

NORTHERN TERRITORY OF AUSTRALIA  
ABORIGINAL AREAS PROTECTION AUTHORITY

# ANNUAL REPORT

FOR THE PERIOD ENDED

30 JUNE 2009



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

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

24 December 2009

The Hon Malarndirri McCarthy MLA  
Minister for Indigenous Development  
DARWIN NT 0800

Dear Minister

I have the pleasure to submit to you, in accordance with the provisions of Section 14(1) of the *Northern Territory Aboriginal Sacred Sites Act 1989*, the Annual Report for the Aboriginal Areas Protection Authority for the financial period 1 July 2008 to 30 June 2009.

The Report refers to the twentieth year of operation of the Aboriginal Areas Protection Authority.

Yours sincerely

**BERNARD ABBOTT**  
Chairman

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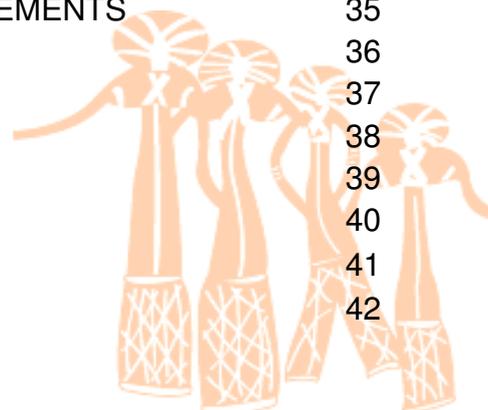
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## HOW TO CONTACT US

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# INTRODUCTION

## FROM THE CHAIRMAN

During 2008-09 the Aboriginal Areas Protection Authority has been very busy. I have been pleased that Authority Board meetings have been held in Alice Springs, Katherine and Darwin.

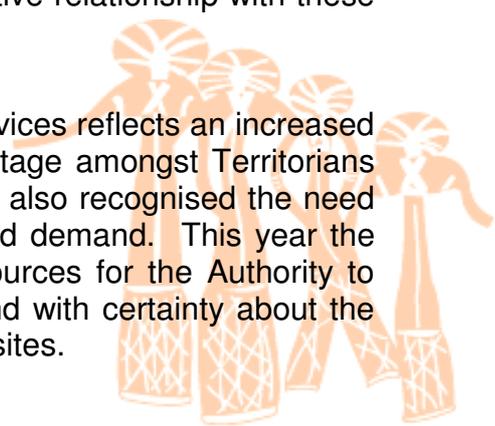
Our culture and ceremonies are all associated with sacred sites and to keep these strong, sites require protection. All Authority members and Aboriginal custodians see registration of sacred sites as important in providing long-term protection.

This year marks 30 years of the Authority or its predecessor the Sacred Sites Authority protecting sacred sites across the Territory. As an Aboriginal custodian I am pleased that in that time the Authority has registered over 1850 sacred sites and recorded around 9000 more. In protecting sacred sites during use, works and development, the Authority has also issued around 4000 Authority Certificates since 1992, and has ensured compliance with our legislation by successfully prosecuting more than 30 breaches of the *Northern Territory Aboriginal Sacred Sites Act (Sacred Sites Act)*.

The Board members of the Authority are pleased with the increased demand on the Authority to provide Authority Certificates. Authority Certificates are a practical way to protect sacred sites during works, while giving the developer certainty about their works. This past year has seen a massive increase in Authority Certificate applications, from 297 last year to 425 applications in 2008-09. And to remember that in 2006-07, the Authority received just under 200 applications for Certificates.

In one very important area, the Authority has taken strong steps to deal with this increase in demand. In response to the need to protect sacred sites on Aboriginal communities during and after the significant works associated with the Strategic Indigenous Housing and Infrastructure Program (SIHIP), the Authority developed a coordinated approach to issuing Authority Certificates. After extended negotiations, the Authority got the agreement of the Departments of Planning and Infrastructure (DPI), and Local Government and Housing (DLGH) (SIHIP) and the Power and Water Corporation (PWC) to co-ordinate Authority Certificate applications and issuing for 73 Aboriginal communities across the Territory. This has led to strong levels of protection for sacred sites, and a far more effective relationship with these key NT Government service delivery agencies.

Overall the increase in the demand for the Authority's services reflects an increased awareness about the protection of this vital cultural heritage amongst Territorians and others working here. The Territory Government has also recognised the need for effective protection of sacred sites with this increased demand. This year the Government has provided much needed additional resources for the Authority to protect sites and to provide users and developers of land with certainty about the conditions for works and development on or near sacred sites.



## INTRODUCTION

I want to thank Ms Miliwanga Sandy, of Beswick, who as Chairman of the Authority for the past two years, played a key role in taking the Authority forward. I also want to thank Mr Dick Kimber for his balanced and supportive contributions as Board member for the past six years.

Along with my fellow Board members, I would also like to sadly note the passing of some of the Territory's senior custodians and supporters of sacred sites. Earlier this year we lost Mr Stuart, an Arrernte man who as a custodian of sacred sites in and around Alice Springs, had worked to protect sacred sites and to educate the broader community about them. Also, the Board pays respects to Mr Camfoo, who had worked in Central and SE Arnhem Land, and had assisted the work of the Board and the Authority for many years.

Finally, I would like to thank the CEO, Dr Ben Scambary, and the staff for their work in support of the Board and the protection of sacred sites across the Territory.



BERNARD ABBOTT

Chairman



# INTRODUCTION

## FROM THE DEPUTY CHAIRMAN

I would like to thank my fellow Board members for electing me to the role of Deputy Chairman of the Authority. The Deputy Chairman has an important role in providing leadership and supporting the Chairman and the Board, and in my case in providing leadership and support to the women members of the Board.



With 30 years of sacred site protection across the Territory, it is good for the Authority to work on a new public presence. This year we have launched a new logo and, in conjunction with a new web-site, prepared a wide range of Fact Sheets about sacred sites and land use and development in the Northern Territory. I know that all Board members think that good education and community awareness will help in the respect for and protection of our sacred sites.

This last year has continued to see Board members with concerns about the impact of the Australian Government Intervention on their families and communities, and how this has affected sacred sites. I am pleased that the Authority has worked hard to protect sacred sites in a time when so much activity and works are occurring on Aboriginal communities.

As a Board member from Warruwi (Goulburn Island) I am very aware of the issues surrounding the protection of sacred sites in the sea and in coastal areas. I look forward to the challenge of improving the protection of sacred sites in coastal areas and improved understanding by the broader community of the importance of our sacred sites when they are using the Territory's coastline for fishing and other activities.

Over the next three years it will be a pleasure to work on the Authority Board with such a representative group of custodians from right across the Territory. I particularly welcome the Board's newly appointed members Ms Nancy McDinny from Borroloola, Mr Mike Gillam from Alice Springs, and Mr Thomas Amagula from Groote Eylandt.

A handwritten signature in black ink, which reads "Jenny Inmulugulu". The signature is written in a cursive style.

JENNY INMULUGULU  
Deputy Chairman



# INTRODUCTION

## CHIEF EXECUTIVE OFFICER'S FOREWORD

The Aboriginal Areas Protection Authority celebrates its 30<sup>th</sup> year of operation in 2008/09. When the NT achieved self government in 1978 the *Aboriginal Sacred Sites (NT) Act 1979* was one of the first pieces of legislation passed by the Northern Territory Legislative Assembly. Over this period the organisation has grown both physically in terms of the number of staff it employs, and also in terms of the expertise it has accumulated in relation to the protection of sacred sites and supporting information about Indigenous land tenure across the Northern Territory. Whilst the political landscape has changed significantly since the inception of the *Sacred Sites Act*, the protection of sacred sites in the Northern Territory remains as important as it was thirty years ago. With an increasing emphasis on economic development and Closing the Gap initiatives which accompany recent changes in Indigenous policy, the expertise of the Aboriginal Areas Protection Authority remains vital in achieving a balance between infrastructure and economic development activities and the cultural imperatives of Indigenous people via the protection of sacred sites.



Nowhere is this more apparent than in broad scale infrastructure developments proposed for remote Indigenous communities across the Northern Territory. The AAPA instigated an important initiative to provide relevant Northern Territory agencies with Authority Certificates across 72 remote communities for the purposes of township development over a three year period. A key to the success of this project has been the leading role that the AAPA has played in coordinating the planning priorities of three key agencies involved in the Strategic Indigenous Housing and Infrastructure Project. The outcomes of this project ensure that custodians of sacred sites can be confident that their sacred sites are protected, and that timely advice is provided to agencies involved in construction and development activities in remote communities.

The AAPA continues to experience an increase in demand for its services. This demand is primarily in the form of requests for Authority Certificates, and in requests for the registration of sacred sites. In 2008/09 the AAPA issued 237 Authority Certificates which compares with 222 issued in the previous financial year, and there were 425 application for Certificates, compared with 299 in the previous year. This increased demand highlights a number of challenges for the AAPA in terms of management of overall workloads. However, as this annual report highlights, the AAPA has substantially improved its performance for the reporting period by increasing the number of Authority Certificates issued and limiting the increase in the average timeframe taken to process these.

In the 2008/09 period the AAPA has undergone a process of internal review and restructuring. Key initiatives have been the introduction of a project management

## INTRODUCTION

system for the key functional areas of the AAPA – namely the issuing of Authority Certificates and Register inspections, and site damage matters. Substantial improvements have also been made to the integrity of data that the AAPA holds about sacred sites across the Northern Territory.

In early 2009 the AAPA bid farewell to Ms Miliwanga Sandy as the Chairman of the Board. Ms Sandy has been a member of the AAPA for three years and had been in the role of Chairman for two years. During this time Ms Sandy provided AAPA with strong leadership and direction. Ms Sandy is replaced as Chairman by Mr Bernard Abbott. I would also like to acknowledge and thank Mr Dick Kimber for his active and positive contributions as a Board member of the Authority for the last six years.

The AAPA was saddened by the passing of senior Mbarntwe man Mr Stuart in April 2009. Mr Stuart was noted for his dedication to sacred site protection in Alice Springs and his close relationship with the AAPA over a thirty year period.



DR BENEDICT SCAMBARY  
Chief Executive Officer



# INTRODUCTION

## PURPOSE OF THE REPORT

This is the twentieth Annual Report of the Aboriginal Areas Protection Authority pursuant to Section 14(1) of the *Northern Territory Aboriginal Sacred Sites Act 1989* (hereafter the *Sacred Sites Act*).

This is a report on the administration and operation of the Authority for the 2008-09 Financial Year. This report includes the Authority's Financial Statements and shows compliance with standards of internal control in accordance with the reporting requirements of the *Financial Management Act 1995*, the Treasurer's Directions and the Northern Territory Government's Working for Outcomes policy.

It also provides the Northern Territory Legislative Assembly and the public with an account of the performance, responsibilities and activities of the Authority.



## OVERVIEW

### THE ABORIGINAL AREAS PROTECTION AUTHORITY

The Aboriginal Areas Protection Authority is a statutory authority established under the *Sacred Sites Act* to administer sacred site protection in the Northern Territory. The Administrator of the Northern Territory appoints members to the Authority. The Authority administers the Act at arms/length from the day-to-day operations of the Northern Territory Government.

The *Sacred Sites Act* is considered to be best practice legislation for the protection of Aboriginal sacred sites.

### FUNCTIONS

The functions of the Authority are set out in Section 10 of the *Sacred Sites Act*. They relate to the protection of Aboriginal sacred sites in the Northern Territory and may be summarised as follows:

- Respond to requests for site protection from Aboriginal custodians, including documenting sacred site information, implementing protection measures for sites and maintaining confidential records of traditional information.
- Establish and maintain a Register of Sacred Sites and such other registers and records as required by or under the *Sacred Sites Act*.
- Make available for public inspection the Register and records of all agreements, Certificates and refusals, except to the extent that such availability would disclose sensitive commercial information or matters required by Aboriginal tradition to be kept secret.
- Carry out surveys and consultations with custodians to determine the constraints, if any, imposed by the existence of sacred sites on work on land anywhere in the Northern Territory, and where possible, issue Authority Certificates (with any required conditions) for the proposed works to proceed.
- As required under the *Sacred Sites Act* undertake mechanisms of accountability, referral and review of the Authority's actions and decisions.
- Enforce the *Sacred Sites Act*, including undertaking prosecutions for offences.



# OVERVIEW

## AAPA'S ROLE AND VISION

### THE AUTHORITY'S ROLE

The protection of Aboriginal sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage for the benefit of all Territorians.

The Authority provides the means by which Aboriginal sacred sites are protected through:

- the Registration of Aboriginal sacred sites;
- sacred site avoidance surveys (Authority Certificates) through consultation with custodians over development proposals; and
- providing information to the public about sacred site protection.

In all circumstances the Authority strives to achieve practical outcomes in its operations by recognising and respecting the interests of site custodians, landowners and developers.

### THE AUTHORITY'S VISION

- Better protection for sacred sites.
- Minimising unnecessary controversy over the existence of sacred sites.
- Better relations between Aboriginal custodians and other Territorians over sacred sites.
- Everyone knowing more about what they can and cannot do when there are sacred sites nearby.

## KEY WORK AREAS

### REGISTRATION OF SACRED SITES

Custodians of sacred sites may apply to have their sites registered under Part III Division 2 of the *Sacred Sites Act*. The Authority will then conduct research into the site to determine the location, extent and traditional significance of the site. Upon registration this information is recorded on the Register of Sacred Sites.

The registration process also provides an opportunity for the landowner(s) to discuss practical issues about the site. Prior to considering a request for registration the Authority will invite the landowner(s) to comment about the impact that registration may have on their interests in land.

Registration in itself does not confer extra protection on the site, as all sites in the Northern Territory are protected under the *Sacred Sites Act*. However, registration is relevant to the enforcement of protection of the site in that, under the *Sacred Sites Act*, the Register of Sacred Sites is accessible to the public (Section 48), and proof of registration shall be accepted by courts as prima facie evidence that a site is a sacred site (Section 45).

### SITE AVOIDANCE PROCEDURES—AUTHORITY CERTIFICATES

People proposing to use or work on land in the Northern Territory may apply to the Authority for an Authority Certificate to cover their proposed activities. An Authority Certificate provides a statutory indemnity against prosecution in relation to the works or uses covered by the Certificate provided the applicant complies with any conditions imposed to protect sacred sites. Moreover, the process provides an opportunity for applicants to work together with custodians to reach a mutually acceptable resolution of issues, so that the end result reflects the agreement of all involved.

An Authority Certificate provides certainty that the proposed use or work can proceed

## OVERVIEW

without the risk of damage to a sacred site.

The Authority determines Authority Certificate applications only after it has consulted the relevant Aboriginal custodians and conducted on-ground surveys to identify any sites. An Authority Certificate will be issued to the applicant if the works can proceed without damage to, or interference with, any sacred sites on or in the vicinity of the land. There may be conditions imposed within the Certificate to ensure that sites are not damaged. Within the Authority Certificate process, applicants can ask the Authority to arrange a conference with custodians. This provides an avenue for direct detailed discussions between developers and affected custodians.

The *Sacred Sites Act* and the Authority have earned the confidence of the wider community through the Authority's transparent, consistent and timely responses to applications for Authority Certificates.

### INSPECTIONS OF THE SACRED SITES REGISTER AND AUTHORITY CERTIFICATES REGISTER

Members of the public may seek advice on the location of sacred sites by requesting access to the Register of Sacred Sites. The Register of Authority Certificates is also a public Register.

In addition to the Register, the Authority also maintains records of sacred sites that have been brought to its attention by custodians. These additional records are separate from the Register, and details of these records are available to the public only at the discretion of the Authority. Custodians have provided much of this information to the Authority as the basis (and justification) for conditions on proposed works or use of land imposed by Authority Certificates.

The public may also request access to other relevant information concerning sites, including records of any agreements. However, such access is subject to restrictions to protect knowledge, required by Aboriginal tradition to be kept secret, and information of a personal or sensitive commercial nature.

When members of the public are provided information about the location of sacred sites, they are informed that they may not carry out works on these sacred sites without an Authority Certificate. Providing sacred site information to members of the public ensures that the sacred sites will not be inadvertently damaged and that any development proposals take into account the existence of sacred sites.



# OVERVIEW

## 2008-2009 HIGHLIGHTS

This year was the thirtieth year of operation of sacred sites legislation in the Northern Territory.

