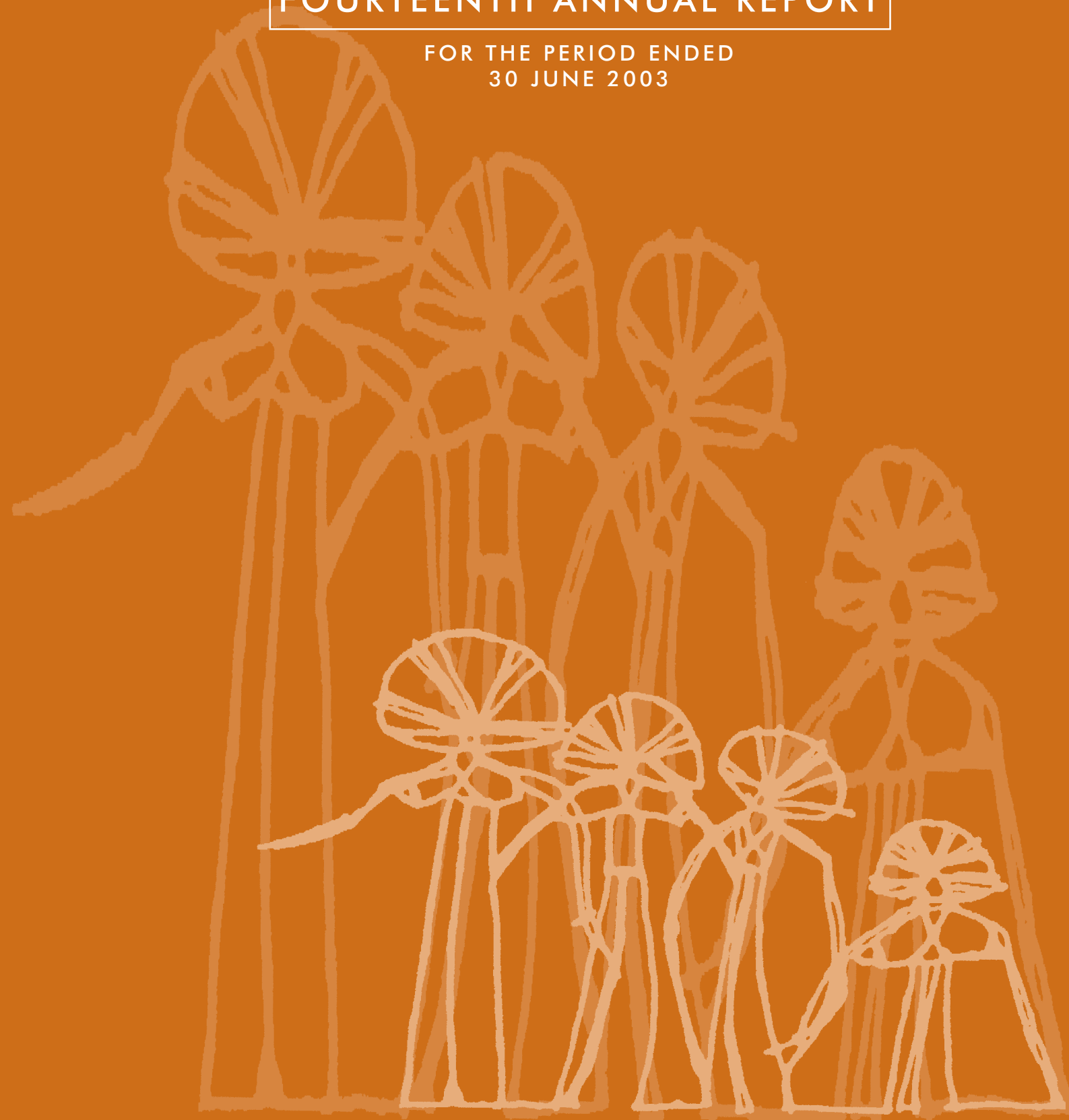


NORTHERN TERRITORY OF AUSTRALIA  
ABORIGINAL AREAS PROTECTION AUTHORITY

**FOURTEENTH ANNUAL REPORT**

FOR THE PERIOD ENDED  
30 JUNE 2003





## ABORIGINAL AREAS PROTECTION AUTHORITY

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3 December 2003

The Hon John Ah Kit MLA  
Minister assisting the Chief Minister on Indigenous Affairs  
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 2002 to 30 June 2003.

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

Yours sincerely

*Roy HAMMER*

ROY HAMMER  
CHAIRMAN

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## INTRODUCTION

### FROM THE CHAIRMAN

This year there have been many changes to the Authority, with all members except me being appointed for three-year terms. The Authority has ten Aboriginal members from different parts of the Territory.

Max Kerinaiva and Clementine Puruntatameri come from Nguiv and know many people from the Tiwi country and Darwin area. Nellie Camfoo (Deputy Chair), and Tex who supports her on the board, are well known in Arnhem Land and along the Roper River. My own countrymen are spread out from Numbulwar, Groote Eylandt, Limmen River, Borroloola and Robinson River and further up to the Barkly Tableland.

Josie Jones is well known at Timber Creek and the surrounding communities. George Campbell from Yarralin has traditional connections west from Newcastle Waters to Western Australia and south to Kalkarinji and Lajamanu, the northern part of Walbiri country. Jeannie Egan represents other Walbiri people based at Yuendumu.

Bernard Abbott is from Wallace Rockhole, and he is well known from Hermannsburg (Ntaria) south, and among Arrernte people from Alice Springs. Lena Pula is a senior law woman from the Sandover country, known to Anamtyerre, Kaytetye and Alyawarre people in that Region. Pepi Simpson's country is on the south-western Barkly and he has strong connections in the Tennant Creek area.

The other two members also add to the strength of the Authority. Mr Dick Kimber is well known to Aboriginal people in Central Australia. Dr Jeannie Devitt has worked with Aboriginal people, especially in health, all over the Territory.

Through these members the Authority can connect with senior custodians throughout the Territory. We do our best to have our meetings in different parts of the Territory to meet the local people.



*Roy Hammer*

ROY HAMMER  
CHAIRMAN

## INTRODUCTION



### FROM THE DEPUTY CHAIRMAN

I am pleased to be reappointed to the Authority and voted by my fellow members to be Deputy Chair. I take this job very seriously because we have to protect our sacred sites and support our culture very strongly.

The Authority has the same number of men and women on the board. This means that we can help not only men but also women protect their sacred sites and ceremony grounds and we are able to listen to everyone who wants our help.

Right across the Territory today, women are getting even stronger with their law and in running their ceremonies, as well as supporting our traditional ceremonies that involve everybody—men, women and young people.

This year we had some problems at Mount Catt because of some work funded by ATSIC on a sacred site. This caused a lot of problems among the families. I was very pleased to see how quickly our staff acted to help fix the problems. The Authority has worked with ATSIC program managers to make sure that these kinds of problems don't keep happening.

A handwritten signature in black ink that reads "Nellie Camfoo".

NELLIE CAMFOO  
DEPUTY CHAIRMAN



## OVERVIEW

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### OVERVIEW

This fourteenth 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 2002-3 financial year. This report includes the Authority 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.

The general public, particularly those such as site custodians, landowners and developers who have a specific interest in the operation of the Authority, will find here a summary of the broad scheme of Aboriginal sacred site protection applying to the Northern Territory and the main procedures under the *Sacred Sites Act*, namely:

- Sacred site avoidance through Authority Certificates;
- Registration of Aboriginal Sacred Sites; and
- Inspections of the Register and other Authority archives.

## LEGISLATIVE CHARTER

### ABORIGINAL SACRED SITES PROTECTION IN THE NORTHERN TERRITORY

#### ABORIGINAL SACRED SITES

Sacred sites are mostly natural environmental features such as hills, waterholes, rocks, trees, having specific meanings and importance in the traditions of Aboriginal communities. There may be rock art and other human artefacts at some of these places, but it is usually the natural features that are of most significance according to the body of Aboriginal tradition about how the world was shaped. Ceremony grounds and traditional burial grounds are also sacred sites according to Aboriginal tradition.

The protection of Aboriginal sacred sites is an integral part of the Northern Territory Aboriginal land rights package under the *Aboriginal Land Rights (Northern Territory) Act 1976* (hereafter *Land Rights Act*). Mr Justice Woodward, during his Commission of Inquiry into Aboriginal Land Rights (1973-4), found that no clear distinction can be made between 'sacred sites' and sites of traditional significance. So, under the *Land Rights Act* a sacred site is:

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

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

#### COMMONWEALTH AND NORTHERN TERRITORY LAWS

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

Under this power, the Northern Territory laws can mitigate the broad prohibition under Section 69 to the extent that land can be used in ways consistent with the protection and prevention of desecration of sacred sites. The *Sacred Sites Act* was passed under this power.

#### PURPOSE OF THE NORTHERN TERRITORY ACT

The *Sacred Sites Act* declares its purpose to be:

AN ACT to effect a practical balance between the recognized need to preserve and enhance Aboriginal cultural tradition in relation to certain land in the Territory and the aspirations of the Aboriginal and all other peoples of the Territory for their economic, cultural and social advancement, by establishing a procedure for the protection and registration of sacred sites, providing for entry onto sacred sites and the conditions to which such entry is subject, establishing a procedure for the avoidance of sacred sites in the development and use of land and establishing an Authority for the purposes of the Act and a procedure for the review of decisions of the Authority by the Minister, and for related purposes.



## LEGISLATIVE CHARTER

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The Authority strives to achieve this ‘practical balance’ in its operations, by respecting the entitlements of site custodians, landowners and developers. Often custodians, landowners and developers are different people with diverging interests in land, although sometimes there is a substantial overlap between these. This is particularly evident with development on Aboriginal land. In most cases, the Authority’s challenge is to accommodate new uses of land with the need to protect sacred sites, preserving and enhancing Aboriginal tradition in a changing social and economic environment.

Section 44 of the *Sacred Sites Act* explicitly restores landowners’ rights to use sacred site land consistent with the protection of sacred sites. Authority Certificates provide an additional legal instrument to establish the accommodation of land-use to sacred site protection. As well as protecting the fabric of sacred sites in the context of landownership and development, the *Sacred Sites Act* provides for Aboriginal people to have access to sacred sites ‘in accordance with Aboriginal tradition’.

### SACRED SITE PROTECTION

Under the sacred sites laws applying in the Northern Territory, all sacred sites are protected regardless of underlying land title, whether they are registered under the legislation or not, or even if they are not known to the Authority. They are protected particularly by Sections 34 (unauthorised entry), 35 (unauthorised works or uses) and 37 (desecration) of the *Sacred Sites Act*, which set out various offences in relation to sacred sites.

Prosecutions may only be brought by the Authority. Custodians’ views have to be taken into account whenever the Authority exercises such powers under the *Sacred Sites Act*.

