



Environment Protection (Northern Territory Supreme Court) Act 1978

Act No. 30 of 1978 as amended

This compilation was prepared on 19 February 2007
taking into account amendments up to Act No. 165 of 2006

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Contents

1	Short title [see Note 1].....	1
2	Commencement [see Note 1].....	1
3	Interpretation	1
4	Jurisdiction of Supreme Court	3
5	Exercise of jurisdiction.....	3
6	Saving.....	4

Notes

5

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

1 Short title [see Note 1]

This Act may be cited as the *Environment Protection (Northern Territory Supreme Court) Act 1978*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Interpretation

In this Act, unless the contrary intention appears:

Alligator Rivers Region has the same meaning as in the *Environment Protection (Alligator Rivers Region) Act 1978*.

Commission means the Conservation Commission of the Northern Territory, being the body corporate established under that name by the *Conservation Commission Act 1980* of the Northern Territory.

Director has the meaning given by the *Environment Protection and Biodiversity Conservation Act 1999*.

ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

environment includes:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas; and

- (d) the social, economic and cultural aspects of a thing mentioned in paragraph (a), (b) or (c).

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.

prescribed instrument means any of the following, whether in force at the commencement of this Act or coming into force 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; and
 - (ii) an authority under section 41 of the *Atomic Energy Act 1953*; and
- (iii) an agreement under Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

requirement means an obligation, condition, restriction or prohibition.

uranium mining operations means any operations or activities for 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 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, power lines or other structures, and the performance of any other work, for the purposes of any such operations or activities.

4 Jurisdiction of Supreme Court

- (1) The Supreme Court of the Northern Territory of Australia has jurisdiction, at the suit of the Director, the Commission or a Land Council, to make orders for or in relation to the enforcement, in relation 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.
- (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 *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 a Commonwealth reserve or conservation zone under Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*.

5 Exercise of jurisdiction

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:

- (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 requirement referred to in subsection 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 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 doing of work or any other thing by another person for a purpose referred to in subparagraph (i);
- (iii) an order requiring the first-mentioned person to pay or 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.

6 Saving

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.

Table of Acts

Notes to the *Environment Protection (Northern Territory Supreme Court) Act 1978*

Note 1

The *Environment Protection (Northern Territory Supreme Court) Act 1978* as shown in this compilation comprises Act No. 30, 1978 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Environment Protection (Northern Territory Supreme Court) Act 1978</i>	30, 1978	9 June 1978	9 June 1978	
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1983</i>	91, 1983	22 Nov 1983	S. 3: 20 Dec 1983 (a)	Ss. 2(14) and 6(1)
<i>Environmental Reform (Consequential Provisions) Act 1999</i>	92, 1999	16 July 1999	Schedule 4 (items 55–59) and Schedule 7 (items 9, 10): 16 July 2000 (b)	—
<i>Environment and Heritage Legislation Amendment Act (No. 1) 2006</i>	165, 2006	12 Dec 2006	Schedule 1 (items 850, 851): 19 Feb 2007 (see F2007L00411)	—

Act Notes

- (a) The *Environment Protection (Northern Territory Supreme Court) Act 1978* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day which it receives the Royal Assent.
- (b) The *Environment Protection (Northern Territory Supreme Court) Act 1978* was amended by Schedule 4 (items 55–59) and Schedule 7 (items 9 and 10) only of the *Environmental Reform (Consequential Provisions) Act 1999*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act commences when the *Environment Protection and Biodiversity Conservation Act 1999* commences.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted	
Provision affected	How affected
S. 3	am. No. 91, 1983; No. 92, 1999; No. 165, 2006
S. 4	am. No. 92, 1999