



**Aboriginal Areas
Protection Authority**
protecting sacred sites across the territory

Authority Certificate Fact Sheet

For projects that involve the clearing of vegetation, ground disturbing works or any disturbance to the physical landscape, the Aboriginal Areas Protection Authority recommends that you apply for an Authority Certificate.

An Authority Certificate is not a development approval, but it sets out the conditions for carrying out works on land and sea on or near sacred sites.

It provides you with certainty as to where sacred sites are located and what can and cannot be done in and around them.

A Certificate provides you with an indemnity against prosecution under the Northern Territory Aboriginal Sacred Sites Act 1989 (Sacred Sites Act) if you adhere to the conditions set out in the Authority Certificate.

Without an Authority Certificate you could be at high risk of causing damage to a site which in turn could lead to prosecution, reputational damage, significant delays and additional costs to your project.

Works can be large or small in nature, and include building a shed, installing fences, road works, vegetation clearing, tree trimming as well as major mining or tourism developments.

The Authority Certificate process requires consultation with Aboriginal custodians of sacred sites. The AAPA has built a strong relationship with custodians, having consulted across the NT for over 40 years.

Under Section 22 of the Sacred Sites Act there are two distinct types of Certificates:

- Section 22(a) Certificates where the Authority is satisfied that the work or use of the land could proceed or be made without there being a substantive risk of damage to or interference with a sacred site on or in the vicinity of the land;
- Section 22(b) Certificates where an agreement has been reached between custodians and the applicant regarding the proposed works or use.

The Authority then issues an Authority Certificate to the applicant setting out the conditions for work, if any, as expressed by custodians or in accordance with the agreement.

All Authority Certificate applications require an account with the AAPA Online Portal. Accounts require an email address and may be for businesses or individuals. Business accounts can use a generic email related to your business or individual accounts can have access. Please take note that correspondence will be sent to this email address.

FEES AND CHARGES

All applications are charged a lodgement fee of \$84 (please note GST is not applicable).

Once an application is accepted, the Authority will issue an estimate of cost to the applicant. Work on the application will not commence until costs are accepted.

Costs are based on staff time, travel expenses, custodian fees and administration costs as defined by the Northern Territory Aboriginal Sacred Sites Regulations.

The estimate is not a quote and is an assessment of probable costs required to issue the Authority Certificate. If actual costs vary significantly from the estimate the applicant will be contacted about adjusting the estimate before works continue.

The AAPA does not make a profit from the charges and only recovers the cost of processing Authority Certificate applications.

You can request a breakdown of the cost estimate or final charges. The AAPA endeavours to keep costs to a minimum.

Costs typically include any of the following:

- Staff fees - set rate per day.
- Consultants' fees - set rate per day.
- Custodian payments.
- Translator payments.
- Travel and accommodation expenses (including vehicle costs, airfares).
- Communication costs (satellite phones etc).
- Equipment hire charges (Digital GPS, helicopter, fixed wing aircraft, boat charter, etc).
- Photography, mapping, and production of documents (printing, binding, etc).
- Transcription costs.
- Incidental costs.
- Cost of staff time spent on research.
- Cost of staff time spent supervising and liaising with other agencies/bodies.
- Administration costs (staff and/or consultant arrangements).
- Any other costs reasonably incurred.



FAQ

I tried to create an AAPA Online Portal account but my email is already in use.

You may already have an NTG Land Services account that you use in another system. If this occurs contact ILIS Support on (08) 8995 5309 for assistance.

How long does it take to get an Authority Certificate?

It takes an average of four months to produce an Authority Certificate.

The timeframe will vary depending on various factors including the complexity of the proposed works, availability of custodians, remoteness, and access to land that may be impacted by weather events.

It is important that applicants provide as much detail as possible about the proposed use of, or works on, the land or sea area in the application. An application cannot be processed until a subject land boundary is determined. The AAPA may refuse an application if insufficient information is provided.

Once the applicant has accepted the costs, the AAPA is obliged to consult with custodians of sacred sites on or in the vicinity of the area to which the application relates. By law, these consultations must commence within 60 days of the acceptance, however, depending on the distances and complexity involved, the consultations may take some time to complete.