### SITE AVOIDANCE PROCEDURES — AUTHORITY CERTIFICATES

People proposing to use or work on land may apply to the Authority for an Authority Certificate to cover their proposed activities. An Authority Certificate provides a legal defence against prosecution in relation to the works or uses covered by the Certificate as long as any conditions imposed to protect sacred sites are followed. More than that, the process can be an opportunity for applicants to work with custodians to reach a mutually acceptable resolution of issues, so that the end result reflects the agreement of all involved.

The Authority determines Authority Certificate applications only after it has consulted the relevant Aboriginal custodians and conducted on-ground surveys to identify 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 processes, applicants can ask the Authority to arrange conferences with custodians. This provides an avenue for direct detailed discussions between developers and affected custodians.

## LEGISLATIVE CHARTER

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Companies and individuals holding Authority Certificates benefit in having certainty about the effect of sacred sites on their projects. They are indemnified against prosecution so long as they comply with the conditions of the Certificate. In effect, the *Sacred Sites Act* provides a means by which recipients of Authority Certificates transfer the risks arising from the existence of sacred sites on or in the vicinity of their projects to the Authority and hence to the Government.

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.

### CONSULTATIONS WITH CUSTODIANS AND SECURITY OF TRADITIONAL INFORMATION

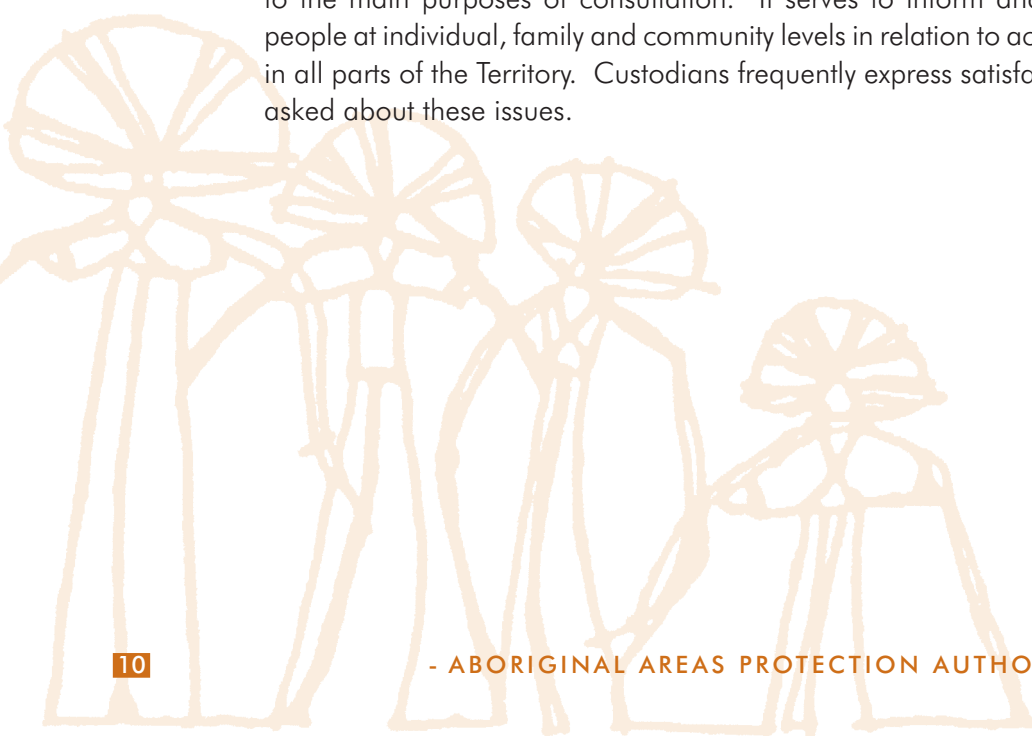
Aboriginal people, who are custodians of sacred sites, are entitled to be consulted about activities relating to Authority Certificate applications and on the details of sacred sites proposed for registration.

Furthermore, in exercising its powers under the *Sacred Sites Act*, the Authority is required to take into account the views of relevant Aboriginal people about the extent to which they wish sites to be protected. The operations of the Authority are geared towards consultations with Aboriginal people in all parts of the Northern Territory and for recording and reporting these consultations as a basis for Authority decisions.

Under Section 38 of the *Sacred Sites Act*, the substance of these consultations and other documents created for Authority purposes may only be divulged by specific exercise of Authority discretion.

It is fundamental to the scheme of site protection in the Northern Territory that Aboriginal custodians have been able to place their trust in these processes, confident that they will be consulted and that their cultural information will be confidential and secure under the legislation.

The requirement to consult custodians about activities on land has benefits incidental to the main purposes of consultation. It serves to inform and engage Aboriginal people at individual, family and community levels in relation to activities in their region, in all parts of the Territory. Custodians frequently express satisfaction in simply being asked about these issues.



## LEGISLATIVE CHARTER

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### INSPECTIONS OF THE REGISTER AND AUTHORITY ARCHIVES

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 Certificates is also a public register. The Authority provides maps, indicating the boundaries of all Registered sites, and any other sacred sites that have been recorded, since all sacred sites are covered under the offence provisions of the *Sacred Sites Act*.

Aboriginal custodians may decide whether the benefits of increased protection afforded to sites entered in the Register of Sacred Sites outweigh any detriment in having certain information about these sites available on the public Register established under Section 10(d) of the *Sacred Sites Act*. The Authority also keeps records of sacred sites that have been brought to the attention of the Authority by custodians. These records are separate from the Register and details of these records are available to the public 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 (Section 22).

The public may also request access to other relevant information concerning sites, including records of any agreements or Certificates. However, such access is subject to restrictions to protect knowledge required by Aboriginal tradition to be kept secret and information of a 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 sites will not be inadvertently damaged and that any works proposed for the sites will accommodate sacred site protection.

### 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*. When the Authority has reviewed the required traditional information about the site, and has heard from landowners about the impact of the site on their interests in land, this information is recorded on the Register of Sacred Sites.

This process provides an opportunity to discuss many of the practical issues about the site and its effect on landowners' interests, but it does not confer extra protection on the site.

Registration is relevant to the enforcement of protection in that, under Section 45 of the *Sacred Sites Act*, proof of registration is to be accepted by courts as *prima facie* evidence that a site is a sacred site.

## LEGISLATIVE CHARTER

### PUBLIC ACCEPTANCE OF ABORIGINAL SACRED SITES PROTECTION UNDER THE ACT

By its nature, any scheme to protect Aboriginal sacred sites in the Northern Territory has to overcome historical and cultural tensions arising from the uninvited settlement of Aboriginal lands and continuing activities on land to which living Aboriginal people retain traditional affiliations. There are few contexts providing greater potential for such tensions to erupt intractably than the protection of sacred sites on land not owned by Aborigines.

There have been major disputes over sacred sites in the Northern Territory and it would be unrealistic to think that others will not happen in the future.

While conflicts attract publicity, the success of the scheme of site protection in the Northern Territory and the degree of public confidence in it is less reported. Over the last seven years, the Authority has processed some one thousand, four hundred Authority Certificate applications. In only 1% of cases the Authority and custodians were unable to accommodate site protection within the proposed works, and issue Authority Certificates to the applicants.

The site avoidance process through Authority Certificates appears to be well accepted. Developers and land-users can expect that, under the *Sacred Sites Act*, their applications for Authority Certificates will be processed transparently, fairly and in a timely manner. Since 1995 the Authority has charged fees in relation to Authority Certificates and other services. The very high degree of billing compliance in relation to these services is an indication of the value of Authority Certificates and public confidence in these procedures.

Aboriginal custodians continue to be very willing to be involved in Authority consultative processes. This is testimony to their confidence in the value of consultation in effecting site protection and trust in the security of sensitive cultural information. Aboriginal custodians have been overwhelmingly moderate in their identification of sacred sites and largely accommodating of development and land-use. This indicates their confidence that the scheme works to protect their interests in sacred sites.

Public confidence in the established site protection procedures administered by the Authority has been won incrementally. The high level of public confidence that has been earned indicates that the current scheme of site protection can accommodate Aboriginal interests in sacred sites within the framework, allowing development and land-use for the benefit of all Territorians.

## LEGISLATIVE CHARTER

### RESPONSIBILITIES UNDER THE HERITAGE CONSERVATION ACT 1991

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

Firstly, the *Heritage Conservation Act*, Section 8(d), provides for nomination by the Aboriginal Areas Protection Authority of a representative on the Heritage Advisory Council. Dr David Ritchie resigned as the Authority's representative on 27<sup>th</sup> September 2002. Ms Lesley Mearns was appointed in his place on 10th June 2003.

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

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

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



# ABORIGINAL AREAS PROTECTION AUTHORITY

## THE ABORIGINAL AREAS PROTECTION AUTHORITY

The Aboriginal Areas Protection Authority is established under the *Sacred Sites Act* to administer sacred site protection in the Northern Territory. The Territory Government and the Territory Aboriginal Land Councils are involved in the process of appointing the members to the Authority (see below for more details). The Authority also has a role in the protection of sacred objects under Section 29(2) of the *Heritage Conservation Act*.

The Aboriginal Areas Protection Authority is constituted under Section 6 of the *Sacred Sites Act* that administers the Act at arms-length from the day-to-day operations of the Northern Territory Government.

## MEMBERSHIP AND MEETINGS

The Authority is comprised of twelve members, ten of whom are Aboriginal custodians of sacred sites in equal numbers (five) of males and females. To fill vacancies of these positions, the Land Councils are entitled to nominate a panel of twice the number of custodians of the relevant sexes. The Territory Administrator appoints members (selected from the nominations) and two other members (nominated by the Northern Territory Government), by notice in the *Northern Territory Government Gazette*.

Custodian members of the Authority have been chosen from different regions of the Territory as follows: two males and two female members from both the Central Land Council region and Northern Land Council region, and one male and one female member from the Tiwi Land Council.

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

The Authority's main responsibilities are to conduct consultations with relevant Aboriginal people and land-users to reach agreement in relation to the avoidance of sacred sites. It has also to consider and maintain information for the Registers of Sacred Sites and Authority Certificates, among other functions.

The *Sacred Sites Act* provides for the Authority to have a Chief Executive Officer to carry out its operations and decisions, with a staff employed by the Authority on conditions similar to the Northern Territory Public Service.

The Authority meets at least four times each year, often in different parts of the Territory.

## FUNCTIONS

Functions of the Authority prescribed in Section 10 of the *Sacred Sites Act* relate to the protection of Aboriginal sites in the Northern Territory and may be reduced to the following:

- Receive requests for site protection from Aboriginal custodians, document information provided by custodians in support of their requests, execute protection measures for sites and maintain confidential records of traditional information.
- Establish and maintain a Register to be known as the Register of Sacred Sites and such other registers and records as required by or under the *Sacred Sites Act*.



