

NORTHERN TERRITORY OF AUSTRALIA
ABORIGINAL AREAS PROTECTION AUTHORITY

ANNUAL REPORT

FOR THE PERIOD ENDED
30 JUNE 2010



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

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Protection Authority**
protecting sacred sites across the territory

18 November 2010

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 2009 to 30 June 2010.

The Report refers to the twenty-first year of operation of the Aboriginal Areas Protection Authority.

Yours sincerely

BERNARD ABBOTT
Chairman

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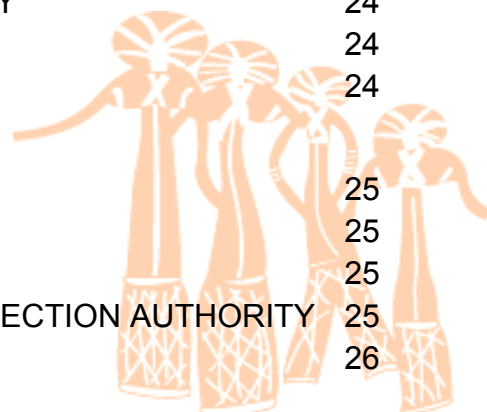
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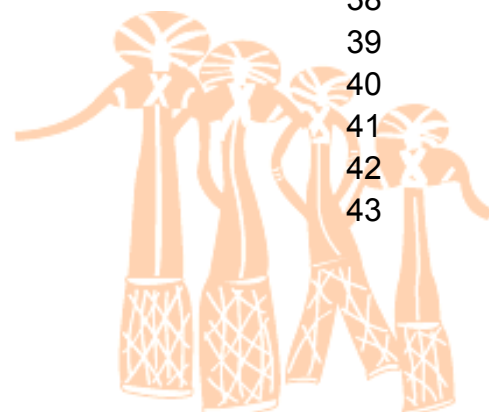
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INTRODUCTION

FROM THE CHAIRMAN

I am pleased to report that in 2009-10 the Aboriginal Areas Protection Authority has gone from strength to strength in protecting sacred sites across the Territory. In this year we have responded to a record number of applications for Authority Certificates, working to protect sacred sites while providing certainty for users and developers of land.



The Board of the Authority is made up of custodians nominated by Land Councils, with members coming from all parts of the Territory. All members have worked hard at our Board meetings this year, reflecting the wishes of custodians to protect sacred sites and to provide advice and guidance to the work of the CEO and staff.

We have met in Darwin and Alice Springs and in Kakadu National Park. Whenever the Board meets it tries to catch up with custodians and other stakeholders in that area.

In Kakadu the Board wanted to build links with the custodians of this region and with Kakadu National Park, and I thank Jeffery Lee and our fellow Board member Carol Christophersen for helping the Board to gain a greater understanding of the issues surrounding sacred sites in this country. For myself and some other members of the Board, it was the first time we had ever visited this country and we visited the sacred site at Burrunguy (Nourlangie Rock), with the art from which the Authority takes its logo,

This year the Authority has entered a large number of sacred sites (47) into the Register of Sacred Sites. Authority members and Aboriginal custodians see registration of sacred sites as important in providing long-term protection. Our culture and ceremonies are all associated with sacred sites and to keep these strong, sites require protection.

Part of the Authority's work sometimes involves needing to prosecute for offences under the *Northern Territory Aboriginal Sacred Sites Act (Sacred Sites Act)*. Custodians are deeply distressed when persons illegally enter or work on sacred sites. This year we successfully conducted two prosecutions against fishermen for illegally entering a sacred site at the Blyth River in Arnhem Land. The Board also met with the Chairman of the NT Seafood Industries Council to talk about ways both our organisations could work to reduce sacred site offences in the fishing industry.

With every year's passing, it sometimes seems that many of the people we have looked up to and learned from are leaving us. Along with my fellow Board members, I would also like to sadly note the passing of senior custodians and

INTRODUCTION

supporters of sacred sites. In this last year we particularly feel the loss of Mr Foster and former board member Ms Kumanjayi Egan, and more recently Mr Alice, Mr Hayes and Mr Williams, from Central Australia. In the Top End we have lost Mr naWamud Nadjamerrek, Mr Gumurdul, and Ms McGregor and Ms Major.

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



BERNARD ABBOTT
Chairman



INTRODUCTION

FROM THE DEPUTY CHAIRMAN

In the last year the Authority has been very busy working on ensuring that when works are done in our communities, that sacred sites that are close to our family and cultural life are protected. Damage to the sacred sites that we look after and use in our communities can be easily avoided, and yet it still occurs and causes great distress to us all.



The Authority's Coordinated Community Authority Certificate project is providing clear advice to key Government agencies and Shires about the protection needed for sacred sites in and around communities. In 2009-10 we issued Authority Certificates for 27 Aboriginal communities across the Territory. These Certificates can be used by Government agencies, Shires, contractors and visitors to ensure they can avoid damage to our sacred sites.

I am also particularly pleased that this year the women's committee of the Board has been able to approve the registration of four sacred sites of specific importance to Aboriginal women. Women's sites and ceremonial areas are an important part of strengthening the role of culture in our families and communities.

At our Board meetings this year we have continued to meet with key stakeholders and custodians. It was good to catch up with Doris Stuart when we met in Alice Springs, as well as with the Mayor of Alice Springs. In Darwin we also met with Larrakia custodians and with some of the older Kungarakana women custodians. Communication and community awareness are an important role for the Board in the protection of sacred sites.

All of our Board members give up much time and energy in protecting sacred sites on their country and through their work on the AAPA Board, often away from their families. With my fellow Board members I offer condolences to those members who have lost close members of their family in the past year. It is an honour to work with such a group of committed Aboriginal custodians that make up our Board. I thank them for their support and hard work throughout the year.

A handwritten signature in black ink, which appears to read 'Jenny Inmulugulu'. The signature is fluid and cursive, written over a horizontal line.

JENNY INMULUGULU
Deputy Chairman



INTRODUCTION

CHIEF EXECUTIVE OFFICER'S FOREWORD

In 2009-10 the AAPA has continued to progress a review process that was commenced in the 2008-09 financial year, with extremely positive outcomes. Through a program of internal development the Authority has successfully responded to an increasing demand for our services, while achieving significant improvements in the way we do our business.



Notably, this year the Authority has issued 399 Authority Certificates, which are 162 more than in 2008-09. At the same time, average timeframes for issuing Authority Certificates have fallen to 125 days from 141 days in 2008-09. In addition the Authority also increased the number of sites registered by registering 47 sacred sites, compared to 39 the previous year. I am confident that as the review process progresses there will be a continuation of this positive trend in our productivity. An important objective of improving our processes is to maintain a high standard of sacred site protection through working with custodians of sacred sites, and to provide certainty through quality information to proponents of development who utilise our services

A key factor in the way the Authority has achieved such promising outcomes is the internal capacity to implement technological innovation in the way we gather data about sacred sites, and the way we manage this data in the conduct of our day to day business. A key challenge for the coming year will be to achieve improvements in our IT and information business systems to ensure that our capacity to enforce the *Sacred Sites Act* is maintained, and that we continue to build on improvements in our productivity. Currently the AAPA database holds records of approximately 12,000 sacred sites across the NT. Our key focus will be to ensure that the database itself develops appropriately to meet the needs of the Authority.

The Authority successfully prosecuted two breaches of the *Sacred Sites Act* in 2009-10. Both concerned incidents in the Blyth River, and both were the result of successful collaboration between the Authority, the Department of Resources – Fisheries Division and the Djelk Rangers. Developing relationships with Indigenous land and sea management organisations remains a key priority for the AAPA in the coming financial year to improve sacred site protection in remote areas, and to empower custodians both culturally and economically in doing so. In addition the AAPA continues to develop a range of improvements to assist in the investigation and prosecution of breaches of the *Sacred Sites Act* and will be seeking a range of legislative changes to support this in the coming year.

I commend both the staff and the Board of the Authority for meeting the challenges presented by the significant increase in demand for the services of the Authority

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during the reporting period. Our success in 2009-10 would not be possible without the efforts of our most valuable resource, the staff and the Board of the Authority.

We were saddened by the passing in 2009/10 of a number of custodians who have worked with the Authority over many years in protecting sacred sites in their country – Ms A. Majar from the Litchfield area; former member of the AAPA board, Ms Kumanjayi Egan from Yuendumu; Mr Gumurdul from West Arnhem; Mr Foster from Tennant Creek; Mr naWamud Nadjamerrek from West Arnhem; Ms McGregor from Adelaide River; and more recently Mr Hayes from Alice Springs; Mr Williams from Hermannsburg; and Mr Alice from Santa Teresa.



DR BENEDICT SCAMBARY
Chief Executive Officer



INTRODUCTION

PURPOSE OF THE REPORT

This is the twenty-first 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 2009-10 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
- The provision of 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 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

2009-2010 HIGHLIGHTS

This year was the thirty-first 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 399 Authority Certificates in relation to current and proposed works across the Territory. This is an increase of 68% over last year's output of 237 issued Authority Certificates. Such a massive increase in response to demand also represents an increased understanding across the Territory of the need to respect and protect Aboriginal sacred sites.
- Issued Authority Certificates and undertook ongoing research for major projects including:
 - Coordinated research and issuing of Authority Certificates in support of the Strategic Indigenous Housing & Infrastructure Program (SIHIP) and other significant Government investment in infrastructure on Aboriginal communities
 - The roll out of the National Broadband Network across the main transport and communication arteries of the Territory;
 - Traeger Park and Todd River Fire Management in Alice Springs;
 - Town Camp infrastructure and development in Alice Springs;
 - Berrimah Farm redevelopment
 - Darwin Harbour, East Arm and related areas for gas and port-related industries; and
 - Mitchell and Zuccoli subdivisions at Palmerston;
- 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:
 - 84 road and associated works projects (170% increase on 2008-09) in a variety of locations, including: Litchfield Park Road; Palumpa Causeway; Port Keats Road including Daly River Bridge; Cullen River, Bamboo Creek and Hellsgate Creek bridges; Cox Peninsula and Gunn Point Roads; Tiger Brennan and Vanderlin Drives; various boat ramps and numerous other roads in the Darwin, Palmerston and rural areas. In Central Australia road and associated works projects included Alice Springs town; the Mt Skinner; Finke, Tanami and Docker River Roads as well as numerous Territory highways (including Barkly, Plenty, Stuart, Lasseter and Sandover Highways) and the Hugh and Barkly Stock Routes;
 - 31 projects involving the provision of power, water and sewage services in towns and communities across the Territory;
 - 19 enterprise, tourism and national park related projects throughout the Northern Territory at locations including: Dugong Beach Resort; Gunlom Land Trust Area and the Aviation Heritage Centre as well as various National Parks including Litchfield; Nitmiluk; Gregory; Dulcie Ranges and Keep River National Parks;
 - 48 mining and significant exploration projects across the Territory in the areas of

OVERVIEW

Tennant Creek; Banka Banka; Renner Springs; Helen Springs; Fish River; Mary River; Brunchilly; Barkly Tablelands; Port Keats / Daly River Aboriginal Land Trust; Mittybah, Undoolya, Alexandria and Alroy stations and Narwietooma. The number of Certificates issued for these projects is consistent with the number of mining related Authority Certificates issued last year;

- 15 tree related projects in Alice Springs, Darwin and Adelaide River areas.
- 9 projects in support of improved communications infrastructure across the Territory;
- 2 Authority Certificates for pastoral and land management projects;
- 154 Authority Certificates (a 191% increase) for planning, infrastructure and housing purposes across Aboriginal communities;
 - Including on 27 communities as part of the Coordinated Community Authority Certificate project which supports the roll out of the Strategic Indigenous Housing and Infrastructure Program (SIHIP);
 - This brings to a total of 44 communities that now have coordinated sacred site protection under CCACs; and
 - Issued 2 Certificates for the upgrade of town camps in Alice Springs.

