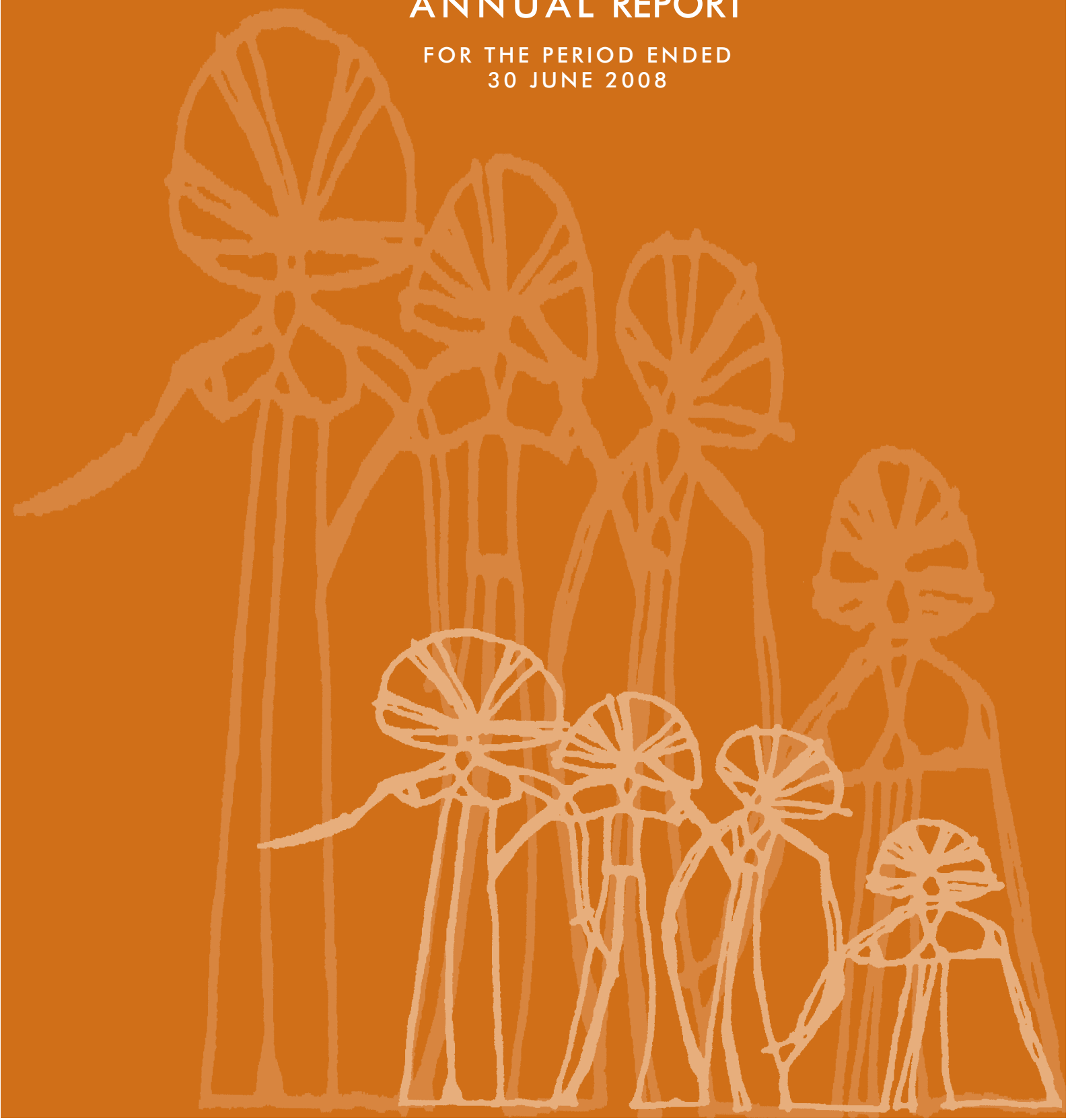


NORTHERN TERRITORY OF AUSTRALIA
ABORIGINAL AREAS PROTECTION AUTHORITY

ANNUAL REPORT

FOR THE PERIOD ENDED
30 JUNE 2008





ABORIGINAL AREAS PROTECTION AUTHORITY

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24 November 2008

The Hon Marion Scrymgour MLA
Minister for Indigenous Policy
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 2007 to 30 June 2008.

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

Yours sincerely

A handwritten signature in black ink, which appears to read 'Miliwanga Sandy'. The signature is written in a cursive, flowing style.

MILIWANGA SANDY
Chairman

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HOW TO CONTACT US

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INTRODUCTION



FROM THE CHAIRMAN

This year has been another year of busy activity for the Aboriginal Areas Protection Authority. I have been pleased that Authority Board meetings have been held in Alice Springs and Darwin.

Our culture and ceremonies are all associated with sacred sites and to keep these strong, sites require protection. All Authority members and Aboriginal custodians see registration of sacred sites as important in providing long-term protection. There have been a number of site damage issues this year, and the incidence of site damage is a cause of great distress to custodians.

It is very important that Authority members and staff maintain communication with land users and Government Departments to ensure that best practice site procedures are developed. The Authority will continue to meet with these land users and Government Departments during 2008-09.

Throughout the year, the Board has spent a lot of time discussing the Australian Government Northern Territory Emergency Response into Aboriginal Communities. While not directly associated with sacred sites, the Board has considered the impacts of the Intervention on the culture of Aboriginal people as directly relevant to sacred site protection. I have observed the impacts of the Intervention in my own community of Beswick, but I have also learnt much from my fellow Board members about the impacts in their communities.

This year the Authority has provided Authority Certificates for major works, projects, mining and industrial developments and I would like to express our thanks and appreciation for the dedicated and professional work of Authority staff. The large increase in workload this year has created challenges for all of us.

It is an honour to be working with such a significant group of Aboriginal people on the Board who represent all the regions of the Territory. I would particularly like to acknowledge the passing of our longest serving member, Mr Hammer. He gave us all great strength and his wisdom and guidance will be sorely missed.

On behalf of the Board I recognise the long-term efforts and commitment to Aboriginal people and their culture by our former CEO Mr Jeff Stead and wish Jeff and his family well. I look forward to working with staff and custodians during the next year.



Miliwanga Sandy

MILIWANGA SANDY
Chairman

INTRODUCTION

FROM THE DEPUTY CHAIRMAN

In the past year in my role as Deputy Chairman, I have provided Board representation on a number of sacred sites related issues that are restricted to men.

The Deputy Chairman has an important role in providing leadership and supporting the Chairman and the Board.

I have also worked with Board members representing the southern half of the Territory and have noted the increasing minerals exploration in Central Australia. This brings a range of issues and challenges for the protection of sacred sites in remote areas and in towns and communities as more development and infrastructure is required to support these mining activities.

Nowhere is the pressure of new development more apparent than in Alice Springs. Alice Springs is a sacred landscape for Arrernte custodians. The Board is working with Authority staff to mediate the pressure of development in Alice Springs on the cultural lives of custodians.

The passing of our longest serving Board member, Mr Hammer, has brought great sadness to the Board. His contributions and achievements in bringing people together have been significant in the protection of sacred sites right across the Territory.



BERNARD ABBOTT
Deputy Chairman



INTRODUCTION

CHIEF EXECUTIVE OFFICER'S FOREWORD

This Annual Report, along with fulfilling the Authority's reporting requirements, attempts to provide the public with an understanding of the principles behind the work of the Authority and an account of the Authority's activities.

Sacred sites are the vital cultural and spiritual places which link Aboriginal people to their land and cultural traditions. Northern Territory Aboriginal people have cultural traditions and practices going back for tens of thousands of years. Approximately 30 per cent of the NT population is Indigenous, 50 per cent of the land, and 83 per cent of the coastline is controlled by Aboriginal people.

The economy of the Northern Territory is strongly based on industries such as mining, agriculture, fishing, tourism and pastoralism. All of these industries require access to land and may potentially impact on sacred sites. The protection of sacred sites is of critical importance to Aboriginal people, but also to the cultural identity of the Northern Territory more broadly.

The Northern Territory leads Australia in the protection of sacred sites. The *Northern Territory Aboriginal Sacred Sites Act 1989 (Sacred Sites Act)*, is regarded as the 'best practice' framework for the protection of sacred sites in Australia. The Aboriginal Areas Protection Authority is established under this legislation and plays a central role in bringing about innovative solutions to the protection of sacred sites in the context of diverse land uses.

In 2007-08, the workload of the Authority on Authority Certificates increased by approximately 70 per cent. This has placed significant pressure on the resources of the Authority and its capacity to respond to site protection issues in a timely manner. To address this, a review of the organisation and its processes has been undertaken to ensure that the Authority can best target its available resources to better protection of sacred sites.

The increase in workload has arisen from the minerals boom and also from the Australian Government's Northern Territory Emergency Response. The Authority has been proactive in protecting sacred sites amid an environment of dramatic policy change and increased commercial activity.

Site damage incidents this year have also had a significant impact on the Authority's workload. Custodians have been deeply distressed by the nature of these incidents. The *Sacred Sites Act*, in its current form, requires considerable resources to be directed at addressing issues of evidence and possible prosecution. This investigative workload is very expensive and disruptive to the ongoing site protection responsibilities of the Authority.

An example of this was at Idracowra station where an investigation of a possible breach of the *Sacred Sites Act* led to costly court proceedings. This matter was found in favour of the Authority, with the case highlighting the fundamental right of the Authority and custodians to access pastoral land for the purpose of protecting sacred sites.

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 the development of cultural heritage management plans, delivery of investigator training and the design and implementation of programs of sacred site registration.

INTRODUCTION

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 the Authority can assist in Indigenous economic development.

The Aboriginal Areas Protection Authority has commenced working with the Dhimurru Rangers, Yirralka Rangers, Thamurrurr Rangers and Larrakia Rangers in developing cultural heritage management skills. 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 further emphasise the empowerment of sacred site custodians to not only protect their sacred sites but to engage in formal planning processes and to actively participate in the investigation of site damage incidents.

To facilitate this collaboration the Authority is involved in two academic research projects associated with the utilisation of Indigenous knowledge in alleviating poverty. These activities are complementary to Closing the Gap initiatives and also to the Federal Government's *Working on Country* program.

The *Northern Territory Aboriginal Sacred Sites Act* applies to all land and tenure types in the Northern Territory, and establishes a protective regime for all sacred sites. In the coming year I look forward to working closely with Northern Territory Land Councils in their role to assist in the protection of sacred sites.

I commenced as CEO in February 2008, taking over from retiring CEO Mr Jeff Stead. I wish to thank Jeff for the work he has done with the Authority and Aboriginal people across the Territory. Jeff has given the Authority a strong base for continued effective protection of sacred sites and for its future directions.

I commend the Board and the staff of the Authority in Darwin and Alice Springs for their commitment to the protection of sacred sites in 2007-08, and look forward to another productive year in 2008-09.



DR BENEDICT SCAMBARY
Chief Executive Office



VALE MR HAMMER

1941-2008

It is with deep sadness that the Aboriginal Areas Protection Authority acknowledges the passing of a great Mara leader and Lawman.