## ABORIGINAL AREAS PROTECTION AUTHORITY

- Carry out surveys to determine the constraints, if any, imposed by the existence of sacred sites on work on land anywhere in the Northern Territory (the Authority consults with custodians and proponents of work to reach a mutually acceptable agreement and issues a Certificate setting out the conditions under which the proposed works may proceed).
- In the event of an appeal against a decision or action of the Authority, convene, review and report on matters arising from the appeal. In these circumstances the Authority must notify all parties affected by the review and invite written representations. When the resolution of the matter is not possible the Authority must provide the Minister with a report and recommendation. Such appeals are rare - there have been none in the last five years.
- 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.
- Enforce the *Sacred Sites Act*.

### APPOINTMENTS TO THE AUTHORITY

The terms of all past members of the Authority except for that of the Chairman, Mr Roy Hammer, expired on 14 July 2002. At their last meeting in June 2002, all powers were delegated to the Chairman while sufficient vacancies were filled to provide a quorum (seven members).

The Chairman convened meetings that included the past members in October and December 2002 and the Chairman used his delegated powers on their advice.

On 28 February 2003, the Administrator appointed the Aboriginal custodians nominated by the Land Councils and recommended by the Northern Territory Government to the vacant positions. This provided for a quorum at the March meeting.

On 4 June 2003, the Administrator appointed the two Northern Territory Government nominees to the Authority.

The Authority was fully constituted in time for the June meeting.



*Authority Board Members l-r:*

*Max Kerinauia, Roy Hammer, Pepi Simpson, Nellie Camfoo, Clementine Puruntatameri, Jeannie Egan, Jeannie Devitt, Josie Jones, George Campbell, Tex Camfoo, Dick Kimber.*

## ABORIGINAL AREAS PROTECTION AUTHORITY

### MEMBERS OF THE ABORIGINAL AREAS PROTECTION AUTHORITY

MR R HAMMER	Chairman and Northern Land Council nominee, Borroloola, re-appointed 10 January 2001
MRS N CAMFOO	Deputy Chairman and Northern Land Council nominee, Bulman, re-appointed 28 February 2003, re-appointed as Deputy Chairman, 4 June 2003
MRS J JONES	Member and Northern Land Council nominee, Timber Creek, appointed 28 February 2003
MR G CAMPBELL	Member and Northern Land Council nominee, Yarralin, appointed 28 February 2003
MS J EGAN	Member and Central Land Council nominee, Yuendumu, re-appointed 28 February 2003
MS L PULA	Member and Central Land Council nominee, Utopia, re-appointed 28 February 2003
MR P SIMPSON	Member and Central Land Council nominee, Tennant Creek, re-appointed 28 February 2003
MR B ABBOTT	Member and Central Land Council nominee, Wallace Rockhole, re-appointed 28 February 2003
MR M KERINAIUA	Member and Tiwi Land Council nominee, Nguiu, appointed 28 February 2003
MS C PURUNTATAMERI	Member and Tiwi Land Council nominee, Nguiu, re-appointed 28 February 2003
DR J DEVITT	Member and NT Government nominee, appointed 4 June 2003
MR D KIMBER	Member and NT Government nominee, appointed 4 June 2003



# ABORIGINAL AREAS PROTECTION AUTHORITY

## 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 2002-3 financial year under report:

October 16-17	2002	Alice Springs
December 4-5	2002	Darwin
March 26-27	2003	Darwin
June 18-19	2003	Alice Springs

## SUMMARY OF ATTENDANCES AT MEETINGS OF THE AUTHORITY BOARD

Mr Roy Hammer (Chairman)	4	Mr Snowy Kulmilya	1
Mrs Nellie Camfoo (Deputy Chairman)	4	Mrs Elsie Snowy	1
Mr Bernard Abbott	3		1
Mr George Campbell	2	Mr Creed Lovegrove	1
Ms Jeannie Egan	1	Mr John Pinney	1
Mrs Josie Jones	2		
Mr Max Kerinauia	2	Mr Tex Camfoo (seconded Member)	4
Ms Lena Pula	3	Mr Tony Pilakui (seconded Member)	1
Ms Clementine Puruntatameri	4		
Mr Pepi Simpson	3	Dr David Ritchie (non Board Member)	1
Dr Jeannie Devitt	1	Dr John Avery (non Board Member)	4
Mr Dick Kimber	1		

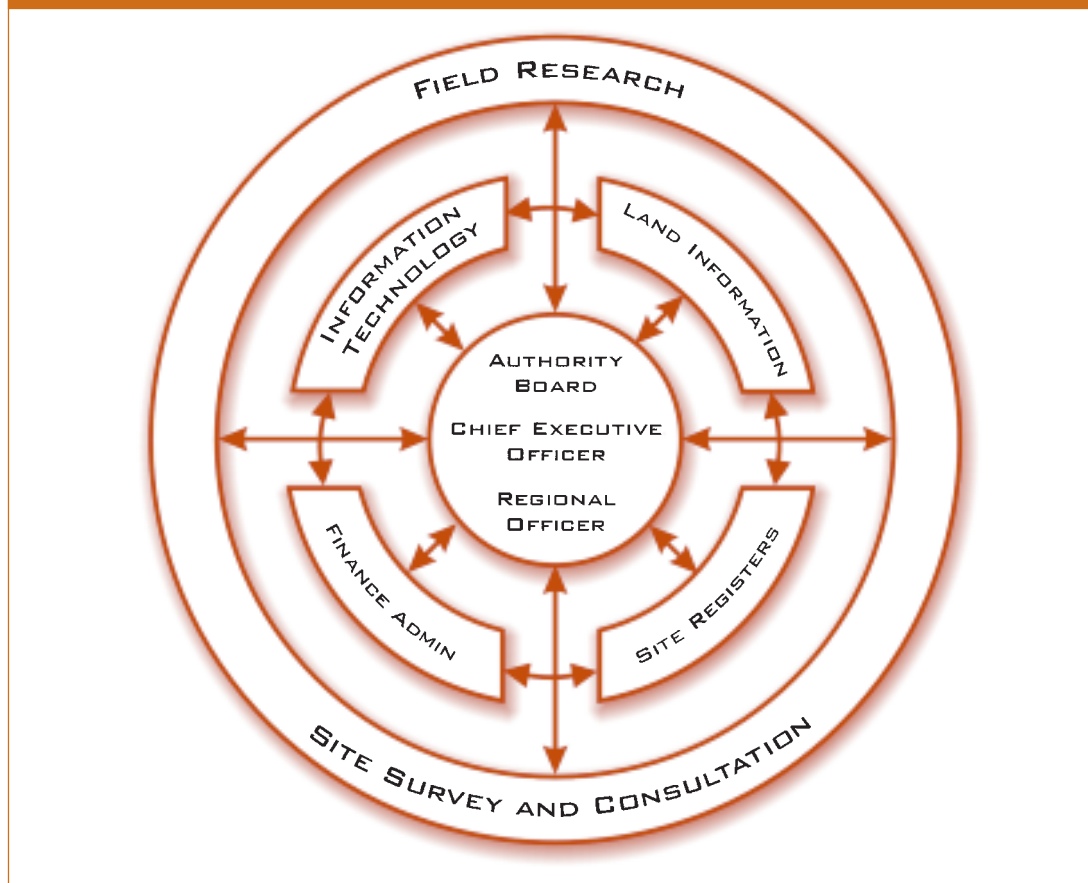


# ABORIGINAL AREAS PROTECTION AUTHORITY

## CEO AND STAFF

The Authority employs a staff headed by a Chief Executive Officer to administer the *Sacred Sites Act* and the Authority's decisions. An outline of the operational structure appears below:

FIGURE 1: OPERATIONAL STRUCTURE



## OFFICES OF THE AUTHORITY

The Aboriginal Areas Protection Authority maintains a central office in Darwin and a regional office in Alice Springs. Normal office hours are 8.00am-4.30pm Monday to Friday.

### DARWIN

The Darwin office is located on the 1<sup>st</sup> Floor, T.I.I. Building, 74 Cavenagh Street, Darwin. Postal address: GPO Box 1890, Darwin, 0801.

Telephone No: (08) 89814700, Facsimile No: (08) 89814169.

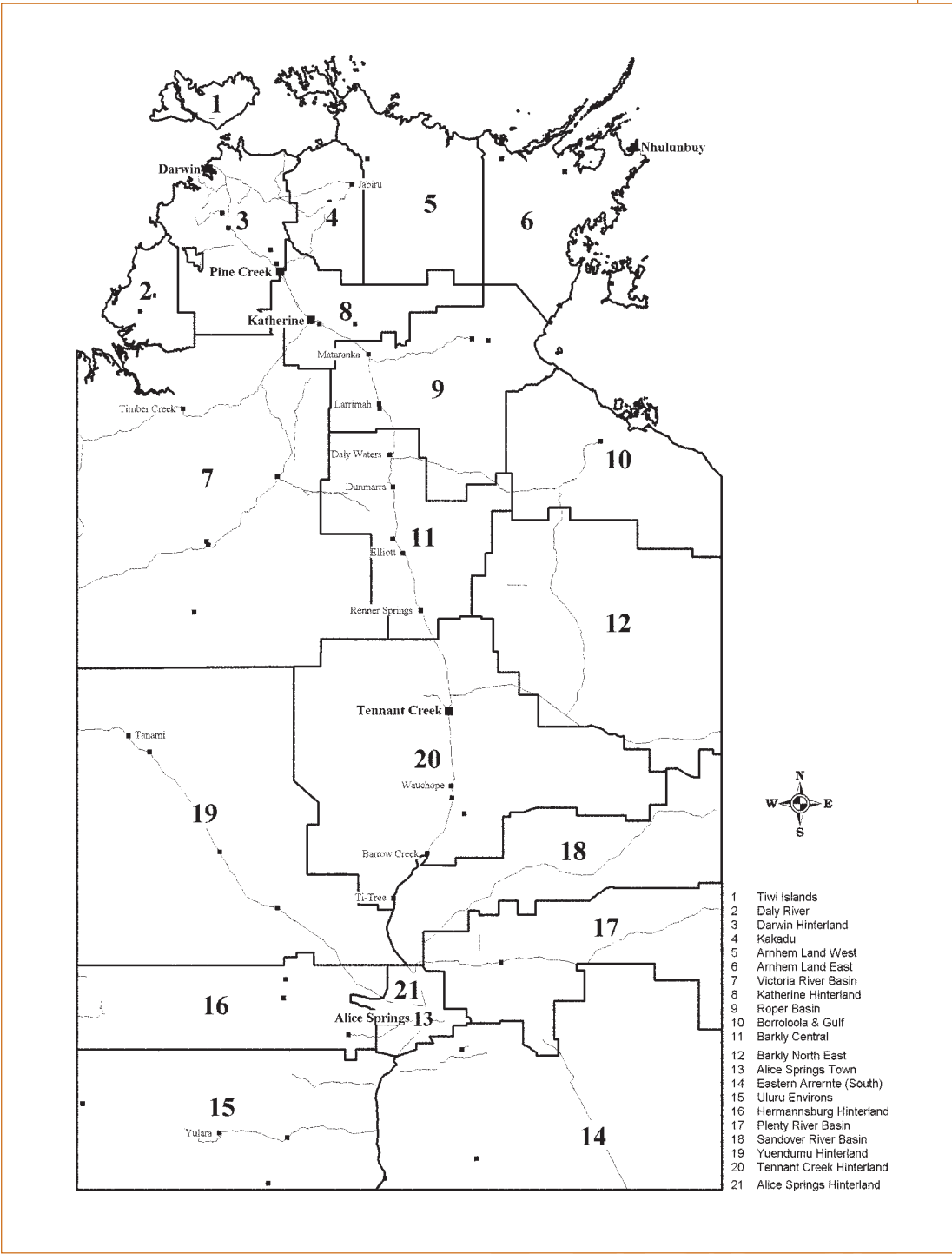
### ALICE SPRINGS

The Alice Springs office is located at Belvedere House, corner of Bath and Parsons Streets, Alice Springs. Postal address: Post Office Box 3656, Alice Springs, 0871.

