

private persons. 90 were approved, most subject to some brief conditions, and 8 were refused.

The time taken to determine the applications was as follows:

- 7 were determined within 10 days
- 36 were determined within 20 days
- 34 were determined within 30 days
- 12 were determined within 40 days
- 9 were determined within 40 - 60 days - most of these required advertising or extensive negotiations with the applicant.
- No application took longer than the 60 days allowed under the Act.

Twenty applications were received for development by the Crown. Of these, 2 were recommended for refusal.

(iii) Certificates of Immunity

Section 32 permits the owner of a place to apply to the Council for a Certificate of Immunity from Registration, which would prevent a place from being entered on the Register for 5 years. No applications have yet been received.

Angus Innes
Barrister-at-Law
Brisbane Qld

AMENDMENTS TO THE NATURE CONSERVATION ACT

State Cabinet has approved proposed amendments to the *Nature Conservation Act 1992* which will extend protection for rare and threatened plant species and vest intellectual property rights to genetic resources in the State Government.

The amendments contemplate a licensing system for legal trade in protected plants and tighter restrictions on trade in plants that have been harvested illegally.

They will also recognise that the State owns the genetic information derived from its wild animals and plants, and that these property rights do not pass to individuals, corporations or other countries. The amendments will guarantee the State's entitlement to royalties from profitable projects flowing from the use of such genetic material. The Minister has confirmed, however, that the Government does not intend the amendments to restrict the day-to-day use of plants or grasses by pastoralists or landowners.

OZONE REGULATIONS

State Cabinet has also approved the drafting of regulations to the *Clean Air Act* to control the use and disposal of ozone depleting substances (ODSs). The regulations are expected to require industry to bank and recycle existing ODSs and to minimise emissions using industry-developed codes of practice.

NORTHERN TERRITORY

ENVIRONMENTAL ASSESSMENT OF THE MCARTHUR RIVER MINE

Controversy continues to surround the McArthur River Zinc-Lead-Silver Project proposed for development near Borroloola on the Gulf of Carpentaria. The project received the assistance of the Major Projects Facilitation Unit of the Commonwealth Department of Prime Minister and Cabinet and was approved by the Commonwealth in August 1992, following a "fast-tracked" environmental assessment process.

Pursuant to the 1990 Bilateral Agreement between the Northern Territory and Commonwealth Environment Ministers relating to environmental assessment, it was agreed that the Conservation Commission of the Northern Territory would take the lead role in the assessment of the proposal. An Environmental Impact Statement was prepared pursuant to the Administrative Procedures under the *Environmental Assessment Act 1982* (NT). This EIS then formed the basis for decision-making under the Commonwealth *Environment Protection (Impact of Proposals) Act 1974* and the Administrative Procedures. The decision of the Commonwealth Environment Minister was that no Commonwealth EIS would be required. The minimum time periods required by the Northern Territory and Commonwealth procedures were applied throughout the EIA process.

Following Commonwealth approval, a franchise agreement was ratified by the Northern Territory Government with the passage of the *McArthur River Project Agreement Ratification Act 1992* (NT). Mining leases were issued in January 1993.

The adequacy of the "fast-tracked" environmental assessment process has been attacked by both the Environment Centre of the Northern Territory and the Northern Land Council. They claim that many