The Authority refused to issue 1 Authority Certificate where the Authority was not satisfied that sacred sites could be protected from damage. This represents less than 0.025% of all applications processed in 2009-10.

During the year 103 Authority Certificate applications were withdrawn. As the Authority may have been progressing certificate applications when the proponent has withdrawn them, they represent a discrete component of the Authority's workload. Withdrawn applications can occur due to 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. The number of withdrawn applications this year is a significant statistical increase on last year, and it includes a large number of applications which were withdrawn by the Authority due to a lack of sufficient information from applicants.

In 2009-10, the Authority progressed (issued, refused or withdrew) a total of 503 Authority Certificate applications. This is an increase of 63% on the 309 applications progressed during 2008-09.

SACRED SITE REGISTRATIONS

The Authority entered 47 sacred sites into the Register of Sacred Sites, up from 39 sites entered the previous year. These registered sacred sites included sites in:

- Groote Eylandt (Umbakumba), Blue Mud Bay, Nhulunbuy, Croker Island (Minjilang);
- Robinson River, Barkly Tablelands region;
- Alice Springs Town, New Crown Station and Plenty Highway;
- Tanami Hwy, Glen Helen, Lajamanu;
- Peppimenarti, Wadeye, Daly River Road;
- Kakadu Sickness Country and;
- Darwin and Alice Springs.

The Authority also ratified amended details of 11 sacred sites which had been previously registered. 333 sites were recorded during the year.



SACRED SITE DAMAGE

The Authority responded to 10 reports of illegal entry, illegal works, desecration and sacred site damage, undertaking investigations and negotiations over each report.

Two prosecutions, both for entering a sacred site in the Blyth River were successful in court and resulted in substantial fines.

REQUEST FOR INFORMATION

Overall, in 2009-10 the Authority provided 1530 responses to information and other requests. This is a significant increase from 1184 in 2008-09.

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

Throughout the reporting period the Authority continued the coordinated linkages with Territory Government agencies to establish clear procedures in relation to sacred site protection for major work projects.

A particular highlight continues to be the successfully negotiated 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 has supported the roll-out of infrastructure and housing development on Aboriginal communities, with particular reference to the Strategic Indigenous Housing and Infrastructure Program (SIHIP).

With the coordinated Authority Certificates issued all 3 participating agencies and their contractors have certainty over the conditions which apply for the protection of sacred sites and sacred sites in and around the communities are protected according to custodians' wishes. 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 continued 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, initially the processing of Authority Certificates. The positive effects of this change can be seen from the significant increases in workload and outputs in the issuing of Authority Certificates. Work commenced on the project management system for the registration of sacred sites as well as the transition of the Authority's records management system to integrate the Authority's requirements with the TRIM system.

The Authority also progressed work on its Strategic Priorities, which are expected to be finalised in early 2010-11.



CHALLENGES AND DIRECTIONS 2010-2011

- 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 the strategic priorities of the Authority and monitor trends in applications.
- 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 Visionstream and the NBN; Mary River exploration, Weddell, Alice Springs town camps, Central Arnhem Road bridges, numerous infrastructure projects and for significant areas of mining and minerals exploration.
- Continue to develop and implement coordination mechanisms, progress issuing of Certificates for the Coordinated Community Authority Certificate Project (CCAC) to ensure effective sacred site protection in and around communities as a result of the \$754m Strategic Indigenous Housing & Infrastructure Program (SIHIP) 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.
- Follow-up serious site damage and 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.
- Complete a report on the secret and sacred nature of Papunya boards held by the Museum and Art Gallery of the Northern Territory;



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

Increased certainty and protection of sacred sites for users of land and for Aboriginal custodians, by identifying potential constraints on land-use.

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 2007-08	Actual 2008-09	Target 2009-10	Actual 2009-10
- Quantity - Requests for Register inspections, sites recorded and applications for Authority Certificates completed.	1058	1184	870	1530
- Quality - Statutory appeals minimized.	<1%	<1%	<1%	<1%
- Timeliness - Average elapsed time between request and completion of [Authority Certificate] service.	135 days	141 days	100 days	125 days

In 2009-10, the Authority's overall workload, as measured by the aggregate of all sacred site information requests completed, increased by nearly 23 *per cent*. The Authority continued to deliver quality outcomes, with less than 1 *per cent* of Authority Certificates being subject to statutory appeals.

Significant resources were committed to improve the timeliness of Authority Certificate applications resulting in timeframes being reduced by 11 *per cent* from the previous reporting period. 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

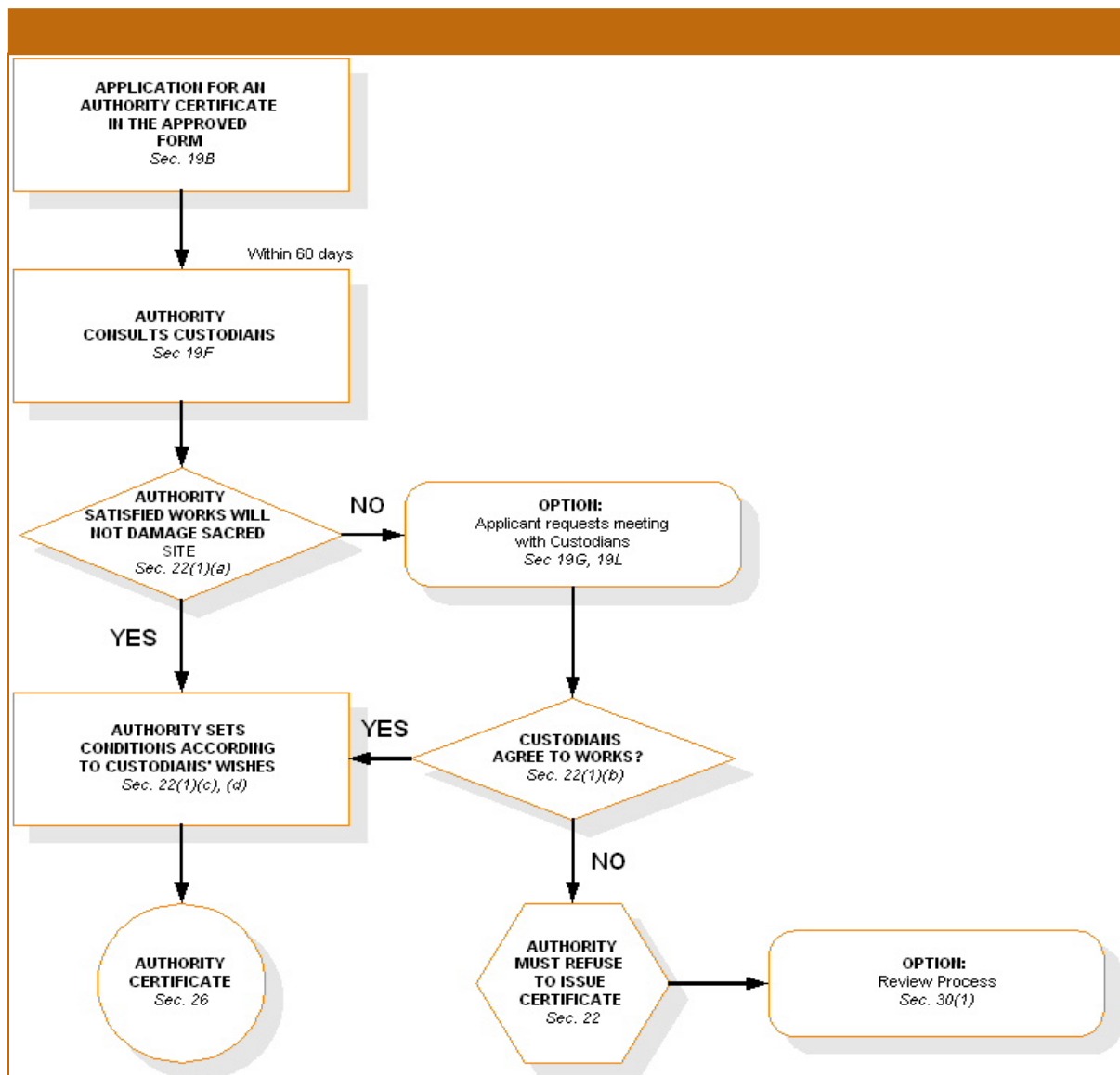
custodians. The Authority expects to continue to reduce timeframes for the issue of Authority Certificates over the next four years, building on the improvements made during 2009-10.

It should be noted that in 2009-10, half of all Authority Certificates (i.e. 200/399) were issued in 98 days or less (consistent with last year), and 75 *per cent* (i.e. 299/399) of all Certificates were issued in 188 days or less (38 days more than last year). 41 *per cent* of Certificates took more than 125 days (this year's average) to issue. While there are still a large percentage of Authority Certificates taking more than 125 days to issue the overall reduction is due to the high number of clearances issued in a very short space of time.

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 2009-10 there were 476 Authority Certificate applications received. This compares with 425 applications received in 2008-09 and 297 applications received in 2007-08, and indicates a continuous and significant increase in applications for Authority Certificates.

This increase can be attributed to an increase in roads and associated works related applications which comprise 21 *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. This year works relating to the planning, infrastructure and housing across Aboriginal communities comprised nearly 39 per cent of the Authority Certificates issued. Current trends, based on the spatial distribution and number of applications received in 2009-10 indicate demand for the Authority's services may start to plateau in the near future.

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

There are significantly increased levels of demand for Authority Certificates in the Alice Springs town and Darwin and its hinterland regions. Major infrastructure projects have partially resulted in high workloads in these areas. For Alice Springs the increased demand has also been largely due to the Alice Springs Town Camp developments. Additionally, there is increased demand across the Daly River and Kakadu areas in the Top End, and in the Barkly and Eastern Arnhem areas of Central Australia. Demands have remained consistently high in Uluru environs, Sandover and western Arnhem Land areas as well as Alice Springs and Katherine hinterlands.