Telephone No: (08) 89526366, Facsimile No: (08) 89522824.

# ABORIGINAL AREAS PROTECTION AUTHORITY

## ADMINISTRATIVE REGIONS USED BY THE AUTHORITY



## REPORT OF THE CHIEF EXECUTIVE OFFICER

### ADMINISTRATION, OPERATION AND OUTCOMES: 2002-3 — A YEAR OF CHANGE AND REFORM

For the Authority, the 2002-3 financial year was a year of change and transition, but it was also a year of reform in various aspects of the Authority's operations and in the governance of Aboriginal sacred site protection.

#### CHANGE TO AUTHORITY AND STAFF

As detailed above, all but the Chairman's position (currently held by Mr Roy Hammer) on the Authority became vacant in July 2002 and were filled during 2002-3. Mrs Nellie Camfoo was appointed Deputy Chairman.

Mr Bernard Abbott, Mrs Nellie Camfoo, Ms Jeannie Egan, Ms Lena Pula, Ms Clementine Purantatameri and Mr Pepi Simpson, were re-appointed to the Authority.

Mr George Campbell, Mrs Josie Jones, Mr Max Kerinauia, Dr Jeannie Devitt and Mr Dick Kimber were appointed to the Board for the first time. These appointments replaced retiring members, Mr Snowy Kulmilya, Mrs Elsey Snowy, Mr Creed Lovegrove and Mr John Pinney.

Sadly, after an illness, Mr Simon Tipungwuti passed away. The Authority honoured him at his funeral at Bathurst Island.

Mr and Mrs Kulmilya retired from the Board after 7 and 3 years of service respectively. Mr Creed Lovegrove MBE was a foundation member of the Board and a valuable source of knowledge and advice. Mr John Pinney was a member appointed by the Government in 1986 and provided valuable advice to the Authority particularly on the operations of the Northern Territory Government.

There were also changes in administrative staff at senior levels.

Dr David Ritchie, the Chief Executive Officer, had been seconded to the Department of Community Development, Sport and Cultural Affairs until 12 July 2002. On 7 October 2002 he resigned to take another senior position in the Department of Infrastructure, Planning & Environment. Dr Ritchie had administered the Authority as Chief Executive Officer from 1989 and served more than twenty years with the Authority.

Dr Sarah Dunlop, the Regional Manager, Alice Springs, resigned on 17 December 2002. Dr Dunlop also served many years with the Authority, beginning in 1988.

The Chairman appointed Dr John Avery, the Authority's Principal Anthropologist since 1989, as Acting Chief Executive Officer from 7 October 2002. Dr Avery had administered the Authority as Acting Executive Director during Dr Ritchie's absence in 2002.

In May 2003 the position of Chief Executive Officer of the Authority was advertised. The selection process was incomplete at end of the financial year.

Mr Andrew Allan was appointed Regional Manager, Alice Springs, to replace Dr Dunlop.

### OPERATIONS

With the Authority's Principal Anthropologist in the role of Acting Chief Executive Officer, the operational capability of the Authority was reduced throughout the financial year. This was compounded by other staff changes with training periods required for new staff.

Nonetheless, the Authority responded to Authority Certificate applications and Register inspections about as effectively as in past years.

New site recordings were down from previous years, but the sum of reported consultations with custodians, reports on Authority Certificates and Site Registrations and responses to landowners and developers increased.

### ALICE SPRINGS ISSUES

Inconsistencies in information provided to landowners in the vicinity of the Carmichael Valley Estate in Alice Springs highlighted problems with Authority procedures for inspections of the Register and archives and other problems protecting sacred sites in urban residential areas.

Most of the problems were resolved with the co-operation of Alice Springs custodians in expediting Authority Certificates for the affected landowners. These redressed the uncertainty caused by the inconsistent information. One matter could not be resolved in this way because a substantial portion of this freehold land in the Carmichael Valley Estate was undeveloped and part of a sacred site. The Northern Territory Government has addressed this matter outside of the *Sacred Sites Act* through negotiations with the landowners.

The Authority has addressed these problems in consultation with the Real Estate and Conveyancing community in Alice Springs, custodians and with stakeholders. As a result, the Authority:

- improved internal procedures for inspections of the Register and other archives
- progressed the provision of site and Authority Certificate reference information to be shown as Administrative Notes on land titles in the Integrated Land Information System (ILIS) available to the public
- improved communications with the Development Consent Authority prior to their approval of residential subdivisions
- embarked on a long-term project to improve the quality of sacred site information held by the Authority.

### AMENDMENT TO SACRED SITES ACT

In November 2002 the *Sacred Sites Act* was amended to provide for just terms compensation should the Act have the effect of acquiring property. The Authority's advice is that the *Sacred Sites Act*, in practice, is unlikely to affect landowners' property entitlements in the normal course. However, the omission of provisions for just terms compensation put the validity of the legislation at risk. If the *Sacred Sites Act* was found to be invalid Authority Certificates and provisions accommodating land-use to sacred site protection also would become invalid, with serious consequences for a wide range of activity across the Northern Territory.

Because the *Sacred Sites Act* will have little effect on property rights in practice, any such effect will be related to specific circumstances. Claims for compensation under the new provisions therefore will be determined on the particular facts by a court.

### SACRED SITE AVOIDANCE ON ABORIGINAL LAND

In January 2003, the Authority received complaints from some of the custodians of a sacred site near Mount Catt, on the south-central part of the Arnhem Land Aboriginal Land Trust. These custodians were upset at the upgrade to the community water supply that had occurred through ATSIC under the National Aboriginal Health Strategy funding. The existing pump and pipe to the community lay over a Registered sacred site that included the spring that supplies the water and adjacent ceremony grounds used for region-wide sacred ceremonies. Some custodians had given their approval to the relocation of the pump and pipe and felt that this was not incompatible with the site. Other custodians were not consulted and a serious dispute erupted between these two groups.

The Authority responded to the situation by meeting the custodians and mediating their dispute and by launching an investigation into the matter. The investigation revealed the poor governance of sacred site protection laws on the Arnhem Land Aboriginal Land Trust. Local service organisations and their workers had not been provided relevant information about sacred sites in the area or with information about site avoidance procedures. They were unaware of the opportunity for legal protection when working on Aboriginal Lands through Authority Certificates. The ATSIC Program Manager for the Northern Territory was also unaware of the risks involved in carrying out works on possible sacred sites on Aboriginal Land without Authority Certificates.

The Authority met the ATSIC Program Managers and has asked them, together with the Northern Land Council, to bring their procedures into conformity with the *Sacred Sites Act*.



### PROSECUTIONS

The Authority pursued prosecutions against people in relation to three separate incidents involving breaches of the *Sacred Sites Act* during 2002-3. M & D Cattle Contracting Pty Ltd was convicted under Section 34 of the *Sacred Sites Act* on 6<sup>th</sup> September 2002 for works on a sacred site near Timber Creek, and was fined \$10,000.

Complaints were earlier laid against Sitzler Bros Pty Ltd/Venturin Nominees Pty Ltd for damage to a sacred site in Alice Springs, and negotiations with the defendant continued throughout the year. Sentencing did not occur within the present year.

Complaints were laid against Rudolf Brkic in December 2002 for works on a sacred site in the Blyth River. He was convicted and fined \$1500 in June 2003.



*Belyuen dancers welcome return of Larrakia skeletal remains.*

### REPATRIATION OF LARRAKIA SKELETAL REMAINS

For many years the Authority has been receiving and providing temporary storage for Aboriginal skeletal remains in transit between museums elsewhere and their community of origin. These remains have been returned as the result of negotiations between museums in Australia and overseas and the Aboriginal communities from which they were taken in the past.

This present year saw the return of several large crates of Larrakia remains to Darwin as part of a wider project co-ordinated by Museums Australia in Canberra. Eight Larrakia elders travelled to Canberra to accept the remains, which were then transported to Darwin. A public ceremony was held at Mindil Beach on 13 August 2002, where Belyuen dancers welcomed back the remains. These remains are currently stored by the Authority until such time as Larrakia people finalise their own re-interment plans.

## HIGHLIGHTS AND FUTURE DIRECTIONS

### HIGHLIGHTS 2002-2003

- High demand for Authority resources for consultations, site marking and fencing for the Alice Springs to Darwin Railway.
- The Authority completed 131 Site Avoidance procedures (Authority Certificates and Consultation Notification Processes under the Alice Springs to Darwin Railway Authority Certificate (C2000/050)).
- The Authority reviewed 47 sites for the Register of Sacred Sites and identified 120 new sites for Authority records.
- The *Sacred Sites Act* was amended in 2002 to provide for just terms compensation if provisions of the Act have the effect of acquiring property. The amendment ensures the validity of the *Sacred Sites Act* and the continuing effect of Authority Certificates issued for projects and land-uses across the Northern Territory.
- The Authority revised and improved the quality of its data holdings and advice to the public about sacred sites.
- The Authority assisted Darwin's Larrakia people, and other Indigenous groups, with the repatriation of skeletal remains of Aboriginal origin removed from the Northern Territory.







*Custodians on Railway line during consultations.*

### DIRECTIONS FOR 2003-2004

- Information about sacred sites and Authority Certificates related to land titles will become available to the public through the Northern Territory Government Integrated Land Information System (ILIS).
- In line with improved standards in the provision of site information to the public, the Authority will work with custodians on projects designed to enhance the scope and quality of site information held in Authority archives.
- The Authority will continue to review materials for the registration of sacred sites requested by custodians.
- Demand for Authority resources for consultations, site marking and fencing for the Alice Springs to Darwin Railway will diminish and cease with the completion of the project.
- Major projects including the proposed expansion of the McArthur River mine and the Trans Territory Pipeline (Port Keats to Gove).
- The Authority will continue to assist museums and Aboriginal groups with the repatriation of skeletal remains of Aboriginal origin removed from the Northern Territory.
- Amendment to *Sacred Sites Act* to provide for charging for Authority services and for debt recovery.
- *If Aboriginal and Torres Strait Islander Heritage Protection Bill 1998* is passed by the Commonwealth, the Authority shall obtain accreditation under the resulting Act.