Born in 1941 in the Limmen River bush country, Mr Hammer spent brief periods of his early life at Borroloola and Roper River Mission. Much of the time he lived with his family at various small cattle stations and other bush locations in the Limmen country. Later he took up stock work and worked on stations on the Roper River. Mostly he worked with Ken Hammer on Bauhinia Downs Station in the heart of his Mara country.

In the 1970s he returned to Borroloola and played an increasingly important role in the community, holding positions as the President of the Borroloola Community Government Council and serving on the Rumburriya Malandari Council. He actively participated in the town's night patrol and assisted the police with his superior tracking skills in bush searches.

Mr Hammer was a member of the Northern Land Council and the longest serving Board member of the Aboriginal Areas Protection Authority. He faithfully represented the interests of his people and his region. He served as the Chairman of the Aboriginal Areas Protection Authority from 1997-2007.

Mr Hammer was intimately involved in the traditions of his own Mara people and those of neighbouring Aboriginal groups, from south-east Arnhem Land to the Queensland border. In the early 1980s he became the most senior jungkayi of the Kunapipi, the major high ceremony now performed at Borroloola and elsewhere in the Gulf of Carpentaria. He also travelled overseas to perform Malwa style dance performances of which he was the leading exponent at Borroloola. Mr Hammer also fought hard for recognition of his people's rights to country under the *Land Rights Act* and the *Native Title Act*.

For many years, Mr Hammer was an important ceremony man and organiser of funerals in the Borroloola region. For the hundreds of countrymen, Authority staff, Board members and past CEOs who attended his funeral on August 23, his absence was a stark reminder of the huge gap created by his passing. Mr Hammer's funeral was attended by the Chair Ms Miliwanga Sandy; the Deputy Chair Mr Bernard Abbott, Board Members Mr Pepy Simpson and Mr Robert Tipungwuti; the current CEO Dr Ben Scambary, past CEOs Dr David Ritchie, Dr John Avery and Mr Jeff Stead; current staff members Dr Wlodzimierz Zukowski, Mr Chris Capper, and Mr Ben Maunder; and past employees Mrs Lesley Mearns, Ms Kellie Brahim, and Mr John Dymock.

In his role of Chairman of the Authority, Mr Hammer expanded our understanding of Aboriginal law and culture and inspired our respect and loyalty. He is sadly missed.

INTRODUCTION

PURPOSE OF THE REPORT

This is the nineteenth 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 2007-08 Financial Year. This report includes the Authority's Financial Statements and shows compliance with standards of internal control in accordance with the reporting requirements of the *Financial Management Act 1995*, the Treasurer's Directions and the Northern Territory Government's Working for Outcomes policy.

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



OVERVIEW

THE ABORIGINAL AREAS PROTECTION AUTHORITY

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

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

FUNCTIONS

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

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



OVERVIEW

AAPA'S ROLE AND VISION

THE AUTHORITY'S ROLE

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

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

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

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

THE AUTHORITY'S VISION

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

KEY WORK AREAS

REGISTRATION OF SACRED SITES

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

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

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

OVERVIEW

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

2007-2008 HIGHLIGHTS

This year was the twenty-ninth 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.

Throughout the reporting period the Authority:

- Maintained links with Territory Government agencies to establish clear procedures in relation to sacred site protection for major works projects.
- Issued 222 Authority Certificates in relation to current and proposed works across the Territory. This is a 72 per cent increase from the 129 issued in the previous year.
- Issued and undertook research for Authority Certificates for major projects including:
 - Bonaparte Gas Pipeline Project;
 - Darwin Harbour gas and industrial estate at Middle Arm;
 - Darwin Convention Centre and the Waterfront project;
 - Weddell Power Station;
 - Alice Springs Desert Park;
 - Alice Springs Power station relocation; and
 - Telstra Optic Cable from Jabiru to Nhulunbuy for 800 km of cable.
- Issued Authority Certificates for other significant projects including:
 - Darwin Harbour and related areas for gas-related industry, for which the Authority received formal thanks from the Department of the Chief Minister;
 - the Warruwi all-weather Airstrip ;
 - 17 road, and associated works projects in a variety of locations, including: Victoria Highway upgrade; 500km of the Kakadu to Ramingining Road; Lasseter Highway; Lajamanu to Tanami Road; the Plenty Highway; Alice Springs town; Dundee Beach; Litchfield Park; Nyrripi and Bickerton Island;
 - 21 enterprise, tourism and national park related projects throughout the Northern Territory including: Alice Springs Desert Park; Mindil Beach; Rainbow Valley; Devil's Marbles; Litchfield Park; Cobourg Peninsula pearling areas; Yulara, Douglas Hot Springs and Gunlom;
 - 18 mining and significant exploration projects across the Territory including: in the areas of Pine Creek, Rum Jungle, Nhulunbuy, Melville Island, Kurundi, Stirling and Mt Skinner Stations, McArthur River, Harts Range, Hamilton Downs, Plenty Highway, and Suplejack Station;
 - various locations within Alice Springs, providing certainty for Alice Springs Town Council in carrying out projects;

OVERVIEW

- 12 projects for pastoral and land management purposes;
- 62 cadastral boundary surveys for the purposes of five-year leases under the Northern Territory Emergency Response;
- 14 town camp housing and infrastructure improvement projects in Tennant Creek and Alice Springs; and
- 20 infrastructure development projects for the Northern Territory and Australian governments; and 35 projects involving the provision of power, water and sewage services in towns and communities across the Territory.
- Responded to 62 Authority Certificate applications for Authority Certificates associated with the Northern Territory Emergency Response for the cadastral boundary survey of Indigenous communities, but also ad hoc purposes.
- Refused to issue 9 Authority Certificates where the Authority was not satisfied that sacred sites could be protected from damage.
- Entered 19 sites into the Register of Sacred Sites including:
 - Nine sites in Warruwi, Gunbalanya and Kakadu; six sites in the VRD area; and
 - Three sites in Alice Springs and hinterland.
- Ratified amendments to the Register for 2 sacred sites.
- Established links with Dhimurru Land Management over their cultural heritage management plan.
- Commenced 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.
- Responded to 19 new reports of sacred site damage, undertaking investigations and negotiations over each report.
- Investigated three incidents of site damage alleged to be associated with the Northern Territory Emergency Response.
- Resolved 16 instances of site damage through consultations with custodians and landowners or developers; and planned action on 27 unresolved site damage reports, including seeking legal advice on five reports, and commencing two prosecutions (as at 30 June 2008).
- Commenced two prosecutions for damage to trees and breach of an Authority Certificate, both in Alice Springs.
- Successfully undertook legal proceedings to ensure access to sacred sites on pastoral properties under Section 47 of the *Sacred Sites Act*.
- Supervised Northern Land Council site protection field work on the Bonaparte Gas Pipeline.
- Met regularly with the Alice Springs Town Council.
- Responded to 1058 information requests regarding sacred sites, a 12 per cent increase on the 946 sacred site information responses in 2006-07.
- Undertook three external reviews of the Authority's organisational structures and processes, and commenced the implementation of their recommendations.

OVERVIEW

CHALLENGES AND DIRECTIONS 2008-2009

- Continue to work with Government agencies in developing and implementing effective sacred site avoidance procedures.
- Continue to meet the increased demand for Authority Certificates and Sacred Sites Register inspections by implementing innovative strategies.
- Implement improved mechanisms for protecting sacred sites at risk, and increasing the number of sacred sites entered into the Register of Sacred Sites by the Authority Board.
- Discuss with the Northern Territory Government further means of clarifying the role of the major Land Councils in site protection.
- Finalise substantial Authority Certificates for the Docker River Road, Tiger Brennan Drive extensions, relocation of the Alice Springs power station, town camp re-development in Alice Springs, and significant areas of mining and minerals exploration.
- Develop and implement coordination mechanisms to ensure effective sacred site protection through Authority Certificates in and around communities as a result of the \$754m Strategic Indigenous Housing & Infrastructure Program roll-out.
- Seek 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.
- Continue to improve the internal processes and structures of the Authority to maintain and enhance best practice in site protection across the Northern Territory
- Develop strategies to maintain Indigenous cultural knowledge in the Territory.
- Consider mechanisms to provide possible compensation for damage to sacred sites.
- Provide Authority Certificates to protect sites and for works occurring as a result of the Australian Government's amendments to the *Aboriginal Land Rights Act* and the Northern Territory Emergency Response.
- Continue to seek a coordinated approach to sacred site protection across all Federal and Northern Territory Government Departments, their contractors and agents in the context of Intervention related infrastructure development
- Expand coordinated approaches to sacred site protection to other contexts that involve multiple stakeholders.
- Continue to work cooperatively with all stakeholders in protecting sacred sites during works on town camps in major towns across the NT, including completion of Authority Certificates for town camps in Alice Springs.
- Continue a broad program of organisational change to achieve increased efficiency in organisational processes and excellence in the protection of sacred sites across the Northern Territory.
- Expand partnerships and collaborations with Indigenous organisations in the protection of sacred sites.

PERFORMANCE REPORTING

PROTECTION OF SITES

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

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

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

OUTPUT GROUP

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

OUTCOME

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

OUTPUT PERFORMANCE

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

PERFORMANCE MEASURES	ACTUAL 2005-06	ACTUAL 2006-07	TARGET 2007-08	ACTUAL 2007-08
- Quantity* -				
Requests for Register inspections, sites recorded and applications for Authority Certificates completed	897	946	850	1058
- Quality -				
Statutory appeals minimised	<1%	<1%	<1%	<1%
- Timeliness -				
Average elapsed time between request and completion of [Authority Certificate] service	123 days	127 days	100 days	135 days

* Footnote: During 2007-08, the collation of data for the Quantity performance measure highlighted an automated data collection error in previous years' collection of Quantity data.

PERFORMANCE REPORTING

In 2007-08, the Authority's overall workload, as measured by the aggregate of all sacred site information requests completed, increased by approximately 12 per cent. The Authority continued to deliver quality outcomes, with less than 1 per cent of Authority Certificates being subject to statutory appeals.

