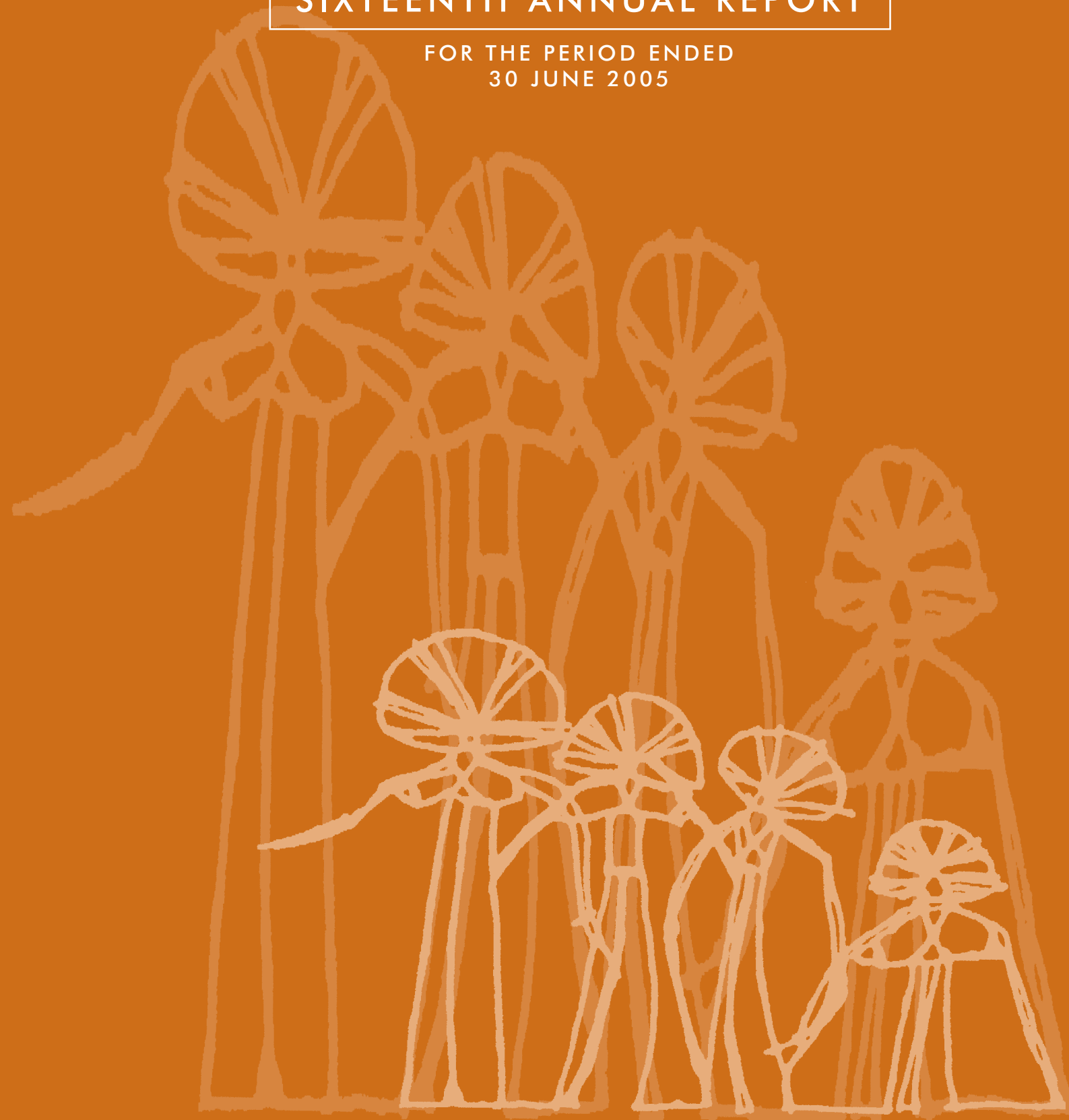


NORTHERN TERRITORY OF AUSTRALIA
ABORIGINAL AREAS PROTECTION AUTHORITY

SIXTEENTH ANNUAL REPORT

FOR THE PERIOD ENDED
30 JUNE 2005





ABORIGINAL AREAS PROTECTION AUTHORITY

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8 December 2005

The Hon Elliot McAdam MLA
Minister assisting the Chief Minister on Indigenous Affairs
DARWIN NT 0800