The Authority is associated with providing sacred site protection for all major projects in the Northern Territory. As per the preamble of the *Sacred Sites Act*, the Authority mediates Indigenous concerns about sacred site protection with economic, cultural and social developments.

### AUTHORITY CERTIFICATES AND SACRED SITE PROTECTION

- Issued 237 Authority Certificates in relation to current and proposed works across the Territory. This is an increase consistent with last year's output of 222 Authority Certificates. It represents an increased understanding across the Territory of the need to respect and protect Aboriginal sacred sites.
- Issued and undertook research for Authority Certificates for major projects including:
  - Darwin Harbour, East Arm and related areas for gas and port-related industries;
  - Weddell Power Station related infrastructure;
  - Mitchell, Zuccoli and Johnstone subdivisions at Palmerston;
  - Tiger Brennan Drive; and
  - Town Camp infrastructure and development in Alice Springs.
- The Authority also played a key role in providing protection for sacred sites and certainty for a broad range of infrastructure and development projects across the Territory, including:
  - 31 road, and associated works projects in a variety of locations, including: the Lasseter Highway; the Daly River–Pt Keats Road; the Tanami Road; Larapinta Drive; Batchelor Road; the Docker River Road; the Plenty Highway; roads in the Darwin, Palmerston and rural areas; Alice Springs town; Dundee Beach; Cox Peninsula; and the Kintore Road;
  - 40 projects involving the provision of power, water and sewage services in towns and communities across the Territory;
  - 17 enterprise, tourism and national park related projects throughout the Northern Territory at locations including: Beswick; Mandorah; Yulara; Alice Springs; Keep River; Katherine and Nitmiluk;
  - 48 mining and significant exploration projects across the Territory in the areas of Napperby, Mt Skinner, Tennant Creek, Spirit Hills, Narwietooma, Spring Hill, Derwent, The Gardens, Aileron, Harts Range, Helen Springs, Roe Creek, Nhulunbuy, Attack Creek, and Angela-Pamela; this is an increase from 18 mining related Certificates last year, and comprises 20% of all Authority Certificates issued during the financial year;
  - Issued 6 Authority Certificates for pastoral and land management projects;
  - Issued 53 Authority Certificates for planning, infrastructure and housing purposes across Aboriginal communities, including as part of the Coordinated Community Authority Certificate project which supports the roll out of the Strategic Indigenous Housing and Infrastructure Program (SIHIP) and 9 Certificates for the upgrade of town camps in Alice Springs;

The Authority refused to issue 3 Authority Certificates where the Authority was not satisfied that sacred sites could be protected from damage. This represents less than 1% of all

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applications processed in 2008-09.

During the year 69 Authority Certificate applications were withdrawn, either due a lack of information from the applicant, a lack of acceptance of the requirement to pay costs for non-standard certificates, or a lapsing of the proposed project or use of land. As the Authority may have been progressing these certificate applications when the proponent has withdrawn them, they represent a discrete component of the Authority's workload.

In 2008-9, the Authority progressed (issued, refused or withdrew) a total of 309 Authority Certificate applications. This is an increase of 16% on the 266 applications progressed during 2007-08.

### SACRED SITE REGISTRATIONS

The Authority entered 39 sacred sites into the Register of Sacred Sites, up from 19 sites entered the previous year. These registered sacred sites included:

- 9 sacred sites in the Phillip Creek and Banka Banka areas, and 1 on West Rankin Station;
- 6 sacred sites in the Chambers Pillar, New Crown, Titjikala and Finke areas; 6 sacred sites on Mt Cavenagh and Umbeara Stations; 1 sacred site at Napperby, 1 in the Sandover area and 1 at Glen Helen;
- 1 sacred site at Owen Springs, and 1 in Alice Springs;
- 2 sacred sites around Nhulunbuy, 2 in the Wadeye and Daly River Land Trust areas and 1 site in Darwin; and
- 2 sacred sites in Kakadu National Park; 4 around Beswick and Jilkminggan and 1 near Borroloola.

The Authority also ratified amended details of 4 sacred sites which had been previously registered.

### SACRED SITE DAMAGE

The Authority responded to 21 reports of illegal entry, illegal works, desecration and sacred site damage, undertaking investigations and negotiations over each report. Two prosecutions for damage to trees and breach of an Authority Certificate, both in Alice Springs, were successful and raised awareness about the need to comply with Authority Certificates when undertaking works.

### REQUEST FOR INFORMATION

Overall, in 2008-09 the Authority provided 1184 responses to information and other requests, a 12 *per cent* increase on the 1058 sacred site information responses in 2007-08.

#### **Coordinated Community Authority Certificates and the Strategic Indigenous Housing and Infrastructure Program (SIHIP)**

Throughout the reporting period the Authority maintained links with Territory Government agencies to establish clear procedures in relation to sacred site protection for major works projects.

In particular, the Authority successfully negotiated an arrangement with the Departments of Planning and Infrastructure, and Local Government and Housing, and the Power and Water Corporation, for the issuing of Coordinated Community Authority Certificates for 73 Aboriginal communities over a 3.5 year period. This co-ordinated arrangement will support the roll-out of infrastructure and housing development on Aboriginal communities, with particular reference to the Strategic Indigenous Housing and Infrastructure Program (SIHIP).

With these coordinated Authority Certificates all 3 participating agencies and their contractors will have certainty over the conditions which apply for the protection of sacred

## OVERVIEW

sites. Sacred sites in the communities will be protected according to custodians' wishes and in the long term, Shire Councils and others working in the communities will be able to use the resultant SLAP maps as a reference for ongoing and future works.

### MANAGEMENT DIRECTIONS

During this financial year, the Authority commenced significant internal change in order to improve the effectiveness of its operations. Structural changes were implemented to complement the planned introduction of a project management system across the Authority's primary sacred site protection roles, especially the processing of Authority Certificates and the registration of sacred sites. Work commenced on the transition of the Authority's records management system to integrate the Authority's requirements with the TRIM system.



# OVERVIEW

## CHALLENGES AND DIRECTIONS 2009-2010

- Continue to work with Government agencies in developing and implementing effective sacred site avoidance procedures.
- Continue to meet the increased demand for Authority Certificates and Sacred Sites Register inspections by implementing innovative strategies.
- Implement improved mechanisms for protecting sacred sites at risk, and increasing the number of sacred sites entered into the Register of Sacred Sites by the Authority Board.
- Finalise substantial Authority Certificates for the Docker River Road, East Arm land development, Port Keats to Daly River Road, including the Daly River Bridge, town camp re-development in Alice Springs, and for significant areas of mining and minerals exploration.
- Further develop and implement coordination mechanisms, progress issuing of Certificates for the Coordinated Community Authority Certificate – SIHIP Project to ensure effective sacred site protection in and around communities as a result of the \$754m Strategic Indigenous Housing & Infrastructure Program roll-out.
- Progress amendments to the Sacred Sites Regulations and the *Sacred Sites Act* to ensure appropriate legislative mechanisms for the protection of sacred sites.
- Build on relationships established with key industry bodies across the Northern Territory.
- Develop strategies to maintain Indigenous cultural knowledge in the Territory.
- Propose mechanisms for Government consideration to provide compensation for damage to sacred sites.
- Continue a broad program of organisational change to achieve increased efficiency in processes and excellence in the protection of sacred sites across the Northern Territory.
- Expand partnerships and collaborations with Indigenous organisations in the protection of sacred sites.



# PERFORMANCE REPORTING

## PROTECTION OF SITES

The Authority's overarching responsibility is to protect sacred sites. The *Sacred Sites Act* provides for the protection of sacred sites through the Registration of sites and Inspections of the Register of Sacred Sites, and through consultations with custodians to develop sacred site avoidance procedures (Authority Certificates) relating to the use and development of land in the Northern Territory. Overall performance in a financial year is quantified by: the number of sites registered; the requests for inspections of the Register (and other archives); and the number of Authority Certificate applications completed.

Quality is reflected in the number of statutory appeals on Authority decisions under Part III Division 3 of the *Sacred Sites Act* or Section 9 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Timeliness is assessed as the average/mean number of days between application and completion of Authority Certificates.

### OUTPUT GROUP

The Output Group for the Aboriginal Areas Protection Authority is *Protection of Sacred Sites*.

### OUTCOME

Enhanced relations between Indigenous custodians of sacred sites and the wider Territory population by increasing the level of certainty when identifying constraints on land-use, if any, arising from the existence of sacred sites.

### OUTPUT PERFORMANCE

The Authority reports against agreed performance measures as part of its Output Performance. These performance measures provide an indication of the current workload and performance of the Authority.

Performance measures	Actual 2006-07	Actual 2007-08	Target 2008-09	Actual 2008-09
<b>- Quantity -</b> Requests for Register inspections, sites recorded and applications for Authority Certificates completed.	946	1058	850	1184
<b>- Quality -</b> Statutory appeals minimized.	<1%	<1%	<1%	<1%
<b>- Timeliness -</b> Average elapsed time between request and completion of [Authority Certificate] service.	127 days	135 days	100 days	141 days

In 2008-09, the Authority's overall workload, as measured by the aggregate of all sacred site information requests completed, increased by approximately 12 *per cent*. The Authority continued to deliver quality outcomes, with less than 1 *per cent* of Authority Certificates being subject to statutory appeals.

However, average timeliness continues to be an issue, sometimes with requirements for large areas of land to be surveyed for sacred sites, and complex consultations with

# PERFORMANCE REPORTING

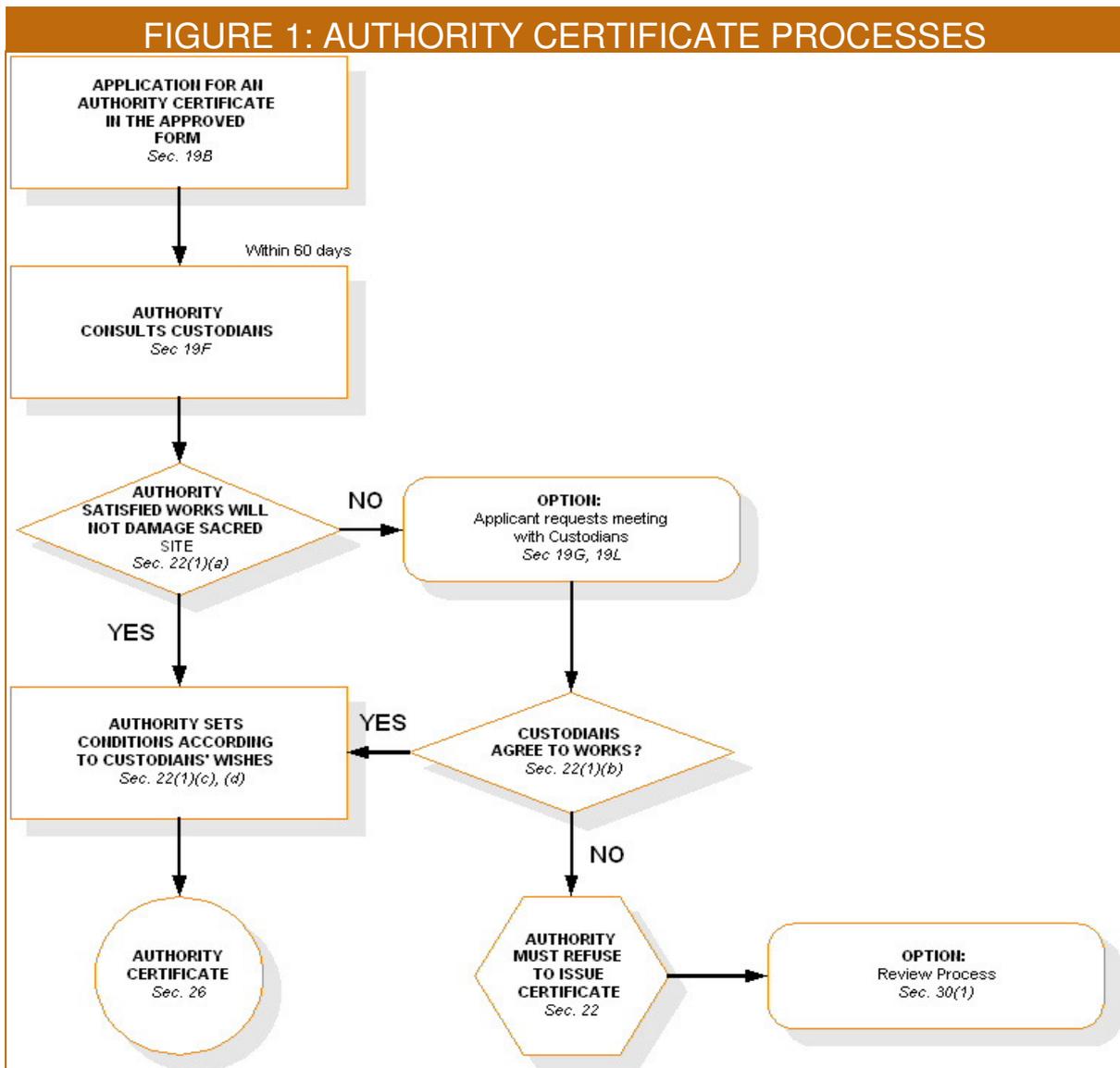
custodians. With additional resources provided from 2009-10, the Authority expects to significantly reduce timeframes for the issue of Authority Certificates over the next five years. Given the increased workload to 425 Authority Certificate applications in 2008-09, the average time of 141 days for issuing Authority Certificates in this period is reasonable.

It should be noted that in 2008-09, half of all Authority Certificates (i.e. 119/237) were issued in 97 days or less (15 days shorter than last year), and 75 per cent (i.e. 178/237) of all Certificates were issued in 150 days or less (18 days shorter than last year). 29 per cent of Certificates took more than 141 days (this year's average) to issue.

## AUTHORITY CERTIFICATES

### APPLICATIONS AND ISSUES

Authority Certificates are instruments of sacred site avoidance under the *Sacred Sites Act*. The processes involved in expediting applications for Authority Certificates are represented in Figure 1.



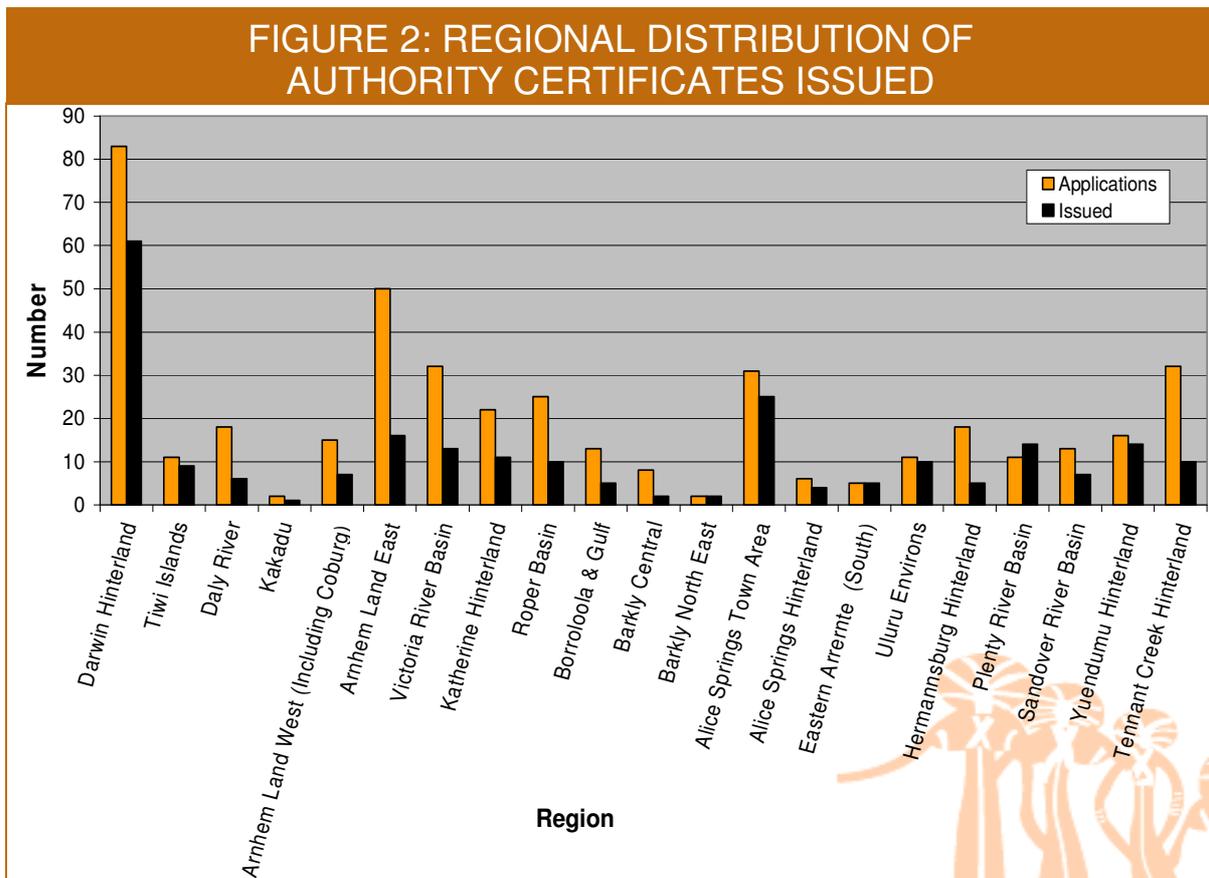
## PERFORMANCE REPORTING

In any financial year the number of applications and the number of Authority Certificates issued are likely to differ because of the time elapsing between the application date and the date of issue. In 2008-09 there were 425 Authority Certificate applications received. This compares with 297 applications received in 2007-08, and indicates a significant increase of 43 *per cent* in applications for Authority Certificates.