## OUTCOMES

The Authority's overarching responsibility is to protect sacred sites. This is done through the provision of statutory services under the *Sacred Sites Act*, providing for the protection of sacred sites through the Registration of sites and Inspections of the Register of Sacred Sites, and through Site Avoidance procedures (Authority Certificates) relating to the use and development of land in the Northern Territory. These measures contribute to enhanced relations between Indigenous custodians of sacred sites and the wider Territory population by increasing the level of certainty when identifying constraints on land-use, if any are needed, arising from the existence of sacred sites.

Overall performance in a financial year is quantified by adding together the numbers of sites registered, the number of inspections of the Register (and other archives) completed and the number of Authority Certificates 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 average period between application and completion of Authority Certificates.

The budgeted estimates for 2002-3 were:

### PROTECTION OF SACRED SITES

Provision of statutory services for the protection and registration of sacred sites and the avoidance of sacred sites in the development and use of land.

#### OUTCOME

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

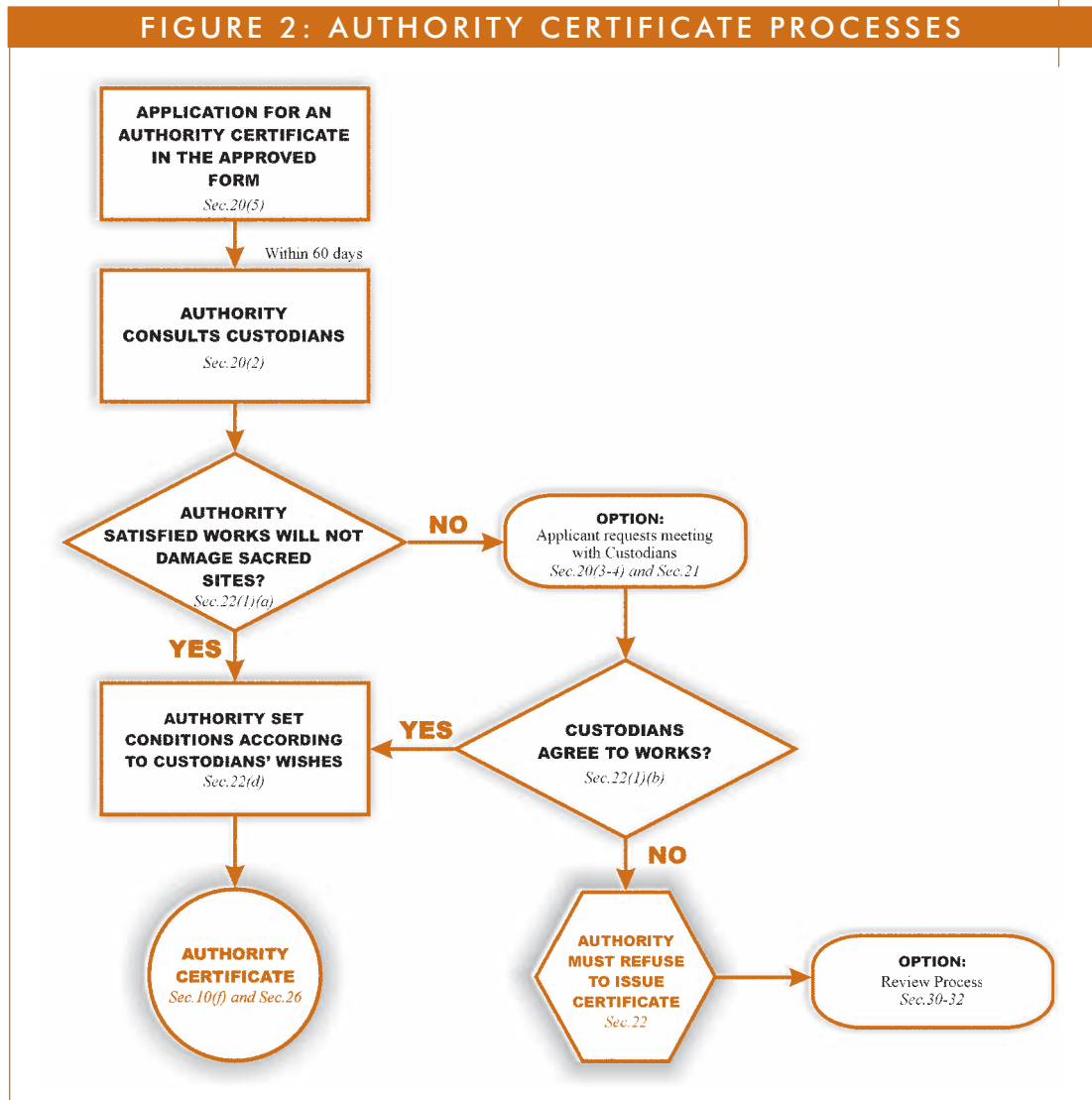
PERFORMANCE MEASURES	2002-03 ESTIMATE
<b>- Quantity -</b> Requests for Register inspections, sites recorded and applications for Authority Certificates completed	700
<b>- Quality -</b> Statutory appeals minimised	<1%
<b>- Timelines -</b> Average elapsed time between request and completion of service	60 days
<b>- Cost -</b> Cost per request completed	\$3 740

# OUTCOMES

## 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 is represented in Figure 2.



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. For these purposes, Authority Certificate applications include applications for Custodian Notification Processes (CNP) under Authority Certificates issued for the Darwin-Alice Springs Railway that allow for supplementary procedures similar to Authority Certificate applications.

In 2002-3 there were 153 Certificate applications and 4 CNP applications (total 157). This compares with 144 Certificate applications and 9 CNP applications (total 153) in 2001-2. Figure 3 shows the regional distribution of Authority Certificates issued and applied for in 2002-3. Major projects involve more than one region.

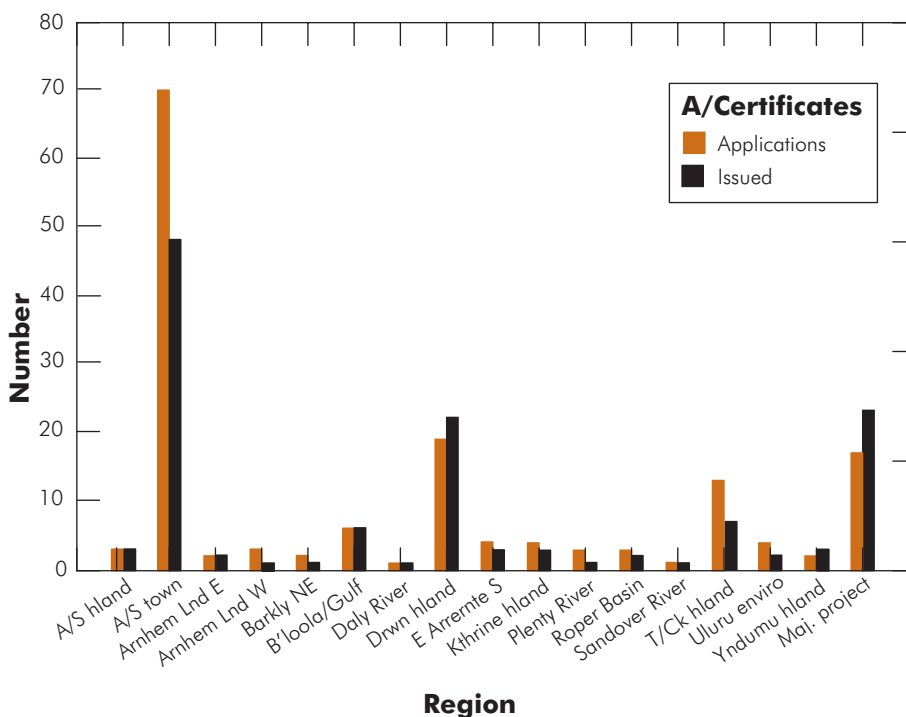
## OUTCOMES

While the small numbers involved caution against generalisation, the regional distribution of Authority Certificates is a reflection of new land-use activities in the region and the perceived risk in relation to sacred sites. The largest numbers of applications and issues relate to the urban and peri-urban Alice Springs, the Darwin Hinterland and the Tennant Creek Hinterland.

Many of these in Alice Springs are for residential land, whereas such applications are uncommon elsewhere. For Alice Springs the 70 Certificate applications and 48 Certificates issued in 2002-3 represent an increase of 63% and 33% over the previous financial year. Following publicity of landowner concerns about sacred sites in the vicinity of the Carmichael Valley Estate, there was increased demand from residents and developers in Alice Springs for Authority Certificates. Consequently, the numbers of Authority Certificates for residential freehold land in the town in 2002-3 was 27 compared with 5 the previous year.

Multi-regional Authority Certificates for Major Projects typically are relatively complicated in so far as they involved several different groups of custodians and areas of land. While the numbers of Authority Certificates in single remote regions is generally small, these typically involve substantial travel and other operational costs associated with the distance and accessibility of the subject land and custodians.

**FIGURE 3:  
REGIONAL DISTRIBUTION OF AUTHORITY CERTIFICATES**



## OUTCOMES

In 2002-3 the Authority issued 127 Certificates, 4 CNP advices, total 131 completions. Applicants withdrew 10 Certificate applications and in one case, the Authority was unable to issue a Certificate. This compares with 122 Certificates, 11 CNP advices, totaling 133 completions in 2001-2. In that financial year applicants withdrew 17 Certificate applications and 2 CNP applications, and was unable to issue 2 Certificates. The numbers for 2002-3 and 2001-2 are similar, with the only notable trend being a reduction in activity related to the Darwin-Alice Springs railway.

