

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY ABORIGINAL SACRED SITES REGULATIONS

As in force at 8 November 2013

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 8 November 2013

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## 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* (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

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- (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*.

## **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 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.

## **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.

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**Schedule 4 Fees**

regulation 8

<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; 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

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(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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**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
<i>Gaz</i> = <i>Gazette</i>	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

**3 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
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