

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mr Higgins to the Minister for Environment and Natural Resources

Appropriation Bill – Aboriginal Areas Protection Authority

Please provide copies of:

- all questions, which you have received from the public in relation to the Estimates process and consideration of the Appropriation Bill for the 2017/18 financial year; and
- the answers to those questions that were presented to the Estimates Committee

Please provide the information requested below for Agencies and Government authorities for which you have responsibility, as at 31 March 2017.

ABORIGINAL AREAS PROTECTION AUTHORITY
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Please accept apologies if questions are not under the correct Output. Where this is the case, it would be appreciated if you could indicate the appropriate Output in your response. Thank You.

OUTPUT GROUP: PROTECTION OF SACRED SITES

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1. The budget paper states a budget highlight for AAPA is “Investing to modernise the secure information technology system for sacred site registration and protection.” How much money is allocated to this? What are the timelines for its implementation?

At this stage a project manager has been engaged for a 3 month period to scope out the parameters of the project. This work is due to be completed shortly and any decisions about possible future expenditure will be made after this work has been finalised. However at this point it is not expected that any additional resources from the NTG will be sought as AAPA generates funds through their normal activities and will fund ICT-project related activities in a sustainable manner using those funds.

2. The budget paper also states that another budget highlight for AAPA is “Reviewing the *Northern Territory Aboriginal Sacred Sites Act* to ensure a

contemporary and best practice approach to preserving and protecting sacred sites across the Territory.” What are the expected timelines and terms of reference for this review? Is “Budget highlight” an accurate description of this?

In 2015 Price Waterhouse Coopers Indigenous Consulting was appointed to undertake a review of the Northern Territory Aboriginal Sacred Sites Act and the day to day operations of the Authority.

The Sacred Sites and Processes Review was published in July 2016. At the completion of the review 39 recommendations – a combination of legislative and administrative changes – were presented to the former Government and made public. The Authority, in conjunction with the Government, is currently undertaking work on progressing the recommendations.

3. In the key performance indicator table for AAPA it notes that “the increase in the average time to complete a request for information reflects the higher volume, complexity and scale of applications received.” Please expand on how the complexity of applications are increasing. Please expand on how the scale of applications are increasing.

In recent years the Authority has received an increasing number of requests for information in relation to major projects spanning large areas of high cultural complexity in the Northern Territory over areas crossing multiple tenure types. This process assists industry to better understand and plan for the development of major projects spanning large areas of the NT and a significant number of sacred sites belonging to multiple custodian groups in advance of negotiations with land councils and other parties. Recent examples include the Jemena Gas Pipeline, the proposed Seafarms project, Kenbi land negotiations, and a number of mineral exploration projects. The Authority has also experienced an increase in the number of detailed requests for information from Aboriginal custodian groups, including Aboriginal Ranger Groups as a source of information for improved management of sacred sites. Another specific type of request that is complex for the Authority to respond to are requests from Aboriginal groups for archived records attributed to specific family members, including audiovisual materials.

4. Please explain why AAPA is sending a representative to Contour Biennale. How does this fit within the agency’s Strategic Objectives as listed within the budget papers?

Dr Benedict Scambary, CEO Aboriginal Areas Protection Authority undertook one official international business trip from 1 July 2016 to 31 March 2017 to Brussels, Belgium, accompanying the Karrabing Film Collective to the Brussels conference, representing the Authority in a number of forums.

The purpose was to make a presentation at the Contour Biennale on the collaboration between the Aboriginal Areas Protection Authority, Columbia

University and the Karrabing. Karrabing has collaborated with the Aboriginal Areas Protection Authority and the Department of Anthropology at Columbia University in New York to explore the development of an app for a GPS-based transmedia project. It is exploring new forms of recording landscapes and sacred sites and seeks to highlight Indigenous values in land to the broader audience in a manner that will have applications of land management and non-performance tourism as an economic development opportunity for the Karrabing Indigenous Corporation.

The Itinerary was a round trip from Darwin to Belgium from 9 March to 21 March 2017. All airfares were paid by Columbia University and all accommodation was paid by the Contour Biennale. The Northern Territory Government provided travel allowance to Dr Scambary at a cost of \$1,112.98.

A report and a briefing were provided to the Minister for Environment and Natural Resources about the purpose of the trip which was to make a presentation to the Contour Biennale in partnership with Columbia University and Karrabing. Since 2015 the Authority has been working with the Karrabing on a project for the purpose of registering sacred sites using new technology, especially through film. The use of technology to record sites has provided an opportunity for intergenerational transmission of knowledge and engaging the next generation to participate in the project and protection of sacred sites. On the ground fieldwork commenced for this project in 2016 involving Authority staff and Professor Elizabeth Povinelli, Franz Boas Professor of Anthropology at Columbia University.

The trip fits in with AAPA's Strategic Objectives by promoting both this work to identify new ways of recording important cultural information about sacred sites, and also by promoting the legal regime for the protection of sacred sites in the NT on the international stage that is specific to the Territory but widely regarded as the best legal system for the protection of cultural heritage both in Australia and beyond.