**FIGURE 4:  
AUTHORITY CERTIFICATES ISSUED, WITHDRAWN OR REFUSED**

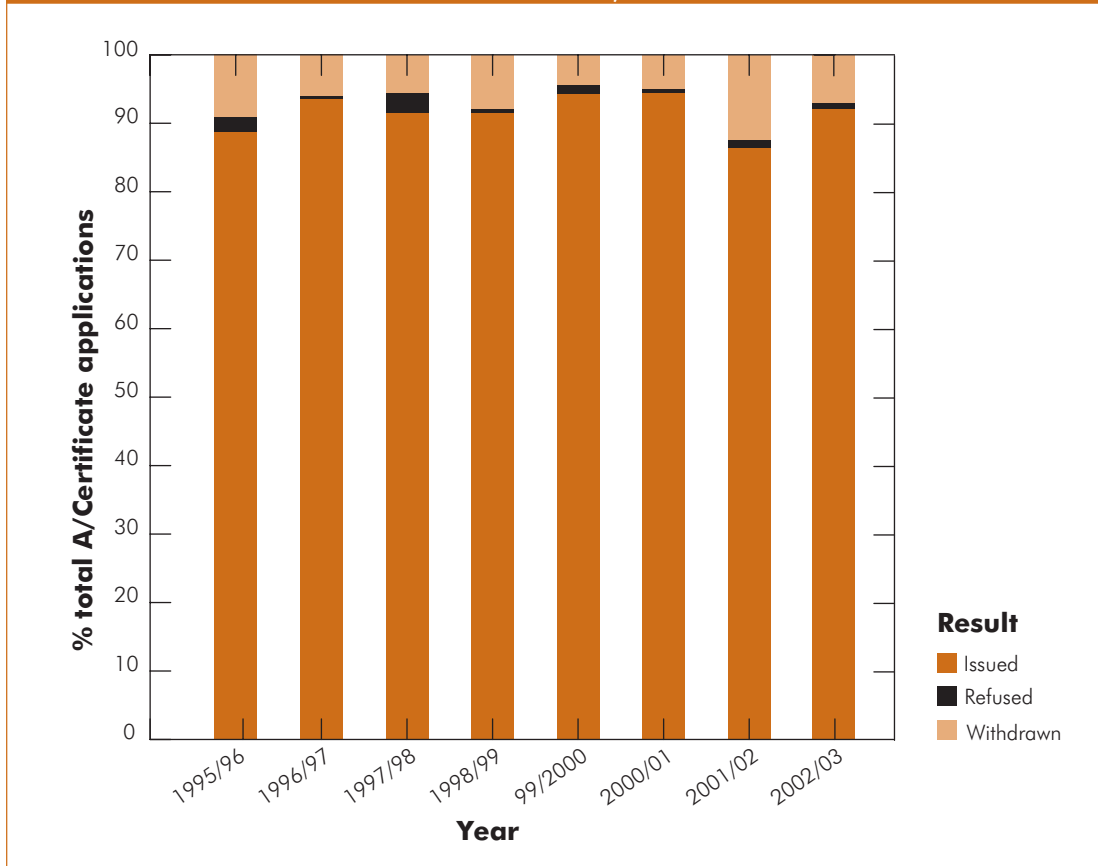


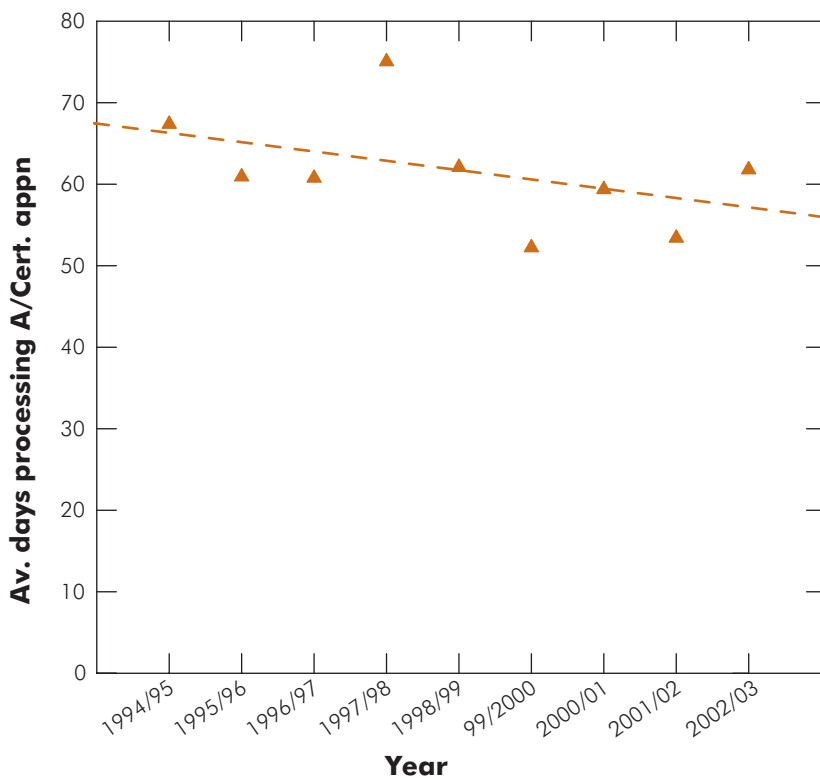
Figure 4 shows that the proportions of Authority Certificate applications that were concluded by issue, applicant withdrawal or refusal was similar in 2002-3 to previous years. In 2002-3 92% of Authority Certificates (and CNP) applications processed were issued, 7% withdrawn and <1% refused. This compares with 86%, 12% and 1% in 2001-2, respectively.

## OUTCOMES

### TIMELINESS

In 2002-3 it took an average of 62 days to process Authority Certificates (including CNPs) compared with 53 in 2001-2. Figure 5 shows that there remains an overall trend towards quicker processing times. In 2002-3 the Authority processed a larger proportion of Certificates within 60 days than in any year apart from 2000/01 and 2001/02.

**FIGURE 5:  
TIME TO PROCESS AUTHORITY CERTIFICATE APPLICATIONS**



The greatest delays were for the processing of 'Major Project' Certificates, which are generally the most complicated applications to expedite. On average these took 112 days to complete. However, for some of these, completion was dependent on external involvement (mainly the Central Land Council) that slowed processing time. The 'Major Project' Certificates that did not involve such delays were completed in an average of 81 days.

## OUTCOMES

### REGISTER OF SACRED SITES AND SITE ARCHIVES



The number of sites recorded for the first time in 2002-3 was less than that in the previous years. Partly this reflects a change in activities in 2000-1 and 2001-2 when substantial numbers of sites were recorded during Custodian Notification Processes (CNP) for the Darwin-Alice Springs railway in areas not previously surveyed by the Authority. The number of Aboriginal sacred sites that will be first recorded in any year will tend to decline with successive site surveys. The increases in 2000-1 and 2001-2, for the reasons given, may be exceptions to the trend. If so, the numbers of sites recorded for the first time in 2002-3 may reflect the longer-term trend with a tapering-off of Certificate work related to the railway project.

The number of requests for Registration was also higher in 2001-2 than in the present year, when there were about the same number as in 1999-2000 and 2000-1.

In 2002-3, 35 sites were added to the Register of Sacred Sites, compared with 53 in the previous year. However, an additional 12 Registered sites were reviewed at Authority meetings and re-entered upon the Register with corrections to the records. The total number of sites reviewed for Registration by the Authority was 47.

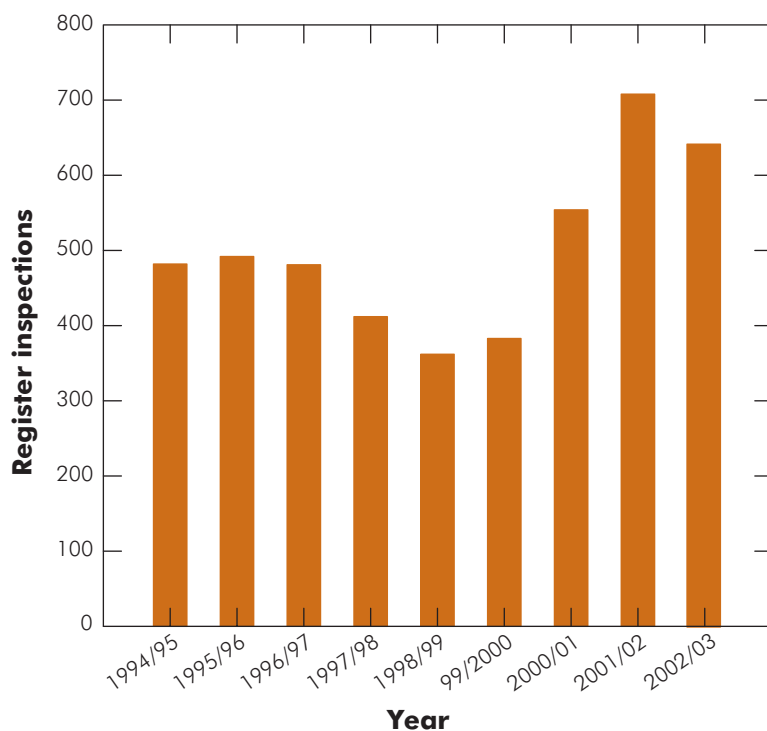


## OUTCOMES

The review of past Registered sites in 2002-3 reflects the Authority's increasing effort to improve the quality of its records on the public Registers and in its archives. For the archive of recorded sites this includes increased effort to distinguish sacred sites from other kinds of Aboriginal heritage sites, which are protected under other legislation, and from named places.

### REGISTER AND ARCHIVAL INSPECTIONS

**FIGURE 7:  
ANNUAL INSPECTIONS OF REGISTER OF SACRED SITES  
AND SITES ARCHIVES**



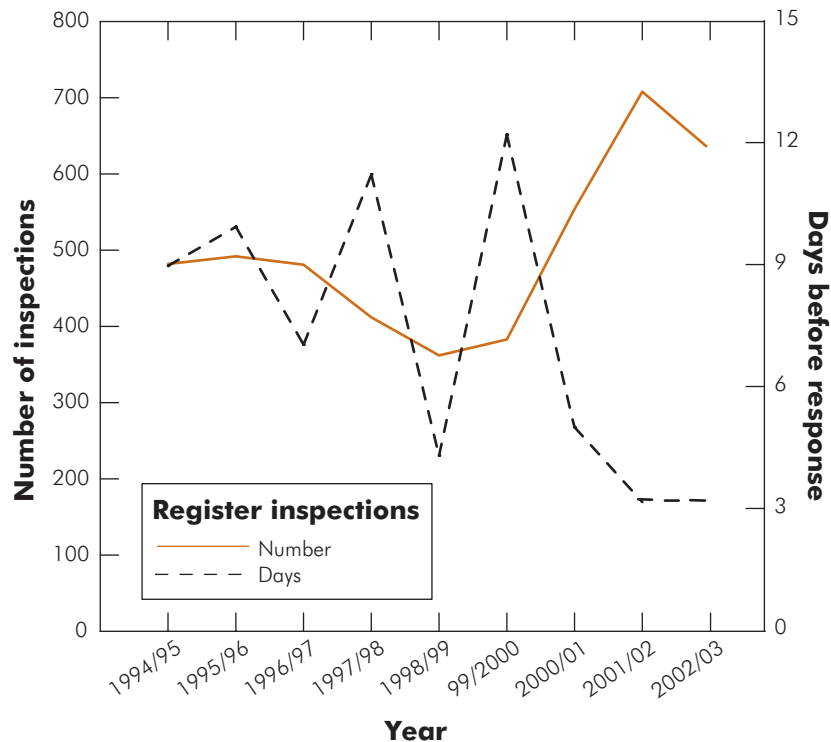
In 2002-3, the Authority responded to 639 requests for inspections of the Register of Sacred Sites and other Authority sacred sites archives. This compares with 708 in 2001-2, however the 2002-3 year saw the second highest annual demand for this service. The increase in Authority Certificate applications for residential land in Alice Springs in 2002-3 may partly explain the lower number of inspections this year, as Authority Certificates obviate the need for Register Inspections during conveyancing or prior to building.