This increase can be attributed to an increase in mining related applications which comprise 20 *per cent* of the Authority Certificates issued this year, and also to the direct and indirect impacts of the Northern Territory Emergency Response, with significantly increased infrastructure and housing development in Aboriginal communities and regional and remote areas. Current trends indicate that there will continue to be an increased demand for the Authority's services.

For administrative purposes the Authority divides the Territory into 21 regions. Figure 2 shows the breakdown of Authority Certificates issued by region.

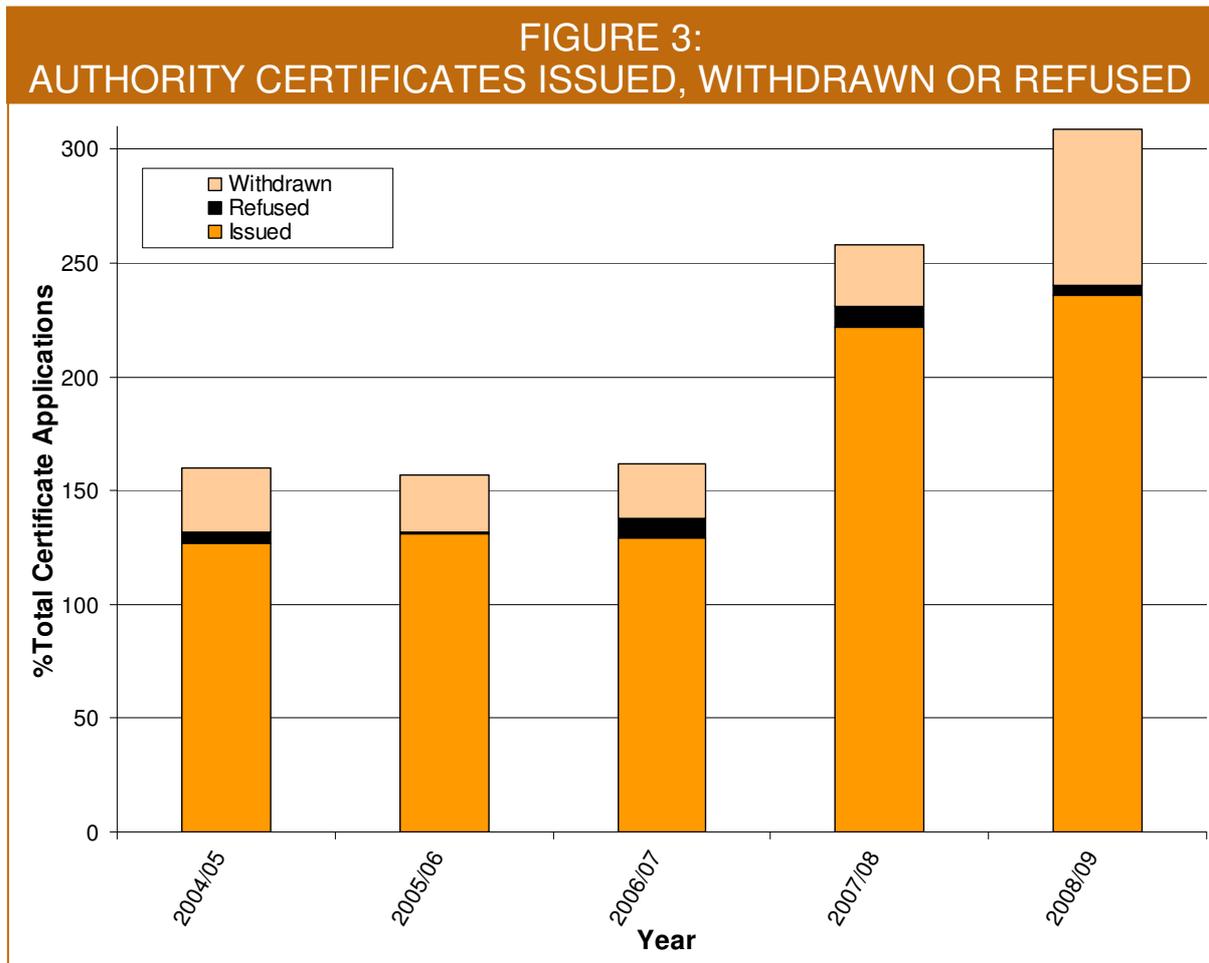
There are consistent levels of demand for Authority Certificates in the Alice Springs Town and Darwin and its Hinterland regions. Major infrastructure projects have resulted in high workloads in these areas. Additionally, there is increased demand across Arnhem Land, the VRD and the Roper area in the Top End, and in the Uluru environs, Hermannsburg, Sandover, Plenty, and Yuendumu areas. Tennant Creek region has also seen a very sharp rise in applications for and issuing of Authority Certificates. In terms of regional levels of demand the northern region of the Territory (including the Barkly) has received 66 *per cent* of the applications and issued 60 *per cent* of the Certificates this year, while the southern region (including Tennant Creek) has received 34 *per cent* of the applications and issued 40 *per cent* of the Certificates for the year.



## PERFORMANCE REPORTING

Figure 3 shows the numbers of Authority Certificate applications issued or refused by the Authority, or withdrawn by the applicant. The Authority has responded to a significant increase in workload in the past year.

In 2008-09, of the 309 completed Authority Certificate applications, 237 (77 *per cent*) were issued, 69 (22 *per cent*) withdrawn and 3 (1 *per cent*) refused. This compares with 2007-08, when 266 Authority Certificate applications were completed, with 222 (84 *per cent*) issued, 35 (13 *per cent*) withdrawn and 9 (3 *per cent*) refused. It is notable that there were 184 completed applications in 2006-07.



Of this workload, approximately 60 *per cent* can be attributed to applications from the Territory and Australian Governments and associated statutory bodies for purposes such as roads; community services; community and town camp infrastructure and housing; defence services; power, water and sewage infrastructure and services; and land development. With particular reference to all Government's priorities in relation to Indigenous development, it can be expected that this level of workload will continue for some time. Mining sector applications have increased to approximately 20 *per cent* of the Authority Certificate workload this year, with other private sector (tourism, development, energy, pastoral and communications) Authority Certificates making up a further 8 *per cent* of the workload.



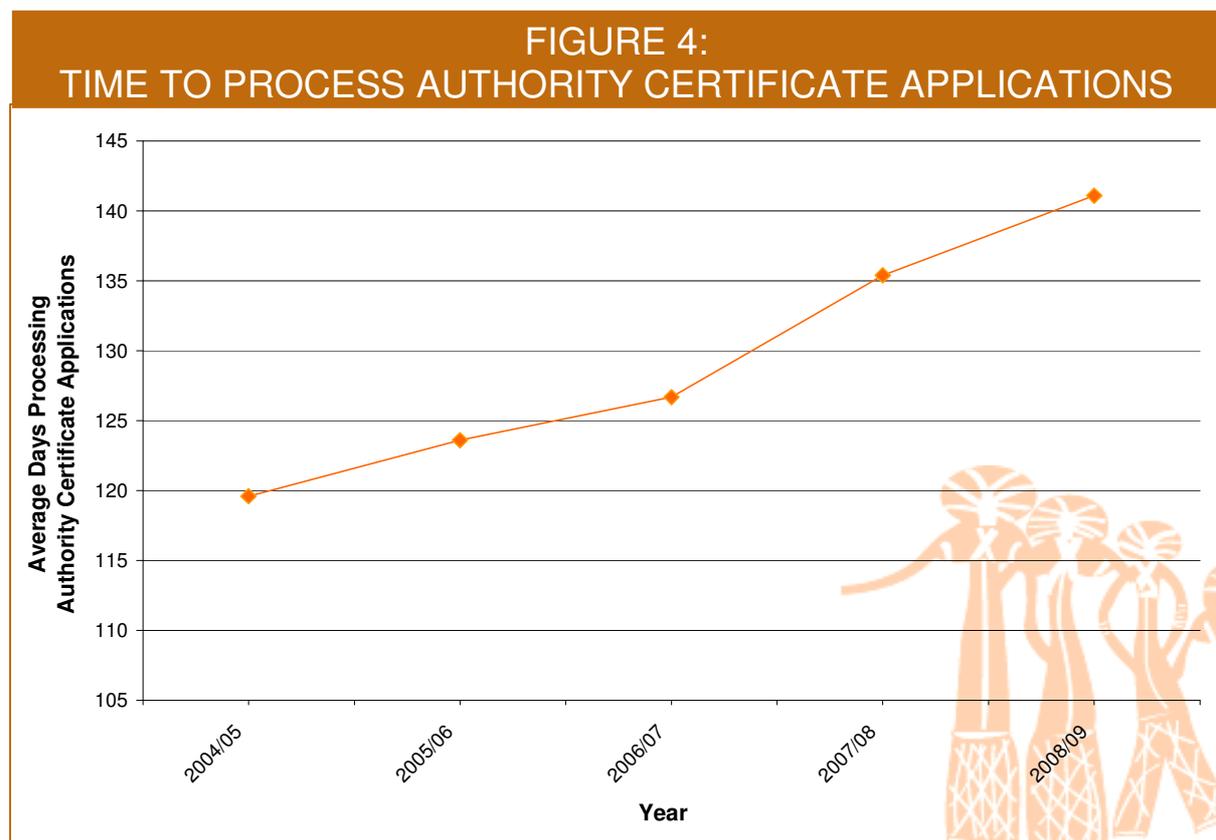
## TIMELINESS—AUTHORITY CERTIFICATES

In 2008-09, completion of Authority Certificate applications took an average of 141 days, in comparison to 135 days in 2007-08 (Figure 4). Of all applications, 50 *per cent* (the median) were issued within 97 days, compared to 112 days last year, and 25 *per cent* of all applications (the 75th percentile) took longer than 150 days to issue, compared to 178 days last year. Although the average time to complete an Authority Certificate did increase this year, with reductions in the time taken for up to 75 *per cent* of all Certificates, it is expected that there will be a trending downwards of the average time over the next 5 years.

Since 2001-02 there has been a steady increase in the time necessary to complete consultations for Authority Certificate applications. The timely and effective completion of Authority Certificates is dependent upon:

- The nature of the land involved, including numbers of sacred sites, and native title or Aboriginal land issues;
- The area of land, often significant in mining exploration applications;
- The clarity of the works proposed by the applicant, and of the application details;
- The number of custodian and other Aboriginal groups with an interest in the land;
- The certainty of custodian knowledge and of the records of sacred sites held by AAPA;
- The availability of sufficiently experienced anthropological research staff/consultants, within the resources available to AAPA; and
- The overall workload of the Authority and the capacity to prioritise within this workload

The increased time for completion of Authority Certificate applications is primarily associated with a rapid increase in demand for the Authority's services. During this year average timeframes have also been impacted by a number of applications where the applicant was unable to provide sufficient detail to allow consultations with custodians to be effective. In addition, factors such as an increasing complexity of project proposals and



## PERFORMANCE REPORTING

land tenure due to significant cultural transitions resulting from deaths of senior or knowledgeable custodians, and more mundane factors such as increased mobility as a result of the Northern Territory Emergency Response, have also had an impact on timeframes.

The high number of Certificate applications in Alice Springs and the Darwin hinterland continues to place significant pressures on custodians in these regions to work with the Authority in documenting sites.

It is expected that with the additional resources available to the Authority from 2009-10, and improved internal mechanisms to coordinate applications across the Northern Territory will result in reducing average timeframes over the next five years.



# PERFORMANCE REPORTING

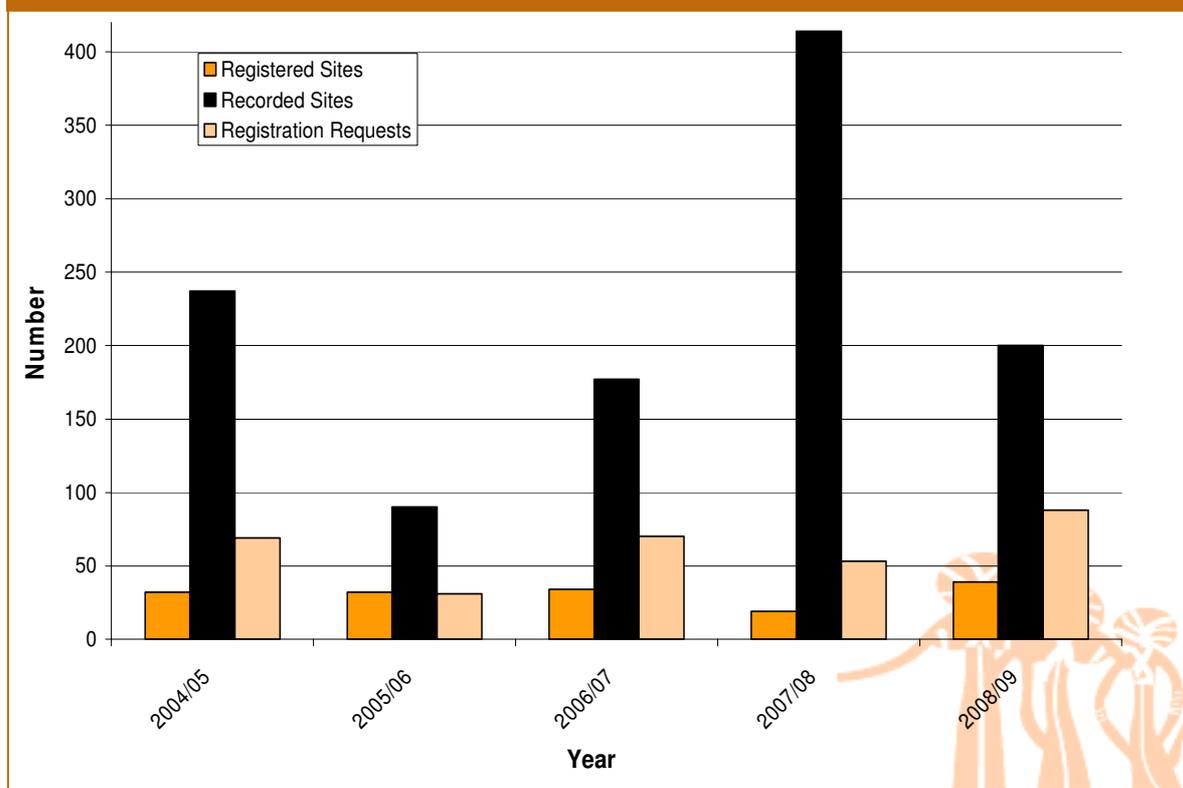
## REGISTER OF SACRED SITES

Registration of sacred sites provides a clear and strong basis for the protection of the site, and for users of land to have information regarding the site's location. For Aboriginal custodians, registration of a sacred site provides the strongest possible protection for the site, with it being accepted as *prima facie* evidence in a court.

The number of sites requested by custodians for registration increased from 38 in 2007-08 to 88 in 2008-09. The number of sites registered by the Authority increased from 19 to 39. However, the number of recorded sites decreased from 410 recorded sites in 2007-08, to 200 in 2008-09.