Dear Minister

I have the pleasure to submit to you, in accordance with the provisions of Section 14(1) of the *Northern Territory Aboriginal Sacred Sites Act 1989*, the Annual Report for the Aboriginal Areas Protection Authority for the financial period 1 July 2004 to 30 June 2005.

The Report refers to the sixteenth year of operation of the Aboriginal Areas Protection Authority.

Yours sincerely

Roy HAMMER

ROY HAMMER
CHAIRMAN

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HOW TO CONTACT US

The Aboriginal Areas Protection Authority maintains a central office in Darwin and a regional office in Alice Springs.

Office hours are 8.00 am to 4.21 pm Monday to Friday and the locations are:

DARWIN

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ALICE SPRINGS NT 0871



INTRODUCTION



FROM THE CHAIRMAN

Over the past year the Aboriginal Areas Protection Authority has worked hard at protecting sacred sites. The Authority has noticed that there are a lot of complex issues coming up when we are looking to register sacred sites and issue Authority Certificates to protect sites.

The Authority is continuing to make sure that its work gives as much certainty as possible, for Aboriginal custodians and non-Aboriginal users of land. This takes time and hard work. I believe that the Authority's work brings together Aboriginal people and all Territorians while protecting and supporting Aboriginal culture and sacred sites.

Our tasks have included providing Authority Certificates for major works and roads projects, mining and industrial developments.

This year marks the 25th year of the operation of sacred sites legislation in the Northern Territory. The Authority was very pleased to celebrate this important milestone, and remember the achievements of the Authority and the contributions of members and staff over the years.

I am very pleased that during our meetings this year the Board met with representatives from the Northern Land Council and Lhere Artepe, and Wardaman, Larrakia, Kungarakan, Warlpiri and Arrernte custodians, as well as representatives from some Government departments. I would like to thank Tex Camfoo for his advice to the Authority over many years.

Finally, on behalf of all the members of the Authority, I would like to express our thanks and appreciation for the dedicated and professional work of all the staff of the Authority. I look forward to working with them for another successful year ahead.

Roy Hammer

ROY HAMMER
CHAIRMAN

INTRODUCTION

FROM THE DEPUTY CHAIRMAN

I think it is important that women protect their sacred sites. I am pleased that since 1989, the Aboriginal Areas Protection Authority has been made up of equal numbers of men and women. We need to work together to protect women's and men's sacred sites. Our land and culture and our ceremony and law are all kept strong by protecting sacred sites.

I am pleased that as Deputy Chairman, I have been able to work with the other women on the Authority to register more women's sacred sites this year.

This year two women Authority members resigned, and I thank Jeannie Egan from Yuendumu and Dr Jeannie Devitt for their work on the Authority.

In May 2005 the Administrator appointed Lynette Granites of Yuendumu and Olga Havnen, who now lives in Darwin, as members of the Authority. I think Lynette and Olga are strong women who will help the Authority in its work.

It was good to meet with custodians from country in Katherine, Darwin and Alice Springs and to visit some of their sacred sites. It is important that the members of the Authority talk to custodians about their sacred sites and, with them, visit their country when they can.

I am happy that the Authority is talking to Land Councils about developing ways they can assist AAPA in protecting sites, particularly on Aboriginal land. Working together is important.

Aboriginal people talk to the Authority and give information about sacred sites business. The Authority and its staff does a lot of work to help Aboriginal people protect their sacred ground.



Nellie Camfoo

NELLIE CAMFOO
DEPUTY CHAIRMAN

INTRODUCTION

CHIEF EXECUTIVE OFFICER'S FOREWORD

As well as meeting the Authority's reporting requirements, this report attempts to provide the public with an account of our activities, and of the principles behind the work of the Authority.