FIGURE 2: REGIONAL DISTRIBUTION OF AUTHORITY CERTIFICATES ISSUED

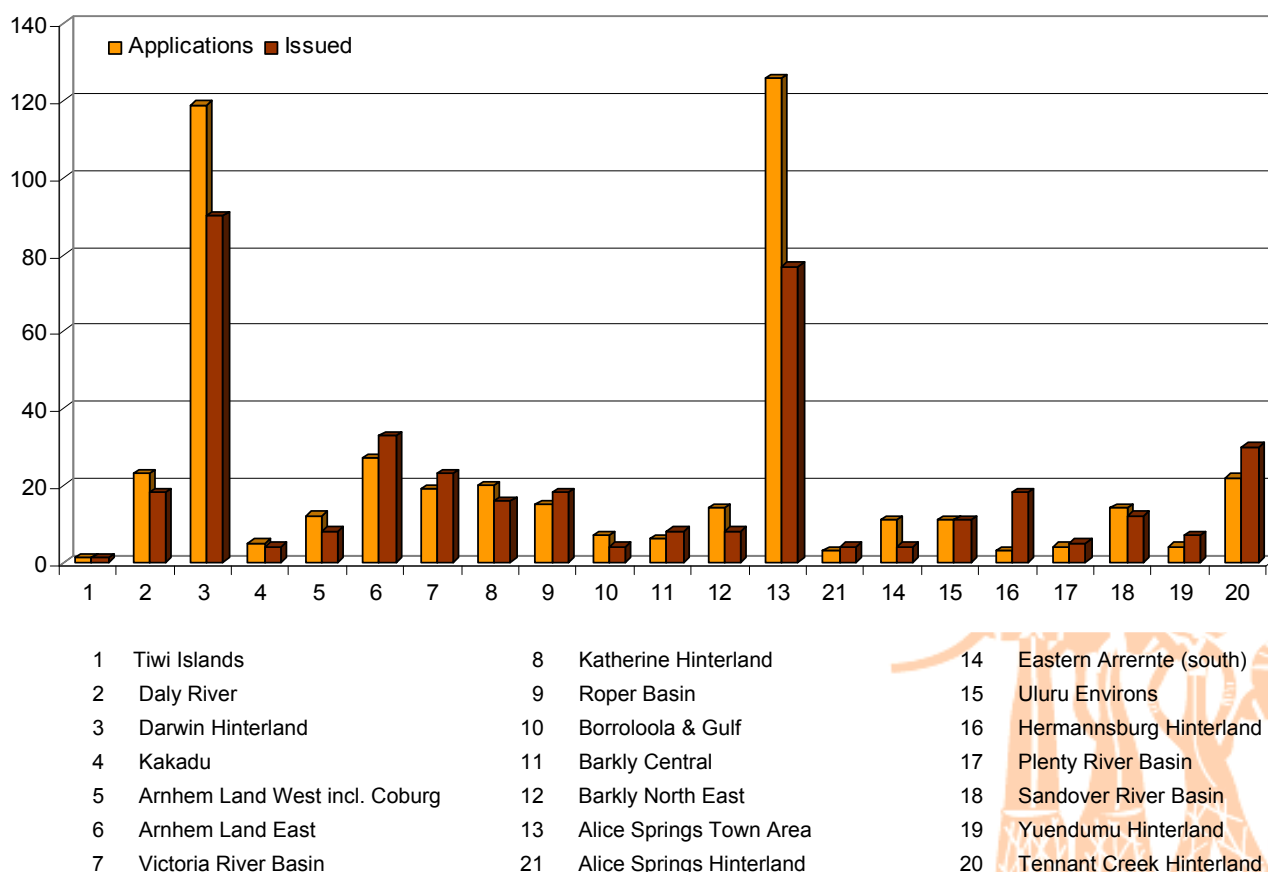
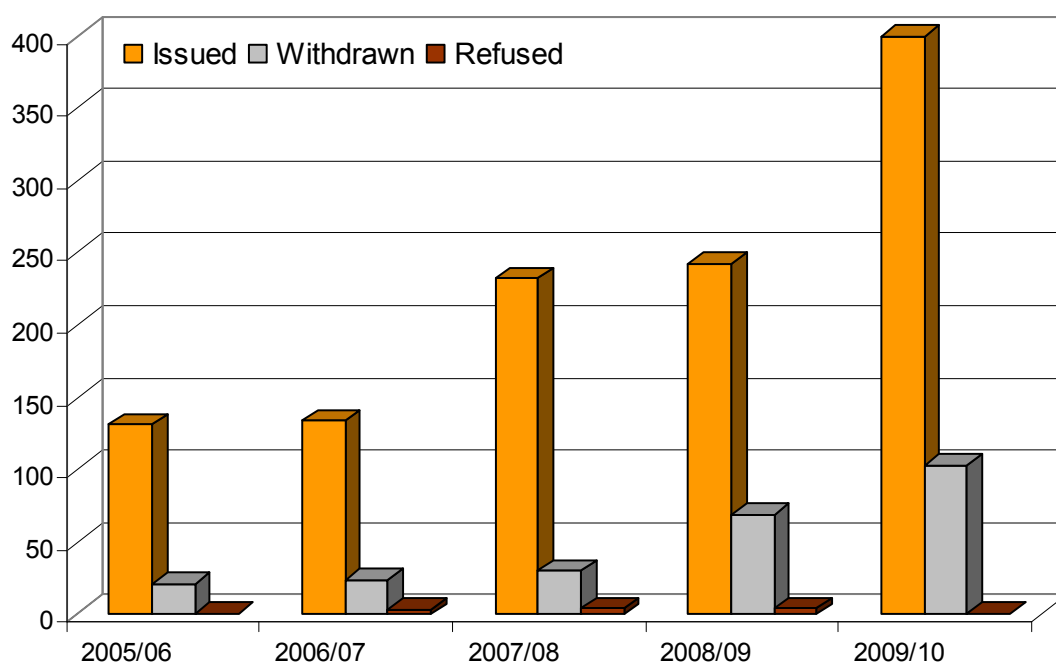


Figure 3 shows the number of Authority Certificate applications issued or refused by the Authority, or withdrawn by the applicant. In the past year, the Authority has responded to an increase in workload as well as addressed a substantial amount of outstanding applications carried over from the previous reporting period.

In 2009-10, of the 503 completed Authority Certificate applications, 399 (79 *per cent*) were issued, 103 (20 *per cent*) withdrawn and 1 (less than 1 *per cent*) refused. This compares with 2008-09, when 309 Authority Certificate applications were completed, with 237 (77 *per cent*) issued, 69 (22 *per cent*) withdrawn and 3 (1 *per cent*) refused. It is notable that there were 266 completed applications in 2007-08.

103 Authority Certificate applications were withdrawn during the year. It is a significant increase from the 69 applications withdrawn last year and is mostly due to the large number of applications withdrawn due to insufficient information from applicants. Overall these applications represent a discrete component of the Authority's workload.

FIGURE 3: AUTHORITY CERTIFICATES ISSUED, WITHDRAWN OR REFUSED



Of this workload, approximately 75 *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. While the number of applications have remained consistent for the Mining sector these account for only 12 *per cent* (20 *per cent* for 2008-09) of the Authority Certificate workload this year with other private sector (tourism, development, energy, pastoral and communications) Authority Certificates making up a further 7.5 *per cent* of the workload.

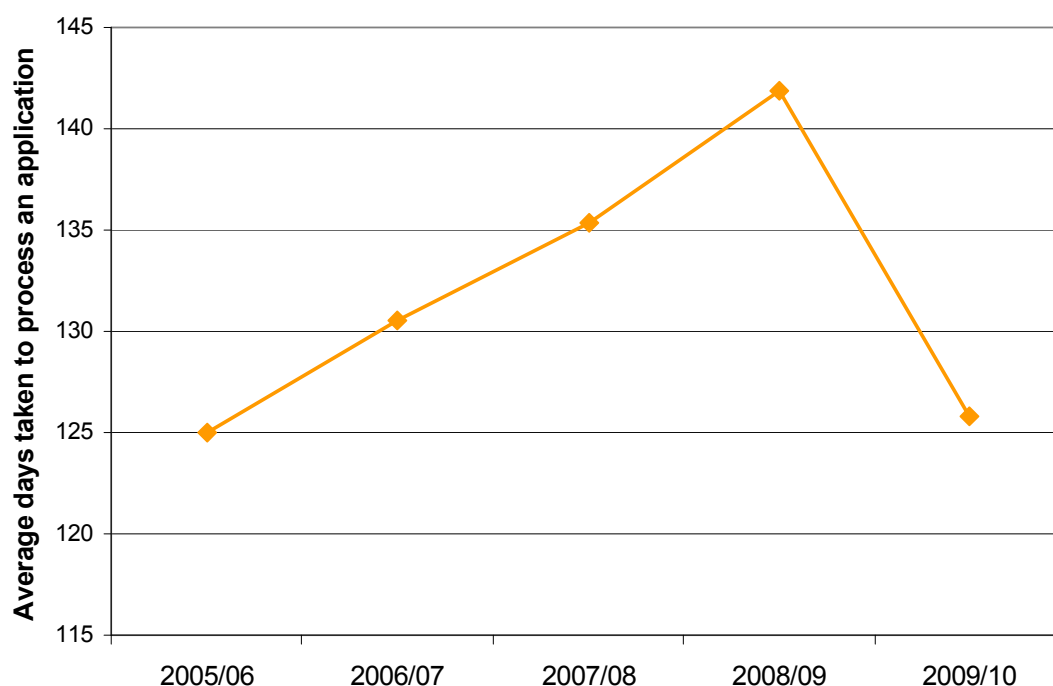
TIMELINESS—AUTHORITY CERTIFICATES

In 2009-10, completion of Authority Certificate applications took an average of 125 days, in comparison to 141 days in 2008-09 (Figure 4). Of all applications, 50 *per cent* (the median) were issued within 98 days, compared to 97 days last year, and 25 *per cent* of all applications (the 75th percentile) took longer than 188 days to issue, compared to 150 days last year. Although the average time to complete an Authority Certificate did decrease significantly this year, there are still a proportion of applications for which processing time is quite high. The sizeable decrease in the average processing time can be contributed to the large amount of Authority Certificates which have been issued within 30 days (accounting for around 25 *per cent* of all issued Authority Certificates). It is expected that there will continue to be a trending downwards of the average time over the next 4 years.

Between 2001-02 and 2008-09 there was 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

FIGURE 4: TIME TO PROCESS ISSUED AUTHORITY CERTIFICATE APPLICATIONS



PERFORMANCE REPORTING

The significant decrease in the average time for completion of Authority Certificate applications during a period with a rapidly increasing demand for the Authority's services could not have been achieved without staff across all sections of the Authority contributing to meeting demand for services. During this year average timeframes have also been impacted by factors such as an increasing complexity of project proposals and 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 the ongoing improvement of internal mechanisms to coordinate applications across the Northern Territory will result in reducing average timeframes further over the next four years.