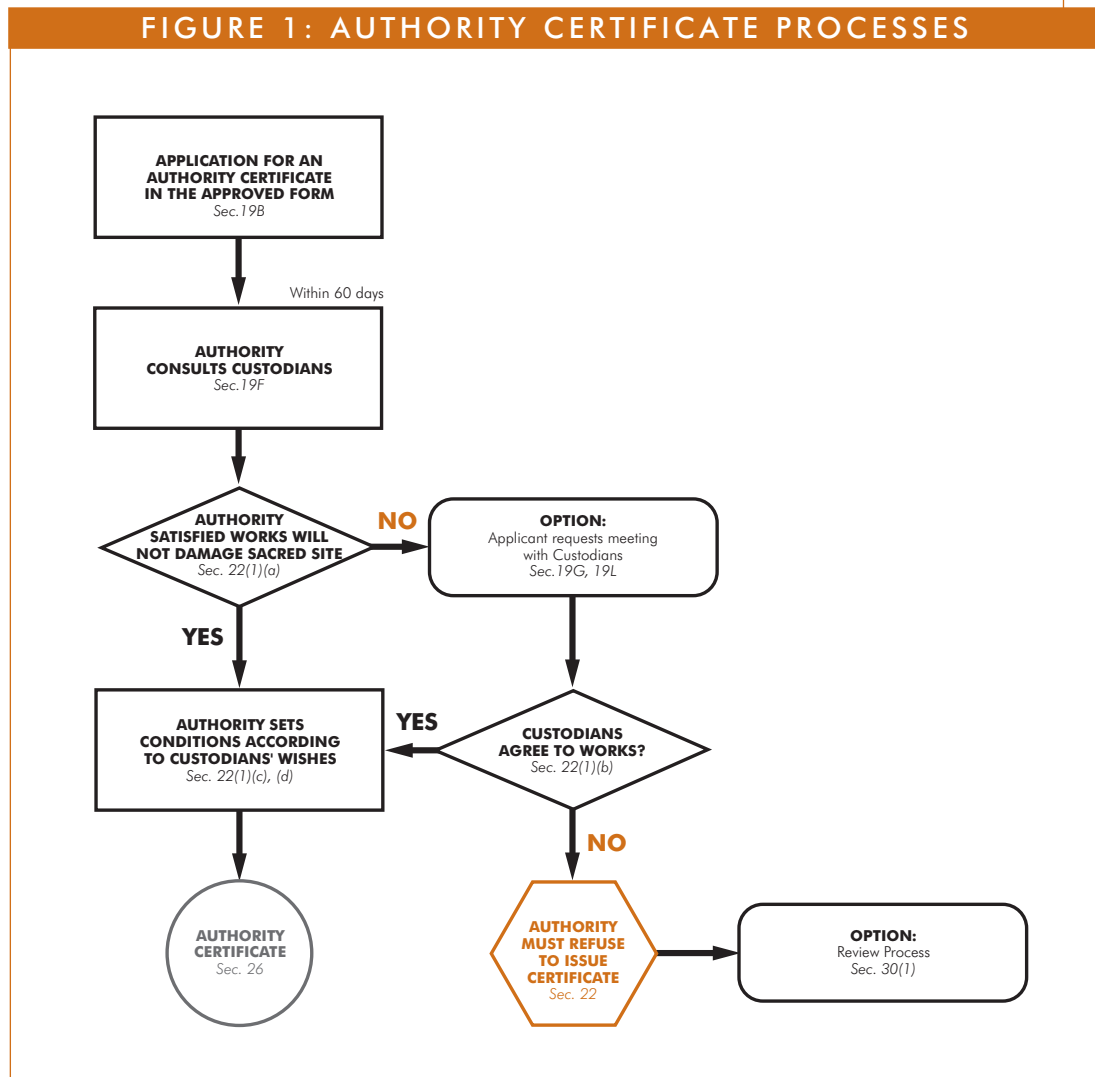
However, average timeliness continues to be an issue, sometimes with requirements for large areas of land to be surveyed for sacred sites, and complex consultations with custodians, for the preparation and issuing of Authority Certificates.

It should be noted that in 2007-08, half of all Authority Certificates (ie 111/222) were issued in 112 days or less, and 75 per cent (ie 166/222) of all Certificates were issued in 178 days or less. Only 25 per cent of Certificates took more than 178 days to issue.

AUTHORITY CERTIFICATES APPLICATIONS AND ISSUES

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

FIGURE 1: AUTHORITY CERTIFICATE PROCESSES



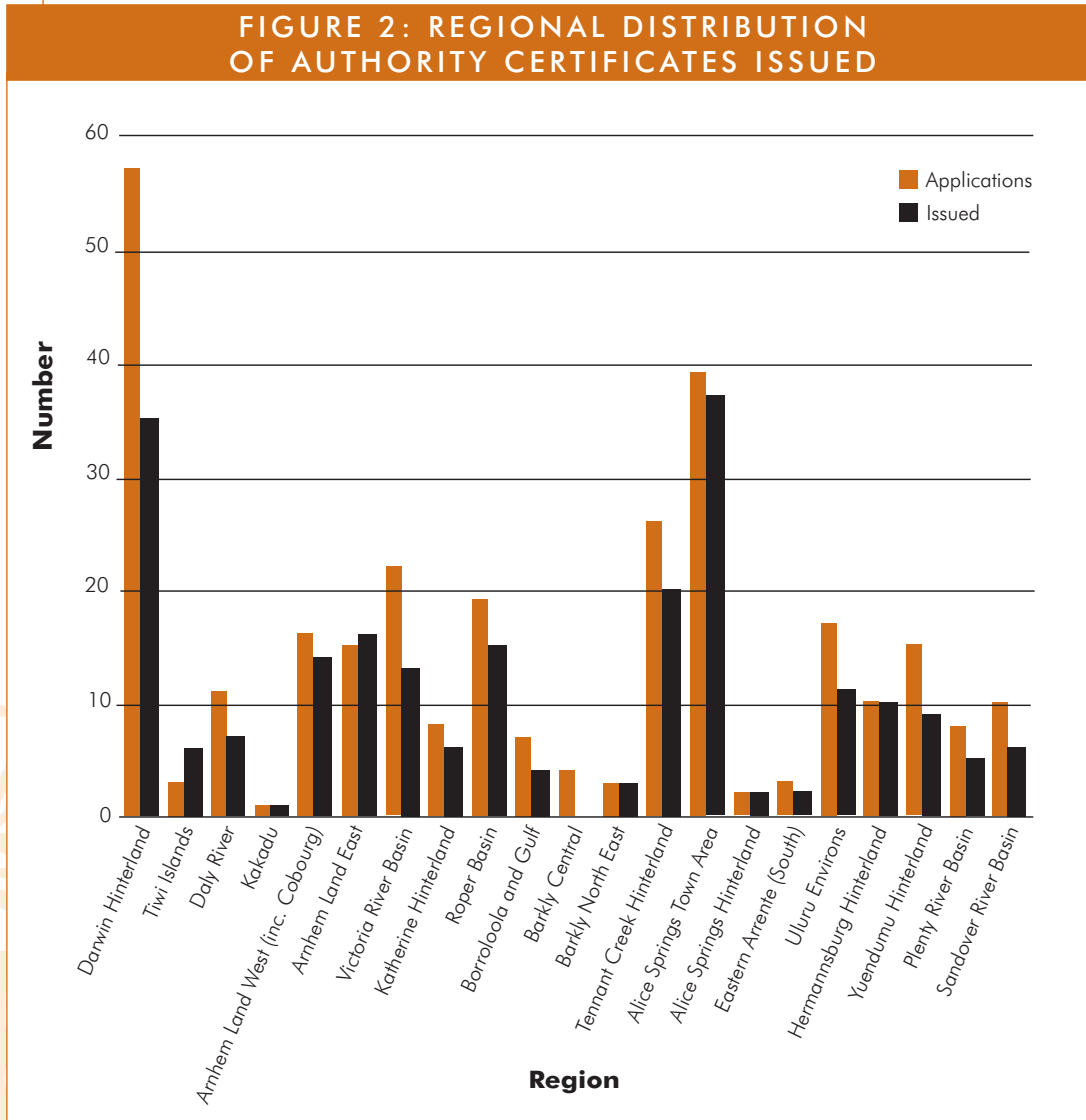
PERFORMANCE REPORTING

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 2007-08 there were 297 Authority Certificate applications received. This compares with 184 applications received in 2006-07, and indicates a significant increase of 61 per cent in applications for Authority Certificates.

This increase can be attributed to an increase in mining related applications, and also the direct and indirect impacts of the Northern Territory Emergency Response. Given the applications that the Authority has that are related to these two areas at the end of 2007-08, and the forecast works associated with both sectors, it is likely that the Authority will continue to respond to increased demand for its services. This will have significant resource implications for the Authority well into 2010-11, and possibly beyond.

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

FIGURE 2: REGIONAL DISTRIBUTION OF AUTHORITY CERTIFICATES ISSUED

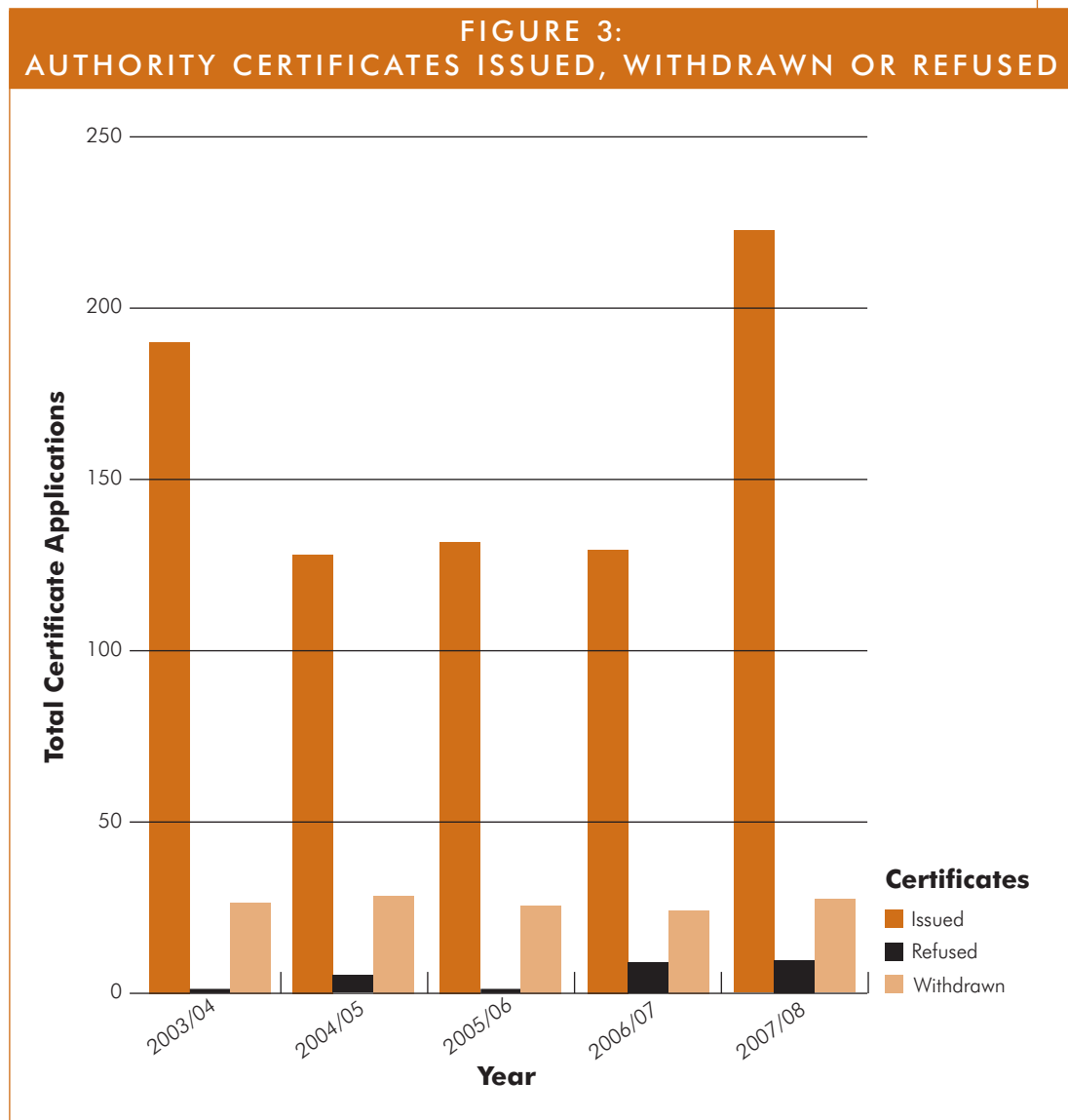


PERFORMANCE REPORTING

It can be seen that there are consistent levels of demand for Authority Certificates in the Alice Springs Town and Darwin and Hinterland regions. Major infrastructure projects have resulted in high workloads in those areas. Additionally, there is increased demand across Arnhem Land, the VRD and the Roper area in the Top End, and in the Uluru environs, Hermannsburg, Sandover, Plenty, and Yuendumu areas. Tennant Creek region has also seen a very sharp rise in applications for and issuing of Authority Certificates.