The Northern Territory is unique in its cross-cultural nature and issues. In an area one-sixth the size of Australia, approximately 30% of the population is Indigenous, and 50% of the land is controlled by Aboriginal people. The economy of the Territory is also strongly based on use of and access to land, for mining, tourism and pastoral industries. In the urban centres, there is an ongoing need for land to meet the demands of residential housing development.

Aboriginal people in the Northern Territory are acknowledged as having cultural traditions and practices going back for tens of thousands of years. In the Northern Territory, sacred sites are the vital cultural and spiritual places which link Aboriginal people to their cultural traditions and the land.

The Authority's environment is very clear. All sacred sites in the Northern Territory are protected, under the Commonwealth's *Aboriginal Land Rights (Northern Territory) Act (the Land Rights Act)*, from which the Northern Territory derives its power, through the *Self Government (Northern Territory) Act*, to legislate for the administration of the protection of sacred sites.

The Aboriginal Areas Protection Authority plays an important ongoing role in bringing about solutions to often complex and diverse issues of protection of sacred sites, and the use of land on or near sacred sites.

In the past year considerable resources of the Authority have been devoted to investigations and negotiations of damage to sacred sites and breach of Authority Certificate conditions. This has included the resolution of difficulties caused by the death of knowledgeable custodians which, on occasion, has led to disputation amongst custodians.

This last year saw work commence on some particularly complex and time-consuming Authority Certificates, and a small increase in the completion of sacred sites registrations.

I would like to acknowledge the contributions of all Authority staff, and particularly of Ms Lesley Mearns, the Authority's Darwin-based Senior Anthropologist, who ceased work with the Authority this year after 19 years of work in protecting sacred sites.



J Stead
JEFFERY STEAD
CHIEF EXECUTIVE OFFICER

INTRODUCTION

PURPOSE OF THE REPORT

This is the sixteenth Annual Report of the Aboriginal Areas Protection Authority pursuant to Section 14(1) of the *Northern Territory Aboriginal Sacred Sites Act 1989* (hereafter the *Sacred Sites Act*).

This is a report on the administration and operation of the Authority for the 2004-05 Financial Year. This report includes the Authority's Financial Statements and shows compliance with standards of internal control in accordance with the reporting requirements of the *Financial Management Act 1995*, the Treasurer's Directions and the Northern Territory Government's Working for Outcomes policy.

It also provides the Northern Territory Legislative Assembly with an account of the performance of the Authority.



25 Years of the Authority, June 2005
L-R: B Renshaw, Administrator T Egan

OVERVIEW

THE ABORIGINAL AREAS PROTECTION AUTHORITY

The Aboriginal Areas Protection Authority is a statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act (Sacred Sites Act)* to administer sacred site protection in the Northern Territory. The Administrator of the Northern Territory appoints members to the Authority. The Aboriginal Areas Protection Authority is constituted under Section 6, and staff are employed under Section 17 of the *Sacred Sites Act*. This provides for the Authority to administer the Act at arms-length from the day-to-day operations of the Northern Territory Government.

FUNCTIONS

The functions of the Authority are set out in Section 10 of the *Sacred Sites Act*. They relate to the protection of Aboriginal sacred sites in the Northern Territory and may be reduced to the following:

- Receive requests for site protection from Aboriginal custodians, document information provided by custodians in support of their requests, carry out protection measures for sites and maintain confidential records of traditional information.
- Establish and maintain a Register of Sacred Sites and such other registers and records as required by or under the *Sacred Sites Act*.
- Carry out surveys to determine the constraints, if any, imposed by the existence of sacred sites on work on land anywhere in the Northern Territory (the Authority consults with custodians and proponents of work to reach a mutually acceptable agreement and issues a Certificate setting out any conditions under which the proposed works may proceed).
- In the event of an appeal against a decision or action of the Authority, convene, review and report on matters arising from the appeal. In these circumstances the Authority must notify all parties affected by the review and invite written representations. When the resolution of a matter is not possible the Authority must provide the Minister with a report and recommendation. Such appeals are rare – there have been none in the last eight years.
- Make available for public inspection the Register and records of all agreements, Certificates and refusals, except to the extent that such availability would disclose sensitive commercial information or matters required by Aboriginal tradition to be kept secret.
- Enforce the *Sacred Sites Act*.