Applicants are encouraged to discuss timeframes applying to their application with the AAPA staff.

I know the custodians of the sacred sites in the area of interest. Do I still need an Authority Certificate?

Yes. Only an Authority Certificate provides a defence against prosecution for damage to a sacred site. It is also a comprehensive body of work that ensures all sites have been considered and all relevant custodians have been consulted. An Authority Certificate also provides clear conditions for work to proceed without damaging any sacred sites.

I own the land that is the area of interest. Do I still need an Authority Certificate?

All sacred sites are protected regardless of tenure. The rights of land owners are preserved under section 44 of the Sacred Sites Act. Ownership of the land, however, will not defend



you against a prosecution under the Act in the event a sacred site is worked on or damaged. Only an Authority Certificate can do this.

Owners of land that may include sacred sites should ensure they consider the Act and whether they may require an Authority Certificate for their use of the land.

If an Authority Certificate has previously been granted over the area of interest, will it be cheaper and quicker to get another one for my works?

All Authority Certificates are specific to the works proposed. Every new Certificate requires consultation with custodians to ensure free, prior and informed consent. It may be that earlier work in the area of interest will simplify the process, but many factors impact on the time and cost of the Authority Certificate work.

Under section 24 of the Sacred Sites Act, it is also possible to have an Authority Certificate transferred to a new holder. This can only be done with the consent of the original Certificate holder.

The new Authority Certificate will cover the same land and works that were the subject of the original Certificate and have the same conditions. On the issue of the new Authority Certificate, the existing Certificate is automatically cancelled.

It is also possible for an Authority Certificate holder to add additional recorded parties to their existing Authority Certificate. This grants the recorded parties the use of the Certificate. It does not change the subject land or proposed works, and any use or works not specified on the Authority Certificate will fall outside of the legal protection afforded by the Authority Certificate.

How can I appeal an Authority Certificate?

Under the Northern Territory Aboriginal Sacred Sites Act, the AAPA is recognised as the expert body for identifying and consulting with Aboriginal custodians and for issuing Authority Certificates, which set out the conditions under which proposed work on or near sacred sites may be carried out. The AAPA has extensive professional experience working with traditional custodians to ensure the correct senior custodians are consulted.

An applicant for an Authority Certificate may apply for a conference with the custodians, about their application, or about the conditions of an Authority Certificate. A conference can occur before or after the issuing of a Certificate by the Authority.

In addition, an Authority Certificate applicant can apply to the NT Minister for a review of the AAPA decision.



I have an Authority Certificate. What now?

An Authority Certificate indemnifies the applicant against prosecution only if the proposed works and use of the land or sea are carried out in accordance with the conditions on the Authority Certificate. Therefore, it is important to:

- Ensure that you are only carrying out works or use of land/sea as defined on the Authority Certificate.
- Understand the conditions on the Authority Certificate.
- Observe any restricted work areas marked on the map that forms part of the Authority Certificate.
- Be aware that it is your legal responsibility to ensure that all contractors, subcontractors and employees comply with the conditions on the Authority Certificate.

The timeframes of Authority Certificates are typically tied to the conduct of the works. Once the works are completed an Authority Certificate is spent.

If you have any questions about the conditions on the Authority Certificate at any stage of your project, contact the AAPA immediately. It is much better to contact the AAPA if you or your contractors are not sure, than to risk damage to a sacred site.

My development plans have changed slightly, do I have to get a whole new Authority Certificate?

Please discuss this with the Authority at your earliest opportunity to see what options are available based on the amended development plan.

Dependant on the nature and scale of the change, it may be that a variation of the original Certificate will be required. Alternatively, if the amendment to the development affects only a small portion of the subject area then an additional Certificate for that area may be needed.

What should I do if an Authority Certificate breach has occurred?

If you have reason to believe that an Authority Certificate condition has been breached, you are advised to cease works at the location in question and contact the Authority immediately on (08) 8999 4365.