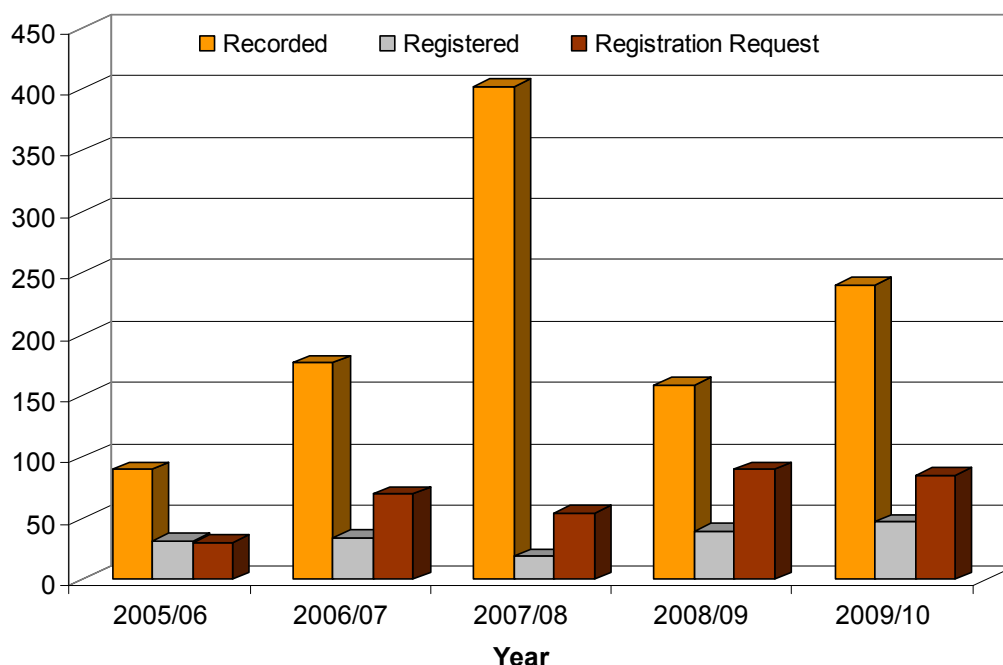
REGISTER OF SACRED SITES

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.

There were 85 sites requested for registration by custodians in 2009-10. This is slightly less than the 88 sites requested in 2008-09. The number of sites registered by the Authority increased from 39 to 47. However, the number of recorded sites increased from 200 recorded sites in 2008-09, to 333 in 2009-10.

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 continued 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 four years.

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

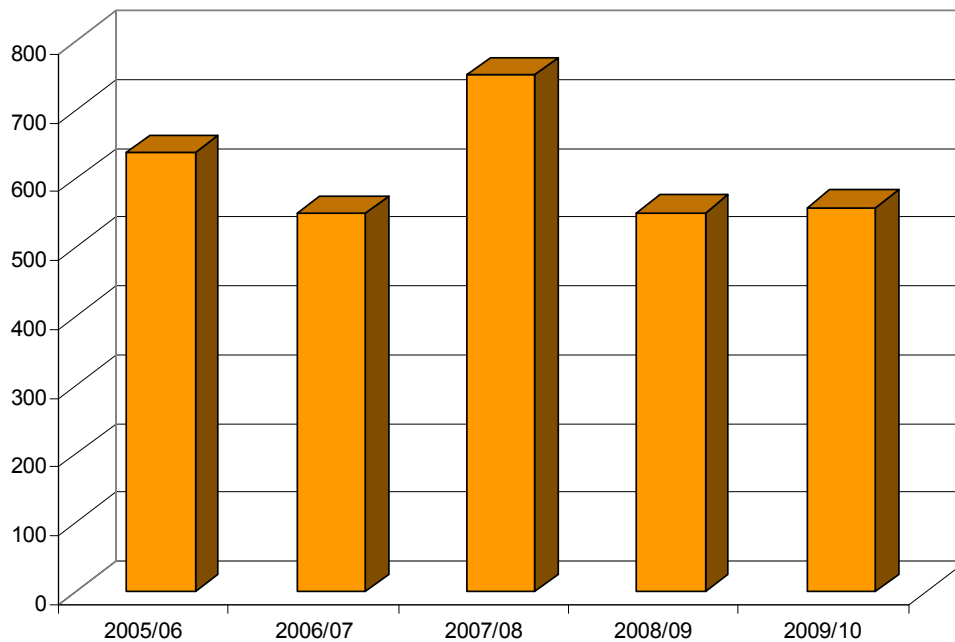


PERFORMANCE REPORTING

REGISTER AND ARCHIVAL INSPECTIONS

In 2009-10, the Authority responded to 585 requests for inspections across the Register of Sacred Sites and other sacred site registers and archives held by the Authority. This includes 558 formal inspection requests of the Register of Sacred Sites and compares with 569 requests across the Authority's registers and archives, and 536 formal inspection requests in 2008-09.

FIGURE 6: FORMAL INSPECTIONS OF THE REGISTER OF SACRED SITES AND SITES ARCHIVES

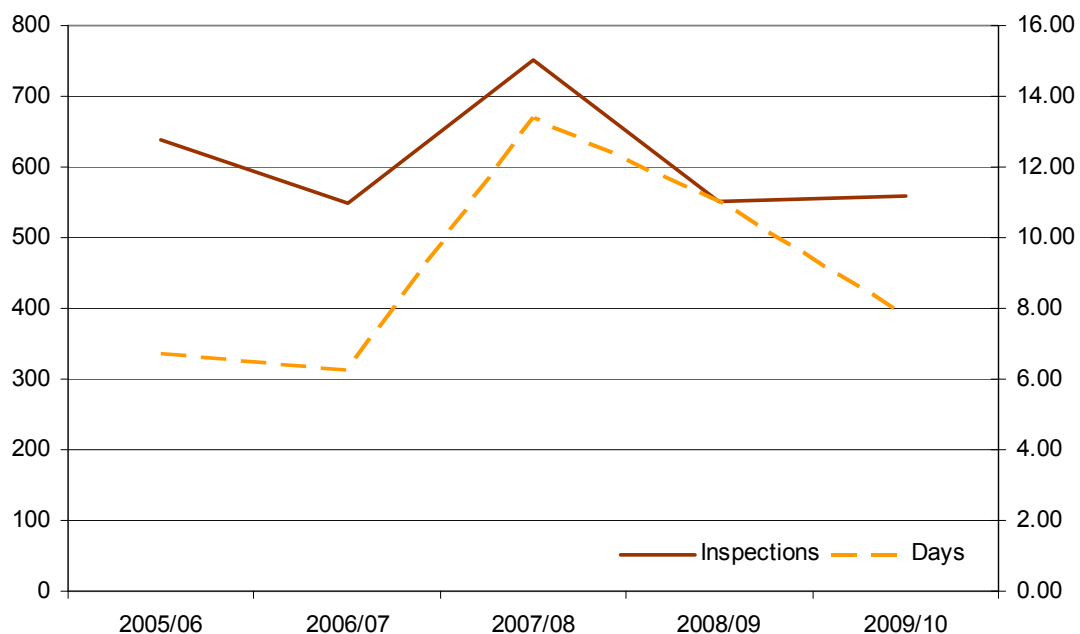


In 2009-09, the average time taken to complete Register Inspection requests was 8 days, a decrease of 3 days from the previous year (Figure 7). In 2009-10, request processes for register, archives and other records were streamlined to deliver more effective services for requests to the Authority for information about sacred sites. These processes were implemented following internal reviews conducted during 2007-08 and has resulted in better services to applicants and more accurate tracking and recording of formal and informal sacred sites information to applicants.



PERFORMANCE REPORTING

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



PERFORMANCE REPORTING

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.

DAMAGE TO SACRED SITES

Under the *Northern Territory Aboriginal Sacred Sites Act* is an offence to enter and remain on a sacred site or carry out work on or desecrate a sacred site. In recent years the Authority has responded to a large number of reports of illegal entry, illegal works, desecration and sacred site damage and has undertaken investigations and negotiations over each report.

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 2009-10, the Authority responded to 10 new reports of sacred site damage. The Authority also completed two successful prosecutions for unlawful entry onto sacred sites, both in Blyth River.

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.

In 2009-10 the Authority received three 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 Nhulunbuy, Mandorah and Gunbalanya. 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 Board of the Authority directed the Authority to work 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 was to explore further avenues of inquiry in unresolved missing persons cases and the Coroner subsequently 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. The Authority is yet to receive this advice from the Coroner and in 2009-10, the Authority continued to suspend consultations over the repatriation of all Aboriginal ancestral skeletal remains.



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

Nominations sought from the Northern and Anindilyakwa Land Councils in the previous reporting period were received in early 2009-10 and the Administrator consequently appointed Ms Nancy McDinny (nominated by the Northern Land Council) and Mr Thomas Amagula (nominated by the Anindilyakwa Land Council) to fill the remaining vacancies on the Board in September 2009. The vacancies were left following the retirement of Ms Miliwanga Sandy and Mr Dick Kimber towards the end of the 2008/09 reporting period.

Mr Captain Woditj, Ms Banduk Marika and Ms Jenny Inmulugulu were re-appointed by the Administrator in September 2009. In December 2009 the Administrator appointed Mr Bernard Abbott and Ms Jenny Inmulugulu to the positions of Chairman and Deputy Chairman respectively.

MEMBERS OF THE ABORIGINAL AREAS PROTECTION AUTHORITY

Name	Date appointed/ Re-appointed	Nominated by
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
Mr Captain Woditj	2/9/2009	Northern Land Council
Ms Banduk Marika	2/9/2009	Northern Land Council
Ms Jenny Inmulugulu	2/9/2009	Northern Land Council
Ms Nancy McDinny	2/9/2009	Northern Land Council
Mr Thomas Amagula	2/9/2009	Anindilyakwa Land Council

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 2009-10 Financial Year:

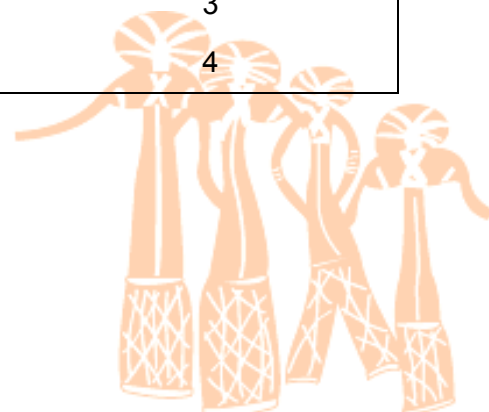
October	2009	Jabiru
December	2009	Darwin
March	2010	Alice Springs
June	2010	Darwin

The Board achieved its required four meetings during calendar year 2009.