In both 2001-2 and 2002-3, the average time taken to complete the request was 3 days, which is quicker than in the previous years as shown in Figure 8.



## OUTCOMES

**FIGURE 8:  
NUMBER OF REGISTER AND ARCHIVAL INSPECTIONS  
AND RESPONSE TIMES**



### ADVICE TO CLIENTS AND THE BROADER COMMUNITY

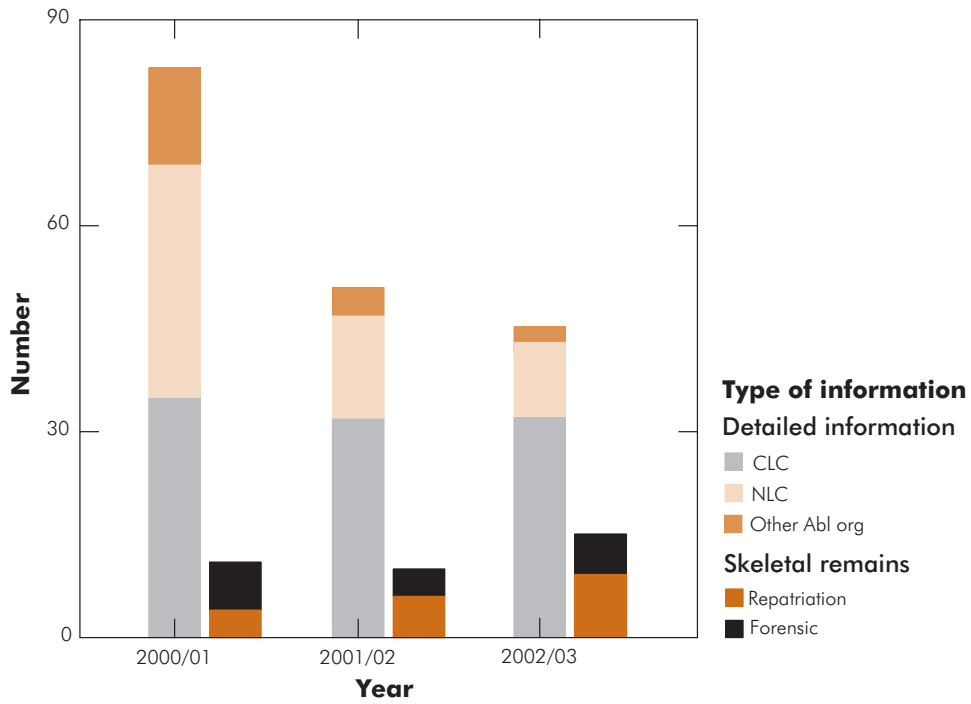
The Authority also provides advice on more general issues relating to the identification and protection of sacred sites in the Northern Territory. Aboriginal organisations acting as the Territory's native title representative bodies have continued to be major beneficiaries of this service (see Figure 9, next page). Each request recorded in Figure 9 often resulted in representatives of the organisation concerned viewing many reports and receiving many maps. In 2002-03 the Central Land Council made 32 requests, the Northern Land Council 11, and other Aboriginal organisations, 2 (a total of 45).

Responsibilities acquired under the *Heritage Conservation Act 1991* (see above) have also resulted in a number of requests associated with both forensic enquiries and the repatriation of skeletal remains (Figure 9). In 2002-03 the Authority received 9 requests associated with the repatriation of skeletal remains and 6 requests for forensic assistance (a total of 15).

These figures compare with 51 requests for information from Aboriginal organisations and 10 requests for assistance with human remains in 2001-02.

## OUTCOMES

**FIGURE 9:  
ENQUIRIES RELATING TO SKELETAL REMAINS AND REQUESTS  
FOR INFORMATION FROM ABORIGINAL ORGANISATIONS**



*Custodians and Staff on fieldwork, Barkly Tablelands.*

# HUMAN RESOURCES—MANAGING OUR PEOPLE

## OVERVIEW

The principles of human resource management contained in the *Public Sector Employment and Management Act 1993* inform the human resource management policy and procedures of the Authority although the Authority is not an ‘agency’ under that Act. The Authority complies with provisions of anti-discrimination legislation, in particular, the Northern Territory’s *Anti-Discrimination Act* as at 2002. 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* as at 2002.

## 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*. The Commissioner for Public Employment has approved terms and conditions for staff employed by the Authority as required by the *Sacred Sites Act*. The Commissioner for Public Employment has not approved any additional terms or conditions for staff employed under Section 17 of the *Sacred Sites Act*, in the period under report.

## EQUAL EMPLOYMENT OPPORTUNITY

### POLICY OBJECTIVES

The Authority’s Equal Employment Opportunity Plan 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.

The plan to achieve these objectives includes the provision of 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 Plan includes 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.

## HUMAN RESOURCES—MANAGING OUR PEOPLE

### WORKPLACE HARASSMENT

The objective of this policy and procedures is to provide guidance for employees on the prevention and elimination of any form of harassment of employees within the Aboriginal Areas Protection Authority. It also provides procedures for the resolution of both formal and informal complaints. Staff with managerial responsibilities are made aware of the Authority's obligations under the *Anti-Discrimination Act* as at 2002 and the principles of equity and merit which underpin the Authority's Equal Employment Opportunity objectives.

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

The Authority has in place a Service Agreement with the Employees Assistance Service NT Incorporated (EAS). The service provided by EAS includes the provision of qualified counsellors to assist with the resolution of workplace and family issues that effect the staff of the Authority.

### OCCUPATIONAL HEALTH AND SAFETY

In accordance with the *Northern Territory Work Health Act* as at 2002 the Authority's Occupational Health and Safety objective remains the prevention of occupational injuries and diseases and has sought to identify, assess and control risks arising in the workplace.

The Commitment of the Authority to OH&S is demonstrated by its high emphasis on fieldwork safety and training at its Darwin and Alice Springs offices and the low incidence of work injuries over the past five years. Staff of both offices feel they are free to raise OH&S issues with the nominated OH&S officer and receive a prompt response.

The OH&S unit of the Department of Corporate and Information Services (DCIS) will be engage to conduct a review of the Authority's OH&S and security procedures in both the Darwin and Alice Springs offices.

### WORKER'S COMPENSATION

- There were no worker's compensation claims made within the period of the report.

### STAFF TRAINING AND DEVELOPMENT

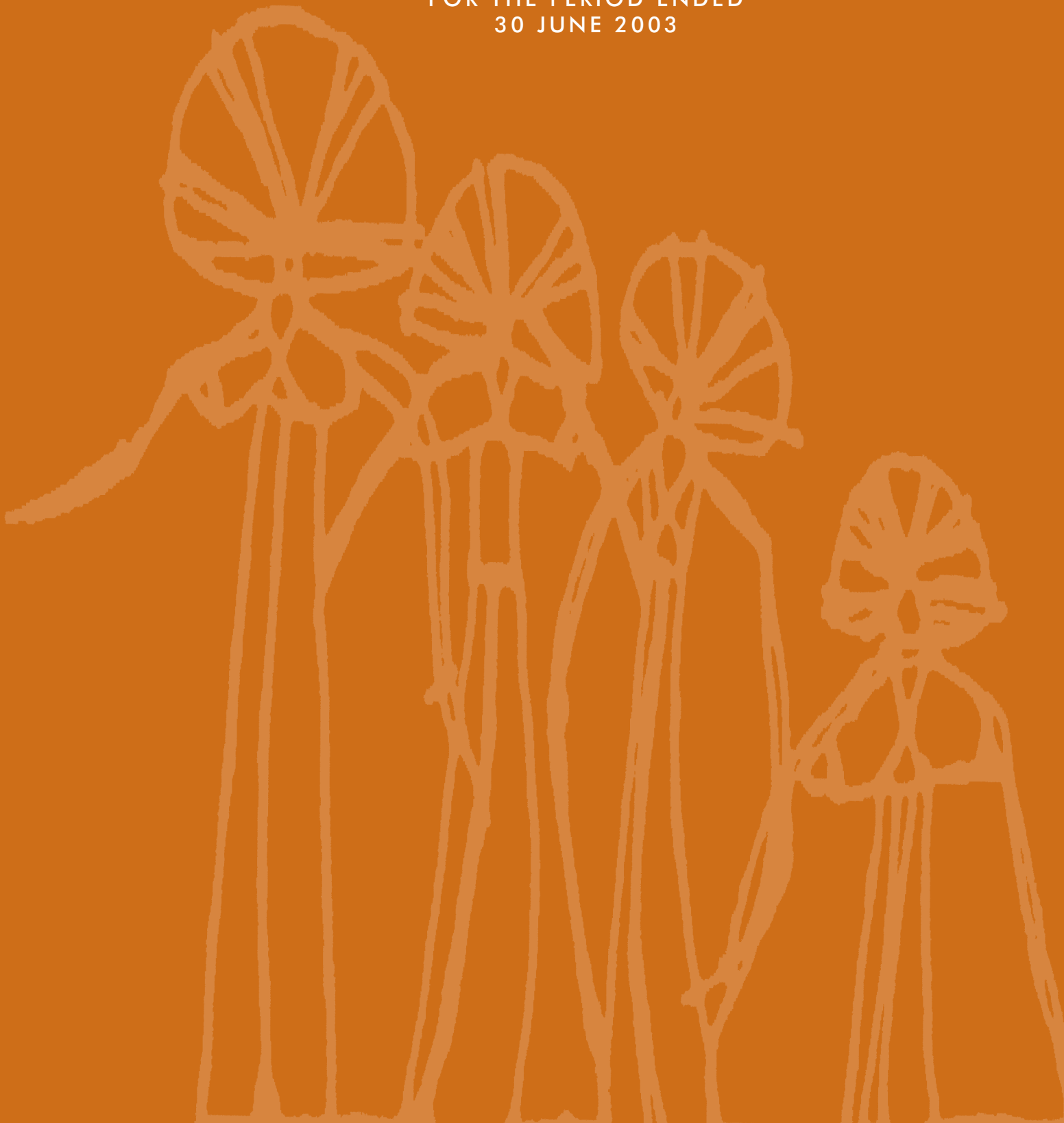
The Training Policy is designed to ensure that the Training and Development Program focuses on providing the skills and competencies necessary for staff to perform the tasks involved in achieving the desired outcomes of the Authority. The Authority's training policy recognises that training (and hence, learning) is a continuous process integrated with, and running parallel to, work. Work experience is the primary source of learning and therefore the area where most of the Authority's training is focused.

The Authority spent \$25,929 on training programs in 2002-2003 representing 1.9% of total salary expenditure.