OVERVIEW

AAPA'S ROLE AND VISION

During 2004-05, the members of the Authority determined a broad framework for the Authority's Business Plan, including the Authority's Main Job and Vision:

THE AUTHORITY'S JOB

Working with Aboriginal people to protect sacred sites.

THE AUTHORITY'S VISION

- Better protection for sacred sites.
- Less controversy over the existence of sacred sites.
- Better relations between Aboriginal custodians and other Territorians over sacred sites.
- Everyone knowing more about what they can and cannot do when there are sacred sites nearby.

The protection of Aboriginal sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage for the benefit of all Territorians. The Authority provides the means by which Aboriginal sacred sites are protected through:

- the Registration of Aboriginal sacred sites;
- sacred site avoidance surveys (Authority Certificates) through consultation with custodians over development proposals; and
- providing information to the public about sacred site protection.

In all circumstances the Authority strives to achieve practical outcomes in its operations by recognising and respecting the interests of site custodians, landowners and developers.



OVERVIEW

KEY WORK AREAS

REGISTRATION OF SACRED SITES

Custodians of sacred sites may apply to have their sites registered under Part III Division 2 of the *Sacred Sites Act*. The Authority will then conduct research into the site to determine the location, extent and traditional significance of the site. Upon registration this information is recorded on the Register of Sacred Sites.

The registration process also provides an opportunity for the landowner(s) to discuss practical issues about the site. Prior to considering a request for registration the Authority will invite the landowner(s) to comment about the impact that registration may have on their interests in land.

Registration in itself does not confer extra protection on the site, as all sites in the Northern Territory are protected under the *Sacred Sites Act*. However, registration is relevant to the enforcement of protection of the site in that, under the *Sacred Sites Act*, the Register of Sacred Sites is accessible to the public (Section 48), and proof of registration shall be accepted by courts as *prima facie* evidence that a site is a sacred site (Section 45).

SITE AVOIDANCE PROCEDURES—AUTHORITY CERTIFICATES

People proposing to use or work on land in the Northern Territory may apply to the Authority for an Authority Certificate to cover their proposed activities. An Authority Certificate provides a legal defence against prosecution in relation to the works or uses covered by the Certificate provided the applicant complies with any conditions imposed to protect sacred sites. Moreover, the process provides an opportunity for applicants to work together with custodians to reach a mutually acceptable resolution of issues, so that the end result reflects the agreement of all involved.

An Authority Certificate provides certainty that the proposed use or work can proceed without the risk of damage to a sacred site.

The Authority determines Authority Certificate applications only after it has consulted the relevant Aboriginal custodians and conducted on-ground surveys to identify any sites. An Authority Certificate will be issued to the applicant if the works can proceed without damage to, or interference with, any sacred sites on or in the vicinity of the land. There may be conditions imposed within the Certificate to ensure that sites are not damaged. Within the Authority Certificate process, applicants can ask the Authority to arrange a conference with custodians. This provides an avenue for direct detailed discussions between developers and affected custodians.

The *Sacred Sites Act* and the Authority have earned the confidence of the wider community through the Authority's transparent, consistent and timely responses to applications for Authority Certificates.

INSPECTIONS OF THE SACRED SITES REGISTER AND AUTHORITY CERTIFICATES REGISTER

Members of the public may seek advice on the location of sacred sites by requesting access to the Register of Sacred Sites. The Register of Authority Certificates is also a public Register.

In addition to the Register the Authority also maintains records of sacred sites that have been brought to its attention by custodians. These additional records are separate from the Register and details of these records are available to the public only at the

OVERVIEW

discretion of the Authority. Custodians have provided much of this information to the Authority as the basis (and justification) for conditions on proposed works or use of land imposed by Authority Certificates.