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, 2009-10

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



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 Strategic 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 is 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

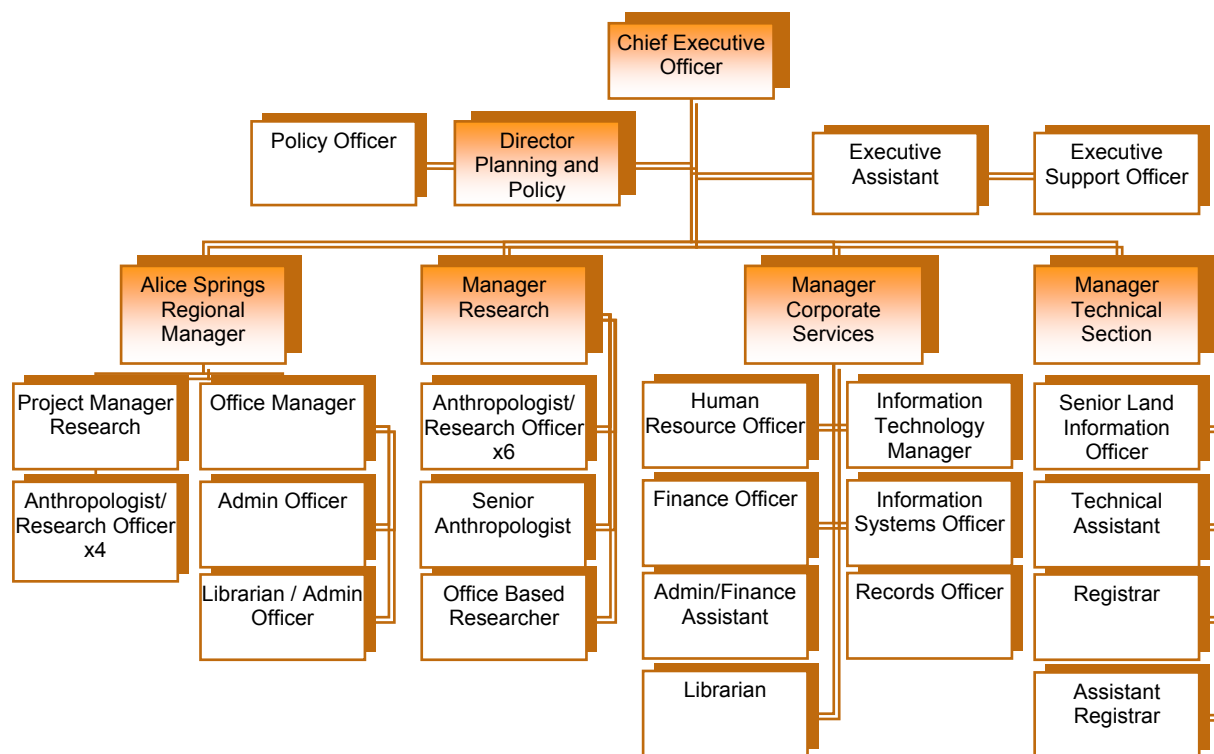
The CEO maintains overall responsibility for the day-to-day operation of the Authority. To ensure the smooth functioning of the offices, the CEO chairs weekly Executive Management Group meetings with senior managers of the Authority's operational groups. Each operational group also meets regularly to 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, Director Policy & Planning, Corporate Services Manager, Manager 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.



FIGURE 8: OPERATING STRUCTURE



STRATEGIC PRIORITIES DEVELOPMENT

The Authority reviewed its 2005-2008 Business Plan between 2008 and 2010, re-affirming that its core business continues to be the protection of sacred sites across the Northern Territory under the *Sacred Sites Act*. Since 2008 there has been a 130% increase in demand for Authority Certificates. This has been driven by changes to Government policy associated with “Closing the Gap” initiatives and mining development and exploration. To meet the challenges of this significant increase in demand for services the Authority has been refining its processes and increasing capacity. The Authority decided to focus on key Strategic Priorities to meet the challenges of the next two year. These priorities are:

- Protection of Sacred Sites in the NT;
- Quality Research;
- Information Management;
- Our Message;
- Our People; and
- Financial Resources

Strategies and actions to meet these Strategic Priorities are planned to be adopted at the September 2010 meeting of the Authority, and will link the priorities to actions undertaken by work units and staff.



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. Specific activities included:
 - Working with Djelk and Dhimurru on comprehensive applications to the Australian Government's Indigenous Heritage Program to meet requests from those organisations for specialist training and assistance in the identification, recording and management and protection of sacred sites in their respective areas. These applications built on discussions held with a number of ranger groups in 2008-09. Unfortunately these applications were not successful and the Authority will continue to work with Djelk and Dhimurru as resources permit.
 - Providing sacred sites protection advice to Djelk Rangers, who were instrumental in two successful prosecutions for breaches of the *Sacred Sites Act* in the Blyth River.
 - Continuing to work with Dhimurru to support the protection of coastal and sea-based sacred sites in their area.
 - Representation at meetings of the Jawoyn Land Management Advisory Committee, assisting in the development of an Indigenous Protected Area on part of Jawoyn country;
- Completed 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; and
- Met with the Chairman of the NT Seafood Industries Council, and agreed to develop a closer relationship with the seafood industry over the protection of sacred sites

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.

In 2009-10, the Authority has worked cooperatively with the Northern and Central Land Councils to achieve sacred site protection during the construction of the National Broadband Network optic-fibre cable across the Territory. This has been a significant undertaking and Authority Certificates for this project have been issued in short time frames.

The Authority is committed to establishing relationships with key industry bodies across the Northern Territory. In 2009-10 the CEO and staff also liaised with organisations such as Bawinanga Aboriginal Corporation, Yirralka Rangers, Larrakia Nation and the Jawoyn Association. The Authority also continued regular meetings with senior staff at the Departments of Lands and Planning; Construction and Infrastructure; Natural Resources Environment the Arts and Sport; Housing, Local Government and Regional Services; Chief Minister; and Resources for the purpose of discussing matters of common interest.

The Authority held an information stand at the Mining Industry Expo which occurred in conjunction with the Annual Geological and Exploration Seminar (AGES) in Alice Springs. Ongoing development of relations with the mining industry is a key activity for the Authority.

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 continued discussions with the Dhimurru rangers, Yirralka Rangers, Djelk Rangers, Thamurrurr 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.

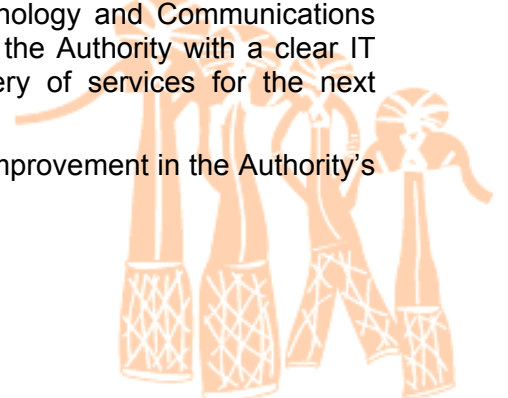
The Board of the AAPA has highlighted the potential synergies between the work of the Authority and a number of Closing the Gap initiatives and also to the Federal Government's *Working on Country* program.

INFORMATION MANAGEMENT

The Authority continued to progress the development of an effective and secure approach to the provision of sacred site information.

Development of an improved records and information management system continued during 2009-10. The Authority mapped its key information and project processes and commenced work on the transfer of records management from an in-house system which has served well for many years, to the across Government TRIM system. The Authority also commenced an external review of its Information Technology and Communications business systems. It is expected that this review will provide the Authority with a clear IT "roadmap" into the improved use of information and delivery of services for the next decade.

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 places within the landscape that have a special significance under Aboriginal tradition. Hills, rocks, waterholes, trees, plains and other natural features may be sacred sites. In coastal and sea areas, sacred sites may include features which lie both above and below the water. Sacred sites are significant because of their association with key events and stories of Aboriginal spiritual ancestors credited with creating the landscape.

Aboriginal people know that sacred sites are powerful places. They are concerned to protect all people, including non-Aboriginals, from the consequences that inappropriate contact with such places may entail. Some activities, such as lopping a sacred tree or digging into sacred ground, may disturb the spirit ancestors, with grave consequences both for the person causing the disturbance and for the Aboriginal people who are custodians of that place.

According to Aboriginal law, each sacred site is the responsibility of recognised custodians. They must ensure that sacred sites are kept safe and that they are used properly. Aboriginal law dictates that if custodians of sacred sites allow a site to be damaged, other Aboriginal people will hold them responsible. This can lead to retribution or sanctions within Aboriginal society. It can also lead to recriminations against non-Aboriginal people who damage such places.

This is why Aboriginal sacred sites are recognised and protected as an integral part of Northern Territory and Australian cultural heritage under both The Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976 (Land Rights Act)* and the *Northern Territory Aboriginal Sacred Sites Act 1989*. Both of these Acts define a sacred site as:

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

COMMONWEALTH AND NORTHERN TERRITORY LAWS

The establishment of the *Sacred Sites Act* by the Northern Territory Government was enabled by Section 73 of the *Land Rights Act* which 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.

The protection of sacred sites in the Territory is furthermore aided by Section 69 of the *Land Rights Act* which broadly prohibits entry and remaining on any land in the Northern Territory that is a sacred site, unless a law of the Northern Territory specifies otherwise.

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 affected is entitled to such compensation as a court may decide.

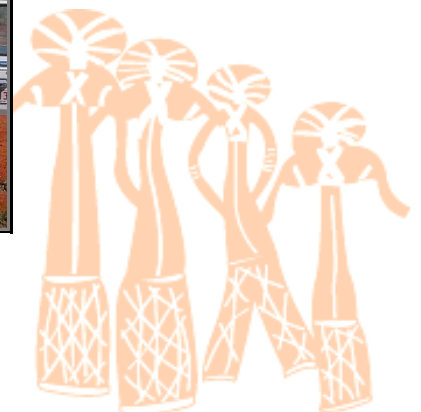
As well as protecting the fabric of sacred sites in the context of land ownership and development, the *Sacred Sites Act* provides for Aboriginal people to have access to sacred sites "in accordance with Aboriginal tradition".

In accordance with the *Sacred Sites Act* all sacred sites are protected regardless of underlying land title, registration status or whether or not they are known to the Authority. The specific sections of the *Sacred Sites Act* relevant to the protection of sacred sites are Sections 33 (unauthorised entry), 34 (unauthorised works or uses) and 35 (desecration), which set out the various offences in relation to sacred sites.