ABORIGINAL AREAS PROTECTION AUTHORITY

**FINANCIAL STATEMENTS**

FOR THE PERIOD ENDED  
30 JUNE 2003





ABORIGINAL AREAS PROTECTION AUTHORITY

GPO BOX 1890  
DARWIN NT 0801  
TELEPHONE: (08) 8981 4700  
FACSIMILE: (08) 8981 4169

3 December 2003

The Hon John Ah Kit MLA  
Minister assisting the Chief Minister on Indigenous Affairs  
Parliament House  
DARWIN NT 0801

Dear Minister

In accordance with provisions of the *Northern Territory Aboriginal Sacred Sites Act 1989* and the *Financial Management Act 1995*, I am pleased to submit the following Financial Statements for the Aboriginal Areas Protection Authority for the Financial Year 1 July 2002 to 30 June 2003.

The Statements refer to the fourteenth year of operation of the Aboriginal Areas Protection Authority.

To the best of my knowledge and belief, the system of internal control provides assurance that:

- a) proper records of all transactions affecting the Aboriginal Areas Protection Authority are kept and employees under my control observe the provisions of the *Financial Management Act 1995*, the Financial Management Regulations and Treasurer's Directions;
- b) procedures within the Aboriginal Areas Protections Authority afford proper control over expenditure, receipts and public property consistent with my responsibilities as accountable officer and in accordance with Section 13 of the *Financial Management Act 1995*;
- c) there is no indication of malpractice, fraud, major breach of legislation or delegation, major error in or omission from the accounts records;
- d) in accordance with the requirements of Section 15 of the *Financial Management Act 1995*, the internal audit capacity available to the Aboriginal Areas Protection was adequate and the results of internal audit were reported to me;
- e) financial statements included in the report were prepared from proper accounts and records were in accordance with Part 2, Section 5 of the Treasurer's Directions. All financial statements prepared by the Department of Corporate and Information Services, on behalf of the Aboriginal Areas Protection Authority, were prepared from proper accounts and records; and
- f) all employment instructions issued by the Commissioner for Public Employment were complied with.

Yours sincerely

DR JOHN AVERY  
Acting Chief Executive Officer

## ABORIGINAL AREAS PROTECTION AUTHORITY

### SUMMARY FOR YEAR ENDED 30 JUNE 2003

<b>APPROPRIATION SUMMARY</b>				
	PUBLISHED BUDGET 2002-03 \$000	FINAL ESTIMATE 2002-03 \$000	VARIANCE \$000	NOTES
<b>Output Appropriation</b>	2 266	2 202	-64	(1)
Capital Appropriation	38	38		
<b>TOTAL APPROPRIATION</b>	<b>2 304</b>	<b>2 240</b>	<b>-64</b>	

#### Significant Variances

(1) Long Service Leave expense transferred to the Central Holding Authority

<b>FINANCIAL SUMMARY</b>				
	PUBLISHED BUDGET 2002-03 \$000	FINAL ESTIMATE 2002-03 \$000	VARIANCE \$000	NOTES
<b>Statement of Financial Performance</b>				
Operating Revenue	2 532	2 572	40	(1)
Operating Expenses	2 553	2 514	-39	(2)
Net Operating Surplus	-21	58	79	
<b>Statement of Cash Flows</b>				
Net Cash from Operating Activities	-185	-53	132	(3)
Net Cash from Investing and Financing Activities	2 553	2 514	-39	(2)
<b>Statement of Financial Position</b>				
Net Assets	-15	65	80	(4)
(1) Grant from the Aboriginal Institute of Aboriginal and Torres Strait Islander Studies			41	
(2) Lower than expected employee expenses due to difficulties in filling positions			-98	
Additional accrued expenses			72	
(3) Net cash changes relating to Notes (1) and (2)			139	
(4) Asset changes relating to Note (3)			132	
Increase in Provisions			-44	



## ABORIGINAL AREAS PROTECTION AUTHORITY

### STATEMENT OF FINANCIAL PERFORMANCE FOR YEAR ENDED 30 JUNE 2003

<b>OPERATING REVENUE</b>	
	2003 \$'000
<b>Grants and Subsidies</b>	
Current	26
<b>Sale of Goods and Services</b>	
Output	2,202
Other Agency Revenue	341
<b>Miscellaneous Revenue</b>	
Miscellaneous Revenue	3
<b>Total Operating Revenue</b>	<b>2,572</b>
<b>OPERATING EXPENSES</b>	
<b>Employee Expenses</b>	
Employee Expenses	1,583
<b>Administrative Expenses</b>	
Purchase of Goods and Services	916
Repairs and Maintenance	2
Depreciation and Amortisation	12
Other Administrative Expenses	2
<b>Total Operating Expenses</b>	<b>2,514</b>
<b>NET OPERATING PROFIT/(LOSS)</b>	<b>58</b>

### STATEMENT OF FINANCIAL POSITION FOR YEAR ENDED 30 JUNE 2003

<b>ASSETS</b>	
	2003 \$'000
<b>Current Assets</b>	
Cash and deposits	263
Receivables	114
Prepayments	1
Other	0
<b>Total Current Assets</b>	<b>378</b>
<b>Non-current Assets</b>	
Property, plant and equipment	42
<b>Total Non-current Assets</b>	<b>42</b>
<b>TOTAL ASSETS</b>	<b>420</b>
<b>Current Liabilities</b>	
Creditors and accruals	73
Provisions	282
<b>Non-current Liabilities</b>	
Provisions nc	0
<b>Total Non-current Liabilities</b>	<b>0</b>
<b>TOTAL LIBABILITIES</b>	<b>356</b>
<b>NET ASSETS</b>	<b>65</b>



## ABORIGINAL AREAS PROTECTION AUTHORITY

### STATEMENT OF CASH FLOWS FOR YEAR ENDED 30 JUNE 2003

<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
	2003 \$'000 INFLOWS/(OUTFLOWS)
<b>Operating Receipts</b>	
Grants and Subsidies Received	
Current Grants and Subsidies Received	26
Receipts from Sales of Goods and Services	
Output Revenue Received	2,202
Other Agency Receipts	405
<b>Total Operating Receipts</b>	<b>2,633</b>
<b>Operating Payments</b>	
Payments to Employees	(1,532)
Transfer of Long Service Leave Liability	
Transfer of Long Service Leave	(186)
Payments for Goods and Services	(968)
<b>Total Operating Payments</b>	<b>(2,686)</b>
<b>NET CASH PROVIDED BY/(USED IN) OPERATING ACTIVITIES</b>	<b>(53)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
<b>Investing Payments</b>	
Purchase of Assets	(24)
<b>Total Investing Payments</b>	<b>(24)</b>
<b>NET CASH PROVIDED BY/(USED IN) INVESTING ACTIVITIES</b>	<b>(24)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>	
<b>Financing Receipts</b>	
Equity Injections	224
<b>Total Financing Receipts</b>	<b>224</b>
<b>NET CASH PROVIDED BY/(USED IN) FINANCING ACTIVITIES</b>	<b>224</b>
Non Cash	0
Net Increase/Decrease in Cash Held	147
Opening Balance	116
<b>CASH AT END OF REPORTING PERIOD</b>	<b>263</b>

## ABORIGINAL AREAS PROTECTION AUTHORITY

### WRITE-OFFS, POSTPONEMENTS AND WAIVERS FOR YEAR ENDED 30 JUNE 2003

CATEGORY	
	\$'000
<b>Write-offs, Postponements And Waivers Under The Act</b>	
Amounts written off or waived by Delegated Officers	NIL
Amounts written off or waived by the Treasurer	NIL
<b>Write-offs, Postponements And Waivers Authorised Under Other Legislation</b>	
Amounts written off or waived by Delegated Officers	NIL
<b>TOTAL</b>	<b>NIL</b>

### EMPLOYEE ENTITLEMENTS OUTSTANDING FOR YEAR ENDED 30 JUNE 2003

CATEGORY	
	\$'000
<b>Current</b>	
Recreation Leave	206
Recreation Leave Fares	10
Leave Loading	39
Long Service Leave (Transferred to Central Holding Authority of Northern Territory Treasury)	NIL
<b>TOTAL</b>	<b>255</b>

### METHODOLOGY

#### 1. RECREATION LEAVE

The Value of recreation leave entitlements is calculated by PIPS based on employees' actual salaries and entitlements at 30 June 2003.

#### 2. RECREATION LEAVE FARES

Recreation Leave Fares entitlements are calculated based on 2002/03 actuals.

#### 3. LEAVE LOADING

The Value of leave loading entitlements is calculated by PIPS based on employees' actual salaries and entitlements at 30 June 2003.

**OUTPUT PERFORMANCE REPORT  
AS AT 30 JUNE 2003**

**Output Group: Protection of Sacred Sites  
Output: Protection of Sacred Sites**

PERFORMANCE TARGET	2002-03 TARGET/BUDGET	2002-03 ESTIMATED	2002-03 ACTUAL	EXPLANATION OF VARIATIONS
<b>QUANTITY</b>				
Requests for Service	700	800	813	In the reporting period there was an increased number of requests for Register inspections particularly in the Alice Springs Region.
<b>QUALITY</b>				
% of appeals	<1%	<1%	<1%	Achieved Target
<b>TIMELINESS</b>				
Within agreed Time Frames <60Days	60days	60 days	60 days	Achieved Target
<b>COST</b>				
Cost per request Completed	3740	3190	3092	Less complicated applications decreases overall unit cost.
<b>OUTPUT COST \$'000</b>	<b>2617</b>	<b>2553</b>	<b>2514</b>	



NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30.6.2003

**NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

The Aboriginal Areas Protection Authority was established as a body corporate on 15th August 1989 by the *Northern Territory Aboriginal Sacred Sites Act 1989*.

The functions of the Authority are:

- Protection of sacred sites.
- Establish and maintain a Register of Sacred Sites.
- Respond to requests from Aboriginal custodians for site protection.
- With the approval of Aboriginal custodians, issue certificates setting out conditions under which developments may proceed without endangering sites of cultural importance.
- Carry out surveys to determine the constraints, if any, imposed by the existence of sacred sites on works or use of land.

The Authority is predominantly funded by annual appropriations by the Northern Territory Government.

**BASIS OF ACCOUNTING**

The Aboriginal Areas Protection Authority is an agency for the purposes of the *Financial Management Act 1995*. The Authority has presented the Financial Statements in accordance with the new Agency Management Principles adopted under the Working for Outcomes framework.

Working for Outcomes establishes an accrual output based financial and performance management framework for the effective and efficient delivery of outputs. This expands the previous cash framework by facilitating comprehensive management of all government resources.

Working for Outcomes has a staged implementation plan. Stage 1 comprises accrual financial information with cash appropriation. Funding is provided through two separate appropriations: output appropriation and capital appropriation.

Effective financial management under Working for Outcomes requires use and analysis of the three financial statements: Statement of Financial Performance (shows the financial effects of management decisions on operating activities), Statement of Financial Position (shows the impact of decisions on the Authority's net assets available to support its future operating activities, and Statement of Cash Flows (shows the cash effects of the Authority's management decisions).