



NORTHERN TERRITORY OF AUSTRALIA

No. 62 of 1985

AN ACT

To amend the *Territory Parks and Wildlife Conservation Act*

[Assented to 24 December 1985]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Territory Parks and Wildlife Conservation Amendment Act 1985*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Mining Amendment Act 1985*.

3. PRINCIPAL ACT

The *Territory Parks and Wildlife Conservation Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 9 of the Principal Act is amended -

(a) by inserting after the definition of "member" the following:

"'minerals' means -

- (a) minerals or extractive minerals, within the meaning of the *Mining Act*; or
- (b) petroleum, within the meaning of the *Petroleum Act*;

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'mining interest' means -

- (a) an exploration licence or mining tenement (other than a mineral claim), within the meaning of the *Mining Act*;
- (b) a licence or permit, within the meaning of the *Petroleum Act* or granted under the *Petroleum (Prospecting and Mining) Act 1954-1981* and kept in force by virtue of section 119 of the *Petroleum Act*; or
- (c) a licence or lease under the *Coal Act*;"
and

(b) by adding at the end the following:

"(4) The Minister may, by notice in the *Gazette*, declare land to be a park or reserve for the purposes of the *Coal Act*, the *Petroleum Act* or section 176A of the *Mining Act*.

"(5) The Minister shall not, under subsection (4), declare land to be a park or reserve unless he has the agreement of the minister administering the relevant Act to that land being so declared."

5. MINING, WORKS, FORESTRY, &c., IN PARKS, RESERVES AND WILDERNESS ZONES

Section 17 of the Principal Act is amended -

- (a) by omitting from subsection (1) "This section" and substituting "Subject to subsection (2), this section";
- (b) by omitting subsection (2) and substituting the following:

"(2) Nothing in this section prevents the carrying out on a park, reserve or wilderness zone of the exploration for, or recovery or processing of, minerals under and in accordance with the conditions of a mining interest or the carrying out of an activity permitted, or the exercising of a right or power conferred or continued in force, by or under the *Mining Act*, *Petroleum Act* or *Coal Act* in relation to such a mining interest."; and

- (c) by omitting from subsection (6) ", other than the recovery of minerals, as are".

6. PLANS OF MANAGEMENT

Section 18 of the Principal Act is amended -

- (a) by omitting from subsection (3) paragraph (b) and substituting the following:

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"(b) a detailed description of any excavation, works or other operations, other than excavation, works or other operations relating to mining interests, that may be carried on,"; and

(b) by omitting subsection (4) and substituting the following:

"(4) Where a plan of management provides for excavation, works or other operations, other than excavation, works or other operations relating to a mining interest, it shall set out the conditions, if any, that are to be applicable."

7. PERSONS NOT TO ENTER SANCTUARIES

Section 25C of the Principal Act is amended by inserting after paragraph (a) the following:

"(aa) the holder of a mining interest in relation to land in the sanctuary, or his workmen, servants or agents, exercising his or their powers or performing his or their functions in pursuance of the mining interest and in accordance with any conditions to which it is subject;"

8. REPEAL

Section 25G of the Principal Act is repealed.

9. BY-LAWS

Section 71 of the Principal Act is amended -

(a) by omitting from subsection (1) "The Commission" and substituting "Subject to subsection (1A), the Commission";

(b) by inserting after subsection (1) the following:

"(1A) The Commission shall not make a by-law under this section relating to operations for the recovery or processing of minerals in a park or reserve or a sanctuary and no by-laws made by the Commission shall be construed so as to limit the rights or activities of the holder of a mining interest, or his workmen, servants or agents, in relation to land comprising the whole or a part of a park or reserve or sanctuary in pursuance of that mining interest."; and

(c) by inserting in subsection (2), after "subsection (1)" the words "but subject to subsection (1A)".