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

In 2007-08, of the 266 completed Authority Certificate applications, 222 (84 per cent) were issued, 35 (13 per cent) withdrawn and 9 (3 per cent) refused. This compares with 129 (80 per cent) issued, 24 (15 per cent) withdrawn and 9 (15 per cent) refused, from 162 completed applications in 2006-07.



PERFORMANCE REPORTING

Of this workload, 28 per cent can be attributed to work completed in response to the needs of the Northern Territory Emergency Response. The immediate and urgent nature of this work during 2007-08 is unlikely to re-occur. However, the levels of Australian and Territory Government infrastructure and service delivery activity, particularly in Aboriginal towns and communities, are not expected to reduce greatly over the next four-five years.

Applications for Authority Certificates in support of mining activity have also increased and are expected to continue for some time to come.

TIMELINESS—AUTHORITY CERTIFICATES

In 2007-08, completion of Authority Certificate applications took an average of 135 days, in comparison to 127 days in 2006-07 (Figure 4). 50 per cent of all applications (the median) were completed within 112 days, and 25 per cent of all applications (the 75th percentile) took longer than 178 days to complete.

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

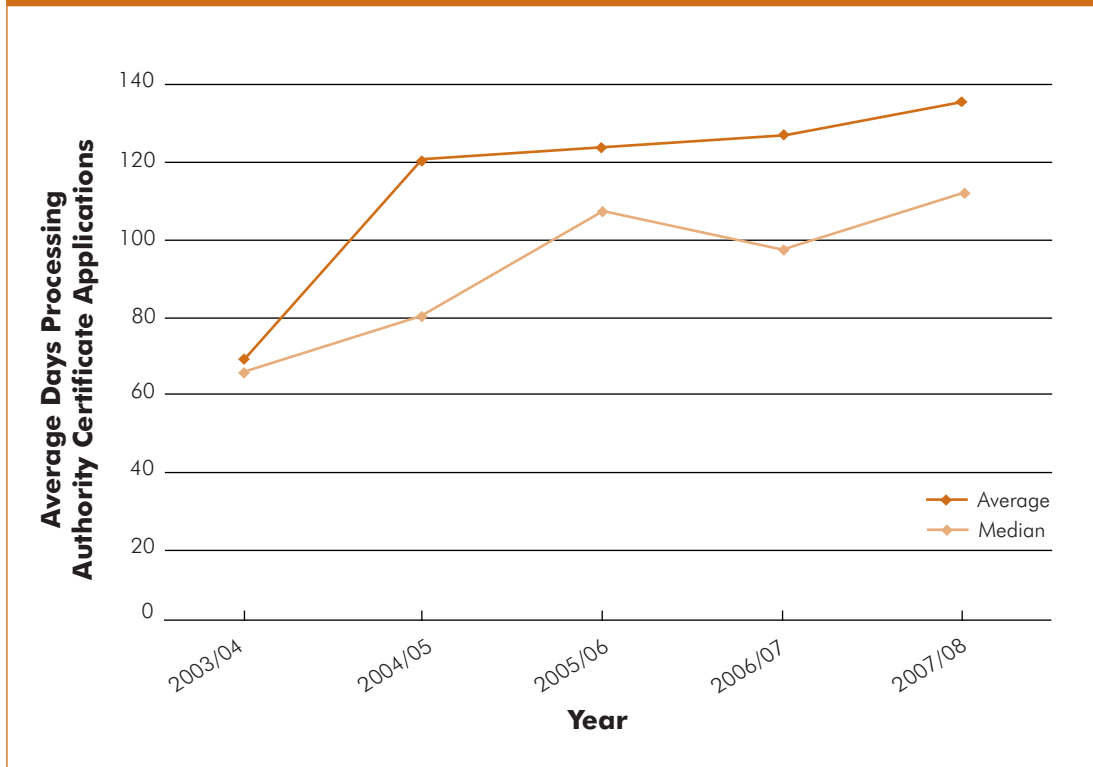
- The nature of the land involved, including numbers of sacred sites, and native title or Aboriginal land issues;
- The area of land, often significant in mining exploration applications;
- The number of custodian and other Aboriginal groups with an interest in the land;
- The certainty of custodian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

The increased time for completion of Authority Certificate applications is primarily associated with a steady increase in demand for the Authority's services. The increased demand has resulted in a reduced capacity to coordinate applications across the NT resulting in higher costs to both applicants and the Authority. This has also impacted on timeframes for completion by reducing the capacity to prioritise applications. In addition, 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 Intervention, 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. The high pressure of applications in these areas highlights the urgent need for resources to update the Authority's sites records.

PERFORMANCE REPORTING

**FIGURE 4:
TIME TO PROCESS AUTHORITY CERTIFICATE APPLICATIONS**



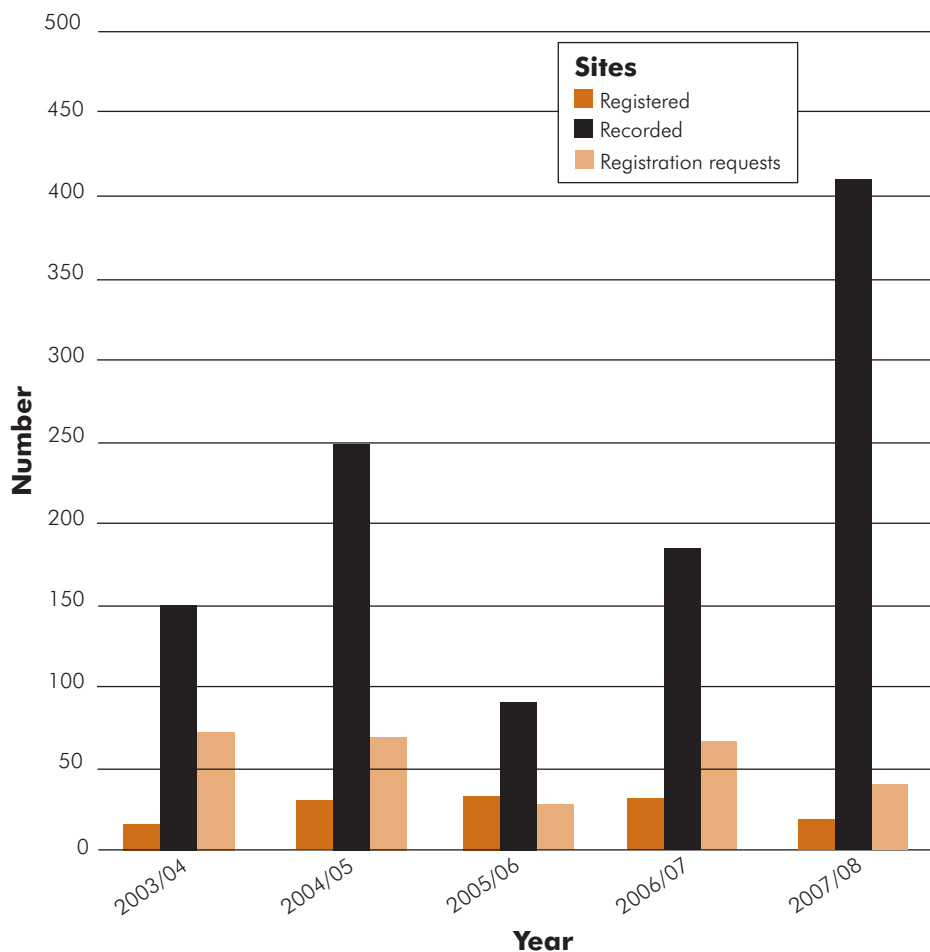
PERFORMANCE REPORTING

REGISTER OF SACRED SITES

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

The number of sites requested by custodians for registration decreased from 68 in 2006-07 to 38 in 2007-08. The number of sites registered by the Authority decreased from 33 to 19. However, the number of recorded sites increased excessively with 410 recorded sites, an increase of 222 from the previous year. This reflects an increased demand for Authority Certificates which has diminished both staff and financial resources available for the registration of sites.

**FIGURE 5:
FORMAL INSPECTIONS OF THE REGISTER OF SCARED SITES**



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 loss of knowledge. Nevertheless, the backlog can only be addressed on an ad hoc basis and even then only if there is a capacity to undertake registration research without impacting on the timeframes and resources available for Authority Certificate research. The Authority has commenced the development of processes to combine the registration

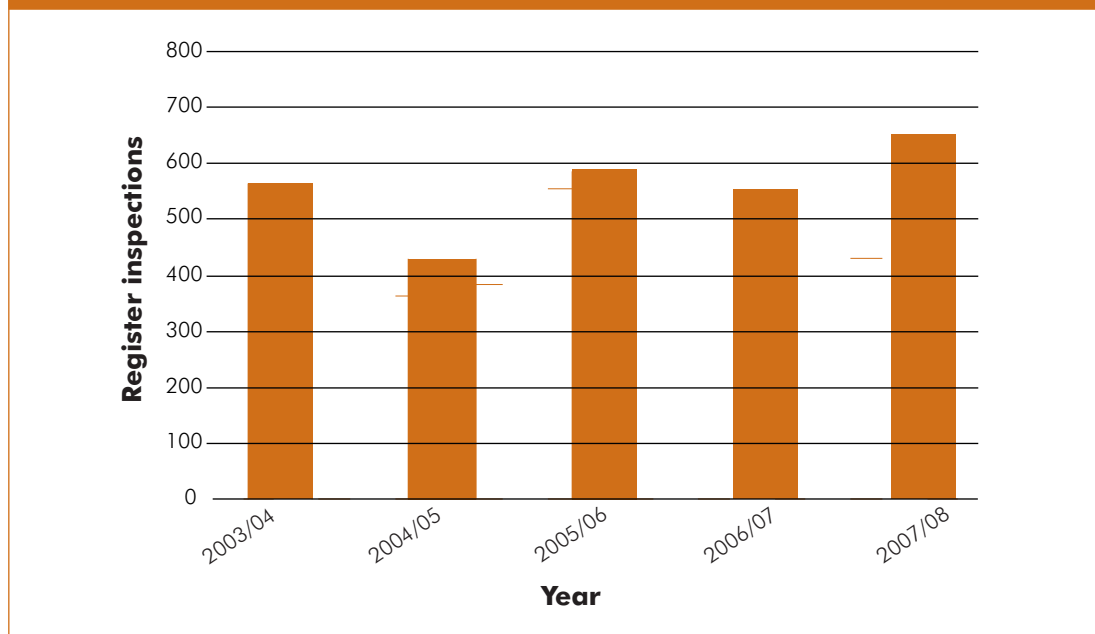
PERFORMANCE REPORTING

of sacred sites with the conduct of research for Authority Certificates. However, such an approach will only address the priorities of outstanding registration requests to the extent that the locations of these sites coincide with areas subject of Authority Certificate applications.