The public may also request access to other relevant information concerning sites, including records of any agreements. However, such access is subject to restrictions to protect knowledge required by Aboriginal tradition to be kept secret and information of a personal or sensitive commercial nature.

When members of the public are provided information about the location of sacred sites, they are informed that they may not carry out works on these sacred sites without an Authority Certificate. Providing sacred site information to members of the public ensures that the sites will not be inadvertently damaged and that any development proposals take into account the existence of sacred sites.

2004-2005 HIGHLIGHTS

This year was the twenty-fifth year of operation of the Authority under the *Sacred Sites Act*. To mark this milestone the Authority held a barbecue-style banquet dinner on the grounds of the Museum and Art Gallery overlooking the sea at Myilly Point. The Authority's longest-serving Indigenous employee, Barry Renshaw, was MC for the evening and the function was officially opened by Larrakia representative, Bill Risk, who welcomed guests to Country.

In attendance were His Honour The Administrator of the Northern Territory, Mr Ted Egan and Ms Nerys Evans, Authority Chairman, Roy Hammer, Deputy Chair, Nellie Camfoo, former Director, Bob Ellis, former CEO, David Ritchie, past and present staff and Authority Members along with many custodians and family members who have shared a long and lasting relationship with the Authority. Key speakers for the night were His Honour The Administrator, Ted Egan, Chairman, Roy Hammer, and Barry Renshaw, who reflected on the past 25 years.

Throughout the reporting period the Authority also:

- Worked with Territory Government agencies to establish clear procedures in relation to sacred site protection for major works projects.
- Issued 127 Authority Certificates in relation to current and proposed works across the Territory. Significant projects for which Certificates were issued included:
 - works at Stokes Hill related to the Darwin Waterfront redevelopment;
 - Bootu Creek and Olympia Resources mining developments;
 - sealing of the Mereenie Loop road (Red Centre Way) west of Alice Springs;
 - upgrade of Plenty Highway, Kulgera-Finke road and Maningrida road;
 - continued work on Authority Certificates for the Black Tip Gas development site and the route for the proposed Trans Territory Pipeline, Port Keats to Nhulunbuy;
 - main roads within Alice Springs (providing certainty for DPI in carrying out ongoing maintenance and emergency works); and
 - expansion of mining and infrastructure development for Alcan at Nhulunbuy.

OVERVIEW

- entered 32 sites into the Register of Sacred Sites including:
 - thirteen sites at Blue Mud Bay;
 - nine sites along the Wollogorang Road; and
 - four sites on Phillip Creek Station.
- Ratified amendments to the Register for 21 sites in Alice Springs and 12 sites in the Katherine hinterland.
- Commenced consultations relating to repatriation of human remains held by the Northern Territory Museum.
- Continued discussions with Land Councils on protocols and cooperative operational arrangements.
- Completed submissions to the review processes for the *Pastoral Land, Fisheries and Mining Acts*.
- Undertook investigations and negotiations over several separate incidents of reported damage to sacred sites and initiated one prosecution related to sacred site damage.
- Responded to over 850 information requests regarding sacred sites.

CHALLENGES AND DIRECTIONS 2005-2006

- Continue to work with Department of Planning and Infrastructure in developing and implementing effective sacred site avoidance procedures.
- Continue discussions with Land Councils aimed at establishing working protocols and clarifying jurisdictional issues.
- Complete repatriation of human remains held by MAGNT.
- Finalising of substantial road corridor Authority Certificates for the Central Arnhem Highway and Wollogorang road as well as for the Black Tip Gas development and the Trans Territory Pipeline.



PERFORMANCE REPORTING

PROTECTION OF SITES

The Authority's overarching responsibility is to protect sacred sites. The *Sacred Sites Act* provides for the protection of sacred sites through the Registration of sites and Inspections of the Register of Sacred Sites, and through sacred site avoidance procedures (Authority Certificates) relating to the use and development of land in the Northern Territory.

