

# **NORTHERN TERRITORY OF AUSTRALIA**

## **NORTHERN TERRITORY ABORIGINAL SACRED SITES AMENDMENT REGULATIONS 2011**

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### **Subordinate Legislation No. 31 of 2011**

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## Subordinate Legislation No. 31 of 2011\*

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### ***Northern Territory Aboriginal Sacred Sites Amendment Regulations 2011***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Northern Territory Aboriginal Sacred Sites Act*.

Dated 18 July 2011

T. I. PAULING  
Administrator

By His Honour's Command

M. B. A. McCARTHY  
Minister for Indigenous Development

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\* Notified in the *Northern Territory Government Gazette* on 27 July 2011.

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**1 Citation**

These Regulations may be cited as the *Northern Territory Aboriginal Sacred Sites Amendment Regulations 2011*.

**2 Regulations amended**

These Regulations amend the *Northern Territory Aboriginal Sacred Sites Regulations*.

**3 Regulation 2 amended**

Regulation 2

*omit*

of the Commonwealth

*insert*

(Cth)

**4 Regulation 4 repealed**

Regulation 4

*repeal*

**5 Regulation 7 replaced**

Regulation 7

*repeal, insert*

**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;

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- (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*.

## **8 Fees**

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

## **6 Schedule 1 replaced**

Schedule 1

*repeal, insert*

## **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.

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## **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 a public environmental report or an environmental impact statement under the *Environmental Assessment Act*; 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.

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## **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.

# **7 Schedule 3 amended**

- (1) Schedule 3, heading, after "**Schedule 3**"

*insert*

**Charges for non-standard application or conference**

- (2) Schedule 3, clause 1(a)

*omit*

(inclusive)

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**8 Schedule 4 replaced**

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Schedule 4

*repeal, insert*

## **Schedule 4 Fees**

regulation 8

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<b>Application or matter</b>		<b>Fee (revenue units)</b>
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 Shire; 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 Shire; and	
	(ii) not within 25 km of the Alice Springs Post Office	
2	Inspection of Register of Sacred Sites	23 per sacred site



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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
	(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

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