REGISTER AND ARCHIVAL INSPECTIONS

In 2007-08, the Authority responded to 690 requests for inspections across the Register of Sacred Sites and other Authority sacred site Registers and archives. This includes 652 formal Inspection Requests of the Register of Sacred Sites. This compares with 657 requests across the Authority's registers and archives, and 551 formal Inspection Requests in 2006-07.

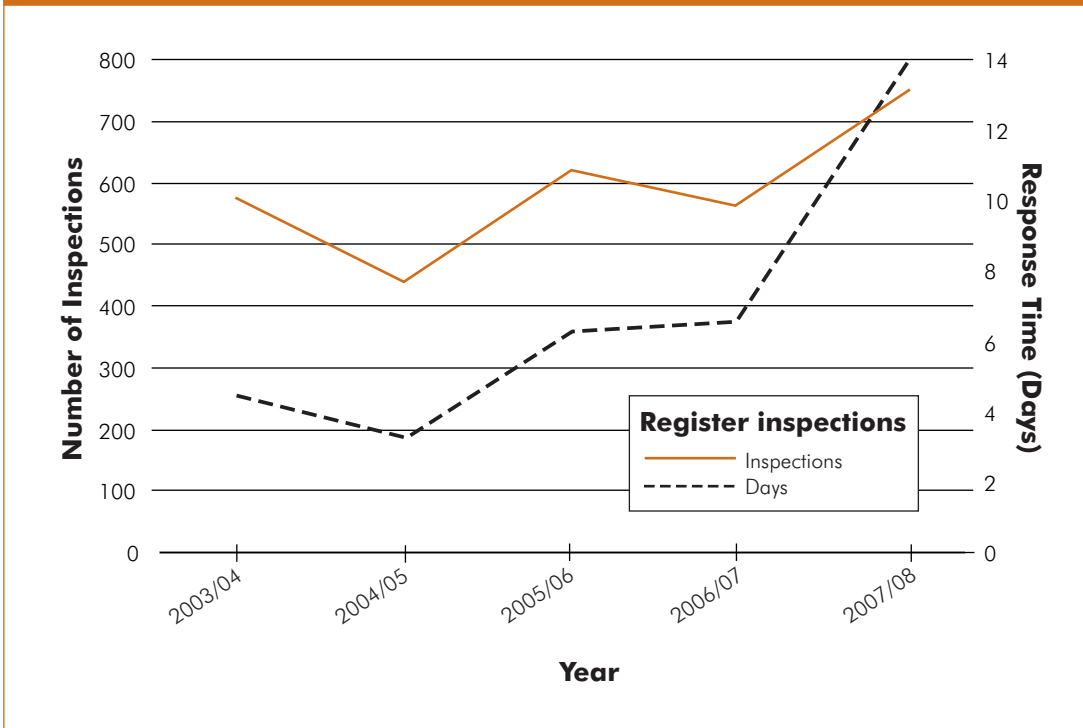
**FIGURE 6:
FORMAL INSPECTIONS OF THE REGISTER OF SACRED SITES
AND SITES ARCHIVES**



In 2007-08, the average time taken to complete Register Inspection requests was 14 days, an increase of 8 days from the previous year. There are two identifiable reasons for this increase. The first relates to changes in the processing of Register Inspections. In early 2008 processing of all Register Inspections was centralised in the Darwin office resulting in transitional delays. These issues have now been overcome. The second relates generally to an increase in demand for the Authority's services, but more specifically to a significant increase in requests for comment on development proposals by NT Government agencies as part of their approvals processes. These agencies do not consider that these requests for comment should entail a "formal" Register Inspection. Requests for comment can entail a significant workload depending on the complexity of sacred site issues. The large increase in "informal" requests for comment has placed increased pressure on the work area responsible for the processing of Register Inspections resulting in increased timeframes for processing overall.

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. There has also been a significant increase in requests to inspect the Register of Authority Certificates.

DAMAGE TO SACRED SITES

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

In 2007-08, the Authority responded to 19 new reports of sacred site damage.

ANCESTRAL SKELETAL REMAINS

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

In 2007-08 the Authority received five requests for forensic assistance on the discovery of skeletal remains in the Northern Territory. The responses required for these discoveries took some considerable time, requiring travel to Goulburn Island, Croker Island, Port Keats, and Dundee Beach. The Authority's timely response to these requests continued to strengthen the Authority's successful work with NT Police and the Coroner's Office to ensure that traditional ancestral remains are not unnecessarily disturbed.

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

The Coroner requested that all repatriations be suspended until it is fully determined which of the remains the Authority currently hold should be included in the DNA and medical analyses. Thus, in 2007-08, the Authority suspended consultations over the repatriation of all sets of Aboriginal ancestral skeletal remains, with work to be resumed once the project of the Coroner's Office is complete.

GOVERNANCE

AUTHORITY BOARD

MEMBERSHIP AND MEETINGS

The Authority comprises twelve members, ten of whom are Aboriginal custodians of sacred sites in equal numbers (five) of males and females. To fill vacancies for Aboriginal custodian members, the Land Councils are requested to nominate a panel of twice the number of custodians of the relevant sexes. The Territory Administrator 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 sex, based on nominations from the Authority.

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

APPOINTMENTS

In early 2008, Lynette Granites' membership of the Board expired. Following nomination by the Central Land Council, Ms Granites was reappointed for a further three years by the Administrator of the Northern Territory on 28 May 2008.

MEMBERS OF THE ABORIGINAL AREAS PROTECTION AUTHORITY

Name	Date appointed/ Re-appointed	Nominated by
Ms Miliwanga Sandy (Chairman)	26/4/2006	Northern Land Council
Mr Captain Woditj	26/4/2006	Northern Land Council
Ms Banduk Marika	26/4/2006	Northern Land Council
Ms Jenny Inmulugulu	26/4/2006	Northern Land Council
Mr Hammer (deceased)	28/2/2007	Northern Land Council
Mr Bernard Abbott (Deputy Chairman)	26/4/2006	Central Land Council
Ms Lynette Granites	28/5/2008	Central Land Council
Ms Lena Pula	26/4/2006	Central Land Council
Mr Pepy Simpson	26/4/2006	Central Land Council
Mr Robert Tipungwuti	26/4/2006	Tiwi Land Council
Mr Dick Kimber	26/4/2006	Government nominee
Vacancy		Government nominee

GOVERNANCE

AUTHORITY MEETINGS

Section 12 of the *Sacred Sites Act* provides that the Chairman “shall call such meetings of the Authority and committees of the Authority as are necessary for the performance and functions of the Authority” and that “the Chairman shall call not less than four meetings of the Authority in each full calendar year of its operation”. This requirement was met for calendar year 2007, where meetings were held in March, April/May, June and October 2007.

Below is an outline of dates, venues and attendances at meetings called by the Chairman for the 2007-08 Financial Year:

October	2007	Darwin
March	2008	Alice Springs
June	2008	Darwin

The Board met in Katherine in September 2008, and will meet in Darwin in December 2008, thus achieving its required four meetings during 2008.

In order to deal more effectively with the breadth of issues before it, the Board of the Authority has, in the past three years, extended its usual meetings from two 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, 2006-07

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

GOVERNANCE

AUTHORITY OPERATIONS

PRINCIPLES OF GOVERNANCE

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

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

HOW AAPA IS GOVERNED

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

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

HOW AAPA IS MANAGED

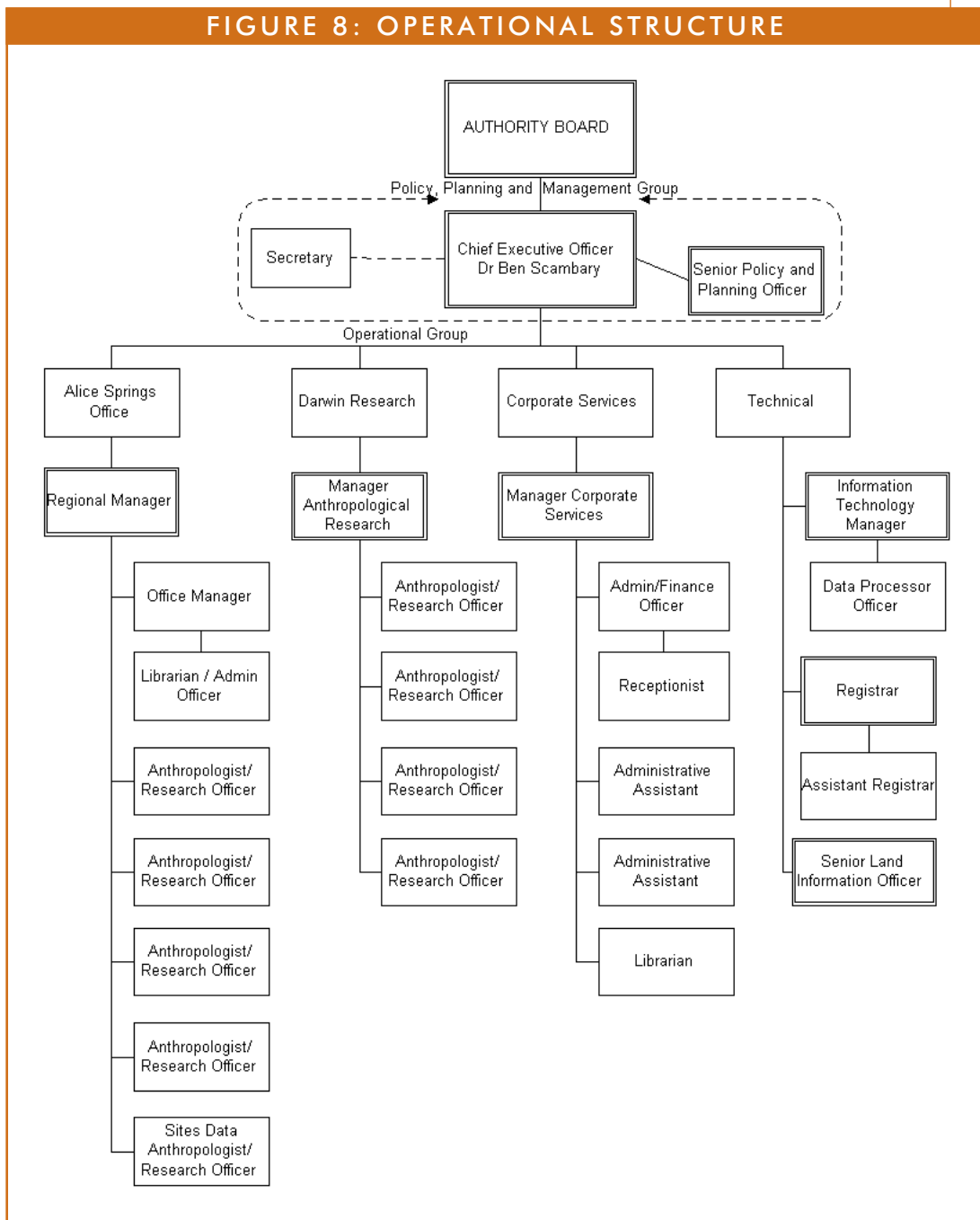
The CEO maintains overall responsibility for the day-to-day operation of the Authority. To ensure the smooth functioning of the offices, the CEO chairs weekly coordination meetings with senior managers of the Authority's operational groups. Each operational group also meets regularly to ensure an effective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

The Authority's operational groups comprise: Darwin Research, Corporate Services, Technical and Registry and the Alice Springs Regional office.