There remains a significant backlog of registration requests, with more than 400 requests outstanding. The Authority has established priorities for addressing registration requests, based around threats of damage or desecration, or arising from cultural transformation associated with generational change. Nevertheless, the backlog can only be addressed on an *ad hoc* basis and even then only if there is a capacity to undertake registration research without impacting on the timeframes and resources available for Authority Certificate research. The Authority has commenced the development of processes to combine the registration of sacred sites with the conduct of research for Authority Certificates. The Authority Board has placed a priority on the registration of sacred sites and it is expected that there will be a gradual increase in the numbers of sacred sites registered over the next five years.

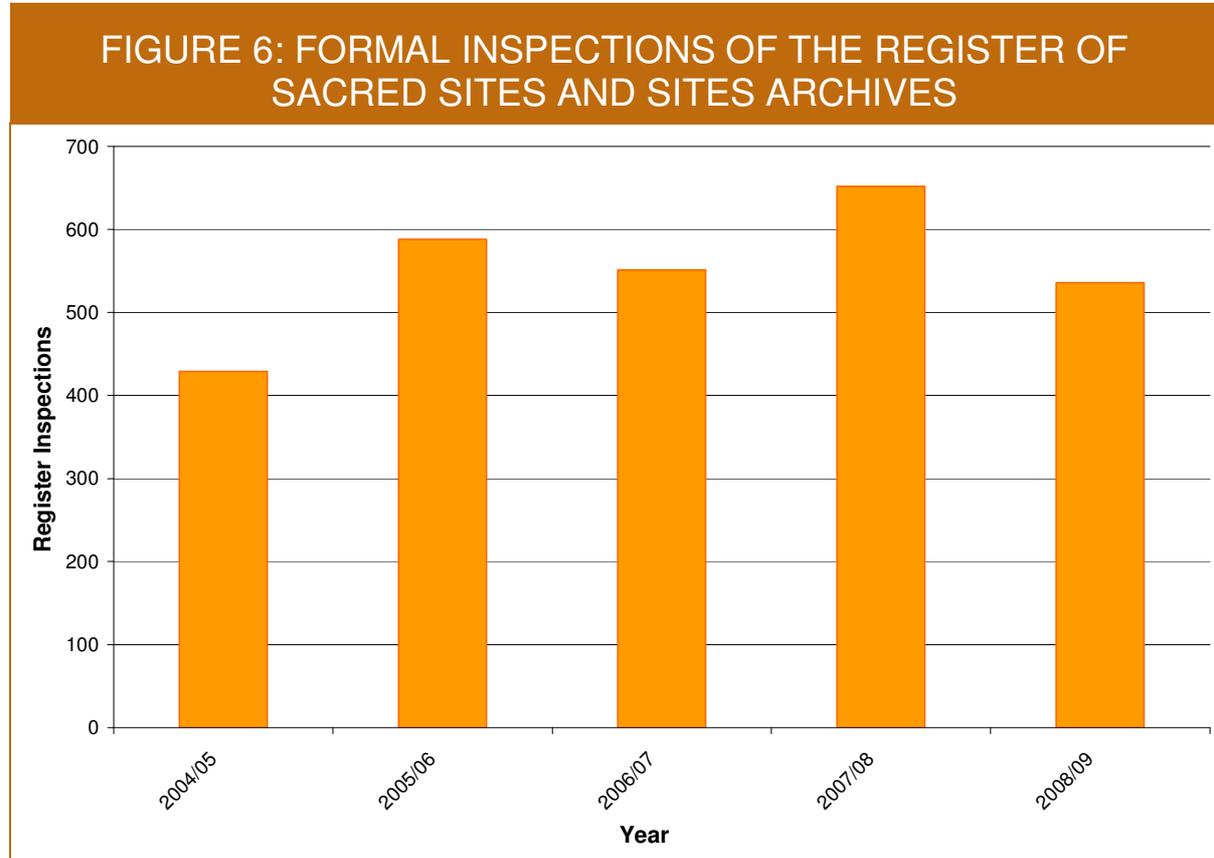
FIGURE 5: SACRED SITE REGISTRATIONS, REQUESTS FOR REGISTRATION AND NEW SITES RECORDED



# PERFORMANCE REPORTING

## REGISTER AND ARCHIVAL INSPECTIONS

In 2008-09, the Authority responded to 569 requests for inspections across the Register of Sacred Sites and other Authority sacred site Registers and archives. This includes 536 formal Inspection Requests of the Register of Sacred Sites. This compares with 690 requests across the Authority's registers and archives, and 652 formal Inspection Requests in 2007-08.

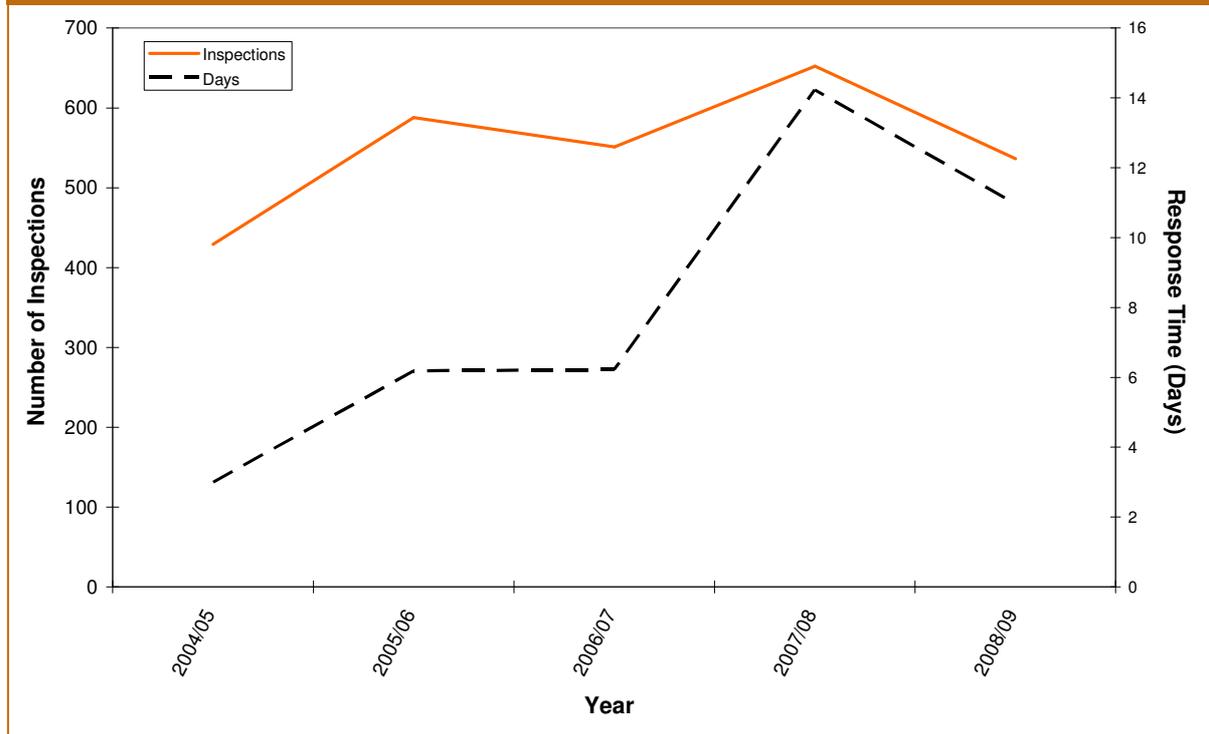


In 2008-09, the average time taken to complete Register Inspection requests was 11 days, a decrease of 3 days from the previous year (Figure 7). In 2009-10, as a result of internal reviews conducted during 2007-08, Register, archives and other records requests processes will be streamlined to deliver a more effective service for requests that the Authority receives for information about sacred sites. It is expected that this streamlining of processes will allow for a better service to applicants for information, and also allow the Authority to more accurately track and record provision of formal and informal sacred sites information to applicants.



## PERFORMANCE REPORTING

FIGURE 7: NUMBER OF REQUESTS TO INSPECT THE REGISTER AND RESPONSE TIMES



### ADVICE TO CLIENTS AND THE BROADER COMMUNITY

In addition to formal requests to inspect the Register of Sacred Sites and Register of Authority Certificates, the Authority also deals with numerous requests for information relating to site protection in the Territory. The provision of information and advice to the public is a significant element of the Authority's responsibility in carrying out its functions. In the current reporting period the Authority received ongoing and daily requests for information from the Register. This has included "informal" requests for comment from Territory Government agencies. There continues to be a significant increase in requests to inspect the Register of Authority Certificates.

### DAMAGE TO SACRED SITES

In recent years the Authority has responded to a large number of reports of damage, desecration, illegal entry and works on a sacred site. Because of the sensitive nature of such matters, and the need to ensure that appropriate action can be taken, including prosecution where necessary, site damage matters are resource intensive.

In 2008-09, the Authority responded to 21 new reports of sacred site damage. The Authority also successfully prosecuted two cases for damage to trees and breach of an Authority Certificate, both in Alice Springs. These cases raised awareness about the need to comply with Authority Certificates when undertaking works.

### ANCESTRAL SKELETAL REMAINS

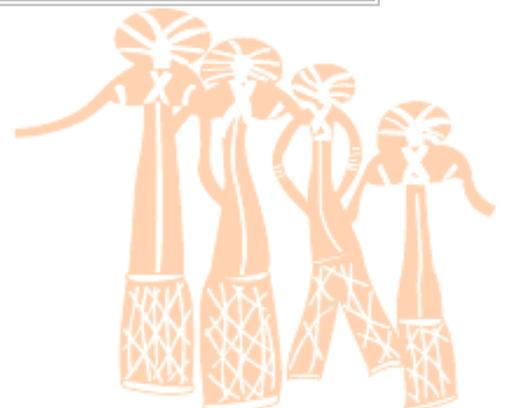
Responsibilities delegated under the *Heritage Conservation Act* can result in a number of requests associated with both forensic enquiries and the repatriation of skeletal remains.

## PERFORMANCE REPORTING

In 2008-09 the Authority received five requests for forensic assistance on the discovery of skeletal remains in the Northern Territory. The responses required for these discoveries took some considerable time, requiring travel to Charles Point, Mandorah and Ramingining, as well as in-house assessments of further discoveries on the Cox Peninsula. The Authority's timely response to these requests continued to strengthen the Authority's successful work with NT Police and the Coroner's Office to ensure that traditional ancestral remains are not unnecessarily disturbed.

The Authority has continued working with the Coroner's Office on a project to conduct DNA and medical analyses on a number of the remains held by the Authority for repatriation. The aim of this project is to explore further avenues of inquiry in unresolved missing persons cases, and the Authority Board directed the Authority to cooperate with the Coroner on this significant issue.

The Coroner requested that all repatriations be suspended until it is fully determined which of the remains the Authority currently hold should be included in the DNA and medical analyses. Thus, in 2008-09, the Authority continued to suspend consultations over the repatriation of all sets of Aboriginal ancestral skeletal remains, with work to be resumed once the project of the Coroner's Office is complete.



# GOVERNANCE

## AUTHORITY BOARD

### MEMBERSHIP AND MEETINGS

The Authority comprises twelve members, ten of whom are Aboriginal custodians of sacred sites in equal numbers (five) of males and females. To fill vacancies for Aboriginal custodian members, the Northern Territory Land Councils are requested to nominate a panel of twice the number of custodians of the relevant gender. The Administrator of the Northern Territory appoints members by notice in the *Northern Territory Government Gazette*.

Custodian members of the Authority have been appointed from different regions of the Territory to generally provide a geographic and representative balance for the Authority.

The Administrator also appoints Aboriginal members as the Chairman and Deputy Chairman, who must be of opposite gender, based on nominations from the Authority.

The Authority meets at least four times each year, often in different parts of the Northern Territory. The Authority attempts to meet in locations outside of Darwin twice per year.

### APPOINTMENTS

During 2008-09 the majority of the three year appointments to the Board of the Authority came to an end.

In December 2008, the Administrator appointed Ms Carol Christophersen as a Government nominee on the Board of the Authority. Following requests from the Minister to the Land Councils, a number of appointments were made by the Administrator from nominees of the Central and Tiwi Land Councils on 17 May 2009. In these appointments, existing members of the Authority were re-appointed. The Administrator also appointed Mr Michael Gillam as a Government nominee in May 2009.

At 30 June 2009, nominations from the Northern and Anindilyakwa Land Councils were yet to be put before the Administrator for consideration.

### MEMBERS OF THE ABORIGINAL AREAS PROTECTION AUTHORITY

<b>Name</b>	<b>Date appointed/ Re-appointed</b>	<b>Nominated by</b>
Mr Bernard Abbott	18/5/2009	Central Land Council
Ms Lynette Granites	28/5/2008	Central Land Council
Ms Lena Pula	18/5/2009	Central Land Council
Mr Pepy Simpson	18/5/2009	Central Land Council
Mr Robert Tipungwuti	18/5/2009	Tiwi Land Council
Ms Carol Christophersen	17/12/2008	Government nominee
Mr Michael Gillam	18/5/2009	Government nominee

The following members' appointments had lapsed at 30 June 2009:

Ms Miliwanga Sandy	26/4/2006	Northern Land Council
Mr Captain Woditj	26/4/2006	Northern Land Council
Ms Banduk Marika	26/4/2006	Northern Land Council
Ms Jenny Inmulugulu	26/4/2006	Northern Land Council
Mr Dick Kimber	26/4/2006	Government nominee

# GOVERNANCE

## AUTHORITY MEETINGS

Section 12 of the *Sacred Sites Act* provides that the Chairman “shall call such meetings of the Authority and committees of the Authority as are necessary for the performance and functions of the Authority” and that “the Chairman shall call not less than four meetings of the Authority in each full calendar year of its operation”. Below is an outline of dates, venues and attendances at meetings called by the Chairman for the 2008-09 Financial Year:

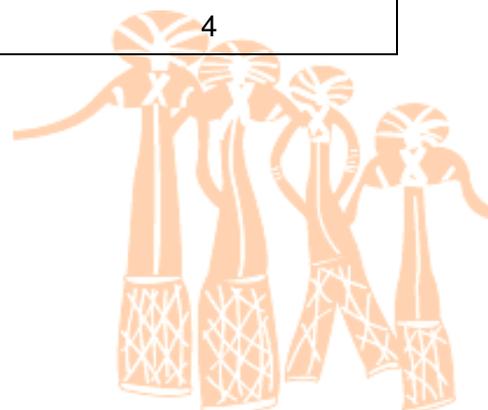
September 2008	Katherine
December 2008	Darwin
March 2009	Alice Springs
June 2009	Darwin

The Board achieved its required four meetings during calendar year 2008.

In order to deal more effectively with the breadth of issues before it, and where time permits, the Board of the Authority has held its meetings for up to three days. This extra time has allowed more time for the Board to become familiar with the issues and to give them adequate time for their full consideration.

### SUMMARY OF ATTENDANCES AT MEETINGS OF THE AUTHORITY BOARD, 2008-09

Name	Meetings attended
Ms Miliwanga Sandy	2
Mr Bernard Abbott (Deputy Chairman)	4
Ms Carol Christophersen	1
Mr Michael Gillam	1
Ms Lynette Granites	3
Ms Jenny Inmulugulu	2
Mr Dick Kimber	3
Ms Banduk Marika	2
Ms Lena Pula	4
Mr Pepy Simpson	4
Mr Robert Tipungwuti	4
Mr Captain Woditj	2
Dr Ben Scambary (CEO), Non Board Member	4



# GOVERNANCE

## AUTHORITY OPERATIONS

### PRINCIPLES OF GOVERNANCE

The Authority's governance framework aims to ensure that the Authority carries out its functions in an effective and efficient manner, in accordance with its responsibilities under the *Sacred Sites Act*. This includes:

- Effective Human Resources Management Practices
- Quality Control for Data and Outputs
- Development of Risk Management Strategies
- Planning and Development of a Business Plan

### HOW AAPA IS GOVERNED

The primary policy and decision-making body is the Authority established at Section 5 of the *Sacred Sites Act*. The Authority is required to meet at least four times in each calendar year. Section 15 of the Act requires that "The Administrator shall appoint a Chief Executive Officer (CEO) of the Authority who shall be charged with carrying out the decisions of the Authority." All other staff of the Authority are employed directly by the Authority, under Section 17 of the *Sacred Sites Act*.