5. We understand that McArthur River Mining has applied for a variation to its authority certificate to increase the size of its wasterock dump. Please advise on the status of this application.

The application is ongoing. The Authority is working through its normal process for this project and planning has commenced for fieldwork consultations with the custodians of sacred sites in relation to the proposed expansion of the waste rock dump.

6. Please provide an update on Ord Development Project Stage 3 in relation to AAPA. Is it correct that the Keep River Plain, approximately one-third of the project area is considered a sacred site by AAPA?

The Authority has received an application for water and soil testing as part of a Commonwealth-funded feasibility of the Ord stage 3 project. The Authority will progress this application through the normal consultation process. These

consultations are likely to be complex due to the nature of sacred sites in the area and the number of custodian groups who are to be consulted.

Significant portions of the Ord Stage 3 project area, including the Keep River Plain, are culturally significant to Traditional Owners and other Aboriginal people of the East Kimberley region. The Authority does consider the Keep River Plain a sacred site.

OUTPUT GROUP: CORPORATE AND GOVERNANCE

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1. In response to Global Written Questions a number of consultancies were listed, none of which had an EoI or a tender. Please advise if this is common in AAPA.

This is common practice for anthropological consultancies. By its nature, Anthropology as a field is a national one and many of the most eminent anthropologists are based outside the NT, travelling to the Territory to undertake their fieldwork.

Due to the complexity, scale or political sensitivities of projects, the Authority sought contracts from a selected number of interstate Independent Anthropologists. These Independent Anthropologists were selected for their high level of experience and for their specialised expertise relating to specific cultural heritage matters/custodian groups(s)/regional knowledge.

2. A \$48,000 contract without a tender or EoI has been issued for a Canberra-based anthropologist for Project Sea Dragon on Legune Station, due to his or her local credentials.

Please elaborate on Dr McWilliams' experience working with people from this area.

Due to the length, complexity and scale of the project, an independent Anthropologist with a high level of experience was required. Dr McWilliam holds a PhD. in Anthropology from the Australian National University and at the time was employed as a Fellow / Senior Research Fellow in Anthropology at the College of Asia and the Pacific and the Australian National University.

Dr McWilliam has vast experience working with Indigenous people from this area, having undertaken extensive Anthropological work in the area as recently as 2015. Dr McWilliam maintains close relationships with the Custodians of the region and was eminently qualified to undertake this project.

3. A \$30,000 contract without a tender or EoI has been issued for a Canberra-based anthropologist for Project Sea Dragon on Legune Station, due to his or her local credentials. Please elaborate on Dr Holcombe's experience working with people from this area?

Due to the length, complexity and scale of the project, an independent Anthropologist with a high level of experience was required. Dr Holcombe holds a PhD. in Anthropology from the University of Newcastle and at the time was employed as a Visiting Fellow at the Centre for Aboriginal Economic Policy Research at the Australian National University. Dr Holcombe has vast experience working with Indigenous people from this area over many years, as well as expertise working with Indigenous women in relation to gender specific issues. These skills and experience were of particular importance in this case due to the project area containing many highly sensitive Sacred Sites specific to women. Dr Holcombe has regularly been commissioned to produce reports for Land Claims in accordance with the Aboriginal Land Rights Act 1976.

4. Why are the contracts for different amounts?

The contracts are different due to the timing of availability of custodians for fieldwork consultations and sacred site visits over different areas of the subject land as determined by gender. The different timeframes allocated for this work to each consultant is based on days required to visit each area and numbers of custodians in attendance for gender specific cultural reasons. Dr Holcombe worked with female custodians and Dr McWilliam worked with male custodians. There are a number of sites within the project area that are either considered male or female under aboriginal traditional law. Sacred sites requiring visits by male custodians required more days to visit.

5. An \$8000 contract without a tender or EoI has been issued for a Sydney-based student anthropologist on Mt Bundy Exploration Drilling? Please explain why?

The contract was issued to an experienced and fully qualified anthropologist, who is a former member of staff at AAPA with over 3 years' experience conducting independent, short-term ethnographic fieldwork projects in urban and remote Aboriginal communities in the Northern Territory and translating fieldwork data into legally enforceable sacred site protection conditions for developers.

The consultant is a fully qualified anthropologist, holding both Bachelors and Masters degrees in this field and is now a Doctoral Candidate. The AAPA does not employ anthropology consultants without at least an honours degree in Anthropology or equivalent field experience; in this case including specific expertise in the Northern Territory in accordance with the requirements of the NTSSA.

6. A \$9000 contract has been issued to develop a strategic plan. Please provide a copy of the plan.

As a result of the Sacred Sites Review of the Authority and the NTSSA, the Authority strategic plan required redrafting to ensure it aligned with the key proposals of the review. The consultant was hired to run a series of workshops with members of the board, the executive and staff to align the strategic plan with the themes of the review. The strategic plan is in draft awaiting more work

at a final all staff workshop in coming weeks. The strategic plan will then be taken to the board for sign off and published on the Authority website.