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

GOVERNANCE

FIGURE 8: OPERATIONAL STRUCTURE



GOVERNANCE

BUSINESS PLAN AND DEVELOPMENT

At its meeting in June 2005 the Authority resolved to adopt a draft High Level Business Plan. The Authority adopted a detailed Business Plan at its March 2006 meeting. The plan sets out the guiding principles and business and operational direction for the organisation until 2008. By early 2009 the Board will consider draft Business and Action Plans to guide the Authority for the following three years.

KEY EXTERNAL RELATIONSHIPS

Meetings occurred throughout the year with the two large Land Councils. Issues under discussion included jurisdiction, cooperation on major projects and possible joint approaches to damage to sacred sites. Little progress was made on the clarification of sacred sites protection roles on and off Aboriginal land. The Authority Board has re-affirmed that the *Sacred Sites Act* applies across all land in the Northern Territory, and the Authority will continue to respond to custodians and applicants in order to protect sacred sites and work cooperatively with Land Councils wherever possible.

The Authority has committed to establishing relationships with key industry bodies across the NT. The CEO and staff also liaised with other organisations, such as Lhere Artepe (Alice Springs Native Title Body Corporate), Dhimurru Land Management, Larrakia Nation and the Jawoyn Association. The Authority also continued regular meetings with senior staff at the Departments of Planning and Infrastructure (DPI); Natural Resources Environment and the Arts; Local Government and Housing; Chief Minister; and Primary Industries, Fisheries and Mines for the purpose of discussing matters of common interest.

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

During the year, the Authority was represented at a national Indigenous Heritage workshop by the Deputy Chairman, the CEO and the Senior Policy and Planning Officer. Attendance at this workshop provided new insights into national and State approaches to Indigenous heritage management and sacred site protection. The Territory scheme under the *Sacred Sites Act* for the protection of sacred sites continues to be the most comprehensive legislative and operational approach in Australia.

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.

GOVERNANCE

AAPA has commenced discussions with the Dhimurru rangers, Yirralka 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 about a research collaboration focusing on Indigenous economic and cultural values in the Daly Region. At its March meeting the Board met with representatives of the Desert Knowledge CRC and found synergies between the work of the Authority and a number of CRC initiatives. These activities are complementary to Closing the Gap initiatives and also to the Federal Government's *Working on Country* program

INFORMATION MANAGEMENT

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

As a result of an external review of the Authority's Corporate Services, it is expected that an improved records and information management system will be developed and implemented during 2008-09. This improved system will provide a strong base for ongoing improvement in the Authority's services to custodians, applicants and the public.



GOVERNANCE

LEGISLATION AND POLICY

ABORIGINAL SACRED SITE PROTECTION IN THE NORTHERN TERRITORY

ABORIGINAL SACRED SITES

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

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

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

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

COMMONWEALTH AND NORTHERN TERRITORY LAWS

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

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

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

LANDOWNERS AND DEVELOPERS

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

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

GOVERNANCE

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

Under the sacred sites laws applying in the Northern Territory, all sacred sites are protected regardless of underlying land title, whether they are registered or not, or even if they are not known to the Authority. They are protected particularly by Sections 33 (unauthorised entry), 34 (unauthorised works or uses) and 35 (desecration) of the *Sacred Sites Act*, which set out various offences in relation to sacred sites.

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

RESPONSIBILITIES UNDER THE HERITAGE CONSERVATION ACT 1991

Section 10(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* (places a number of additional duties on the Authority.

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

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

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

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

OVERVIEW

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

STAFFING

As at 30 June 2008 there were 27 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 2 grievances arising from Authority staff within the period under report.

WORKPLACE HARASSMENT

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

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

EMPLOYEE ASSISTANCE PROGRAM (EAP)

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

OCCUPATIONAL HEALTH AND SAFETY

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

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

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

WORKER'S COMPENSATION

There was one worker's compensation claim made within the period of the report.

STAFF TRAINING AND DEVELOPMENT

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

Courses included:

- Public Sector Management Course;
- Continued professional development support through study leave;
- Defensive four wheel driving;
- First aid;
- Legal course;
- Women and Leadership; and
- MapInfo and project management.

The Authority spent \$26,600 on training programs in 2007-08 representing 2.5 per cent of expenditure for goods and services.

HUMAN RESOURCES—MANAGING OUR PEOPLE

STUDY ASSISTANCE PROGRAM

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

STAFF DEVELOPMENT FRAMEWORK

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

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

SUPPORTING AND VALUING OUR PEOPLE

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

OFFICE ACCOMMODATION

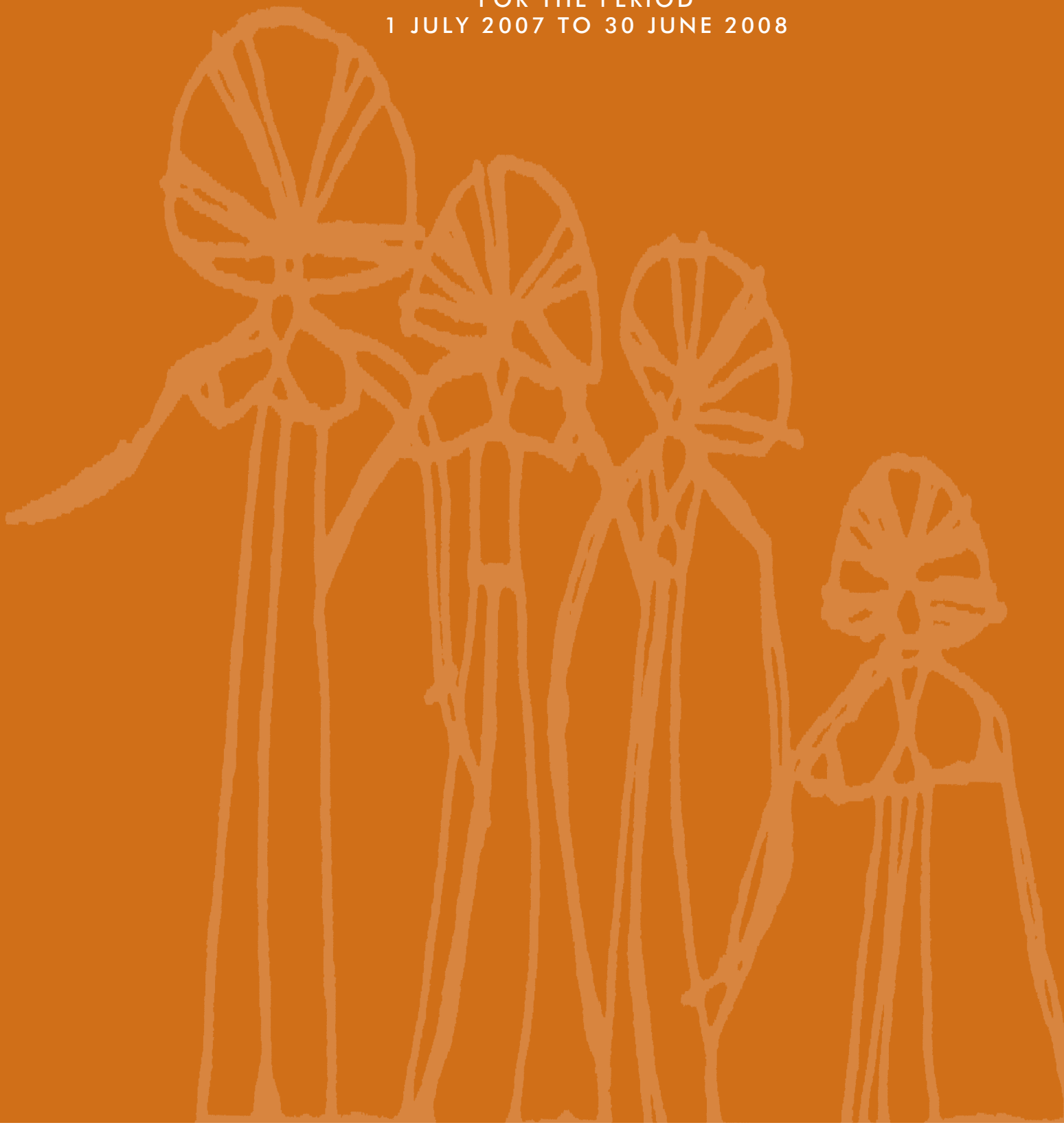
The current lease of the Darwin office expires in November 2008, and the Authority will be seeking alternative accommodation.



ABORIGINAL AREAS PROTECTION AUTHORITY

FINANCIAL STATEMENTS

FOR THE PERIOD
1 JULY 2007 TO 30 JUNE 2008





ABORIGINAL AREAS PROTECTION AUTHORITY

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

24 November 2008

The Hon Marion Scrymgour MLA
Minister for Indigenous Policy
Parliament House
DARWIN NT 0800

Dear Minister

In accordance with the provisions of Section 14 (1) of the *Northern Territory Aboriginal Sacred Sites Act 1989* and Treasurer's Direction R2.1.6, I am pleased to submit the Annual Report for the Aboriginal Areas Protection Authority for the Financial Year, 1 July 2007 to 30 June 2008.

The report refers to the nineteenth 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 Authority are kept and that employees under my control observe the provisions of the *Financial Management Act*, the Financial Management Regulations and Treasurer's Directions;
- b) procedures within the Authority afford proper internal control and a current description of such procedures is recorded in the accounting and property manual which has been prepared in accordance with the requirements of the *Financial Management Act*;
- c) no indication of fraud, malpractice, major breach of legislation or delegation, major error in or omission from the accounts and records exists;
- d) in accordance with the requirements of section 15 of the *Financial Management Act*, the internal audit capacity available to the Authority is adequate and the results of internal audits have been reported to me;
- e) the financial statements included in the annual report have been prepared from proper accounts and records and are in accordance with Treasurer's Directions; and
- f) all Employment Instructions issued by the Commissioner for Public Employment have been satisfied.

