uranium-bearing ore, the 30 milling, refining, treatment and processing of uranium-bearing ore and the handling, transportation, storage and disposal of uranium-bearing ore and of material produced from uranium-bearing ore; and

(b) the construction and use of towns, camps, dams, pipelines, 35 power lines or other structures, and the performance of any other work, for the purposes of any such operations or activities.

to uranium mining operations in the Alligator Rivers Region, of any requirement of or having effect under a prescribed instrument, so far as the requirement relates to any matter affecting the environment in that region.

5 (2) A Land Council is not entitled to maintain a suit by virtue of this section unless the matter in relation to which the requirement is sought to be enforced is a matter affecting the environment in a part of the Alligator Rivers Region that is included in the area for which that Land Council is established and is Aboriginal land within the meaning of the
10 *Aboriginal Land Rights (Northern Territory) Act 1976*.

(3) The Director or the Commission is not entitled to maintain a suit by virtue of this section unless the matter in relation to which the requirement is sought to be enforced is a matter affecting the environment in a part of the Alligator Rivers Region that is included in the area of a park,
15 reserve or conservation zone under the *National Parks and Wildlife Conservation Act 1975*.

5. In the exercise of its jurisdiction under this Act, the Supreme Court may, in its discretion and having regard to all the circumstances, make such orders of such kinds as it thinks appropriate and, in particular, may—

- 20 (a) make an order in the nature of an injunction (including a mandatory injunction);
- (b) where detriment to the environment in the Alligator Rivers Region has been, is being or is likely to be caused by a contravention by a person of, or failure by a person to comply with, a
25 requirement referred to in sub-section 4 (1) that has occurred, make an order of one or more of the following kinds:
- (i) an order requiring that person to carry out work or take
30 other action for the purpose of remedying the contravention or failure, or preventing, remedying or ameliorating the detriment;
- (ii) an order authorizing or approving the carrying out or
35 doing of work or any other thing by another person for a purpose referred to in sub-paragraph (i);
- (iii) an order requiring the first-mentioned person to pay or
40 reimburse the whole or any part of the cost of the carrying out or doing of work or any other thing in accordance with such an authorization or approval;
- (c) include in an order any provisions that it considers necessary for the purposes of the order;
- (d) make an interim order;
- (e) make an order notwithstanding the existence of any other civil or criminal remedy; and
- (f) suspend, vary or revoke an order.

Exercise of
jurisdiction

Saving

6. This Act does not prejudice any jurisdiction of the Supreme Court, any right of action of the Director, the Commission, a Land Council or any other person, or any civil or criminal liability of a person, apart from this Act.

