

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY ABORIGINAL SACRED SITES
REGULATIONS 2004

As in force at 28 June 2020

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 June 2020

NORTHERN TERRITORY ABORIGINAL SACRED SITES REGULATIONS 2004

Regulations under the *Northern Territory Aboriginal Sacred Sites Act 1989*

1 Citation

These Regulations may be cited as the *Northern Territory Aboriginal Sacred Sites Regulations 2004*.

2 Goods and Services Tax

All fees and charges referred to in these Regulations are exclusive of Goods and Services Tax (**GST**) payable under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and GST will be added to the fee or charge where required under that Act.

3 Guidelines for classifying applications

For section 19C of the Act, the guidelines for classifying an application for an Authority Certificate are set out in Schedule 1.

5 Charges in respect of conference

For section 19G(4)(a) of the Act, the matters to which the Authority must have regard in assessing whether the holding of a conference is likely to entail significant costs are:

- (a) whether arranging the conference would incur costs additional to any costs charged in relation to the determination of the application; and
- (b) whether arranging the conference would entail duplication of efforts already spent in relation to the application.

6 Guidelines as to charges, and amounts of charges, applying to non-standard applications or conference

For section 19K(1) of the Act:

- (a) the guidelines as to the charges that may apply in relation to determining a non-standard application or the arranging of a conference are as set out in Schedule 2; and
- (b) the charges that will apply in relation to the determination of a particular non-standard application, or the arranging of a particular conference, are to be calculated in accordance with Schedule 3.

7 Abstract of Authority's records

- (1) A person may apply to the Authority for an abstract of the Authority's records in relation to a parcel of land.
- (2) The application must be in writing and accompanied by the applicable fee.
- (3) The Authority may give the applicant a written abstract containing:
 - (a) advice as to the following:
 - (i) whether there are any registered sacred sites on the parcel of land;
 - (ii) whether the Authority has a record of any other sacred sites on the parcel;
 - (iii) whether any part of the parcel is the subject of a restricted work area described in an Authority Certificate; and
 - (b) a map indicating the location of any registered or recorded sacred sites and any restricted work areas.
- (4) The Authority may also give the applicant additional maps or spatial data if the applicant:
 - (a) pays the applicable fees for the maps or spatial data; and
 - (b) if required by the Authority – signs an agreement between the applicant and the Authority in relation to the use of the maps or spatial data and pays the applicable fee for the agreement.

(5) In this regulation:

parcel of land means the whole of the land the subject of a separate certificate as to title registered under the *Land Title Act 2000*.

8 Fees

The fees payable under the Act and these Regulations are set out in Schedule 4.

Schedule 1 Guidelines for classifying applications

regulation 3

1 Standard applications

An application for an Authority Certificate that is not mentioned in clause 2 should be classified as a standard application unless there are exceptional circumstances relating to the application.

2 Non-standard applications

An application for an Authority Certificate mentioned below should be classified as a non-standard application.

2.1 Large area of land

An application in relation to one or more areas of land the perimeters of which together equal 20 km or more.

2.2 Substantial project

An application in relation to a substantial project, being proposed work that:

- (a) requires an environmental impact assessment under the *Environment Protection Act 2019*; or
- (b) is associated with a complex development such as a resort, mine or major horticultural development; or
- (c) uses an area of sea; or
- (d) involves the acquisition or extinguishment of native title rights.

A project is not necessarily a substantial project if the works relate to a standard road borrow area or to infrastructure being developed separately from principal works (for example, an access track to a mine if the request is for an Authority Certificate separate from the main mine Authority Certificate).

2.3 Aboriginal land

An application in relation to an area of land that is, in whole or part, Aboriginal land as defined in section 3(1) of the Land Rights Act.

2.4 Sacred sites

An application in relation to:

- (a) an area of land that encompasses a registered sacred site or a restricted work area described in a previously issued Authority Certificate; or
- (b) an area where an Authority Certificate has previously been refused due to the existence of sacred sites.

2.5 Specialised equipment or expertise

An application the determination of which will require the use of specialised equipment (for example, charter aeroplanes or helicopters) or expert professional advice (for example, an arborist).

2.6 Comprehensive survey

An application that:

- (a) is not limited to a specific location or project; and
- (b) requires a comprehensive survey of unusually wide scope.

2.7 Undisclosed work

An application that does not disclose the proposed use of the land or the nature of the work proposed to be carried out on the land.

2.8 Remote location

An application in relation to an area of land that is remote from major population centres, the determination of which will require special arrangements for travel or accommodation.