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, ...". This includes the *Heritage Conservation Act 1991* under which the following duties are placed on the Authority:

- Under Section 8(d) of the *Heritage Conservation Act*, the Authority is required to nominate a representative to the Heritage Advisory Council. Regional Manager Alice Springs, Mr Andrew Allan, represented the Authority throughout the reporting period.
- The Minister for Natural Resources, Environment and Heritage has delegated his powers and functions under Section 29 of the *Heritage Conservation Act* in relation to human remains and burial artifacts to the CEO of the Authority. 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.
- Under Section 29(2) to consult with Custodians on issues relating to objects sacred according to Aboriginal tradition for the purposes of providing advice to the Minister.



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 2010 there were 34 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.

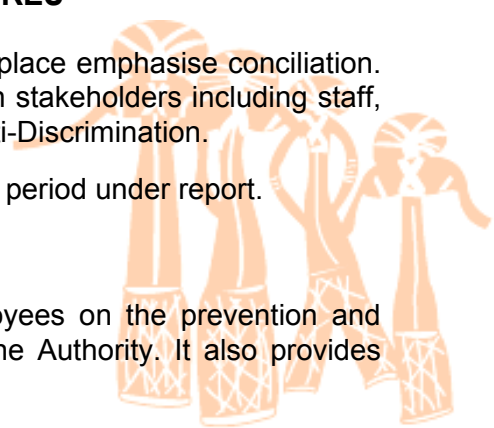
INTERNAL GRIEVANCE PROCEDURES

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 Authority. It also provides



HUMAN RESOURCES—MANAGING OUR PEOPLE

procedures for the resolution of both formal and informal complaints. Staff with managerial responsibilities is made aware of the Authority's obligations under the *Anti-Discrimination Act* and the principles of equity and merit that 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 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 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. Members of 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.

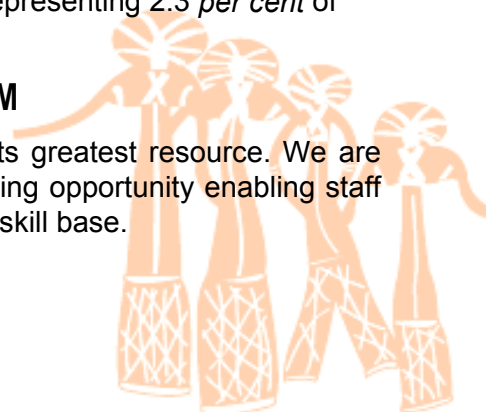
Courses included:

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

The Authority spent \$38 000 on training programs in 2009-10 representing 2.3 *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"; and
- Continued the support of staff and family to access the Employee Assistance Program through two local service providers.

OFFICE ACCOMMODATION

More suitable office accommodation has been identified for the staff of the Darwin office the new location is currently in the final fit out stages and it is expected that the relocation will be completed by August 2010.



FINANCIAL REPORT

PREScribed FORMAT OF AGENCY FINANCIAL STATEMENTS

Consistent with the requirements of Treasurer's Directions Section R2.1 this report provides Agencies with the prescribed format for Agency financial statements for 2009-10 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 report 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 2010

The Aboriginal Areas Protection Authority is a statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* 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 is employed under Section 17 of the Act. This provides for the Authority to administer the *Sacred Sites Act* at arms length from the day-to-day operations of the Northern Territory Government.

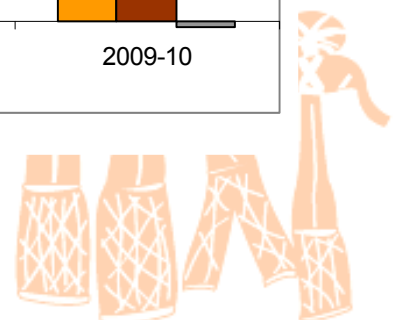
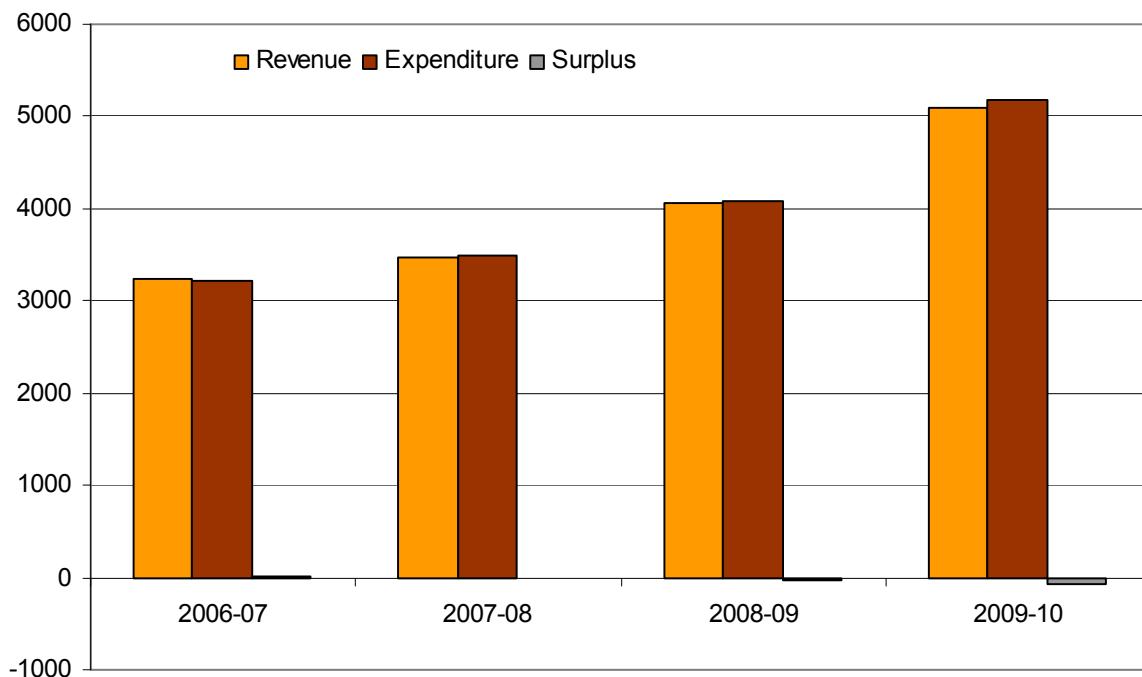
The Authority recorded a deficit of \$80 000 for the 2009-10 financial year similar to the deficit of \$26 000 in the 2008-09 financial year. The outcome continues to be attributed to a significant increase in demand for Authority Certificate applications, and for inspections of the Register and records of sacred sites.

In the reporting period, the Authority received \$1 211 000 from sales of goods and services. This is an increase of \$120 000 above the budgeted \$1 091 000. This increase is the result of the continued increase in demand for Authority Certificate applications, some of which remain directly attributable to the Australian Government's intervention.

The Authority is required to disclose the dollar amount spent on Insurance. For the financial year 2009-10 the following was expended:

■ General Insurance	\$4895
■ Motor Vehicle Insurance	\$9252
■ Workers Compensation Insurance	\$34493

FIGURE 9: OPERATING RESULTS



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 2010 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

17 November 2010



.....
Clive Naylor

MANAGER CORPORATE SERVICES

17 November 2010



COMPREHENSIVE OPERATING STATEMENT

For the year ended 30 June 2010

	NOTE	2010 \$'000	2009 \$'000
INCOME			
Appropriation			
Output		3 118	2 422
Sales of Goods and Services		1 211	1 049
Goods and Services Received Free of Charge	4	770	588
Other Income		1	1
TOTAL INCOME	3	<u>5 100</u>	<u>4 060</u>
EXPENSES			
Employee Expenses		2 724	2 294
<i>Administrative Expenses</i>			
Purchases of Goods and Services	5	1 619	1 161
Repairs and Maintenance		2	1
Property Management		24	23
Depreciation and Amortisation		42	19
Other Administrative Expenses ⁽¹⁾		770	588
TOTAL EXPENSES	3	<u>5 180</u>	<u>4 086</u>
NET SURPLUS/(DEFICIT)		<u>(80)</u>	<u>(26)</u>
COMPREHENSIVE RESULT		<u>(80)</u>	<u>(26)</u>

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

¹ Includes DBE service charges.



BALANCE SHEET

As at 30 June 2010

	NOTE	2010 \$'000	2009 \$'000
ASSETS			
Current Assets			
Cash and Deposits	6	188	212
Receivables	7	153	107
Prepayments		12	13
Total Current Assets		353	332
Non-Current Assets			
Property, Plant and Equipment	8	173	111
Total Non-Current Assets		173	111
TOTAL ASSETS		526	443
LIABILITIES			
Current Liabilities			
Payables	9	83	96
Provisions		297	243
Total Current Liabilities		380	339
Non-Current Liabilities			
Provisions		90	89
Total Non-Current Liabilities		90	89
TOTAL LIABILITIES		470	428
NET ASSETS		56	15
EQUITY			
Capital		(231)	(110)
Accumulated Funds		175	95
TOTAL EQUITY		56	15

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 2010

	NOTE	Equity at 1 July \$'000	Comprehensive result \$'000	Transactions with owners in their capacity as owners \$'000	Equity at 30 June \$'000
2009-10					
Accumulated Funds		(95)	(80)		(175)
		(95)	(80)		(175)
Capital - Transactions with Owners		110			110
Equity Injections					
Capital Appropriation				68	68
Equity Transfers In				53	53
		110		121	231
Total Equity at End of Financial Year		15	(80)	121	56
2008-09					
Accumulated Funds		(69)	(26)		(95)
		(69)	(26)		(95)
Capital - Transactions with Owners		2			2
Equity Injections					
Capital Appropriation				38	38
Equity Transfers In				45	45
Other Equity Injections				25	25
		2		108	110
Total Equity at End of Financial Year		(68)	(26)	108	15

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 2010

	NOTE	2010 \$'000	2009 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
<i>Operating Receipts</i>			
Appropriation			
Output		3 118	2 422
Receipts From Sales of Goods And Services		1 219	1079
Total Operating Receipts		4 337	3 501
<i>Operating Payments</i>			
Payments to Employees		(2 649)	(2 202)
Payments for Goods and Services		(1 728)	(1 226)
Total Operating Payments		(4 377)	(3 428)
Net Cash From/(Used In) Operating Activities	12	(41)	73
CASH FLOWS FROM INVESTING ACTIVITIES			
<i>Investing Payments</i>			
Purchases of Assets		(51)	(50)
Total Investing Payments		(51)	(50)
Net Cash From/(Used In) Investing Activities		(51)	(50)
CASH FLOWS FROM FINANCING ACTIVITIES			
<i>Financing Receipts</i>			
Equity Injections	11		
Capital Appropriation		68	38
Other Equity Injections			25
Total Financing Receipts		68	63
Net Cash From/(Used In) Financing Activities		68	63
Net Increase/(Decrease) in Cash Held		(24)	86
Cash at Beginning of Financial Year		212	126
CASH AT END OF FINANCIAL YEAR	6	188	212

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 2010

INDEX OF NOTES TO THE FINANCIAL STATEMENTS

1. Objectives and Funding
2. Statement of Significant Accounting Policies
3. Comprehensive 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. Reserves

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 2010

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*.

