



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

Ref: 202517238

Dear Development Coordination Branch

**AAPA Submission – PL2025/0013 – Pastoral Land Clearing**

The Aboriginal Areas Protection Authority (the Authority) appreciates the opportunity to comment on the Non-Pastoral Use Permit (NPUP) application PL2025/0013 for Pastoral Land Clearing.

Our submission addresses matters relating to sacred site protection, Authority Certificate requirements, and the applicant's assertions regarding historical survey coverage and certificate transferability.

The Authority is an independent statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (Sacred Sites Act) and is responsible for protecting Aboriginal sacred sites on land and sea throughout the Northern Territory. Sacred site protection is a vital component of preserving the Territory's cultural heritage for the benefit of all Australians.

The Authority seeks to balance the protection of sacred sites with responsible development in the Northern Territory. This is achieved through the statutory provision of information about sacred sites and the issuing of Authority Certificates.

If you have any queries or require any further information, please contact [Secretariat.AAPA@nt.gov.au](mailto:Secretariat.AAPA@nt.gov.au)

Yours sincerely,

**Robert Pocock**

Interim Chief Executive Officer

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**Darwin**

P: +61 (08) 8999 4365  
F: +61 (08) 8999 4334  
[www.aapant.org.au](http://www.aapant.org.au)  
[enquiries.aapa@nt.gov.au](mailto:enquiries.aapa@nt.gov.au)  
4th Floor, R.C.G Centre  
47 Mitchell Street DARWIN NT  
GPO Box 1890, DARWIN NT 0801

**Alice Springs**

P: +61 (08) 8951 5023  
F: +61 (08) 8951 7398  
[www.aapant.org.au](http://www.aapant.org.au)  
[enquiries.aapa@nt.gov.au](mailto:enquiries.aapa@nt.gov.au)  
1st Floor, NT House  
44 Bath Street ALICE SPRINGS NT  
All mail to Darwin GPO

## **ABORIGINAL AREAS PROTECTION AUTHORITY SUBMISSION**

### **Non-Pastoral Use Permit (NPUP) application PL2025/0013 for Pastoral Land Clearing**

#### **Historical Authority Certificates and Claims of Cultural Accuracy**

The applicant, Southern Cross Agriculture Pty Ltd (SCA), states that 21 Authority Certificates have previously been obtained over the project area and asserts that these historic surveys 'offer a higher degree of cultural accuracy and credibility than contemporary inspections' due to the involvement of senior custodians.

For these reasons SCA considers the existing certificates provide the requisite level of coverage for its current project and does not intend to apply for an Authority Certificate in the context of PL2025/0013.

While the Authority acknowledges the significant contributions of past custodians, the assertion that contemporary custodians possess less cultural knowledge, responsibilities or authority than their predecessors is incorrect. This knowledge, responsibility and authority is passed down through families and remains strong in application area.

Noting the historic certificates were issued for different project contexts, it should not be assumed they capture the full extent of cultural knowledge relevant to the proposed works. It is therefore essential to consult with current custodians to ensure the protection of sacred sites in the context of the works currently proposed.

For these reasons, the Authority does not accept the premise that historic surveys provide superior cultural accuracy or negate the need for contemporary assessment through a new Authority Certificate.

The NPUP area contains numerous large, registered and recorded sacred sites, including sites of high cultural significance. A project of this scale cannot realistically proceed without risk of impact to sacred sites. It remains an offence under the Sacred Sites Act to carry out works on or within a sacred site without an Authority Certificate.

Only an Authority Certificate provides legal protection to proponents, including certainty regarding conditions, exclusion zones, and permissible works.

The Authority notes SCA's stated intention to negotiate an Indigenous Land Use Agreement (ILUA) with Traditional Owners. While an ILUA may provide a suitable framework for broader project negotiations, it does will not provide SCA with a defence to a prosecution under the Sacred Sites Act.

An ILUA can however, form the basis for the issuing of an Authority Certificate by agreement under section 22(1)(b) of the Sacred Sites Act.

Given the likelihood of impact to sacred sites, the Authority recommends that:

- SCA apply for a new Authority Certificate under section 22(1)(b) of the Sacred Sites Act as part of ILUA negotiations with traditional owners; and
- If the Pastoral Land Board is minded issuing a NPUP, that it includes as a condition the requirement for SCA to obtain a new Authority Certificate.