Overall performance in a financial year is quantified by adding together the number of sites registered, the number of inspections of the Register (and other archives) completed and the number of Authority Certificate applications completed.

Quality is reflected in the number of statutory appeals on Authority decisions under Part III Division 3 of the *Sacred Sites Act* or Section 9 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Timeliness is assessed as the average period between application and completion of Authority Certificates.

OUTPUT GROUP

The Output Group for the Aboriginal Areas Protection Authority is *Protection of Sacred Sites*.

OUTCOME

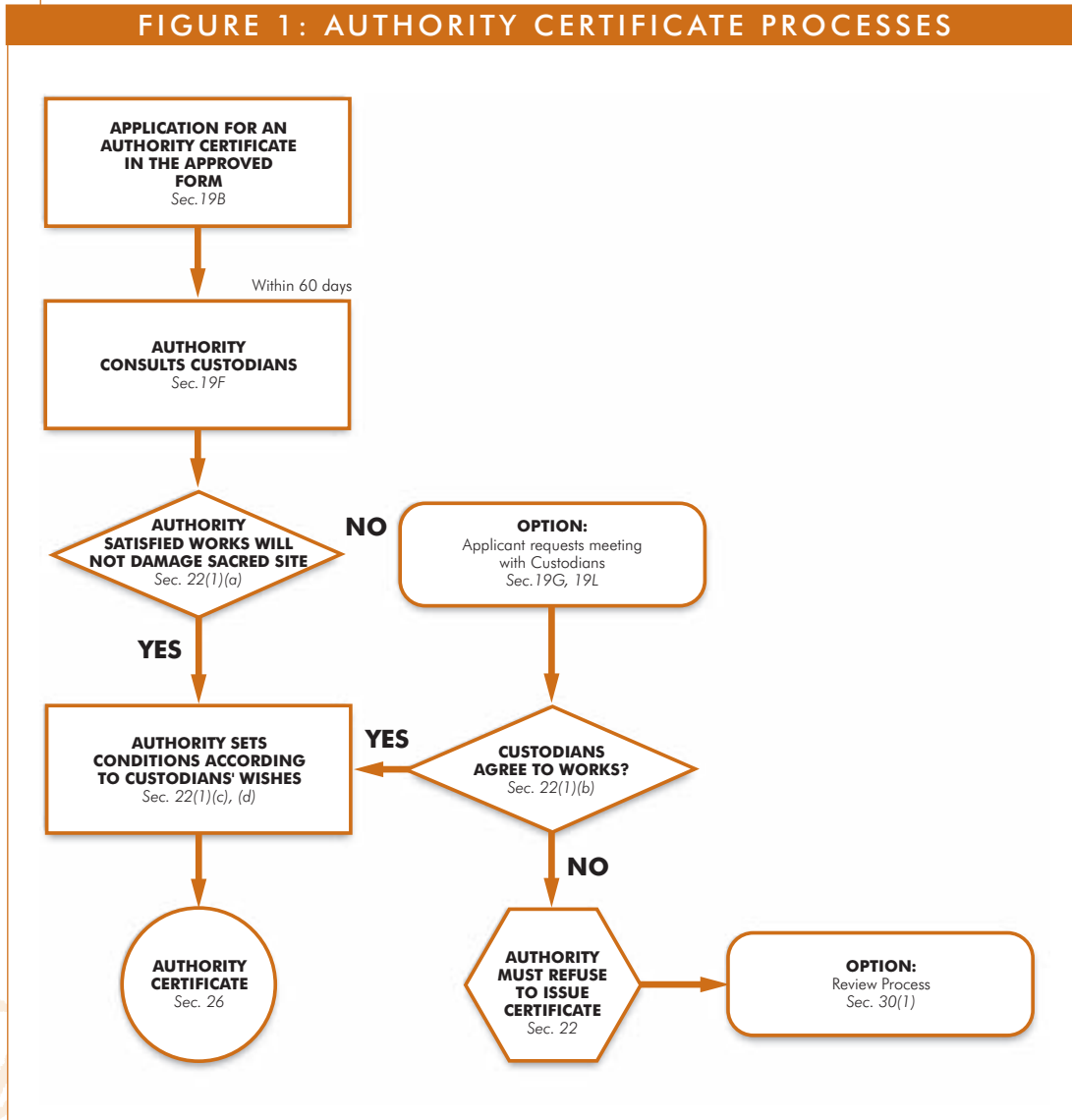
Enhanced relations between Indigenous custodians of sacred sites and the wider Territory population by increasing the level of certainty when identifying constraints on land-use, if any, arising from the existence of sacred sites.

