

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY ABORIGINAL SACRED SITES REGULATIONS

As in force at 28 April 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 April 2004

NORTHERN TERRITORY ABORIGINAL SACRED SITES REGULATIONS

Regulations under the *Northern Territory Aboriginal Sacred Sites Act*

1 Citation

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

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* of the Commonwealth 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.

4 Fees for standard applications

(1) For section 19D of the Act, the fees payable for standard applications are as set out in the Table.

Application fee (payable in all cases)	\$50
Certificate fee in relation to freehold land anywhere within the Territory	\$900
Certificate fee in relation to land of any tenure (except Aboriginal Land):	\$900
(a) within the municipal boundary of Darwin, Palmerston or Litchfield Shire; or	
(b) within 25km of the Alice Springs Post Office	

<p>Certificate fee in relation to land of any tenure (except Aboriginal Land):</p> <p>(a) not within the municipal boundary of Darwin, Palmerston or Litchfield Shire; and</p> <p>(b) more than 25km from the Alice Springs Post Office</p>	<p>\$2 000</p>
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- (2) If land that is the subject of a standard application is residential freehold land within a municipality and the applicant is the owner and occupier (or intended occupier) of the lot, the Authority will, unless exceptional circumstances exist, waive the certificate fee (but not the application fee).

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 Inspection of register and other records

For section 48 of the Act, the prescribed fees for inspection of the register or other records of the Authority are as set out in Schedule 4.

Schedule 1 Guidelines for classifying applications

regulation 3

1. Standard Application

An application is a standard application unless it is classified as a non-standard application in accordance with the guidelines set out in this Schedule.

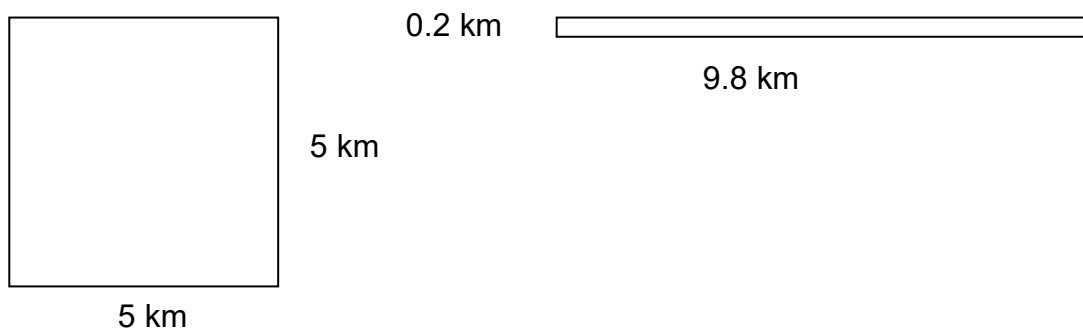
2. Non-standard application

An application will be classified as non-standard in the following circumstances:

2.1 A project involving a large area of land

2.1.1 A project is taken to involve a large area of land if the perimeter of the area of land is equal to or greater than 20 km.

2.1.2 If a single project involves 2 or more non-contiguous areas, the project perimeter is taken as the sum of the perimeters of each area.



Examples of perimeter of 20 km

2.2 Substantial projects

2.2.1 A project is considered to be a substantial project if the works to which the application for a certificate relates:

- require a public environmental report or an environmental impact statement under the *Environmental Assessment Act*;
- are associated with a complex development such as a resort, mine or major horticultural development or any project using an area of sea;
- involve the acquisition or extinguishment of native title rights.

2.2.2 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 the principal works (for example, an access track to a mine, where the request is for a certificate separate from the main mine certificate).

2.3 Aboriginal land

Work to which the request for a certificate relates is to be carried out on Aboriginal land within the meaning of the *Aboriginal Land Act* and the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth.

2.4 Sacred sites

Work to which the application for a certificate relates is to be carried out on a registered sacred site, within a restricted work zone defined in a previously issued certificate or in areas where a certificate has previously been refused because of the existence of sacred sites.

2.5 Specialised equipment or expertise

Where the determination of the application for a certificate requires the use of specialised equipment (for example, helicopter hire) or expert professional advice (for example, an arborist).

2.6 Other

An application may be classified as non-standard in the following circumstances:

- (a) the application requires a comprehensive survey of unusually wide scope and is not limited to a specific location or project;
- (b) the application does not disclose an intended use of the land or the nature of work that is intended to be carried out on the land;
- (c) the land to which the application relates is remote from major population centres and the determination of the application will require special arrangements for travel or accommodation.

3. Doubtful cases

If there is doubt as to whether an application is to be treated as a standard application or a non-standard application (for example, there are novel circumstances that take the matter out of the realm of being a standard matter, despite that it would otherwise be classified as standard), the Authority must make a decision on a case by case basis.

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

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) (inclusive) 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 for inspection of Register and other records

regulation 7

1. Printed format

- 1.1 As the Authority's records are held in electronic form, an inspection of the register or other record entails a printed response and the production of a map, and the fee payable is as set out in Table 1.
- 1.2 A fee is payable in respect of each parcel of land for which an inspection of the Register is sought (a parcel of land is a discrete area over which an owner or lessee has a legal interest).

Table 1

	Fee payable
Map up to A3 size (including an extract from the coastal map series)	\$20
Map over A3 size	\$20 plus \$50 per map sheet for 1 to 5 sheets and \$25 per map sheet in excess of 5 sheets.
Specialised maps showing more than registered and recorded sites	\$20 plus actual production costs of the map(s).

2. Electronic format

- 2.1 If a person inspecting the register or other records of the Authority requires data in digital format, the fee payable is as set out in Table 2.
- 2.2 A person who obtains data in digital format from the Authority may obtain quarterly updates of acquired data on payment of an annual fee of 100 revenue units, plus the applicable charge from Table 2 (not including the processing fee).

	Fee payable
1 to 20 sites	\$20 processing fee plus 40c per site
21 sites to 500 sites	\$100 processing fee plus 40c per site

Sites in excess of 500	An additional 10c per site (to a maximum of \$1 000)
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Table 2

- 2.3 Under the Northern Territory Government Data Exchange Agreement, government Agencies are only liable to pay the processing fee specified in Table 2.

ENDNOTES

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KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = *Gazette*

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2

LIST OF LEGISLATION

Northern Territory Aboriginal Sacred Sites Regulations (SL No. 14, 2004)

Notified 28 April 2004

Commenced 28 April 2004