Section 19 provides for the Authority to delegate certain powers or functions. The CEO holds various such delegations and is responsible for the overall operation of the Authority. The CEO also exercises responsibilities under the *Public Sector Employment and Management Act*, the *Heritage Conservation Act* and the *Financial Management Act*.

### HOW AAPA IS MANAGED

The CEO maintains overall responsibility for the day-to-day operation of the Authority. To ensure the smooth functioning of the offices, the CEO chairs weekly coordination meetings with senior managers of the Authority's operational groups. Each operational group also meets regularly to ensure an effective flow of information.

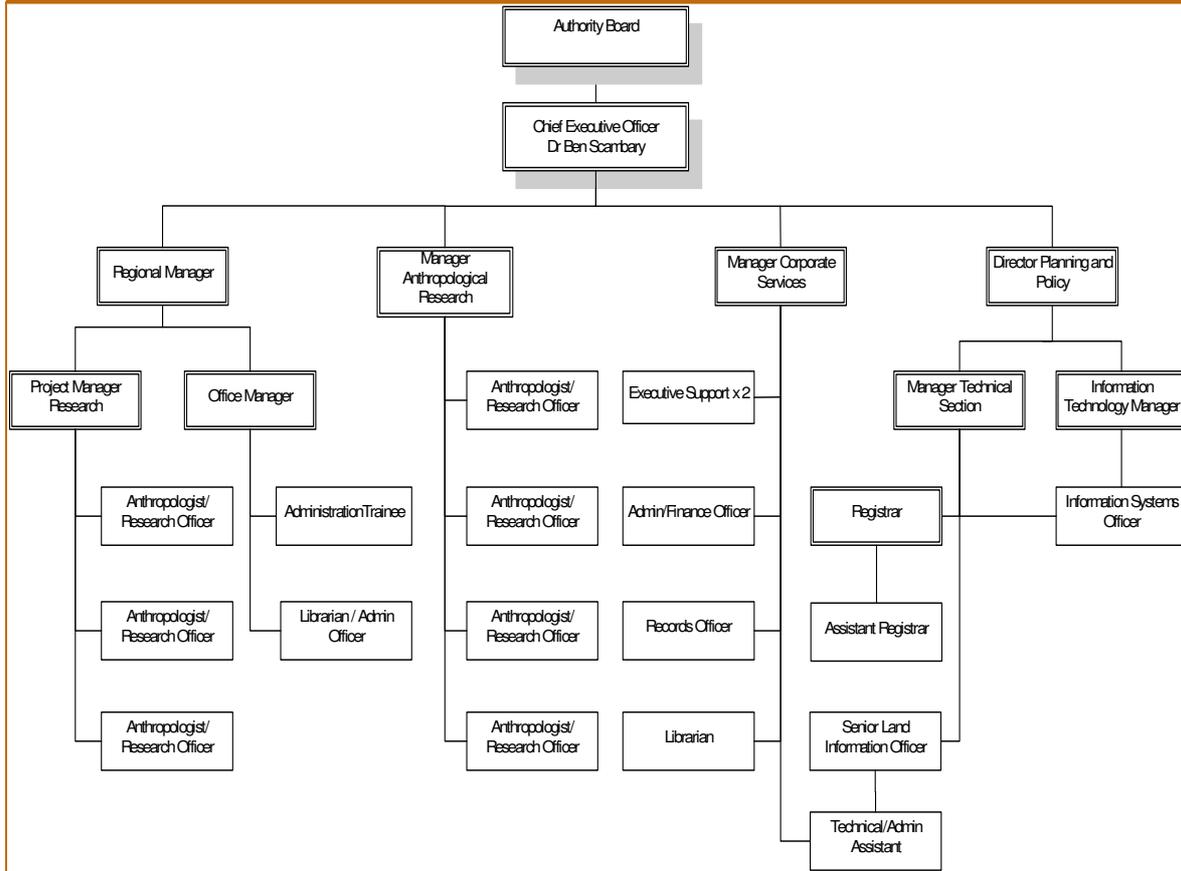
The Authority's operational groups comprise: Darwin Research, Corporate Services, Technical Section and the Alice Springs Regional office (Figure 8).

Administratively, the Authority divides the Northern Territory into northern and southern regions. The CEO, Senior Policy and Planning Officer, Corporate Services Manager, Manager Anthropological Research, Manager Technical Section and staff are all located in the Darwin office. The Regional Manager and staff are located in the Alice Springs office.



# GOVERNANCE

FIGURE 8: OPERATIONAL STRUCTURE 2008-09



## BUSINESS PLAN AND DEVELOPMENT

At its meeting in June 2005 the Authority Board resolved to adopt a draft High Level Business Plan. The Authority adopted a detailed Business Plan at its March 2006 meeting. The plan sets out the guiding principles and business and operational direction for the organisation until 2008. As a result of the introduction of project management, new business and action plans will be developed in 2010.

## KEY EXTERNAL RELATIONSHIPS

In order to ensure effective protection of sacred sites across the Territory during this year the Authority also

- Continued to develop linkages with Indigenous ranger and land management organisations such as Djelk Rangers, Dhimurru Land Management and Jawoyn Association over sacred sites and cultural heritage management issues.
- Undertook further research under collaborative arrangements with the Northern Land Council and Parks Australia North to develop protocols for Sickness Country access in the southern area of Kakadu National Park.
- Met regularly with Alice Springs Town Council staff and elected members.

Meetings occurred throughout the year with the two large Land Councils in relation to sacred site protection matters. The Authority Board has re-affirmed that the *Sacred Sites Act* applies across all land in the Northern Territory, and the Authority will continue to respond to custodians and applicants in order to protect sacred sites and work cooperatively with Land Councils wherever possible.

The Authority has committed to establishing relationships with key industry bodies across the Northern Territory. The CEO and staff also liaised with other organisations, such as

## GOVERNANCE

Lhere Artepe Aboriginal Corporation (Alice Springs Native Title Prescribed Body Corporate), Dhimurru Land Management, Larrakia Nation and the Jawoyn Association. The Authority also continued regular meetings with senior staff at the Departments of Planning and Infrastructure (DPI); Natural Resources Environment and the Arts; Local Government and Housing; Chief Minister; and Primary Industries, Fisheries and Mines for the purpose of discussing matters of common interest.

The Authority is represented on the Heritage Advisory Council by the Regional Manager Alice Springs. Representation in the Heritage Advisory Council is important for ensuring that heritage and sacred site protection continues to operate in a complementary fashion across the Northern Territory.

The work of the Authority is of central importance to the maintenance of Indigenous cultural values across the Northern Territory through its primary function of protecting sacred sites. The Authority has continued to promote the centrality of sacred sites to the cultural life of the Northern Territory through continued outreach with custodians of sacred sites across the NT, and with a range of regional and remote Indigenous organisations.

In addition the Authority is active in working with Indigenous organisations to promote economic development outcomes. Examples include collaboration with land and sea rangers in the protection of sacred sites through assistance in developing cultural heritage management plans, provision of investigator training and the design and implementation of programs of sacred site registration.

This work recognises that sacred sites are integral to Indigenous knowledge systems that are increasingly being drawn upon to achieve the dual outcomes of maintaining biodiversity and promoting economic development. Supporting the skills base of Indigenous rangers is one way that AAPA can assist in Indigenous economic development.

AAPA has commenced discussions with the Dhimurru rangers, Yirralka Rangers, Djelk Rangers, Thamurrur Rangers and Larrakia Rangers in developing skills associated with cultural heritage management. These collaborations are important, not only in terms of the potential economic development consequences of skill development and increased employment, but also in terms of enhancing the protection of sacred sites. These collaborations are emphasizing the empowerment of sacred site custodians through the ranger program to not only protect their sacred sites but also to engage in formal planning processes and to actively participate in the investigation of site damage incidents.

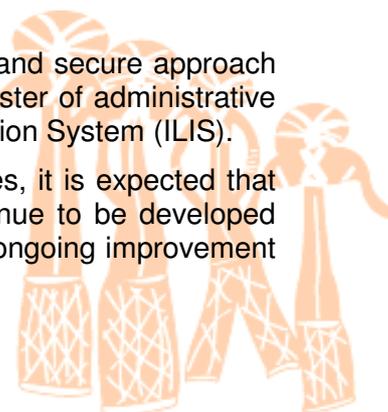
The AAPA is represented on the steering committee of the 'People on Country, Healthy Landscapes and Indigenous Economic Futures Research Project' being conducted by the Centre for Aboriginal Economic Policy Research at the Australian National University. This project is examining the utilization of Indigenous knowledge in alleviating poverty. The CEO has commenced discussions with Columbia University and Charles Darwin University about a research collaboration focusing on Indigenous economic and cultural values in the Daly Region.

The Board of the AAPA has highlighted the potential synergies between the work of the Authority and a number of Closing the Gap initiatives and also to the Federal Government's *Working on Country* program.

## INFORMATION MANAGEMENT

The Authority continued to progress the development of an effective and secure approach to the provision of sacred site information in conjunction with the register of administrative interests, through the Territory Government's Integrated Land Information System (ILIS).

As a result of an external review of the Authority's Corporate Services, it is expected that an improved records and information management system will continue to be developed during 2009-10. This improved system will provide a strong base for ongoing improvement in the Authority's services to custodians, applicants and the public.



## LEGISLATION AND POLICY

### ABORIGINAL SACRED SITE PROTECTION IN THE NORTHERN TERRITORY

#### ABORIGINAL SACRED SITES

Sacred sites are features of the landscape that hold specific meanings and importance in the traditions of Aboriginal communities. They may include features such as hills, waterholes, rocks, trees and sea features. They may also include rock art or other human artefacts. However, it is usually the natural features that are of most significance according to the body of Aboriginal tradition about how the world was shaped. Ceremony grounds and traditional burial grounds may also be sacred sites according to Aboriginal tradition.

The protection of Aboriginal sacred sites is an integral part of the Northern Territory Aboriginal land rights package under the Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976 (Land Rights Act)*. Under the *Land Rights Act* a sacred site is defined as:

*...a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition...*

The *Sacred Sites Act* uses the same definition as the *Land Rights Act*.

#### COMMONWEALTH AND NORTHERN TERRITORY LAWS

Section 69 of the *Land Rights Act* broadly prohibits entry and remaining on any land in the Northern Territory that is a sacred site, except under a law of the Northern Territory. Section 73 of the *Land Rights Act* gives the Northern Territory Legislative Assembly power to enact laws for:

*...the protection of, and the prevention of the desecration of, sacred sites in the Northern Territory...*

The *Sacred Sites Act* was passed under this power to establish procedures for the protection and registration of sacred sites and the avoidance of sacred sites in the development and use of land.

#### LANDOWNERS AND DEVELOPERS

The Authority strives to achieve practical outcomes in its operations by respecting the interests of site custodians, landowners and developers. Often custodians, landowners and developers have diverging interests in land, however there is usually substantial overlap between these interests. In most cases, the Authority's challenge is to accommodate new uses of land with the need to protect sacred sites, thus preserving and enhancing Aboriginal tradition in a changing social environment.

Landowners and developers are afforded certain rights under the *Sacred Sites Act*. Section 28 provides the opportunity for landowners to make representations on the prospective registration of a sacred site. Section 44 of the *Sacred Sites Act* explicitly deals with landowners' rights to use land comprised in a sacred site consistent with the protection of sacred sites. Authority Certificates provide a legal instrument to accommodate such land-use. Further under Section 48A, if the application of the *Sacred Sites Act* in a particular case would result in an acquisition of property other than on just terms, then the person effected is entitled to such compensation as a court may decide.

As well as protecting the fabric of sacred sites in the context of land ownership and development, the *Sacred Sites Act* provides for Aboriginal people to have access to sacred sites "in accordance with Aboriginal tradition".

Under the sacred sites laws applying in the Northern Territory, all sacred sites are protected regardless of underlying land title, whether they are registered or not, or even if they are not known to the Authority. They are protected particularly by Sections 33

## GOVERNANCE

(unauthorised entry), 34 (unauthorised works or uses) and 35 (desecration) of the *Sacred Sites Act*, which set out various offences in relation to sacred sites.

Prosecutions may only be brought by the Authority and custodians' views must be taken into account whenever the Authority exercises such powers under the *Sacred Sites Act*.

### **RESPONSIBILITIES UNDER THE HERITAGE CONSERVATION ACT 1991**

Section 10(j) of the *Sacred Sites Act* specifies that one of the functions of the Authority is "to perform such other functions as are imposed on it by or under this or any other Act, ...". The *Heritage Conservation Act 1991* (places a number of additional duties on the Authority.

Firstly, the *Heritage Conservation Act*, Section 8(d), provides for the Authority to nominate a representative to the Heritage Advisory Council. Regional Manager Alice Springs, Mr Andrew Allan, represented the Authority throughout the reporting period.

Secondly, Section 29(2) of the *Heritage Conservation Act* states:

*The Minister or the Minister's delegate shall not permit an action in relation to an archaeological object prescribed for the purposes of Part 6 which is sacred according to Aboriginal tradition unless he or she has sought and taken into account the advice, if any, of the Aboriginal Areas Protection Authority established by the Northern Territory Aboriginal Sacred Sites Act given after consultation with those Aboriginals it considers to be the traditional owners of the object.*

Lastly, the CEO of the Authority holds two delegations from the Minister for Conservation relating to the *Heritage Conservation Act*. The first enables the CEO to make decisions about what may happen on an Aboriginal burial site. The second delegation makes the CEO a person who should be advised of the discovery of an Aboriginal burial site or skeletal remains. As a consequence of these delegations the Authority responds to requests from the Coroner's office for advice on whether skeletal remains found in the Northern Territory are likely to be part of a traditional Aboriginal burial. The Authority also acts as a receiving agency and temporary repository in the Northern Territory for skeletal remains repatriated to Aboriginal communities from museums in Australia and overseas.



## OVERVIEW

The principles of human resource management contained in the *Public Sector Employment and Management Act* inform the human resource management policy and procedures of the Authority although the Authority is not an ‘agency’ under the Act. The Authority complies with provisions of anti-discrimination legislation, in particular, the Northern Territory’s *Anti-Discrimination Act*. The Authority provides a safe and healthy working environment and safe plant and equipment by maintaining an Occupational Health and Safety Program in which all employees are actively encouraged to participate to ensure compliance with the *Northern Territory Work Health Act*.

## STAFFING

As at 30 June 2009 there were 30 positions in the Aboriginal Areas Protection Authority.

## TERMS AND CONDITIONS OF EMPLOYMENT

The Authority employs staff under the relevant provisions of the *Sacred Sites Act*. As a consequence, the Authority is not a prescribed agency within the meaning of the *Public Sector Employment and Management Act 1993*. On the 5 May 2004 the Commissioner for Public Employment approved terms and conditions for staff employed by the Authority as required by the *Sacred Sites Act*.

## EQUAL EMPLOYMENT OPPORTUNITY

### POLICY OBJECTIVES

The Authority focuses on the following objectives.

The Authority aims to ensure that all staff regardless of sex, race, disability, religion, political belief or marital status are able to fully and equally:

- develop their abilities and potential;
- contribute to the success of the Authority’s objectives; and
- share in the benefits of employment according to their contribution.

To achieve these objectives the Authority provides Equal Employment Opportunity Awareness Sessions for management and the dissemination of information relating to equality of opportunity and prevention of discrimination to all staff. In addition, the Authority provides a process for resolving any staff grievances as well as specific mechanisms for dealing with incidents of workplace harassment. These last two areas are outlined under their respective headings below.

### INTERNAL GRIEVANCE PROCEDURES

Procedures for the resolution of grievances arising in the workplace emphasise conciliation. The procedures were adopted after extensive consultation with stakeholders including staff, Unions, Commissioner for Public Employment and Office of Anti-Discrimination.

There were no grievances arising from Authority staff within the period under report.

### WORKPLACE HARASSMENT

The objective of this policy is to provide guidance for employees on the prevention and elimination of any form of harassment of employees within the Aboriginal Areas Protection

## HUMAN RESOURCES—MANAGING OUR PEOPLE

Authority. It also provides procedures for the resolution of both formal and informal complaints. Staff with managerial responsibilities are made aware of the Authority's obligations under the *Anti-Discrimination Act* and the principles of equity and merit which underpin the Authority's Equal Employment Opportunity objectives.