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) a Comprehensive 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 Agency transactions and balances have been eliminated.

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

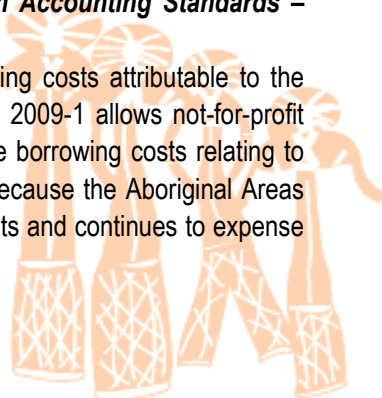
The form of the Agency financial statements is also consistent with the requirements of Australian Accounting Standards. The effects of all relevant new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that are effective for the current annual reporting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

AASB 101 Presentation of Financial Statements (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

This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Comprehensive Operating Statement and Statement of Changes in Equity. Other Comprehensive Income is now disclosed in the Comprehensive Operating Statement and the Statement of Changes in Equity discloses owner changes in equity separately from non-owner changes in equity.

AASB 123 Borrowing Costs, AASB 2009-1 Amendments to Australian Accounting Standards – Borrowing Costs of Not-for-Profit Public Sector Entities

The revised Standard AASB 123 mandates the capitalisation of all borrowing costs attributable to the acquisition, construction or production of qualifying assets. However AASB 2009-1 allows not-for-profit public sector entities to continue to choose whether to expense or capitalise borrowing costs relating to qualifying assets. The Standards do not impact the Financial Statements because the Aboriginal Areas Protection Authority has not changed its policy with regards to borrowing costs and continues to expense the costs.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

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

The Standard amends AASB 7 *Financial Instruments: Disclosures* to require enhanced disclosures about fair value measurements. It establishes a three-level hierarchy for making fair value measurements, requiring those financial instruments measured at fair value in the Balance Sheet to be categorised into levels.

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.

Standard/Interpretation	Summary	Effective for annual reporting periods beginning on or after	Impact on financial statements
AASB 124 Related party disclosures (Dec 2009)	Government related entities have been granted partial exemption with certain disclosure requirements.	1 Jan 2011	Minimal
AASB 2009-14 Amendments to Australian Interpretation – Prepayments of a minimum funding requirement	Amendment to Interpretation 14 arising from the issuance of <i>Prepayments of a minimum funding requirement</i>	1 Jan 2011	Minimal
AASB 9 Financial instruments	This standard simplifies requirements for the classification and measurement of financial assets resulting from Phase 1 of the IASB's project to replace IAS 39 <i>Financial instruments: recognition and measurement</i> (AASB 139 <i>Financial Instruments: recognition and measurement</i>).	1 Jan 2013	Minimal
AASB 2009-11 Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 and 1038 and Interpretations 10 and 12]	This gives effect to consequential changes arising from the issuance of AASB 9.	1 Jan 2013	Minimal

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

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

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.

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 2008-09 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 2009-10 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.

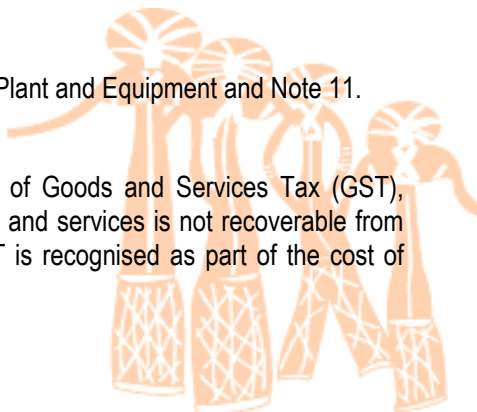
The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current 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(v) 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.
- Doubtful Debts – Note 2(o) & 7: Financial Instruments.
- Depreciation and Amortisation – Note 2(k), Note 8: Property, Plant and Equipment and Note 11.

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 Tax 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.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

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.

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 goods and services tax (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.

Commonwealth appropriation follows from the Intergovernmental Agreement on Federal Financial Relations, resulting in Special Purpose Payments and National Partnership payments being made by the Commonwealth Treasury to state treasuries, in a manner similar to arrangements for GST payments. These payments are received by Treasury on behalf of the Central Holding Authority and then on-passed to the relevant agencies as Commonwealth Appropriation

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.

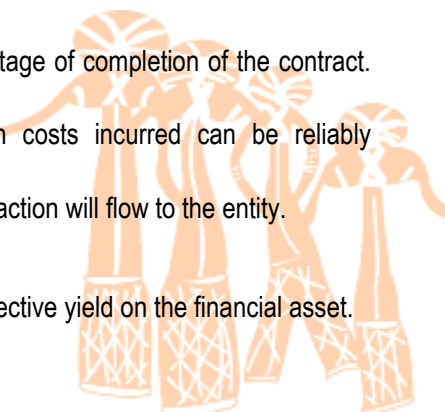
RENDERING OF SERVICES

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.

Interest Revenue

Interest revenue is recognised as it accrues, taking into account the effective yield on the financial asset.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

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.

DISPOSAL OF ASSETS

A gain or loss on disposal of assets is included as a gain or loss on the date control of the asset passes to the buyer, usually when an unconditional contract of sale is signed. The gain or loss on disposal is calculated as the difference between the carrying amount of the asset at the time of disposal and the net proceeds on disposal. Refer also to note 5.

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.

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>2010</u>	<u>2009</u>
Plant and Equipment	2-4 Years	2-4 Years
Computer Equipment	5 Years	5 Years

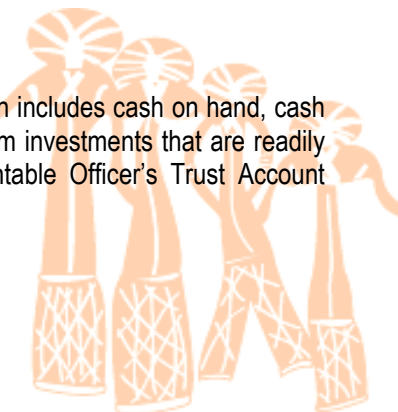
Assets are depreciated or amortised from the date of acquisition or from the time an asset is completed and held ready for use.

l) Interest Expense

Interest expenses include interest and finance lease charges. Interest expenses are expensed in the period in which they are incurred.

m) 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. Cash at bank includes monies held in the Accountable Officer's Trust Account (AOTA) that are ultimately payable to the beneficial owner.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

n) Inventories

Inventories include assets held either for sale (general inventories) or for distribution at no or nominal consideration in the ordinary course of business operations.

General inventories are valued at the lower of cost and net realisable value, while those held for distribution are carried at the lower of cost and current replacement cost. Cost of inventories includes all costs associated with bringing the inventories to their present location and condition. When inventories are acquired at no or nominal consideration, the cost will be the current replacement cost at date of acquisition.

The cost of inventories are assigned using a mixture of first-in, first out or weighted average cost formula or using specific identification of their individual costs.

Inventory held for distribution are regularly assessed for obsolescence and loss.

o) 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 aging schedule under credit risk in Note 8 Financial Instruments. Reconciliation of changes in the allowance accounts is also presented.

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

p) 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

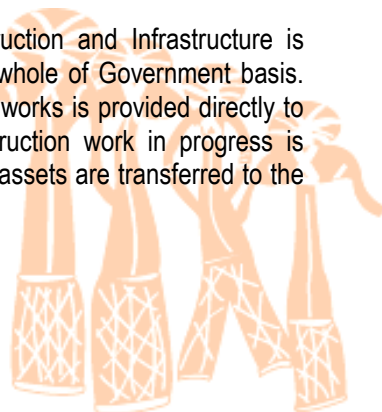
Costs incurred on property, plant and equipment subsequent to initial acquisition are capitalised when it is probable that future economic benefits in excess of the originally assessed performance of the asset will flow to the Authority in future years. Where these costs represent separate components 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 *Financial Management Framework*, the Department of Construction and Infrastructure is responsible for managing general government capital works projects on a whole of Government basis. Therefore appropriation for the Aboriginal Areas Protection Authority capital works is provided directly to the Department of Construction 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.

q) Biological Assets

Not applicable to the Authority.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

r) 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;
- Heritage and Cultural Assets;
- Biological Assets; and
- Intangibles.

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

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

The unique nature of some of the heritage and cultural assets may preclude reliable measurement. Such assets have not been recognised in the financial statements.

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 Comprehensive 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 Surplus for that class of asset to the extent that an available balance exists in the Asset Revaluation Surplus.

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 Comprehensive 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 Surplus.

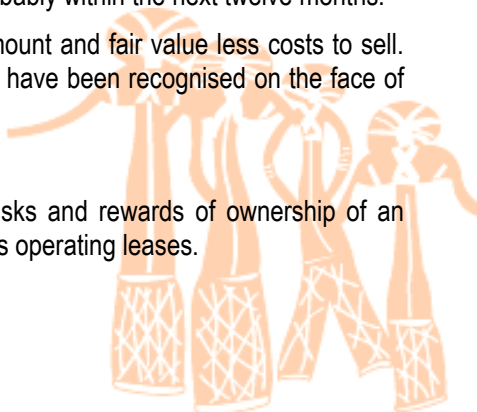
ASSETS HELD FOR SALE

Assets held for sale consist of those assets which management has determined are available for immediate sale in their present condition, and their sale is highly probable within the next twelve months.

These assets are measured at the lower of the asset's carrying amount and fair value less costs to sell. These assets are not depreciated. Non-current assets held for sale have been recognised on the face of the financial statements as current assets.

s) 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.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

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 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.

t) 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.

u) 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.

v) Superannuation

Employees' superannuation entitlements are provided through the:

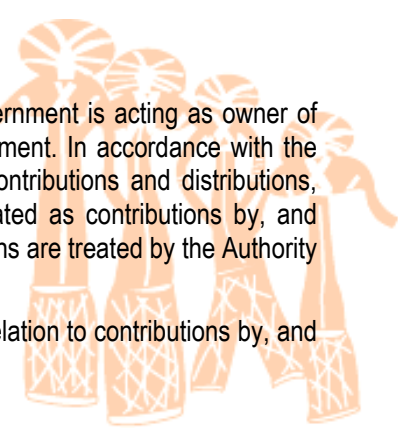
- NT Government and Public Authorities Superannuation Scheme (NTGPASS);
- Commonwealth Superannuation Scheme (CSS); or
- non-government employee nominated schemes for those employees commencing on or after 10 August 1999.