Yours sincerely

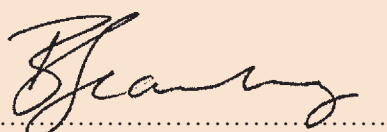
DR BEN SCAMBARY
Chief Executive Officer

CERTIFICATION OF THE FINANCIAL STATEMENTS

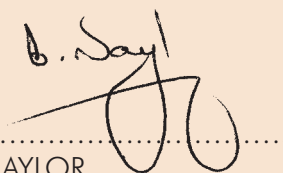
We certify that the attached financial statements for the Aboriginal Areas Protection Authority have been prepared from proper accounts and records in accordance with the prescribed format, the *Financial Management Act* and Treasurer's Directions.

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 2008 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
31/08/08



CLIVE NAYLOR
MANAGER CORPORATE SERVICES
31/08/08



**FINANCIAL STATEMENT OVERVIEW
FOR THE YEAR ENDED 30 JUNE 2008**

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

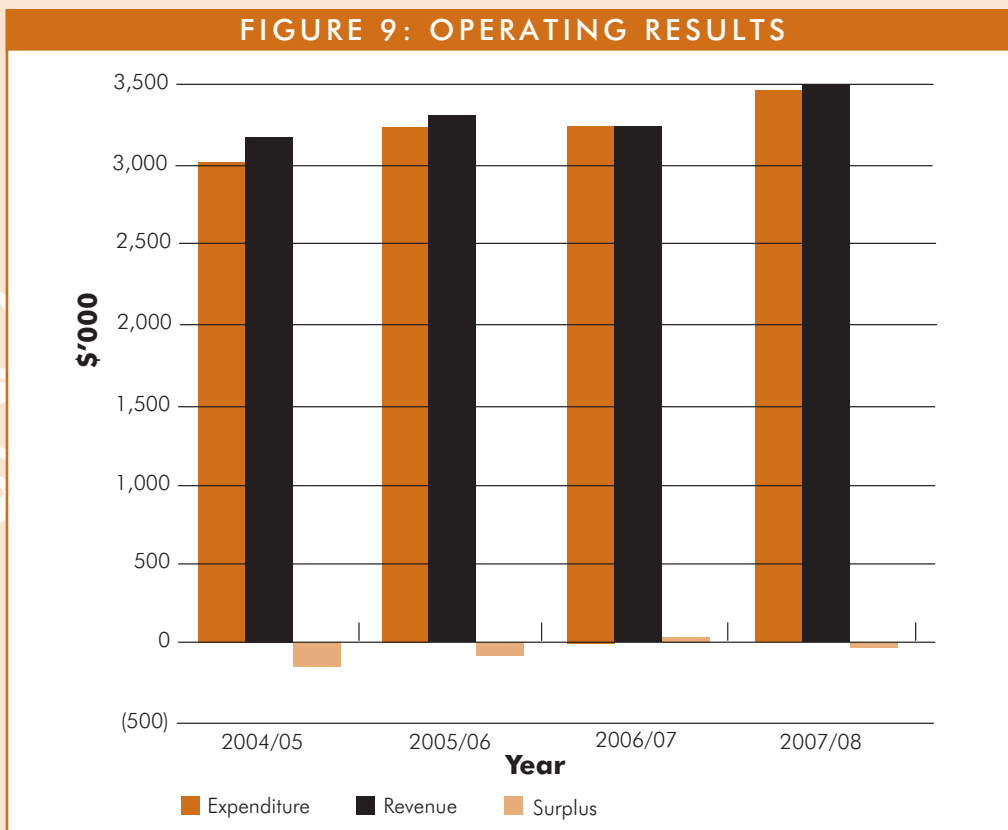
The Authority recorded a deficit of \$14 000 for the 2007-08 financial year compared to a surplus of \$14 000 in the 2006-07 financial year. The outcome is due to a significant increase in demand for Authority Certificate applications, and for inspections of the register and records of sacred sites.

In the reporting period, the Authority received \$652 000 from sales of goods and services. This is an increase of \$187 000 above the budgeted \$465 000. This increase is the result of an increase in demand for Authority Certificate applications, some of which are directly attributable to the Australian Government's intervention.

The increased demand, and associated revenue, required the Treasurer's approval for the Authority to offset the increased revenue against the additional expenses incurred in gaining that revenue. The Authority postponed a number of capital item purchases in support of the Treasurer's approval to transfer \$32 000 of the capital item budget into expenses.

The Authority also had a number of unforeseen items in the reporting period. The Treasurer approved an increase in the Authority's output appropriation by \$100 000 to cover unforeseen items including: legal expenses, a redundancy payment, internal review and additional anthropological consultants.

FIGURE 9: OPERATING RESULTS



ABORIGINAL AREAS PROTECTION AUTHORITY

OPERATING STATEMENT FOR YEAR ENDED 30 JUNE 2008

INCOME			
	NOTE	2008 \$'000	2007 \$'000
Output Revenue		2,511	2,339
Sales of Goods and Services		652	610
Goods and Services Received Free of Charge	4	312	291
TOTAL INCOME	3	3,475	3,240
EXPENSES			
Employee Expenses		2,061	1,963
<i>Administrative Expenses</i>			
Purchases of Goods and Services	5	1,099	947
Repairs and Maintenance		2	7
Depreciation and Amortisation	8	15	13
Goods and Services Received Free of Charge	4	312	291
<i>Grants and Subsidies Expenses</i>			
Current		-	5
TOTAL EXPENSES	3	3,489	3,226
NET OPERATING SURPLUS/(DEFICIT)	11	(14)	14

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

ABORIGINAL AREAS PROTECTION AUTHORITY

BALANCE SHEET FOR YEAR ENDED 30 JUNE 2008

ASSETS			
	NOTE	2008 \$'000	2007 \$'000
Current Assets			
Cash and Deposits	6	126	118
Receivables	7	37	78
Prepayments		11	11
Total Current Assets		174	207
Non-current Assets			
Property, Plant and Equipment	8	34	43
Total Non-Current Assets		34	43
TOTAL ASSETS		208	250
LIABILITIES			
Current Liabilities			
Payables	9	27	38
Provisions	10	165	201
Total Current Liabilities		192	239
Non-Current Liabilities			
Provisions	10	84	71
Total Non-Current Liabilities		84	71
TOTAL LIABILITIES		276	310
NET ASSETS		(68)	(60)
EQUITY			
Capital		2	(4)
Accumulated Funds		(70)	(56)
TOTAL EQUITY		(68)	(60)

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



STATEMENT OF CHANGES IN EQUITY
FOR YEAR ENDED 30 JUNE 2008

BALANCE OF EQUITY			
	NOTE	2008 \$'000	2007 \$'000
BALANCE OF EQUITY AT 1 JULY		(60)	(112)
<i>Capital</i>	11		
Balance at 1 July		(4)	(42)
Equity Injections		6	38
Equity Withdrawals		-	-
Balance at 30 June		2	(4)
<i>Accumulated Funds</i>	11		
Balance at 1 July		(56)	(70)
Surplus/(Deficit) for the Period		(14)	14
Balance at 30 June		(70)	(56)
BALANCE OF EQUITY AT 30 JUNE		(68)	(60)

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



ABORIGINAL AREAS PROTECTION AUTHORITY

CASH FLOW STATEMENT FOR YEAR ENDED 30 JUNE 2008

CASH FLOWS FROM OPERATING ACTIVITIES			
	NOTE	2008 \$'000 (OUTFLOWS) INFLOWS	2007 \$'000 (OUTFLOWS) INFLOWS
Operating Receipts			
Output Revenue Received		2,511	2,339
Receipts From Sales of Goods and Services		694	561
GST Receipts on Sales		77	95
Total Operating Receipts		3,282	2,995
Operating Payments			
Payments to Employees		(2,077)	(1,958)
Payments for Goods and Services		(1,116)	(1,038)
Payments for GST		(81)	(82)
Current Grants and Subsidies		-	(5)
Total Operating Payments		(3,274)	(3,083)
NET CASH FROM/(USED IN) OPERATING ACTIVITIES			
	12	8	(88)
CASH FLOWS FROM INVESTING ACTIVITIES			
Investing Payments			
Purchases of Assets	8	(6)	(33)
Total Investing Payments		(6)	(33)
NET CASH FROM/(USED IN) INVESTING ACTIVITIES			
		(6)	33
CASH FLOWS FROM FINANCING ACTIVITIES			
Financing Receipts			
Equity Injections	11		
Capital Appropriation		6	38
Total Financing Receipts		6	38
NET CASH FROM/(USED IN) FINANCING ACTIVITIES			
		6	38
Net Increase/(Decrease) in Cash Held		8	(83)
Cash at Beginning of Financial Year		118	201
CASH AT END OF FINANCIAL YEAR		6	126

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

INDEX OF NOTES TO THE FINANCIAL STATEMENTS

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12. NOTES TO THE CASH FLOW STATEMENT
13. FINANCIAL INSTRUMENTS
14. COMMITMENTS
15. CONTINGENT ASSETS AND CONTINGENT LIABILITIES
16. EVENTS SUBSEQUENT TO BALANCE DATE
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NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2008

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 Agency financial statements is to include:

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

The form of Agency financial statements is consistent with the accrual budget format and the requirements of Australian Accounting Standards, including AASB 101 and AASB 107. The format also requires additional disclosures specific to Territory Government entities.

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.

(b) Agency and Territory Items

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

Central Holding Authority

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

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

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 Agency's financial statements. However, as the Agency is accountable for certain Territory items managed on behalf of Government, these items have been separately disclosed in Note 18 in the Schedule of Territory Items.

(c) Comparatives

Where necessary, comparative information for the 2006-07 financial year has been reclassified to provide consistency with current year disclosures.

(d) 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.

(e) Changes in Accounting Policies

There have been no changes to accounting policies adopted in 2007-08 as a result of management decisions.

(f) 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.

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.

(g) Income Recognition

Income encompasses both revenue and gains.

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

Output Revenue

Output revenue represents Government funding for Authority operations and is calculated as the net cost of Authority outputs after taking into account funding from Authority income. The net cost of Authority outputs for Output Appropriation purposes does not include any allowance for major non-cash costs such as depreciation.

Revenue in respect of this funding is recognised in the period in which the Agency gains control of the funds.

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.

Sale of Goods

Revenue from the sale of goods is recognised (net of returns, discounts and allowances) when control of the goods passes to the customer and specified conditions associated with the sale have been satisfied.

Rendering of Services

Revenue from rendering services is recognised on a stage of completion basis.

Interest Revenue

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

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.

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 Agency obtains control of the asset or contribution. Contributions are recognised at the fair value received or receivable.

(h) Repairs and Maintenance Expenses

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.

(i) Interest Expenses

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

(j) 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.

(k) 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 Agency 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 in Note 7.

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

(l) 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 Agency in future years. Where these costs represent separate components of a complex asset, they are accounted for as separate assets and are separately depreciated over their expected useful lives.

Construction (Work in Progress)

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

Depreciation and Amortisation

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:

	2008	2007
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.

