



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION

Advancing and Protecting the Interests of the Cattle Producers of the Northern Territory

Secretary

Legislative Scrutiny Committee

Via email: la.committees@nt.gov.au

Regarding Northern Territory Aboriginal Sacred Sites Legislation Amendment Bill 2025

The NTCA is the peak primary industry body in the Northern Territory representing the Territory's pastoral industry, from small family pastoral holdings and indigenous enterprises to large corporate entities.

The NTCA welcomes the opportunity to provide a submission to the Committee. The protection of sacred sites in the Northern Territory is an obligation of all Territorians, is in the national interest for all Australians and is something for which the NTCA is strongly supportive. The amendments proposed in the legislation are, in our opinion, common sense and will achieve the expansion of protective powers and further secure these sites into the future.

The complexity of land tenure systems in the Northern Territory has significantly expanded since the legislations first introduction in 1989, as has as the activities of industry in the regions of the NT. With the Commonwealth and Territory Governments' stated ambitions to grow the critical minerals sector in the NT, as well as continued onshore gas exploration and production and the ongoing development of the pastoral industry, the introduction of this legislation is timely.

In regard to mining and gas development, much of the exploration activities to identify these deposits occurs on lands of split tenure, an example being where a mineral lease is granted over the top of a pastoral lease. This is unsurprising given perpetual pastoral leases cover almost fifty percent of the Territory's land mass.

A key area of concern for the NTCA and its members in the past has been in the extensive works carried to secure authority certificates, issues through the Aboriginal Areas Protection Authority (herein 'the Authority'), which under current legislative arrangements are unable to be shared with other affected parties (being subsequent leaseholders/landowners including pastoralists).

The NTCA notes the creation of the 'recorded party' category in the Bill and is broadly supportive of the extent to which the categorisation, and role thereof, has been drafted. However, language in the explanatory statement, specifically Clause 7, speaks to the same protections being placed on a recorded party as on the applicant for an authority certificate for the protection of a site.

Given the nature of both the operations of the Authority currently, and the provisions in the Act that limit the availability of information in regard to the nature of protections



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placed over sacred sites and the extent to which these are applied consistently, we would like to register our concern over the rigidity of this wording.

Where the protections imposed are reasonable, practicable, are in line with the broader effects of the Act (being to strike a practical balance between the need to preserve and enhance aboriginal and cultural tradition in relation to certain land in the Territory with the aspirations of Aboriginal and all other peoples of the Territory for their economic, cultural and social advancement) and are able to be complied with between the differing land uses for which both the applicant and the recorded party respectively seek to use the land, then we are supportive of this proposition.

However, if the Government or the Authority are aware of instances in which protections placed over the utilisation of lands today for the purpose of the holder of an authority certificate, for which a party who could potentially be considered a 'recorded party', were the Bill be brought into effect, would be unable to comply, or to do so would cause harm or infringe upon their rights to utilise the land, then we are not supportive of this proposition. This concern further supports the case for reform, given that informed awareness of to the extent to which this may be an issue is unachievable today by industry members.

Again, given the lack of availability of public information regarding what protections are currently in affect, and whether these vary between industry sectors, it is difficult to foresee how the intersection of this interests may conflict. Because of this, we would urge caution in the creation of rigidity in the new Bill that could either have a negative effect on the operations of the Authority, the protection of sacred sites or the desires of land users to develop the land of the Northern Territory. Ministerial oversight of decision making in regards to the applicability of protections across land tenures could provide an avenue to ensure the interests of all Territorians are protected.

The opportunity to expand the composition of the authority, as outlined in Clause 5 of the Explanatory Statement, appears on the face of it to be appropriate given the stated aspirations of the Act. While cultural sensitivities must be ensured in this process, the NTCA is not aware of an instance in which the presence of non-indigenous members of the Authority has undermined this previously. It would therefore appear to be an opportunity to expand the skills and knowledge available to the Authority in decision making and governance – which again, would appear only to be an addition for the Authority and does not appear to offer cause for concern.

The NTCA holds the view that consideration should be preferentially applied by the Minister to his nominees based on both (a) their knowledge of the broader legislative framework within the Territory and how the intersection of the Act affects these and (b) a strong understanding of the activities of industry in the Territory that most often intersect with the operations of the Act. However, this would not necessarily need to be prescriptive in the legislation to be carried out.



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In regard to Clause 9 and the proposed creation of section IVA, the NTCA agrees that the inclusion of enforceable undertakings would modernise the regulatory provisions in the Act and bring it in line with currently provisions such as those within existing NT environmental legislation.

With the financial limitations of the Authority, the NT Government and prospective affected parties whose actions bring them into conflict with the Act, it would appear to be reasonable to support the creation of mechanisms by which the Authority would be able to undertake actions to bring about prompt and appropriate remediation works, where they are possible to be achieved. The provisions proposed place considerable weight on the expertise and decision making of the Authority in regard to the appropriateness of these actions being able to be undertaken, which would appear to ensure against risks of further harm being caused.

Overall, the NTCA believes the Act could be passed in its current wording, would support the lessening of some rigidity if amendments are to be made prior to the act being passed and believes that these limited changes proposed to the Act will ultimately produce better protections for sacred sites in the Territory.

We would like to put on record that further amendments to the Act are desirable to the pastoral industry, in line with our stated purpose of seeing protections further secured and the balance within the Act further strengthened. We are also supportive of far greater investment in the operations of the Authority being made by Government that would secure both appropriate cultural protections while expediting investment and development in the NT. Not all of these changes require further legislative amendment.

Specifically, improvements in the business practices of the Authority that would allow the more accurate recording of the location of sites, the modernisation of mapping practices to allow for these to be incorporated within common industry systems and other practicable amendments to services provided by the Authority, would further aid in this pursuit. The NTCA is strongly supportive of seeing these improvements made.

It remains a concern for the Association that it is likely even the suggestion of amendments to this Act will be met with allegations to the effect of supporters of reform being branded as wishing to see the diminishment of protections for sacred sites, or that there are industries operating within the Territory that would wish to see damage occur to sites for the sake of development activities. From the perspective of the NTCA and its members, this is in no way desirable and statements to this affect should be condemned as mistruths.

But this does not diminish the fact that the operation of the current legislation appear to have been wielded with considerable inconsistency, which has created uncertainty and mistrust in the Authority's exercise of its responsibilities. While cultural sensitivities must be secured in the operations of the Act, it should not mean that the Authority is able to operate under a near total sphere of secrecy and remain immune from any responsibility



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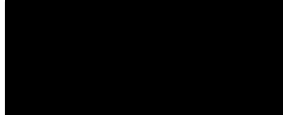
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for its inconsistencies in recording of information or failures to fulfill its own requirements under the legislation.

The continual modernisation of this specific legislation must become a practice for which all affected parties in the NT feel comfortable and able to participate in equally. To achieve this, trust must be established that a balance is achievable, and that the protection of these sites is supported by everyone.

The NTCA believes the proposed amendments go some way to seeing this achieved and welcomes the opportunity to provide this submission. We would welcome the opportunity to participate in further in this process and welcome inquiries from the Committee regarding our submission.

Best Regards,



Romy Carey,
Chief Executive

Northern Territory Cattlemen's Association