

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

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Presented and read a first time

(SENATOR LEES)

## A BILL

FOR

**An Act to prohibit the mining, extraction, treatment and  
10 transport of any uranium or uranium ore on any property in  
Australia in the World Heritage List, and for related  
purposes**

The Parliament of Australia enacts:

### Short title

15       1. This Act may be cited as the Uranium Mining in Australian World  
Heritage Properties (Prohibition) Act 1996.

### Commencement

      2. This Act commences on the day on which it receives the Royal  
Assent.

### 20 Interpretation

      3. In this Act, unless the contrary intention appears:

“**Convention**” means the Convention for the Protection of the World Cultural and Natural Heritage that has been adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization, being the convention a copy of the English text of which is set out in the Schedule to the  
5 *World Heritage Properties Conservation Act 1983*.

“**Federal Court**” means the Federal Court of Australia.

“**foreign corporation**” means a foreign corporation within the meaning of paragraph 51(xx) of the Constitution.

10 “**prohibited activity**” means the mining, extraction, treatment and transport of any uranium or uranium ore.

“**trading corporation**” means a trading corporation within the meaning of paragraph 51(xx) of the Constitution.

### **Identified property**

4. A reference in this Act to identified property is a reference to:
- 15 (a) the property as included in the World Heritage List provided for in paragraph 1 of Article 11 of the Convention; or
- (b) any part of a property referred to in paragraph (a).

### **Application**

- 20 5. This Act extends to all the external Territories.

### **Act to bind Crown**

6. This Act binds the Crown in right of the Commonwealth, of each State, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island, but nothing in this Act renders the Crown in right of the  
25 Commonwealth, of a State, or of the Australian Capital Territory, or of the Northern Territory or of Norfolk Island liable to be prosecuted for an offence.

### **Prohibition of certain activity**

7.(1) It is unlawful for a person to carry out any prohibited activity on any identified property.

- 30 (2) It is unlawful for a body corporate that:
- (a) is a foreign corporation; or
- (b) is incorporated in a Territory; or

- (c) not being incorporated in a Territory, is a trading corporation formed within the limits of the Commonwealth;

whether itself or by its servant or agent to carry out prohibited activity on any  
5 identified property.

### **Enforcement**

**8.(1)** The High Court or the Federal Court may, on the application of the Attorney-General or of an interested person, grant an injunction restraining a person from doing an act that is unlawful by virtue of section 7.

10 (2) Where, pursuant to subsection (1), an application is made to the High Court or the Federal Court for an injunction restraining a person from doing an act, the High Court or the Federal Court, as the case may be, may, if in the opinion of the court it is desirable to do so before determining the application, grant an interim injunction restraining the person from doing that  
15 act pending the determination of the application.

(3) The reference in subsection (1) to an interested person, in relation to an act that is unlawful by virtue of section 7 in relation to particular property, shall be read as a reference to:

20 (a) a person whose use or enjoyment of any part of the property is, or is likely to be, adversely affected by the doing of the act; or

(b) an organisation or association of persons, whether incorporated or not, the objects or purposes of which include, and activities of which relate to, the protection or  
25 conservation of the property or of property of a kind that includes the property.

(4) Subsection (3) does not apply in relation to an act done:

- (a) before the organisation or association was formed;  
30 (b) before the objects or purposes of the organisation or association included the matter concerned; or  
(c) before the organisation or association engaged in activities related to the matter concerned

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