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.

w) 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 provide additional information in relation to contributions by, and distributions to, Government.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

x) Commitments

Disclosures in relation to capital and other commitments, including 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.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

3. COMPREHENSIVE OPERATING STATEMENT BY OUTPUT GROUP

	Note	Protection of Sacred Sites		Total	
		2010	2009	2010	2009
		\$'000	\$'000	\$'000	\$'000
INCOME					
Appropriation					
Output		3 118	2 422	3 118	2 422
Sales of Goods and Services ^(b)		1 211	1 049	1 211	1 049
Goods and Services Received Free of Charge	4	770	588	770	588
Other Income ^(b)		1	1	1	1
TOTAL INCOME		5 100	4 060	5 100	4 060
EXPENSES					
Employee Expenses		2 724	2 294	2 724	2 294
<i>Administrative Expenses</i>					
Purchases of Goods and Services	5	1 619	1 161	1 619	1 161
Repairs and Maintenance		2	1	2	1
Property Management		24	23	24	23
Depreciation and Amortisation	8	42	19	42	19
Goods and Services Received Free of Charge ⁽¹⁾		770	588	770	588
TOTAL EXPENSES		5 180	4 086	5 180	4 086
NET SURPLUS/(DEFICIT)	11	(80)	(26)	(80)	(26)
COMPREHENSIVE RESULT		(80)	(26)	(80)	(26)

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

¹ Includes DBE service charges.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

	2010 \$'000	2009 \$'000
4. GOODS AND SERVICES RECEIVED FREE OF CHARGE		
Corporate and Information Services	770	588
	770	588

5. PURCHASES OF GOODS AND SERVICES

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

Goods and Services Expenses:

Consultants ⁽¹⁾	583	390
Advertising ⁽²⁾	1	
Marketing and Promotion ⁽³⁾	4	1
Document Production	1	3
Legal Expenses ⁽⁴⁾	3	9
Recruitment ⁽⁵⁾	45	5
Training and Study	38	28
Official Duty Fares	61	45
Travelling Allowance	29	29

(1) Includes marketing, promotion and IT consultants.

(2) Does not include recruitment advertising or marketing and promotion advertising.

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

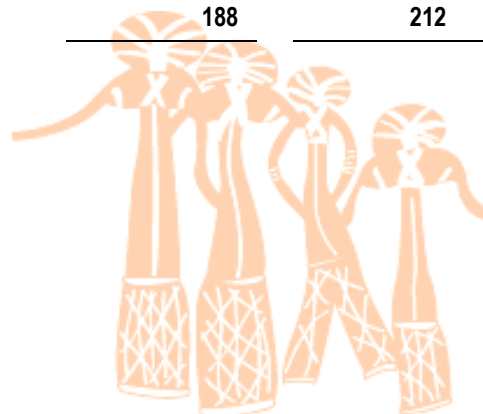
(4) Includes legal fees, claim and settlement costs.

(5) Includes recruitment related advertising costs.

6.

CASH AND DEPOSITS

Cash on Hand	1	1
Cash at Bank	187	211
	188	212



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

	2010 \$'000	2009 \$'000
7. RECEIVABLES		
Current		
Accounts Receivable	147	101
Less: Allowance for Impairment Losses	(5)	(5)
	<u>142</u>	<u>96</u>
GST Receivables	11	11
Total Receivables	<u>153</u>	<u>107</u>
8. PROPERTY, PLANT AND EQUIPMENT		
Construction (Work in Progress)		
At Capitalised Cost	<u>98</u>	<u>45</u>
	98	45
Plant and Equipment		
At fair value	73	92
Less: Accumulated Depreciation	(53)	(50)
	<u>21</u>	<u>42</u>
Computer Software		
At Cost	40	40
Less: Accumulated Depreciation	(31)	(21)
	<u>9</u>	<u>18</u>
Computer Hardware		
At Cost	124	54
Less: Accumulated Depreciation	(79)	(48)
	<u>46</u>	<u>6</u>
Total Property, Plant and Equipment	<u>173</u>	<u>111</u>
Property, Plant and Equipment Valuations		

The fair value of these assets was determined based on any existing restrictions on asset use. Where reliable market values were not available, the fair value of Authority assets was based on their depreciated replacement cost.

Impairment of Property, Plant and Equipment

Authority property, plant and equipment assets were assessed for impairment as at 30 June 2010. No impairment adjustments were required as a result of this review.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

8. PROPERTY, PLANT AND EQUIPMENT (Continued)

2010 Property, Plant and Equipment Reconciliations

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2009-10 is set out below:

	Construction (Works in progress)	Plant & Equipment	Computer Software	Computer Hardware	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying Amount as at 1 July	45	42	18	6	111
Additions	-	(19)		70	51
Depreciation and Amortisation	-	(2)	(9)	(30)	(42)
Additions/(Disposals) from Asset Transfers	98	-	-	-	98
Carrying Amount as at 30 June 2010	98	21	9	46	173

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 (Works in progress)	Plant & Equipment	Computer Software	Computer Hardware	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying Amount as at 1 July 2008	-	8	26	1	34
Additions	-	38	6	7	50
Depreciation and Amortisation	-	(4)	(13)	(2)	(19)
Additions/(Disposals) from Asset Transfers	45				45
Carrying Amount as at 30 June 2009	45	42	18	6	111



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

	2010 \$'000	2009 \$'000
9. PAYABLES		
Accounts Payable	37	48
Accrued Expenses	46	48
Total Payables	83	96
10. PROVISIONS		
Current		
<i>Employee Benefits</i>		
Recreation Leave	211	169
Leave Loading	36	25
Other Employee Benefits	17	17
<i>Other Current Provisions</i>		
OTHER PROVISIONS	34	33
	297	243
NON-CURRENT		
<i>Employee Benefits</i>		
Recreation Leave	90	89
	90	89
Total Provisions	388	332

The Authority employed 34 employees as at 30 June 2010

11. EQUITY

Reserves

The Authority has no input under Reserves for 2009/10.



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

	2010 \$'000	2009 \$'000
12. NOTES TO THE CASH FLOW STATEMENT		
Reconciliation of Cash		
The total of Authority Cash and Deposits of \$188 000 recorded in the Balance Sheet is consistent with that recorded as 'cash' in the Cash Flow Statement.		
Reconciliation of Net Surplus/(Deficit) to Net Cash From Operating Activities		
Net Surplus/(Deficit)	(80)	(26)
<i>Non-Cash Items:</i>		
Depreciation and Amortisation	42	19
<i>Changes in Assets and Liabilities:</i>		
Decrease/(Increase) in Receivables	(46)	(70)
Decrease/(Increase) in Prepayments	(1)	(2)
(Decrease)/Increase in Payables	(13)	69
(Decrease)/Increase in Provision for Employee Benefits	55	77
(Decrease)/Increase in Other Provisions	1	6
Net Cash From Operating Activities	(41)	73

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 Authority include cash and deposits, receivables, payables and finance leases. 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.

	2010 \$'000	2009 \$'000
Financial Assets		
Cash and deposits	188	212
Receivables	153	107
Total Financial Assets	341	319
Financial Liabilities		
Payables	83	96
Total Financial Liabilities	83	96

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

13. FINANCIAL INSTRUMENTS (continued)

(b) Credit Risk

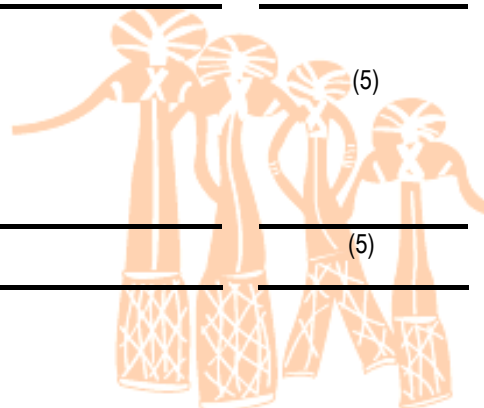
The Authority has limited credit risk exposure (risk of default). In respect of any dealings with organisations external to Government, the Authority has adopted a policy of only dealing with credit worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means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

Receivables

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

	Aging of Receivables \$000	Aging of Impaired Receivables \$000	Net Receivables \$000
2009-10			
Not Overdue	50		50
Overdue for less than 30 Days	43		43
Overdue for 30 to 60 Days	1		1
Overdue for more than 60 Days	48		48
Total	142		142
Reconciliation of the Allowance for Impairment Losses^(a)			
Opening	(5)		(5)
Written off during the year			
Recovered during the year			
Increase/(decrease) in allowance recognised in profit or loss			
Total	(5)		(5)
2008-09			
Not Overdue	49		49
Overdue for less than 30 Days	14		14
Overdue for 30 to 60 Days	21		21
Overdue for more than 60 Days	17		17
Total	101		101
Reconciliation of the Allowance for Impairment Losses^(a)			
Opening	(5)		(5)
Written off during the year			
Recovered during the year			
Increase/(decrease) in allowance recognised in profit or loss			
Total	(5)		(5)



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

13. FINANCIAL INSTRUMENTS (Continued)

(c) Liquidity risk

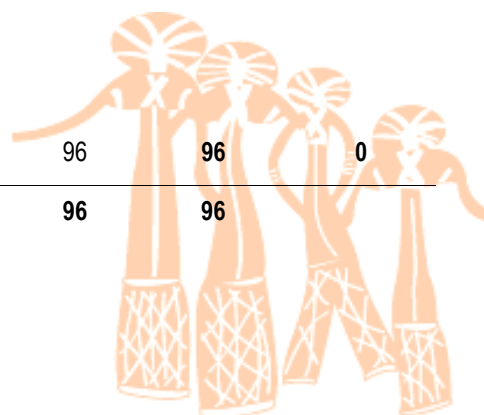
The Authority has limited exposure to interest risk as Authority financial assets and financial liabilities are non-interest bearing. The following tables detail the undiscounted cash flows payable by the Authority by remaining contractual maturity for its financial liabilities. It should be noted that as these are undiscounted, totals may not reconcile to the carrying amounts presented in the Balance Sheet.

2010 Maturity analysis for financial assets & 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	\$'000	%
Assets							
Cash and deposits					188	188	0
Receivables					153	153	
Total Financial Assets:					341	341	
Liabilities							
Payables					83	83	0
TOTAL FINANCIAL LIABILITIES:					83	83	

2009 Maturity analysis for financial assets & 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	\$'000	%
Assets							
Cash and deposits					212	212	0
Receivables					107	107	
Total Financial Assets:					319	319	
Liabilities							
Payables					96	96	0
TOTAL FINANCIAL LIABILITIES:					96	96	



NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2010

	2010 \$'000	2009 \$'000
14. COMMITMENTS		
(i) 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 assets or contingent liabilities as at 30 June 2010 or 30 June 2009.

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 2009-10 and 2008-09.

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(b)).

	2010 \$'000	2009 \$'000
TERRITORY INCOME AND EXPENSES		
Income		
Fees from Regulatory Services	53	27
Total Income	<u>53</u>	<u>27</u>
Expenses		
Central Holding Authority Income Transferred	53	27
Total Expenses	<u>53</u>	<u>27</u>
Territory Income less Expenses	<u>-</u>	<u>-</u>