There were no allegations of workplace harassment made within the period of the report.

### EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Aboriginal Areas Protection Authority's EAP is an external program providing professional and confidential counseling for all employees and their immediate family members.

### OCCUPATIONAL HEALTH AND SAFETY

The Aboriginal Areas Protection Authority continues to be committed to providing a safe workplace for all its employees and consultants. The Authority encourages the participation of every staff member in achieving a healthy and safe working environment.

This commitment is demonstrated by its high emphasis on fieldwork safety and training at both the Darwin and Alice Springs offices. Staff are encouraged to raise any issues with the nominated OH&S officer and are ensured of a prompt response.

OH&S is a standing item on the agenda for the "All Staff" meetings usually conducted once per fortnight.

### WORKER'S COMPENSATION

There were no workers compensation claims made within the period of the report.

### STAFF TRAINING AND DEVELOPMENT

Training and Development focuses on providing the skills and competencies necessary for staff to perform the tasks involved in achieving the desired outcomes of the Authority. The Authority recognises that training is a continuous process integrated with, and running parallel to, work. Sixty five percent of all employees attended some form of training or accreditation during the year.

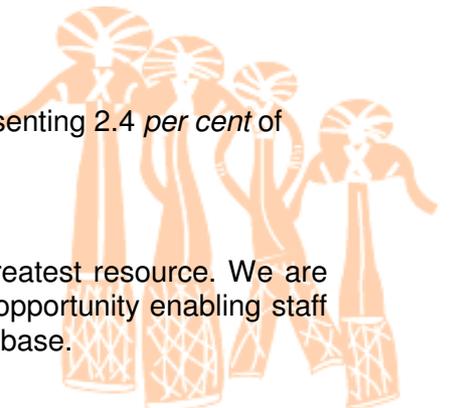
Courses included:

- Professional Development allowance;
- Continued professional development support through study leave;
- Defensive four wheel driving;
- First aid;
- Cultural awareness;
- Graduate trainee; and
- MapInfo and project management.

The Authority spent \$27 800 on training programs in 2008-09 representing 2.4 per cent of expenditure for goods and services.

### STUDY ASSISTANCE PROGRAM

The Aboriginal Areas Protection Authority values its staff as its greatest resource. We are committed to providing support for formal education as a learning opportunity enabling staff to progress in their careers and increase the Authority's overall skill base.



## STAFF DEVELOPMENT FRAMEWORK

The purpose of the Aboriginal Areas Protection Authority's Staff Development Framework is to provide a process for staff throughout the organisation to:

- Understand their role and contribution within the organisation;
- Realise their potential within the context of their work roles;
- Ensure they have the appropriate skills to undertake their existing and future work requirements;
- Consider their long-term work needs within the Authority; and
- Give and receive feedback about themselves and their managers.

## SUPPORTING AND VALUING OUR PEOPLE

- Supported the participation in the Corporate Sports events run by "Life Be In It";
- Supported the secondment of staff to Sport and Recreation for the Arafura Games; and
- Continued the support of staff and family to access the Employee Assistance Program through two local service providers.

## OFFICE ACCOMMODATION

The lease on the current office accommodation in Darwin expired in October 2008. A more suitable alternate office space has been identified and it is expected that the Authority's Darwin office will relocate some time before mid June 2010.



## PRESCRIBED FORMAT OF AGENCY FINANCIAL STATEMENTS

Consistent with the requirements of Treasurer's Directions Section R2.1 this Appendix provides Agencies with the prescribed format for Agency financial statements for 2008-09 and future financial years (unless amended).

Although the prescribed format has been developed to cover a wide range of Agency circumstances and situations, in some situations Agencies may need to include additional financial information and/or disclosures. Treasurer's Directions Section R2.1 and this Appendix provide this flexibility in certain circumstances. In this regard, Agencies should refer to italicised comments within the prescribed format.



# FINANCIAL REPORT

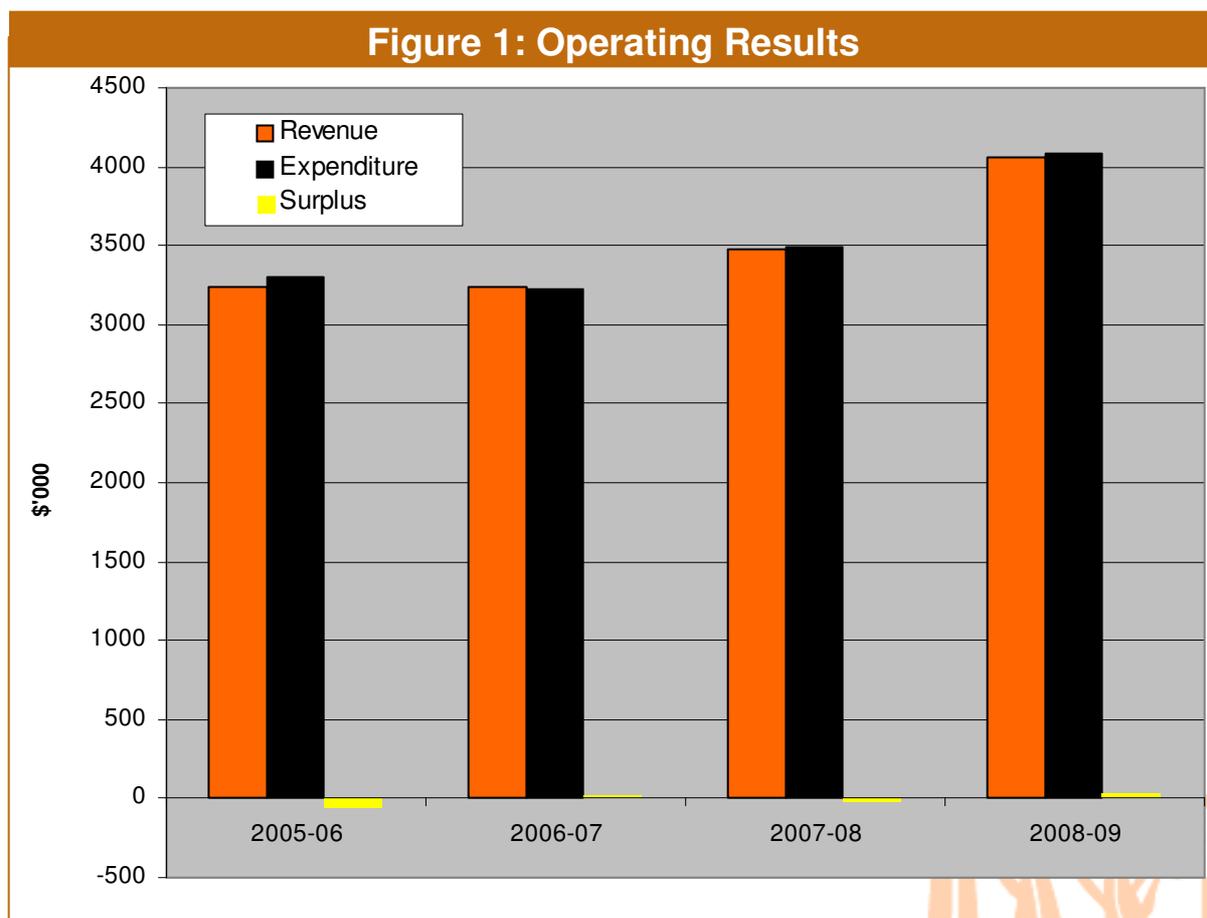
## FINANCIAL STATEMENT OVERVIEW

### For the Year Ended 30 June 2009

The Aboriginal Areas Protection Authority (the 'Authority') is a statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (the 'Act') to administer sacred site protection in the Northern Territory. The Administrator of the Northern Territory appoints Board members of the Authority. The Authority is constituted under Section 5, and staff are employed under Section 17 of the Act. This provides for the Authority to administer the Act at arm's length from the day-to-day operations of the Northern Territory Government.

The Authority recorded a deficit of \$26 000 for the 2008-09 financial year similar to the deficit of \$14 000 in the 2007-08 financial year. The outcome continues to be attributed to a significant increase in demand for Authority Certificate applications, and for inspections of the register and records of sacred sites.

In the reporting period, the Authority received \$1 052 000 from sales of goods and services. This is an increase of \$587 000 above the budgeted \$465 000. This increase is the result of an increase in demand for Authority Certificate applications, some of which are directly attributable to the Australian Government's intervention. The Authority also entered into a 3.5 year agreement (Coordinated Community Authority Certificate project) with three Northern Territory Government agencies. The project meant that the agencies paid upfront into the Authority's 'Sales of Goods and Services' a total of \$300 000 in the last 6 months of the 2008-09 financial year.



# FINANCIAL REPORT

## CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached financial statements for the Aboriginal Areas Protection Authority have been prepared from proper accounts and records in accordance with the prescribed format, the *Financial Management Act* and Treasurer's Directions.

We further state that the information set out in the Operating Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, and notes to and forming part of the financial statements, presents fairly the financial performance and cash flows for the year ended 30 June 2009 and the financial position on that date.

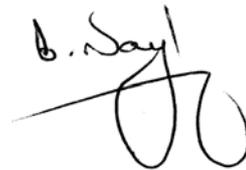
At the time of signing, we are not aware of any circumstances that would render the particulars included in the financial statements misleading or inaccurate.



.....  
**Dr. Ben Scambary**

**CHIEF EXECUTIVE OFFICER**

**1 September 2009**



.....  
**Clive Naylor**

**MANAGER CORPORATE SERVICES**

**1 September 2009**



# OPERATING STATEMENT

For the year ended 30 June 2009

	NOTE	2009 \$'000	2008 \$'000
<b>INCOME</b>			
Appropriation			
Output		2 422	2 511
Sales of Goods and Services		1 049	652
Goods and Services Received Free of Charge	4	588	312
Other Income		1	-
<b>TOTAL INCOME</b>	<b>3</b>	<b>4 060</b>	<b>3 475</b>
<b>EXPENSES</b>			
Employee Expenses		2 294	2 061
<i>Administrative Expenses</i>			
Purchases of Goods and Services	5	1 184	1 099
Repairs and Maintenance		1	2
Depreciation and Amortisation	8	19	15
Goods and Services Received Free of Charge		588	312
<b>TOTAL EXPENSES</b>	<b>3</b>	<b>4 086</b>	<b>3 489</b>
<b>NET (DEFICIT)</b>	<b>11</b>	<b>(26)</b>	<b>(14)</b>

*The Operating Statement is to be read in conjunction with the notes to the financial statements.*

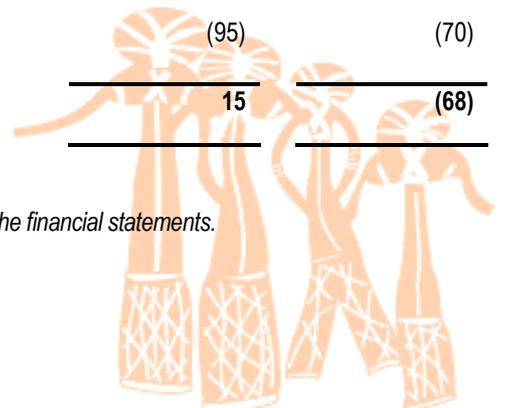


# BALANCE SHEET

As at 30 June 2009

	NOTE	2009 \$'000	2008 \$'000
<b>ASSETS</b>			
<i>Current Assets</i>			
Cash and Deposits	6	212	126
Receivables	7	107	37
Prepayments		13	11
<b>Total Current Assets</b>		<b>332</b>	<b>174</b>
<i>Non-Current Assets</i>			
Property, Plant and Equipment	8	111	34
<b>Total Non-Current Assets</b>		<b>111</b>	<b>34</b>
<b>TOTAL ASSETS</b>		<b>443</b>	<b>208</b>
<b>LIABILITIES</b>			
<i>Current Liabilities</i>			
Payables	9	96	27
Provisions	10	243	165
<b>Total Current Liabilities</b>		<b>339</b>	<b>192</b>
<i>Non-Current Liabilities</i>			
Provisions	10	89	84
<b>Total Non-Current Liabilities</b>		<b>89</b>	<b>84</b>
<b>TOTAL LIABILITIES</b>		<b>428</b>	<b>276</b>
<b>NET ASSETS</b>		<b>15</b>	<b>(68)</b>
<b>EQUITY</b>			
Capital		110	2
Accumulated Funds		(95)	(70)
<b>TOTAL EQUITY</b>		<b>15</b>	<b>(68)</b>

The Balance Sheet is to be read in conjunction with the notes to the financial statements.



# STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2009

	NOTE	2009 \$'000	2008 \$'000
<b>BALANCE OF EQUITY AT 1 JULY</b>		<u>(68)</u>	<u>(60)</u>
<b>Capital</b>	11		
Balance at 1 July		2	(4)
Equity Injections		<u>108</u>	<u>6</u>
Equity Withdrawals		-	-
Balance at 30 June		<u>110</u>	<u>2</u>
<b>Accumulated Funds</b>	11		
Balance at 1 July		(69)	(56)
(Deficit) for the Period		<u>(26)</u>	<u>(14)</u>
Balance at 30 June		<u>(95)</u>	<u>(70)</u>
<b>BALANCE OF EQUITY AT 30 JUNE</b>		<u>15</u>	<u>(68)</u>

*The Statement of Changes in Equity is to be read in conjunction with the notes to the financial statements.*



# CASH FLOW STATEMENT

For the year ended 30 June 2009

		2009	2008
	NOTE	\$'000	\$'000
		(Outflows) / Inflows	(Outflows) / Inflows
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Operating Receipts</b>			
Appropriation			
Output		2 422	2 511
Receipts From Sales of Goods And Services		1 079	771
<b>Total Operating Receipts</b>		<b>3 501</b>	<b>3 282</b>
<b>Operating Payments</b>			
Payments to Employees		(2 202)	(2 077)
Payments for Goods and Services		(1 226)	(1 197)
<b>Total Operating Payments</b>		<b>(3 428)</b>	<b>(3 274)</b>
<b>Net Cash From Operating Activities</b>	12	<b>73</b>	<b>8</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Investing Payments</b>			
Purchases of Assets		(50)	(6)
<b>Total Investing Payments</b>		<b>(50)</b>	<b>(6)</b>
<b>Net Cash (Used In) Investing Activities</b>		<b>(50)</b>	<b>(6)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Financing Receipts</b>			
Equity Injections	11		
Capital Appropriation		38	6
Other Equity Injections		25	-
<b>Total Financing Receipts</b>		<b>63</b>	<b>6</b>
<b>Net Cash From Financing Activities</b>		<b>63</b>	<b>6</b>
Net Increase in Cash Held		86	8
Cash at Beginning of Financial Year		126	118
<b>CASH AT END OF FINANCIAL YEAR</b>	6	<b>212</b>	<b>126</b>

The Cash Flow Statement is to be read in conjunction with the notes to the financial statements.



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## INDEX OF NOTES TO THE FINANCIAL STATEMENTS

1. Objectives and Funding
2. Statement of Significant Accounting Policies
3. Operating Statement by Output Group

## INCOME

4. Goods and Services Received Free of Charge

## EXPENSES

5. Purchases of Goods and Services

## ASSETS

6. Cash and Deposits
7. Receivables
8. Property, Plant and Equipment

## LIABILITIES

9. Payables
10. Provisions

## EQUITY

11. Equity

## OTHER DISCLOSURES

12. Notes to the Cash Flow Statement
13. Financial Instruments
14. Commitments
15. Contingent Liabilities and Contingent Assets
16. Events Subsequent to Balance Date
17. Write-offs, Postponements and Waivers
18. Schedule of Territory Items



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 1. OBJECTIVES AND FUNDING

The task given to the Aboriginal Areas Protection Authority (the 'Authority') by the Northern Territory Parliament is to implement the *Northern Territory Aboriginal Sacred Sites Act 1989*.

The Authority is predominantly funded by, and is dependent on the receipt of Parliamentary appropriations. The financial statements encompass all funds through which the Authority controls resources to carry on its functions and deliver output. Note 3 provides summary financial information in the form of an Operating Statement by Output Group.