Schedule 2 Guidelines as to charges that may apply for non-standard application or conference

regulation 6(a)

The following costs, if incurred by the Authority in determining a non-standard application or in arranging a conference, may be charged by the Authority to the applicant:

- (a) consultants' fees (including payments to custodians as consultants);
- (b) travel and accommodation expenses (including vehicle costs, airfares etc.);
- (c) communication costs (satellite phones etc.);
- (d) equipment hire charges (Digital GPS, helicopter, fixed-wing aircraft, boat charter etc.);
- (e) photography etc.;
- (f) mapping and production of documents (printing, binding etc.);
- (g) translation and transcription costs;
- (h) incidental food costs;
- (i) cost of staff time spent on research;
- (j) cost of staff time spent supervising and liaising with other agencies/bodies;
- (k) administration costs (making of arrangements by Authority staff);
- (l) any other costs reasonably incurred.

Schedule 3 Charges for non-standard application or conference

regulation 6(b)

1. The amount of the charges payable by an applicant in respect of a particular application is to be determined as follows:
 - (a) items (a) to (h) and item (l) of Schedule 2, if applicable, are to be charged to the applicant at the amount incurred by the Authority;
 - (b) items (i) and (j) of Schedule 2, if applicable, are to be charged at the rate of staff wages plus 100% for the time identified as spent on the matter;
 - (c) item (k) of Schedule 2 is to be charged at a flat rate of 20% of the total of all other applicable items.
2. Except where no new costs are incurred by the Authority in arranging a conference, the amount of the charges payable by an applicant in respect of a particular conference is to be determined in the same manner as set out in clause 1.

Schedule 4 Fees

regulation 8

Application or matter	Fee (revenue units)
1 Standard application for an Authority Certificate in relation to:	
(a) freehold land anywhere in the Territory; or	57 for application plus 1 035 for certificate
(b) land, other than freehold land and Aboriginal land, that is:	57 for application plus 1 035 for certificate
(i) within the municipal boundary of Darwin, Palmerston or Litchfield; or	
(ii) within 25 km of the Alice Springs Post Office; or	
(c) land, other than freehold land and Aboriginal land, that is:	57 for application plus 2 300 for certificate
(i) not within the municipal boundary of Darwin, Palmerston or Litchfield; and	
(ii) not within 25 km of the Alice Springs Post Office	
2 Inspection of Register of Sacred Sites	23 per sacred site
3 Inspection of register kept under section 26 of the Act	23 per inspection of Authority Certificate application and related Certificate or refusal
4 Abstract of Authority's records	23 per parcel of land
5 Additional information provided with abstract of Authority's records:	
(a) additional maps up to A3 size;	23 for each map

Application or matter		Fee
		(revenue units)
(b)	maps over A3 size;	50 for the first 5 maps and 28 for each additional map
(c)	specialised maps or spatial data	equivalent of production costs
6	Agreement under regulation 7(4)(b)	50

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Northern Territory Aboriginal Sacred Sites Regulations (SL No. 14, 2004)***

Notified	28 April 2004
Commenced	28 April 2004

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

Northern Territory Aboriginal Sacred Sites Amendment Regulations 2011 (SL No. 31, 2011)

Notified	3 August 2011
Commenced	3 August 2011

Local Government Amendment Act 2013 (Act No. 28, 2013)

Assent date	8 November 2013
Commenced	8 November 2013

Environment Protection Act 2019 (Act No. 31, 2019)

Assent date	9 October 2019
Commenced	28 June 2020 (<i>Gaz</i> G17, 29 April 2020, p 2)

Amending Legislation***Statute Law Revision and Repeals Act 2019 (Act No. 33, 2019)***

Assent date	6 November 2019
Commenced	pts 2 and 3: 11 December 2019 (<i>Gaz</i> G50, 11 December 2019, p 2); rem: 7 November 2019 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 7 and Sch 1.

4 LIST OF AMENDMENTS

r 2	amd No. 31, 2011, r 3
r 4	amd No. 34, 2009, r 3
	rep No. 31, 2011, r 4
r 7	sub No. 31, 2011, r 5
r 8	ins No. 31, 2011, r 5
sch 1	sub No. 31, 2011, r 6
	amd Act No. 31, 2019, s 335
sch 3	amd No. 31, 2011, r 7
sch 4	amd No. 34, 2009, r 3
	sub No. 31, 2011, r 8
	amd Act No. 28, 2013, s 61