

To: Legislative Scrutiny Committee

**Re: Northern Territory Aboriginal Sacred Sites Legislation
Amendment Bill 2025**

4 April 2025

Introduction

AMEC agrees that the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Act) has an important role in the recognition and protection of culturally significant sites to Traditional Owners. The Aboriginal Areas Protection Authority (AAPA) has a key role as a determinant of land access.

The Northern Territory Aboriginal Sacred Sites Legislation Amendment Bill 2025 undertakes necessary amendments that will streamline key concerns and is supported by Industry.

The Act demands wider modernisation. The PWC report of 2016 titled *Sacred Sites Processes and Outcomes Review*, provided to the then Office of the Chief Minister remains relevant. It has been noted that many of the legislative amendments proposed in the Bill align with some of the more pertinent recommendations of the PWC report.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry association representing over 600 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 289,000 people. In 2022/23, the Industry generated a record-high \$454 billion in resources exports, invested \$4.27 billion in exploration expenditure to discover the mines of the future, and collectively paid over \$74 billion in royalties and taxes.

General Remarks

In the Northern Territory, the majority of companies investing in mining and exploration opportunities are mineral explorers. Mineral explorers are predominantly smaller ASX listed companies that operate with smaller teams and limited resources. How a company chooses to allocate these resources to maximise their return is a key determinant of their success. The compliance costs and administrative burden that are placed on these small companies can create a barrier to investment that guide their investment decision.

Legislative reforms, such as this Bill, that reduce administrative burden and lower costs, while maintaining high standards are a progressive approach that will make the Territory more attractive to investment.

It is imperative that the Northern Territory fosters exploration to discover the mines of tomorrow. The Territory is largely underexplored and has globally exciting geological prospectivity. Such exploration and mining activity will lead to development opportunities providing employment, infrastructure, royalty and other revenue streams to the Territory.

Specific Remarks

Section 6 amended: Composition of Authority

The amendments formalise the established convention which allows for a majority (10) of the twelve Board appointments to be from the Land Councils. Two will be appointed by the Minister. Incorporating this into the drafting of the legislation provides needed clarity and is supported.

Industry has noted that the PWC report made direct commentary and recommendations regarding potential reforms to introduce staggered commencement dates. As there are twelve members on the Board, staggered commencement dates reduce loss of corporate memory and ensure continuity.

The PWC report also recommends consideration of additional selection criteria to include broader skills and experience for the Board members. The AAPA would benefit from a Board that has a wide perspective of skills and views in their deliberations.

Section 24A and 24B: Transferability of Certificates

AMEC has called for the transferability of Authority Certificates since the 2016 PwC's Indigenous Consulting review. The ability to transfer Authority Certificates where there may be a change of project ownership would enhance the efficiency of the Aboriginal Areas Protection Authority (AAPA), reduce workload and costs on industry and the Government. To assist in the flexibility that is inherent in the business arrangements within the minerals exploration and mining industry, Authorities should not be granted based only on a specific entity but remain valid should ownership change but the land and activity is the same.

In this way, should a company ownership structure change or a project be sold to another exploration company, the Authority Certificate remains valid and there is not an additional requirement to undertake a duplicative heritage survey.

It must be noted that the Act is clear that the holder of the Authority certificate is bound by the obligations and conditions set in that certificate. These amendments will reduce paperwork and lead to no change in the protection of Sacred Sites.

The industry noted that the explanatory memorandum details at length the consistency of this provision with the *Aboriginal Land Rights Act (Northern Territory) 1976*.

Industry noted that the ability to transfer licences has precedence. With many legislative frameworks providing for licences to be transferred already.

Future consideration should be given to, as recommended by the PWC Report, multiple land users being able to adhere to the same conditions and obligations under a singular Authority certificate. On the basis that the certificate is comprehensive and provides a path to manage all of the Sacred Sites within the area of its remit. Therefore, it should be immaterial how many users adhere to it; rather, the issue should be ensuring their compliance.

Part IVA: Enforceable Undertaking

AMEC supports the purpose of the Act to promote the protection of Sacred Sites and is unconvinced any increase in offence provisions would create a better outcome. In addition, AMEC opposes any increases in offences for unintentional infringements, such as accidental intrusion of buffer zones that do not damage or destroy actual sites. Enforceable undertakings are a protection mechanism used across several different environmental and safety legislative frameworks. As a tool, it has the benefit of being outcomes-focused and more expeditious than embarking on legal processes or levying a fine.

Final Remarks

AMEC welcomes ongoing consultation and engagement with the NT Government regarding any future amendments to the Aboriginal Sacred Sites Act 1989. Future reforms will need to build a legislative pathway to achieve the key themes of trust and transparency that the PWC Report named as the key ingredients for future success.

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