## 2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

### a) Basis of Accounting

The financial statements have been prepared in accordance with the requirements of the *Financial Management Act* and related Treasurer's Directions. The *Financial Management Act* requires the Authority to prepare financial statements for the year ended 30 June based on the form determined by the Treasurer. The form of Authority financial statements is to include:

- (i) a Certification of the Financial Statements;
- (ii) an Operating Statement;
- (iii) a Balance Sheet;
- (iv) a Statement of Changes in Equity;
- (v) a Cash Flow Statement; and
- (vi) applicable explanatory notes to the financial statements.

The financial statements have been prepared using the accrual basis of accounting, which recognises the effect of financial transactions and events when they occur, rather than when cash is paid out or received. As part of the preparation of the financial statements, all intra Authority transactions and balances have been eliminated.

Except where stated, the financial statements have also been prepared in accordance with the historical cost convention.

The form of the Authority financial statements is also consistent with the requirements of Australian Accounting Standards. The effects of all relevant new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that are effective for the current annual reporting period have been evaluated. The Standards and Interpretations and their impacts are:

#### **AASB 1004 Contributions (revised)**

The revisions have the effect of relocating the requirements on contributions from AASs 27, 29 and 31, substantively unamended (with some exceptions), into AASB 1004. The Standard will not have an impact on the Financial Statements.

#### **AASB 1050 Administered Items**

The main requirements of the Standard are for a government department to disclose administered income, expenses, assets and liabilities (applying the principles of AASB 1052), along with details of certain non-department controlled transfers. The Authority is unable to conform to all the requirements of the Standard for 2008-09 because administered items are not disclosed by output group.

#### **AASB 2007-9 Amendments to Australian Accounting Standards arising from the Review of AAS 27, AAS 29 and AAS 31**

The Standard relocates certain relevant requirements from AASs 27, 29 and 31, substantively unamended, into existing topic-based standards. This standard also makes consequential amendments, arising from the short-term review of AASs 27, 29 and 31, to AASB 5, AASB 8, AASB 101 and AASB 114. The Standard will not have an impact on the Financial Statements.

# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## ***AASB 2008-10 Amendments to Australian Accounting Standards – Reclassification of Financial Instruments,***

The Standard permits the reclassification of some non-derivative financial assets in particular circumstances. The Standard has no financial impact on the Financial Statements because the Authority has not reclassified its financial assets in the current period.

### **b) Australian Accounting Standards and Interpretations Issued but not yet Effective**

At the date of authorisation of the financial statements, the Standards and Interpretations listed below were in issue but not yet effective.

Note: It is likely that the 2009-10 Agency financial statement formats will be brought in line with those within the Treasurer's Annual Financial Report (TAFR). An Exposure Draft (ED174 Amendments to Australian Accounting Standards to facilitate GAAP/GFS Harmonisation for Entities within the general government sector) is currently under review.

#### ***AASB 101 Presentation of Financial Statements (revised September 2007), AASB 2007-8 Amendments to Australian Accounting Standards Arising from AASB 101, AASB 2007-10 Further Amendments to Australian Accounting Standards arising from AASB 101***

Effective for annual reporting period beginning on or after 1 January 2009.

The main changes from the previous version of AASB 101 require an entity to: (a) present non-owner changes in equity separately from owner changes in equity. The former cannot be presented in the statement of changes in equity; (b) display components of other comprehensive income in the statement of comprehensive income.

#### ***AASB 2009-1 Amendments to Australian Accounting Standards – Borrowing Costs of Not-for-Profit Public Sector Entities***

Effective for annual reporting period beginning on or after 1 January 2009 that ends on or after 30 April 2009.

The Standard amends AASB 123 to reintroduce the option to allow public sector not-for-profit entities to expense all borrowing costs.

#### ***AASB 2009-2 Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments***

Effective for annual reporting period beginning on or after 1 January 2009 that ends on or after 30 April 2009.

The Standard amends AASB 7 to require enhanced disclosures about fair value measurement of financial instruments.

### **c) Agency and Territory Items**

The financial statements of the Authority include income, expenses, assets, liabilities and equity over which the Authority has control (Agency items). Certain items, while managed by the Authority, are controlled and recorded by the Territory rather than the Authority (Territory items). Territory items are recognised and recorded in the Central Holding Authority as discussed below.

#### ***Central Holding Authority***

The Central Holding Authority is the 'parent body' that represents the Government's ownership interest in Government controlled entities.

The Central Holding Authority also records all Territory items, such as income, expenses, assets and liabilities controlled by the Government and managed by Agencies on behalf of the Government. The main Territory item is Territory income, which includes taxation and royalty revenue, Commonwealth general purpose funding (such as GST revenue), fines, and statutory fees and charges.

# NOTES TO THE FINANCIAL STATEMENTS

## For the year ended 30 June 2009

The Central Holding Authority also holds certain Territory assets not assigned to Agencies as well as certain Territory liabilities that are not practical or effective to assign to individual Agencies such as unfunded superannuation and long service leave.

The Central Holding Authority recognises and records all Territory items, and as such, these items are not included in the Authority's financial statements. However, as the Authority is accountable for certain Territory items managed on behalf of Government, these items have been separately disclosed in Note 18 - Schedule of Territory Items.

### d) Comparatives

Where necessary, comparative information for the 2007-08 financial year has been reclassified to provide consistency with current year disclosures.

### e) Presentation and Rounding of Amounts

Amounts in the financial statements and notes to the financial statements are presented in Australian dollars and have been rounded to the nearest thousand dollars, with amounts of \$500 or less being rounded down to zero.

### f) Changes in Accounting Policies

There have been no changes to accounting policies adopted in 2008-09 as a result of management decisions.

### g) Accounting Judgements and Estimates

The preparation of the financial report requires the making of judgements and estimates that affect the recognised amounts of assets, liabilities, revenues and expenses and the disclosure of contingent liabilities. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

Judgements and estimates that have significant effects on the financial statements are disclosed in the relevant notes to the financial statements. Notes that include significant judgements and estimates are:

- Employee Benefits – Note 2(r) and Note 10: Non-current liabilities in respect of employee benefits are measured as the present value of estimated future cash outflows based on the appropriate Government bond rate, estimates of future salary and wage levels and employee periods of service.
- Contingent Liabilities – Note 15: The present value of material quantifiable contingent liabilities are calculated using a discount rate based on the published 10-year Government bond rate.
- Allowance for Impairment Losses – Note 2(m) and Note 7: Receivables.
- Depreciation and Amortisation – Note 2(k) and Note 8: Property, Plant and Equipment.

### h) Goods and Services Tax

Income, expenses and assets are recognised net of the amount of Goods and Services Tax (GST), except where the amount of GST incurred on a purchase of goods and services is not recoverable from the Australian Taxation Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated with the amount of GST included. The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Balance Sheet.

# NOTES TO THE FINANCIAL STATEMENTS

## For the year ended 30 June 2009

Cash flows are included in the Cash Flow Statement on a gross basis. The GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows. Commitments and contingencies are disclosed net of the amount of GST recoverable or payable unless otherwise specified.

### i) Income Recognition

Income encompasses both revenue and gains.

Income is recognised at the fair value of the consideration received, exclusive of the amount of GST. Exchanges of goods or services of the same nature and value without any cash consideration being exchanged are not recognised as income.

#### **GRANTS AND OTHER CONTRIBUTIONS**

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the Authority obtains control over the assets comprising the contributions. Control is normally obtained upon receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

#### **APPROPRIATION**

Output Appropriation is the operating payment to each agency for the outputs they provide and is calculated as the net cost of Authority outputs after taking into account funding from Authority income. It does not include any allowance for major non-cash costs such as depreciation.

Revenue in respect of Appropriations is recognised in the period in which the Authority gains control of the funds.

#### **SALE OF GOODS**

Revenue from the sale of goods is recognised (net of returns, discounts and allowances) when:

- the significant risks and rewards of ownership of the goods have transferred to the buyer;
- the Authority retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- the amount of revenue can be reliably measured;
- it is probable that the economic benefits associated with the transaction will flow to the Authority; and
- the costs incurred or to be incurred in respect of the transaction can be measured reliably.

#### **RENDERING OF SERVICES**

Revenue from rendering services is recognised by reference to the stage of completion of the contract. The revenue is recognised when:

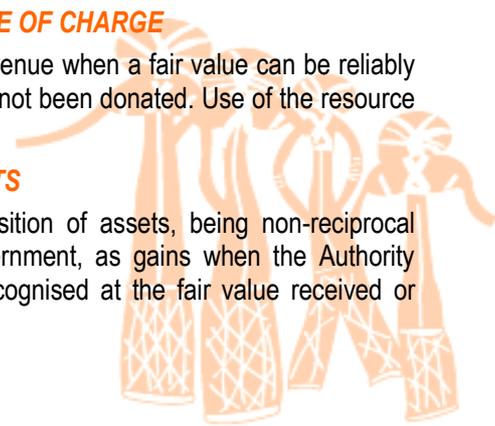
- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

#### **GOODS AND SERVICES RECEIVED FREE OF CHARGE**

Goods and services received free of charge are recognised as revenue when a fair value can be reliably determined and the resource would have been purchased if it had not been donated. Use of the resource is recognised as an expense.

#### **CONTRIBUTIONS OF ASSETS**

Contributions of assets and contributions to assist in the acquisition of assets, being non-reciprocal transfers, are recognised, unless otherwise determined by Government, as gains when the Authority obtains control of the asset or contribution. Contributions are recognised at the fair value received or receivable.



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## j) Repairs and Maintenance Expense

Funding is received for repairs and maintenance works associated with Authority assets as part of Output Revenue. Costs associated with repairs and maintenance works on Authority assets are expensed as incurred.

## k) Depreciation and Amortisation Expense

Items of property, plant and equipment, including buildings but excluding land, have limited useful lives and are depreciated or amortised using the straight-line method over their estimated useful lives.

Amortisation applies in relation to intangible non-current assets with limited useful lives and is calculated and accounted for in a similar manner to depreciation.

The estimated useful lives for each class of asset are in accordance with the Treasurer's Directions and are determined as follows:

	<u>2009</u>	<u>2008</u>
Plant and Equipment	2-4 Years	2-4 Years
Computer Hardware	5 Years	5 Years

Assets are depreciated or amortised from the date of acquisition or from the time an asset is completed and held ready for use.

## l) Cash and Deposits

For the purposes of the Balance Sheet and the Cash Flow Statement, cash includes cash on hand, cash at bank and cash equivalents. Cash equivalents are highly liquid short-term investments that are readily convertible to cash.

## m) Receivables

Receivables include accounts receivable and other receivables and are recognised at fair value less any allowance for impairment losses.

The allowance for impairment losses represents the amount of receivables the Authority estimates are likely to be uncollectible and are considered doubtful. Analyses of the age of the receivables that are past due as at the reporting date are disclosed in an ageing schedule under credit risk in Note 13 Financial Instruments. Reconciliation of changes in the allowance accounts is also presented.

Accounts receivable and other receivables are generally settled within 30 days.

## n) Property, Plant and Equipment

### ACQUISITIONS

All items of property, plant and equipment with a cost, or other value, equal to or greater than \$5,000 are recognised in the year of acquisition and depreciated as outlined below. Items of property, plant and equipment below the \$5,000 threshold are expensed in the year of acquisition.

The construction cost of property, plant and equipment includes the cost of materials and direct labour, and an appropriate proportion of fixed and variable overheads.

### COMPLEX ASSETS

Major items of plant and equipment comprising a number of components that have different useful lives, are accounted for as separate assets. The components may be replaced during the useful life of the complex asset.

### SUBSEQUENT ADDITIONAL COSTS

Costs incurred on property, plant and equipment subsequent to initial acquisition are capitalised when it is probable that future economic benefits in excess of the originally assessed performance of the asset will

# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

flow to the Authority in future years. Where these costs represent separate components of a complex asset, they are accounted for as separate assets and are separately depreciated over their expected useful lives.

## CONSTRUCTION (WORK IN PROGRESS)

As part of the Financial Management Framework, the Department of Planning and Infrastructure is responsible for managing general government capital works projects on a whole of Government basis. Therefore appropriation for all Authority capital works is provided directly to the Department of Planning and Infrastructure and the cost of construction work in progress is recognised as an asset of that Department. Once completed, capital works assets are transferred to the Authority.

## o) Revaluations and Impairment

### REVALUATION OF ASSETS

Subsequent to initial recognition, assets belonging to the following classes of non-current assets are revalued with sufficient regularity to ensure that the carrying amount of these assets does not differ materially from their fair value at reporting date:

- Land;
- Buildings;
- Infrastructure Assets; and
- Intangibles.

Fair value is the amount for which an asset could be exchanged, or liability settled, between knowledgeable, willing parties in an arm's length transaction.

Plant and equipment are stated at historical cost less depreciation, which is deemed to equate to fair value.

### IMPAIRMENT OF ASSETS

An asset is said to be impaired when the asset's carrying amount exceeds its recoverable amount. Non-current physical and intangible Authority assets are assessed for indicators of impairment on an annual basis. If an indicator of impairment exists, the Authority determines the asset's recoverable amount. The asset's recoverable amount is determined as the higher of the asset's depreciated replacement cost and fair value less costs to sell. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

Impairment losses are recognised in the Operating Statement unless the asset is carried at a revalued amount. Where the asset is measured at a revalued amount, the impairment loss is offset against the Asset Revaluation Reserve for that class of asset to the extent that an available balance exists in the Asset Revaluation Reserve.

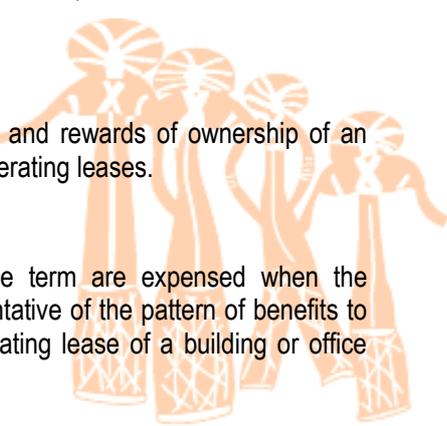
In certain situations, an impairment loss may subsequently be reversed. Where an impairment loss is subsequently reversed, the carrying amount of the asset is increased to the revised estimate of its recoverable amount. A reversal of an impairment loss is recognised in the Operating Statement as income, unless the asset is carried at a revalued amount, in which case the impairment reversal results in an increase in the Asset Revaluation Reserve.

## p) Leased Assets

Leases under which the Authority assumes substantially all the risks and rewards of ownership of an asset are classified as finance leases. Other leases are classified as operating leases.

### OPERATING LEASES

Operating lease payments made at regular intervals throughout the term are expensed when the payments are due, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased property. Lease incentives under an operating lease of a building or office



# NOTES TO THE FINANCIAL STATEMENTS

## For the year ended 30 June 2009

space is recognised as an integral part of the consideration for the use of the leased asset. Lease incentives are to be recognised as a deduction of the lease expenses over the term of the lease.

### q) Payables

Liabilities for accounts payable and other amounts payable are carried at cost which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the Authority. Accounts payable are normally settled within 30 days.

### r) Employee Benefits

Provision is made for employee benefits accumulated as a result of employees rendering services up to the reporting date. These benefits include wages and salaries and recreation leave. Liabilities arising in respect of wages and salaries and recreation leave and other employee benefit liabilities that fall due within twelve months of reporting date are classified as current liabilities and are measured at amounts expected to be paid. Non-current employee benefit liabilities that fall due after twelve months of the reporting date are measured at present value, calculated using the Government long term bond rate.

No provision is made for sick leave, which is non-vesting, as the anticipated pattern of future sick leave to be taken is less than the entitlement accruing in each reporting period.

Employee benefit expenses are recognised on a net basis in respect of the following categories:

- wages and salaries, non-monetary benefits, recreation leave, sick leave and other leave entitlements; and
- other types of employee benefits.

As part of the Financial Management Framework, the Central Holding Authority assumes the long service leave liabilities of Government Agencies, including the Authority's and as such no long service leave liability is recognised in Authority financial statements.

### s) Superannuation

Employees' superannuation entitlements are provided through the:

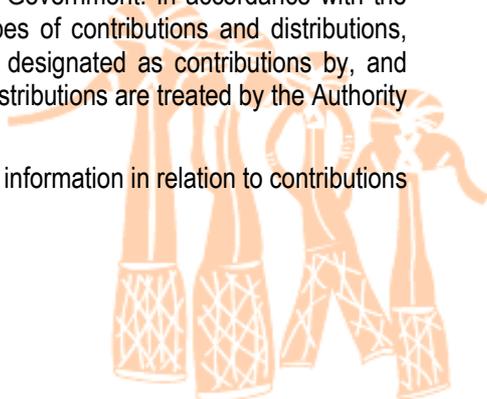
- NT Government and Public Authorities Superannuation Scheme (NTGPASS);
- Commonwealth Superannuation Scheme (CSS); or
- non-government employee nominated schemes for those employees commencing on or after 10 August 1999.

