



**Aboriginal Areas
Protection Authority**
protecting sacred sites across the territory

Our Ref: 2013/205, 201305125

Resource Exploration
Productivity Commission
GPO Box 1428
Canberra City ACT 2601

email: resourceexploration@pc.gov.au

22 March 2013

Dear Sir / Madam,

RE: Submission to Mineral and Energy Productivity Commission

Thank you for the opportunity to provide comment on the Resource Exploration Inquiry. The following brief comments supplement information provided verbally on 12 March 2013.

The Aboriginal Areas Protection Authority (AAPA) is a statutory organisation established under the Northern Territory Sacred Sites Act (NTASSA) responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory.

The AAPA's main mechanism for the protection of sacred sites under S19 and 22 of the NTASSA is through the issuing of Authority Certificates, which provide legal indemnities for works carried out in accordance with certificate conditions (please refer to the attached Authority Certificate Fact Sheet and sample of an Authority Certificate).

As discussed at a meeting with the Productivity Review on the 12 March 2013, the AAPA commented that our Authority Certificate process for the protection of sacred sites is often confused with Land Councils' charter in forming agreements on land use. While sacred sites are taken into consideration during Land Council consultations, an AAPA certificate is the only document under the NTASSA legislation that provides indemnity against prosecution if damage to a sacred site occurs. AAPA and various Land Councils regularly cooperate to ensure that AAPA Authority Certificates are in place but it raises a number of hurdles involving increased timeliness and costs.

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Information and statistics regarding the numbers of applications received and certificates issued this financial year:

Requests for Authority Certificates received from the mining industry – 23
Authority Certificates that have been Issued / Refused / Withdrawn to the mining industry - 37
Certificates Issued - 27
Certificates Issued on Land Council Consultations - 3
Applications Withdrawn - 7

Additionally there are provisions for Ministerial Review under S30 of the NTASSA whereby an applicant who is aggrieved by either 1) a decision or action of the Authority or 2) the failure by the Authority within a reasonable time to come to a decision. It is worthwhile to note that this section has been invoked only 3 times in the 30 years of the AAPA.

Yours Sincerely,

DONNA DWYER
Director, Technical Section