

Fact Sheet: Sacred Sites Processes and Outcomes Review

The Department of the Chief Minister commissioned PricewaterhouseCoopers Indigenous Consulting to conduct an independent review of the Northern Territory Aboriginal Sacred Sites Act (the *Act*) and operational elements, through a select tender process.

The purpose of the Sacred Sites Processes and Outcomes Review (the Review) was to examine the scope and operation of the *Act*, and the strategic and day to day operations of the Aboriginal Areas Protection Authority (AAPA).

The review provides advice on:

- areas in which the *Act* might be strengthened to improve protections for sacred sites.
- areas in which the *Act* might be strengthened to reduce red tape and provide certainty and improve processes for economic development in the Northern Territory
- ways which AAPA can be more efficient and balance the need for development with the need for protection of sacred sites.

Why was the Review necessary?

A comprehensive review of the *Act* has not been undertaken in over 25 years.

This means the *Act* predates recognition of native title under Australian law and has not been amended to reflect the considerable economic, political and social developments made in the Northern Territory.

The Review has provided an open and transparent look at the regulatory framework and identified where improvements can be made to ensure the *Act* is contemporary and meets the needs of all Territorians.

What happens next with the Review?

The Review found that while the *Act* has, by and large, achieved its original purpose, there is significant improvement available through:

- legislative amendments
- better co-ordination and funding by the Northern Territory Government
- improvements to AAPA's structure and operations.

The Review made 39 recommendations to improve protections for sacred sites, while reducing red tape and increasing certainty for all stakeholders.

Of the 39 recommendations:

- 21 require legislative amendment
- 17 relate to the day-to-day operations of AAPA
- 11 recommendations enhance or solidifying sacred site protection
- eight recommendations focus on reducing red tape or administrative burden.

Work will begin immediately on the implementation of the following nine recommendations which are detailed in the Review:

Recommendation 6 – That the Act be amended to include compulsory reporting in relation to the damage and/or desecration of a sacred site.

Recommendation 7 – That the Act be amended to allow for stop work orders to be implemented if a site has been damaged and/or desecrated or is seen to be under threat of being damaged and/or desecrated. Further, the Act should allow for an appeals mechanism to NTCAT.

Recommendation 10 – That the Act be amended to provide custodians with the ability to issue standing orders on terms that the custodians set. Further, any amendments must not take away any rights of custodians to be consulted.

Recommendation 11 – That the remuneration for custodians be determined on an annual basis by the Northern Territory Remuneration Tribunal.

Recommendation 14 – That a mechanism be introduced in the Act that allows for the transfer of Authority Certificates to other proponents subject to being bound to the original purpose and conditions of the Authority Certificate. Further amendments be introduced that allow for multiple applicants to hold a single Authority Certificate.

Recommendation 16 – That AAPA work with the Northern Territory Environment Protection Authority (NTEPA), the Department of Mines and Energy and the Department of Lands, Planning and the Environment to review and redevelop respective communication material for proponents, to clarify respective roles and responsibilities, and streamline regulatory processes.

Recommendation 26 – That the Act be changed to increase the timeframe from 28 days to 60 days for the notification to land owners that a sacred site is to be registered on their property and that AAPA adopts a policy of contacting land owners where practical prior to the issuing of notices to advise verbally that a site is to be registered.

Recommendation 31 – That the use of standard and non-standard fees in the Act and Regulations be replaced with a single fee process that includes the ability for AAPA to waive the fee.

Recommendation 34 – That AAPA be resourced to urgently undertake work on the database and to develop a new interface that will enhance the usability and accessibility of information contained in the database. Work will commence immediately on developing a business case to scope and cost the work required in relation to the sacred sites database which will in turn be subject to NT Government approval.

The 30 remaining recommendations will be further considered by the NT Government.

Where you can get more information

Information about the Review is available online at www.nt.gov.au or you can email dcm.sacredsitesreview@nt.gov.au.