

Reference: 202604318

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Australian Department of Climate Change, Energy, the Environment and Water

Via email: AustraliaWorldHeritage@dcceew.gov.au

RE: RESPONSE TO KEY QUESTIONS – AUSTRALIAS WORLD HERITAGE TENTATIVE LIST

The Aboriginal Areas Protection Authority (the Authority) has conferred with the Northern Territory Heritage Branch within the Department of Lands, Planning and Environment, regarding the Northern Territory's response to the key questions on Australia's World Heritage Tentative List.

The Authority's comments below are intended to complement, and not duplicate, those provided by the Heritage Branch. Accordingly, the Authority's response is limited to matters within its statutory remit and to issues where the Authority can add value from its role as the regulator responsible for the protection of Aboriginal sacred sites in the Northern Territory.

the Authority is an independent statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Act). The Authority's primary function is to recognise, protect and manage Aboriginal sacred sites, in accordance with Aboriginal tradition and custodian authority.

Sacred sites represent a specific and defined category of Aboriginal cultural heritage. Broader cultural and historical heritage places and values are protected under the *Heritage Act 2011 (NT)* and related frameworks administered by the Northern Territory Government. While a place may be both a sacred site and a heritage place, not all sacred sites are heritage places and not all heritage places are sacred sites. Determination of sacred site status depends on Aboriginal custodianship, tradition and cultural authority, rather than physical features or landscape values alone.

Regardless, the Authority considers that a places status as a sacred site will be a relevant factor in determining whether the place should be included on the World Heritage Tentative List. While the Authority is generally content to provide this information where requested, custodian consent may be required depending on the nature of the information requested.

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Key steps for a strategic and transparent process

From the Authority's perspective, a strategic and transparent process should:

- clearly articulate decision-making stages and responsibilities across jurisdictions;
- provide early clarity to proponents and impacted Aboriginal groups regarding expectations, timeframes, and potential outcomes; and
- ensure that where nominations do not progress, reasons are clearly documented and communicated, particularly to impacted Traditional Owners.

If removal of properties from the Tentative List is contemplated, this should occur through a transparent process with appropriate consultation and opportunity for response from affected Aboriginal groups.

Consistency of process across jurisdictions

The Authority supports the development of a nationally consistent process. A consistent framework reduces uncertainty for Aboriginal custodians and proponents and assists in aligning early engagement, consent and assessment expectations across jurisdictions.

Time required for initial assessment

The Authority is not in a position to nominate specific timeframes for initial assessments. However, any process involving Aboriginal cultural heritage must allow sufficient time for meaningful consultation, including engagement through appropriate representative structures.

Compressed or inflexible timeframes would present a significant risk to achieving Free, Prior and Informed Consent.

Inclusion of cultural and natural heritage experts

The Authority notes that World Heritage assessment falls outside of its statutory functions and current resourcing.

However, where a place proposed for inclusion on Australia's World Heritage Tentative List may involve Aboriginal sacred sites, the Authority can, subject to the consent of the relevant Aboriginal custodians, provide advice on whether a location is a registered or recorded sacred site under the *Northern Territory Aboriginal Sacred Sites Act 1989*.

Confirmation of sacred site status may be relevant to understanding the cultural importance and regulatory context of a place, noting that sacred site status is determined by Aboriginal tradition and custodian authority. Any provision of such information would occur within the Authority's statutory role and with appropriate safeguards for culturally sensitive information.

Clear articulation is required regarding:

- when sacred site considerations are to be identified during the Tentative List process;

- how custodian consent is to be obtained for the sharing of information; and
- which body is responsible for coordinating and resourcing expert cultural and natural heritage input at early assessment stages.

Inclusion of Traditional Owners and First Nations people

The Authority strongly supports the requirement for Free, Prior and Informed Consent, consistent with UNESCO Operational Guidelines.

In the Northern Territory, appropriate engagement would generally involve:

- relevant Aboriginal Land Councils or Native Title representative bodies; and
- engagement with the Authority in its regulatory role where sacred sites may be affected.

FPIC should be understood as an ongoing process, not a single approval point.

Open call process

An open call process may assist in broad engagement but should be complemented by targeted engagement with Aboriginal Land Councils and relevant Aboriginal organisations.

Such engagement may require appropriate resourcing, noting the existing workload pressures on Aboriginal governance bodies in the NT.

Caps on Tentative List size and nominations

The Authority supports:

- periodic review of existing Tentative List properties; and
- the availability of a mechanism to remove properties where progression is not occurring.

Any removal process should involve appropriate consultation with affected Aboriginal groups and be supported by clearly articulated reasons.

Information requirements for applicants

the Authority considers the information requirements outlined in the Background Paper to be reasonable and consistent with ensuring that only viable and well-considered proposals progress.

Applicant preparedness and resourcing

AAPA supports requesting information on applicant preparedness and resourcing, noting that:

- World Heritage nomination is resource-intensive; and
- Aboriginal communities in the NT often have limited capacity to engage in lengthy external processes without support.

Transparency about both nomination and long-term management costs is important for informed decision-making.

Support and barriers

The Authority notes the following key barriers in the NT context:

- limited institutional capacity to assess and progress nominations;
- lack of dedicated funding to support nominations and ongoing management; and
- limited awareness within communities of the potential benefits and risks of World Heritage listing.

Addressing these barriers would require clear communication, realistic expectations, and appropriate support mechanisms.

Please contact Darren Johnson, Director Policy and Governance on 8999 4367, Darren.Johnson@aapant.org.au should you require any further information regarding our comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Pocock', written in a cursive style.

Rober Pocock

Chief Executive Officer

21 April 2026