Assets Held for Sale

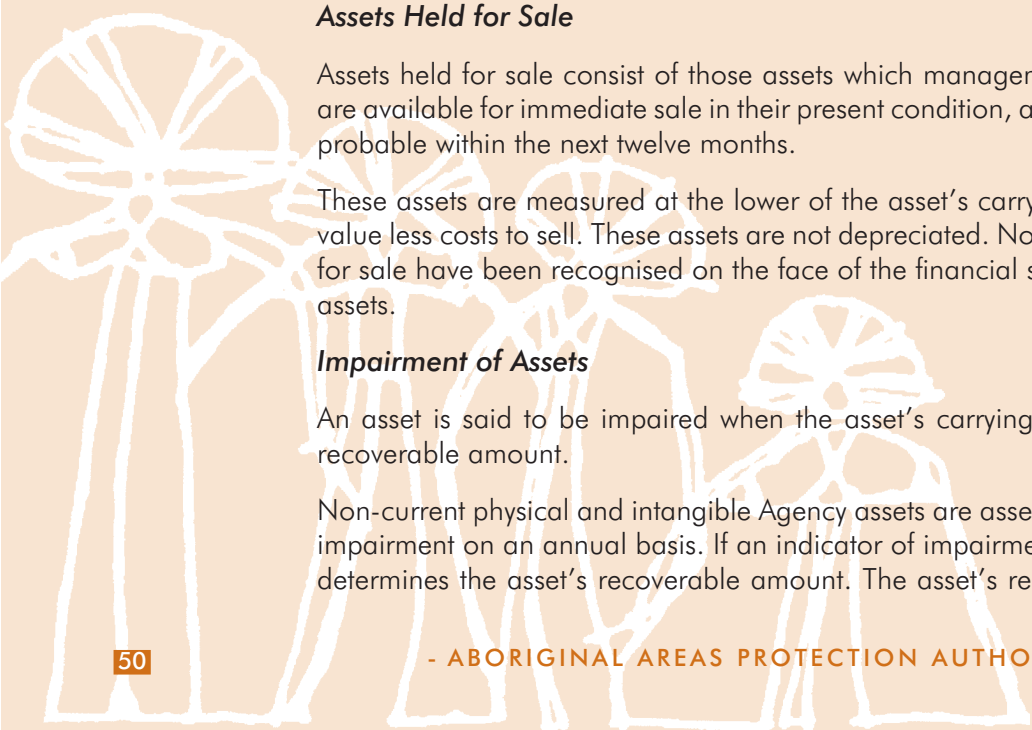
Assets held for sale consist of those assets which management has determined are available for immediate sale in their present condition, and their sale is highly probable within the next twelve months.

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.

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 Agency assets are assessed for indicators of impairment on an annual basis. If an indicator of impairment exists, the Agency determines the asset’s recoverable amount. The asset’s recoverable amount is



determined as the higher of the asset's depreciated replacement cost and fair value less costs to sell. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

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

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

(m) 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.

Finance Leases

Finance leases are capitalised. A leased asset and a lease liability equal to the present value of the minimum lease payments are recognised at the inception of the lease.

Lease payments are allocated between the principal component of the lease liability and the interest expense.

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.

(n) 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 Agency. Accounts payable are normally settled within 30 days.

(o) 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 and as such no long service leave liability is recognised in Agency financial statements.

(p) 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 the Authority's financial statements.

(q) Contributions by and Distributions to Government

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

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

(r) 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.

ABORIGINAL AREAS PROTECTION AUTHORITY

3. OPERATING STATEMENT BY OUTPUT GROUP

	NOTE	PROTECTION OF SACRED SITES		TOTAL	
		2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000
INCOME					
Output Revenue		2,511	2,339	2,511	2,339
Sales of Goods and Services		652	610	652	610
Goods and Services Received Free of Charge 4		312	291	312	291
TOTAL INCOME		3,475	3,240	3,475	3,240
EXPENSES					
Employee Expenses		2,061	1,963	2,061	1,963
<i>Administrative Expenses</i>					
Purchases of Goods and Services	5	1,099	947	1,099	947
Repairs and Maintenance		2	7	2	7
Depreciation and Amortisation	8	15	13	15	13
Goods and Services Received Free of Charge	4	312	291	312	291
<i>Grants and Subsidies Expenses</i>					
Current		-	5	-	5
TOTAL EXPENSES	3	489	3,226	3,489	3,226
NET SURPLUS/(DEFICIT)	11	(14)	14	(14)	14

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



ABORIGINAL AREAS PROTECTION AUTHORITY

4. GOODS AND SERVICES RECEIVED FREE OF CHARGE

	2008	2007
	\$'000	\$'000
Department of Corporate and Information Services	312	291
	312	291

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⁾	284	209
Document Production	1	12
Regulatory/Advisory boards	66	98
Legal Expenses ⁽²⁾	26	40
Recruitment ⁽³⁾	28	13
Training and Study	27	23
Official Duty Fares	43	35
Travelling Allowance	21	24

⁽¹⁾ Includes marketing, promotion and IT consultants.

⁽²⁾ Includes legal fees, claim and settlement costs.

⁽³⁾ Includes recruitment related advertising costs.

6. CASH AND DEPOSITS

Cash on Hand	1	1
Cash at Bank	125	117
	126	118

7. RECEIVABLES

Current

Accounts Receivable	42	83
Less: Allowance for Impairment Losses	(5)	(5)
	37	78

GST Receivables	1	(3)
-----------------	---	-----

TOTAL RECEIVABLES

38 **75**

Aging of Receivables

Not Overdue	20	60
Overdue for less than 30 Days	9	-
Overdue for 30 to 60 Days	-	8
Overdue for more than 60 Days	13	15

TOTAL RECEIVABLES

42 **83**

Aging of Impaired Receivables

Impaired Receivables for 30 to 60 Days	-	-
Impaired Receivables for more than 60 Days	5	5

TOTAL IMPAIRED RECEIVABLES

5 **5**

8. PROPERTY, PLANT AND EQUIPMENT

	2008 \$'000	2007 \$'000
Plant and Equipment		
At Cost	54	54
Less: Accumulated Depreciation	(46)	(40)
	8	14
Computer Software		
At Fair Value	34	28
Less: Accumulated Depreciation	(8)	(2)
	26	26
Computer Hardware		
At Fair Value	48	48
Less: Accumulated Depreciation	(48)	(45)
		3
TOTAL PROPERTY, PLANT AND EQUIPMENT	34	43

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 2008. No impairment adjustments were required as a result of this review.

Property, Plant and Equipment Reconciliations

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

	PLANT & EQUIPMENT \$'000	COMPUTER SOFTWARE \$'000	COMPUTER HARDWARE \$'000	TOTAL \$'000
Carrying Amount as at 1 July 2007	14	26	3	43
Additions	-	6	-	6
Disposals	-	-	-	-
Depreciation and Amortisation	(6)	(6)	(3)	(15)
Carrying Amount as at 30 June 2008	8	26	-	34
Carrying Amount as at 1 July 2006	16	-	7	23
Additions	5	28	-	33
Depreciation and Amortisation	(7)	(2)	(4)	(13)
Carrying Amount as at 30 June 2007	14	26	3	43

ABORIGINAL AREAS PROTECTION AUTHORITY

9. PAYABLES

	2008 \$'000	2007 \$'000
Accounts Payable	9	26
Accrued Expenses	18	12
GST Payable	-	3
	27	38

10. PROVISIONS

Current		
Employee Benefits		
Recreation Leave	89	140
Leave Loading	23	27
Other Employee Benefits	26	8
Other Current Provisions		
Other Provisions	27	26
	165	201
Non-Current		
Employee Benefits		
Recreation Leave	84	71
	84	71
	249	272

The Authority employed 27 employees as at 30 June 2008 (27 employees as at 30 June 2007).

11. EQUITY

Equity represents the net deficiency in the Authority's liabilities over net assets. This deficiency in liabilities over assets is recorded in the Central Holding Authority as described in Note 2(b).

Capital

Balance as at 1 July	(4)	(42)
Equity Injections		
Capital Appropriation	6	38
Equity Transfers In	-	-
Balance as at 30 June	2	(4)
Accumulated Funds		
Balance as at 1 July	(56)	(70)
Surplus /(Deficit) for the Period	(14)	14
Balance as at 30 June	(70)	(56)
BALANCE OF EQUITY AS AT 30 JUNE	(68)	(60)

12. NOTES TO THE CASH FLOW STATEMENT

	2008 \$'000	2007 \$'000
Reconciliation of Cash		
The total of Agency Cash and Deposits of \$126,000 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)	(14)	14
Non-Cash Items:		
Depreciation and Amortisation	15	13
Changes in Assets and Liabilities:		
Decrease/(Increase) in Receivables	38	(36)
(Decrease)/Increase in Payables	(8)	(83)
(Decrease)/Increase in Provision for Employee Benefits	(24)	2
(Decrease)/Increase in Other Provisions	1	2
NET CASH FROM OPERATING ACTIVITIES	8	(88)

13. FINANCIAL INSTRUMENTS

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

(a) 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 Agency's maximum exposure to credit risk without taking account of the value of any collateral or other security obtained.

(b) Net Fair Value

The carrying amount of financial assets and financial liabilities recorded in the financial statements approximates their respective net fair values. Where differences exist, these are not material.

(c) Interest Rate Risk

The Authority has limited exposure to interest rate risk as Authority financial assets and financial liabilities are non-interest bearing. The Authority's exposure to interest rate risk and the average interest rate for classes of financial assets and financial liabilities is set out in the following tables. The average interest rate is based on the outstanding balance at the start of the year.

ABORIGINAL AREAS PROTECTION AUTHORITY

13. FINANCIAL INSTRUMENTS continued...

	Weighted Average interest rate %	Variable Interest \$'000	Fixed Interest Maturity			Non- Interest bearing \$'000	Total \$'000
			Under 1 year \$'000	1 to 5 years \$'000	Over 5 years \$'000		
2008 Financial Assets							
Cash and Deposits			-	-	-	126	126
Receivables			-	-	-	37	37
Total Financial Assets:			-	-	-	163	163
Financial Liabilities							
Payables			-	-	-	27	27
Total Financial Liabilities:			-	-	-	27	27
NET FINANCIAL ASSETS/(LIABILITIES):						136	136
2007 Financial Assets							
Cash and Deposits			-	-	-	118	118
Receivables			-	-	-	78	78
Total Financial Assets:			-	-	-	196	196
Financial Liabilities							
Payables			-	-	-	38	38
Total Financial Liabilities:			-	-	-	38	38
NET FINANCIAL ASSETS/(LIABILITIES):						158	158

14. COMMITMENTS

	NOTE	2008 \$'000	2007 \$'000
Operating Lease Commitments			
<p>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:</p>			
Within one year		2	2
Later than one year and not later than five years		18	18
		20	20

15. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Authority had no contingent assets or contingent liabilities as at 30 June 2008 or 30 June 2007.

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 2007-08 and 2006-07.

18. SCHEDULE OF TERRITORY ITEMS

	2008 \$'000	2007 \$'000
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)).		
TERRITORY INCOME AND EXPENSES		
<i>Income</i>		
Fees from Regulatory Services	31	21
Total Income	31	21
<i>Expenses</i>		
Central Holding Authority Income Transferred	31	21
Total Expenses	31	21
TERRITORY INCOME LESS EXPENSES	-	-



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