The Authority makes superannuation contributions on behalf of its employees to the Central Holding Authority or non-government employee nominated schemes. Superannuation liabilities related to government superannuation schemes are held by the Central Holding Authority and as such are not recognised in Authority financial statements.

### t) Contributions by and Distributions to Government

The Authority may receive contributions from Government where the Government is acting as owner of the Authority. Conversely, the Authority may make distributions to Government. In accordance with the *Financial Management Act* and Treasurer's Directions, certain types of contributions and distributions, including those relating to administrative restructures, have been designated as contributions by, and distributions to, Government. These designated contributions and distributions are treated by the Authority as adjustments to equity.

The Statement of Changes in Equity and Note 11 provide additional information in relation to contributions by, and distributions to, Government.



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## u) Commitments

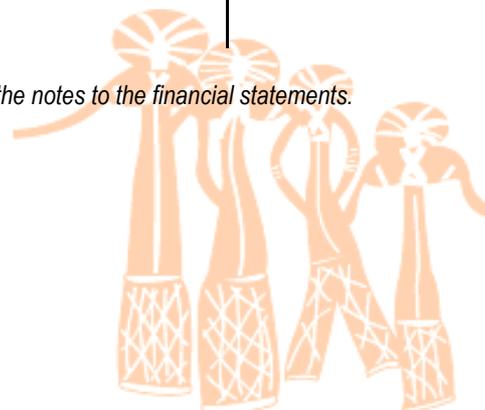
Disclosures in relation to operating lease commitments are shown at Note 14 and are consistent with the requirements contained in AASB 101, AASB 116 and AASB 117.

Commitments are those contracted as at 30 June where the amount of the future commitment can be reliably measured.

## 3. OPERATING STATEMENT BY OUTPUT GROUP

	Note	Protection of Sacred Sites		Total	
		2009	2008	2009	2008
		\$'000	\$'000	\$'000	\$'000
<b>INCOME</b>					
Appropriation					
Output		2 422	2 511	2 422	2 511
Sales of Goods and Services		1 049	652	1 049	652
Goods and Services Received Free of Charge	4	588	312	588	312
Other Income		1	-	1	-
<b>TOTAL INCOME</b>		<b>4 060</b>	<b>3 475</b>	<b>4 060</b>	<b>3 475</b>
<b>EXPENSES</b>					
Employee Expenses		2 294	2 061	2 294	2 061
<i>Administrative Expenses</i>					
Purchases of Goods and Services	5	1 184	1 099	1 184	1 099
Repairs and Maintenance		1	2	1	2
Depreciation and Amortisation	8	19	15	19	15
Goods and Services Received Free of Charge		588	312	588	312
<b>TOTAL EXPENSES</b>		<b>4 086</b>	<b>3 489</b>	<b>4 086</b>	<b>3 489</b>
<b>NET (DEFICIT)</b>	11	<b>(26)</b>	<b>(14)</b>	<b>(26)</b>	<b>(14)</b>

The Operating Statement by Output Group is to be read in conjunction with the notes to the financial statements.



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
<b>4. GOODS AND SERVICES RECEIVED FREE OF CHARGE</b>		
Corporate and Information Services	588	312
<b>Total Goods and Services Received Free of Charge</b>	<b>588</b>	<b>312</b>

## 5. PURCHASES OF GOODS AND SERVICES

The net (deficit) has been arrived at after charging the following expenses:

### Goods and Services Expenses:

Consultants <sup>(1)</sup>	390	284
Marketing and Promotion <sup>(2)</sup>	1	1
Document Production	3	1
Legal Expenses <sup>(3)</sup>	9	26
Recruitment <sup>(4)</sup>	5	28
Training and Study	28	27
Official Duty Fares	45	43
Travelling Allowance	29	21
Regulatory/Advisory Boards	101	66

(1) Includes marketing, promotion and IT consultants.

(2) Includes advertising for marketing and promotion but excludes marketing and promotion consultants expenses, which are incorporated in the consultants category.

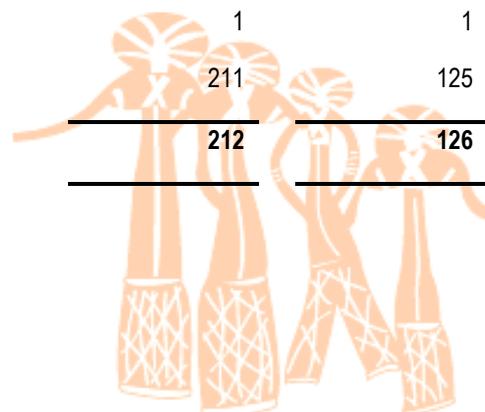
(3) Includes legal fees, claim and settlement costs.

(4) Includes recruitment related advertising costs.

(5) Includes recruitment related advertising costs.

## 6. CASH AND DEPOSITS

Cash on Hand	1	1
Cash at Bank	211	125
<b>Total Cash and Deposits</b>	<b>212</b>	<b>126</b>



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 7. RECEIVABLES

### Current

Accounts Receivable	101	42
Less: Allowance for Impairment Losses	(5)	(5)
	<hr/>	<hr/>
	<b>96</b>	<b>36</b>
GST Receivable	11	1
	<hr/>	<hr/>
<b>Total Receivables</b>	<b>107</b>	<b>37</b>
	<hr/>	<hr/>



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
<b>8. PROPERTY, PLANT AND EQUIPMENT</b>		
<b>Construction (Work in Progress)</b>		
At Capitalised Cost	45	-
	<u>45</u>	<u>-</u>
<b>Plant and Equipment</b>		
At Cost	92	54
Less: Accumulated Depreciation	(50)	(46)
	<u>42</u>	<u>8</u>
<b>Computer Software</b>		
At Fair Value	40	34
Less: Accumulated Amortisation	(21)	(8)
	<u>18</u>	<u>26</u>
<b>Computer Hardware</b>		
At Fair Value	54	48
Less: Accumulated Depreciation	(48)	(48)
	<u>6</u>	<u>-</u>
<b>Total Property, Plant and Equipment</b>	<u>111</u>	<u>34</u>



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 2009 Property, Plant and Equipment Reconciliations

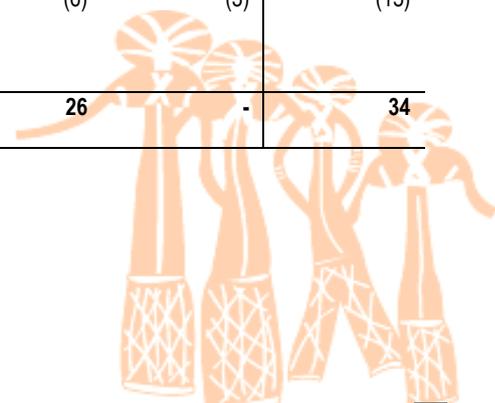
A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2008-09 is set out below:

	Construction (Work in Progress)	Plant & Equipment	Computer Software	Computer Hardware	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Carrying Amount as at 1 July 2008</b>	-	8	26	-	34
Additions	-	38	6	7	51
Depreciation and Amortisation	-	(4)	(13)	(2)	(19)
Additions/(Disposals) from Asset Transfers	45	-	-	-	45
<b>Carrying Amount as at 30 June 2009</b>	<b>45</b>	<b>42</b>	<b>18</b>	<b>6</b>	<b>111</b>

## 2008 Property, Plant and Equipment Reconciliations

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2007-08 is set out below:

	Construction (Work in Progress)	Plant & Equipment	Computer Software	Computer Hardware	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Carrying Amount as at 1 July 2007</b>	-	14	26	3	43
Additions	-	-	6	-	6
Depreciation and Amortisation	-	(6)	(6)	(3)	(15)
<b>Carrying Amount as at 30 June 2008</b>	<b>-</b>	<b>8</b>	<b>26</b>	<b>-</b>	<b>34</b>

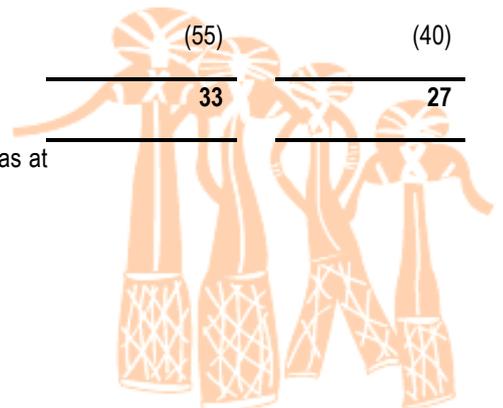


# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
<b>9. PAYABLES</b>		
Accounts Payable	48	9
Accrued Expenses	48	18
<b>Total Payables</b>	<u>96</u>	<u>27</u>
<b>10. PROVISIONS</b>		
<b>Current</b>		
<i>Employee Benefits</i>		
Recreation Leave	169	89
Leave Loading	25	23
Other Employee Benefits	17	26
<i>Other Current Provisions</i>		
<b>OTHER PROVISIONS</b>	33	27
	<u>243</u>	<u>165</u>
<b>NON-CURRENT</b>		
<i>Employee Benefits</i>		
Recreation Leave	89	84
	<u>89</u>	<u>84</u>
<b>Total Provisions</b>	<u>332</u>	<u>249</u>
<b>Reconciliation of Other Provisions</b>		
<b>Balance as at 1 July 2008</b>	27	26
Additional Provisions Recognised	61	41
Reductions Arising from Payments	(55)	(40)
<b>Balance as at 30 June 2009</b>	<u>33</u>	<u>27</u>

The Authority employed 30 employees as at 30 June 2009 (27 employees as at 30 June 2008).



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
<b>11. EQUITY</b>		
Equity represents the residual interest or deficiency in the net assets of the Authority. The Government's ownership interest in the Authority is held in the Central Holding Authority and deficiencies are recorded in the Central Holding Authority as described in Note 2(b).		
<b>Capital</b>		
<b>Balance as at 1 July</b>	2	(4)
<i>Equity Injections</i>		
Capital Appropriation	38	6
Equity Transfers In	45	-
Other Equity Injections	25	-
<b>Balance as at 30 June</b>	<u>110</u>	<u>2</u>
<b>Accumulated Funds</b>		
<b>Balance as at 1 July</b>	(69)	(56)
(Deficit) for the Period	(26)	(14)
<b>Balance as at 30 June</b>	<u>(95)</u>	<u>(70)</u>
<b>Total Equity</b>	<u>15</u>	<u>(68)</u>

## 12. NOTES TO THE CASH FLOW STATEMENT

### Reconciliation of Cash

The total of Authority Cash and Deposits of \$212 239 recorded in the Balance Sheet is consistent with that recorded as 'cash' in the Cash Flow Statement.

### Reconciliation of Net (Deficit) to Net Cash From Operating Activities

<b>Net (Deficit)</b>	(26)	(14)
<i>Non-Cash Items:</i>		
Depreciation and Amortisation	19	15
<i>Changes in Assets and Liabilities:</i>		
Decrease/(Increase) in Receivables	(70)	38
Decrease/(Increase) in Prepayments	(2)	-
(Decrease)/Increase in Payables	69	(8)
(Decrease)/Increase in Provision for Employee Benefits	77	(24)
(Decrease)/Increase in Other Provisions	6	1
<b>Net Cash From Operating Activities</b>	<u>73</u>	<u>8</u>



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 13. FINANCIAL INSTRUMENTS

A financial instrument is a contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial instruments held by the Authority include cash and deposits, receivables, and payables. The Authority has limited exposure to financial risks as discussed below.

### (a) *Categorisation of Financial Instruments*

The carrying amounts of the Authority's financial assets and liabilities by category are disclosed in the table below.

	2009	2008
	\$'000	\$'000
<b>Financial Assets</b>		
Cash and deposits	212	126
Receivables	107	37
<b>Total Financial Assets</b>	<b>319</b>	<b>163</b>
<b>Financial Liabilities</b>		
Payables	96	27
<b>Total Financial Liabilities</b>	<b>96</b>	<b>27</b>

### (b) *Credit Risk*

The Authority has limited credit risk exposure (risk of default). In respect of any dealings with organisations external to Government, the Authority has adopted a policy of only dealing with credit worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults.

The carrying amount of financial assets recorded in the financial statements, net of any allowances for losses, represents the Authority's maximum exposure to credit risk without taking account of the value of any collateral or other security obtained.



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 13. FINANCIAL INSTRUMENTS (Continued)

### (c) Receivables

Receivable balances are monitored on an ongoing basis to ensure that exposure to bad debts is not significant. A reconciliation and ageing analysis of receivables is presented below.

	2009	2008
	\$'000	\$'000
<b>Ageing of Receivables</b>		
Not overdue	49	20
Overdue for less than 30 days	14	9
Overdue for 30 to 60 days	21	-
Overdue for more than 60 days	17	13
<b>Total Receivables</b>	<b>101</b>	<b>42</b>

### Reconciliation of the Allowance for Impairment Losses

Allowance for Impairment Losses at the beginning of the reporting period	5	5
Amounts written-off during the year	-	-
Amounts recovered during the year	-	-
<b>Allowance for Impairment Losses at the End of the Reporting Period</b>	<b>5</b>	<b>5</b>



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

## 13. FINANCIAL INSTRUMENTS (Continued)

### (d) Liquidity risk

Liquidity risk is the risk that the Authority will not be able to meet its financial obligations as they fall due. The Authority's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

The following tables detail the undiscounted cash flows payable by the Authority by remaining contractual maturity for its financial liabilities. It should be noted that as these are undiscounted, totals may not reconcile to the carrying amounts presented in the Balance Sheet.

### 2009 Maturity analysis for financial liabilities

	Variable Interest	Fixed Interest Rate			Non Interest Bearing	Total	Weighted Average
		Less than a Year	1 to 5 Years	More than 5 Years			
	\$'000	\$'000	\$'000	\$'000	\$'000	%	
Payables					96	96	0
<b>TOTAL FINANCIAL LIABILITIES:</b>				96	96		

### 2008 Maturity analysis for financial liabilities

	Variable Interest	Fixed Interest Rate			Non Interest Bearing	Total	Weighted Average
		Less than a Year	1 to 5 Years	More than 5 Years			
	\$'000	\$'000	\$'000	\$'000	\$'000	%	
Payables	-	-	-	-	27	27	0
<b>TOTAL FINANCIAL LIABILITIES:</b>	-	-	-	-	27	27	



# NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2009

2009  
\$'000

2008  
\$'000

## 14. COMMITMENTS

### Operating Lease Commitments

The Authority leases property under non-cancellable operating leases expiring from 0 to 5 years. Leases generally provide the Authority with a right of renewal at which time all lease terms are renegotiated. The Authority also leases items of plant and equipment under non-cancellable operating leases. Future operating lease commitments not recognised as liabilities are payable as follows:

Within one year	2	2
Later than one year and not later than five years	18	18
	<u>20</u>	<u>20</u>

## 15. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Authority had no contingent liabilities or contingent assets as at 30 June 2009 or 30 June 2008.

## 16. EVENTS SUBSEQUENT TO BALANCE DATE

No events have arisen between the end of the financial year and the date of this report that require adjustment to, or disclosure in these financial statements.

## 17. WRITE-OFFS, POSTPONEMENTS AND WAIVERS

The Authority had no write offs, postponements or waivers in 2008-09 and 2007-08.

## 18. SCHEDULE OF TERRITORY ITEMS

The following Territory items are managed by the Authority on behalf of the Government and are recorded in the Central Holding Authority (refer Note 2(c)).

	2009 \$'000	2008 \$'000
<b>TERRITORY INCOME AND EXPENSES</b>		
<b>Income</b>		
Fees from Regulatory Services	27	31
<b>Total Income</b>	<u>27</u>	<u>31</u>
<b>Expenses</b>		
Central Holding Authority Income Transferred	27	31
<b>Total Expenses</b>	<u>27</u>	<u>31</u>
<b>Territory Income less Expenses</b>	<u>-</u>	<u>-</u>