PERFORMANCE MEASURES	ACTUAL 2003-2004	TARGET 2004-2005	ACTUAL 2004-2005
- Quantity - Requests for Register inspections, sites recorded and applications for Authority Certificates completed	843	850	856
- Quality - Statutory appeals minimised	<1%	<1%	<1%
- Timeliness - Average elapsed time between request and completion of [Authority Certificate] service	68 days	60 days	119 days

PERFORMANCE REPORTING

AUTHORITY CERTIFICATES APPLICATIONS AND ISSUES

Authority Certificates are instruments of sacred site avoidance under the *Sacred Sites Act*. The processes involved in expediting applications for Authority Certificates is represented in Figure 1.



In any financial year the number of applications and the number of Authority Certificates issued are likely to differ because of the time elapsing between the application date and the date of issue. In 2004-05 there were 150 Authority Certificate applications received. This compares with 157 applications received in 2003-04.

PERFORMANCE REPORTING

For administrative purposes the Authority divides the Territory into 21 regions. Figure 2 shows the breakdown of Authority Certificates issued by region and frequency.

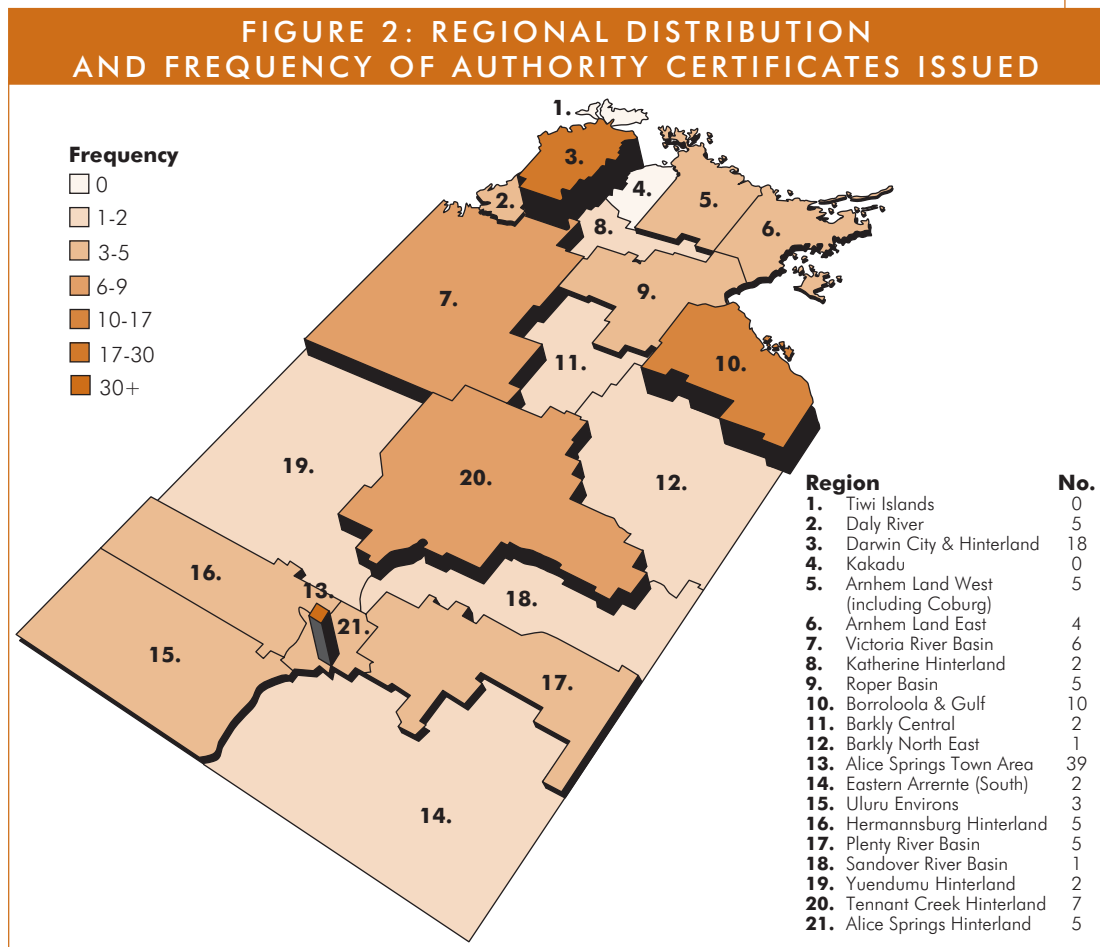
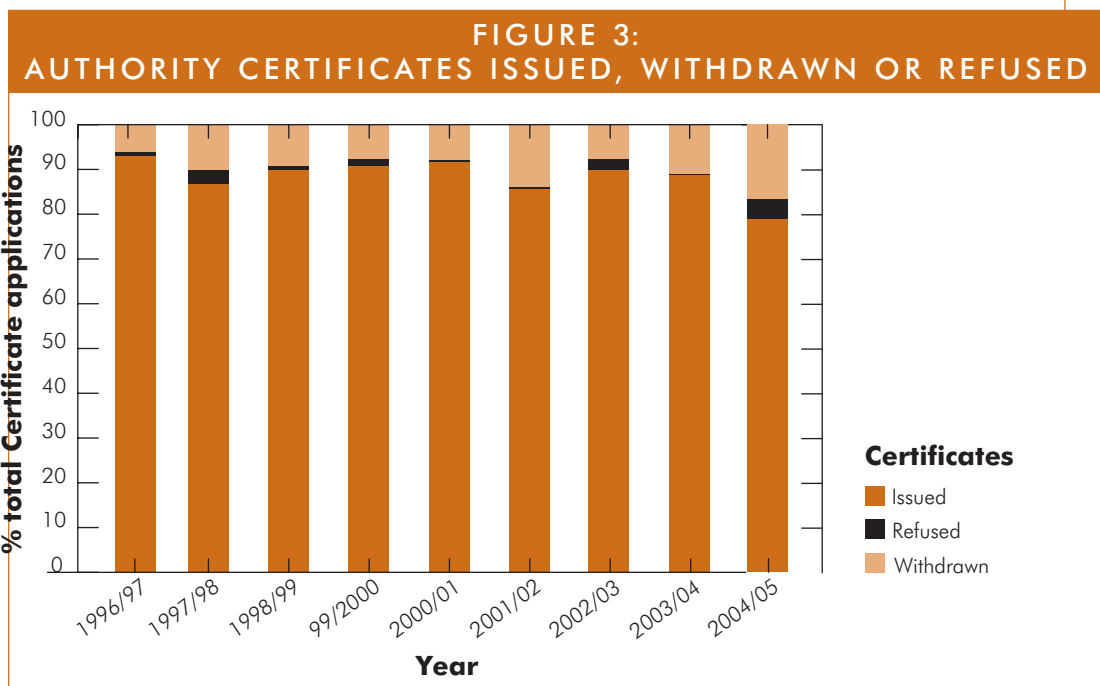


Figure 3 shows the proportion of Authority Certificate applications by issue, applicant withdrawal or refusal. In 2004-2005, 79% of completed Authority Certificate applications were issued, 18% withdrawn and 3% refused. This compares with 89% issued, 10% withdrawn and 1% refused in 2003-2004.



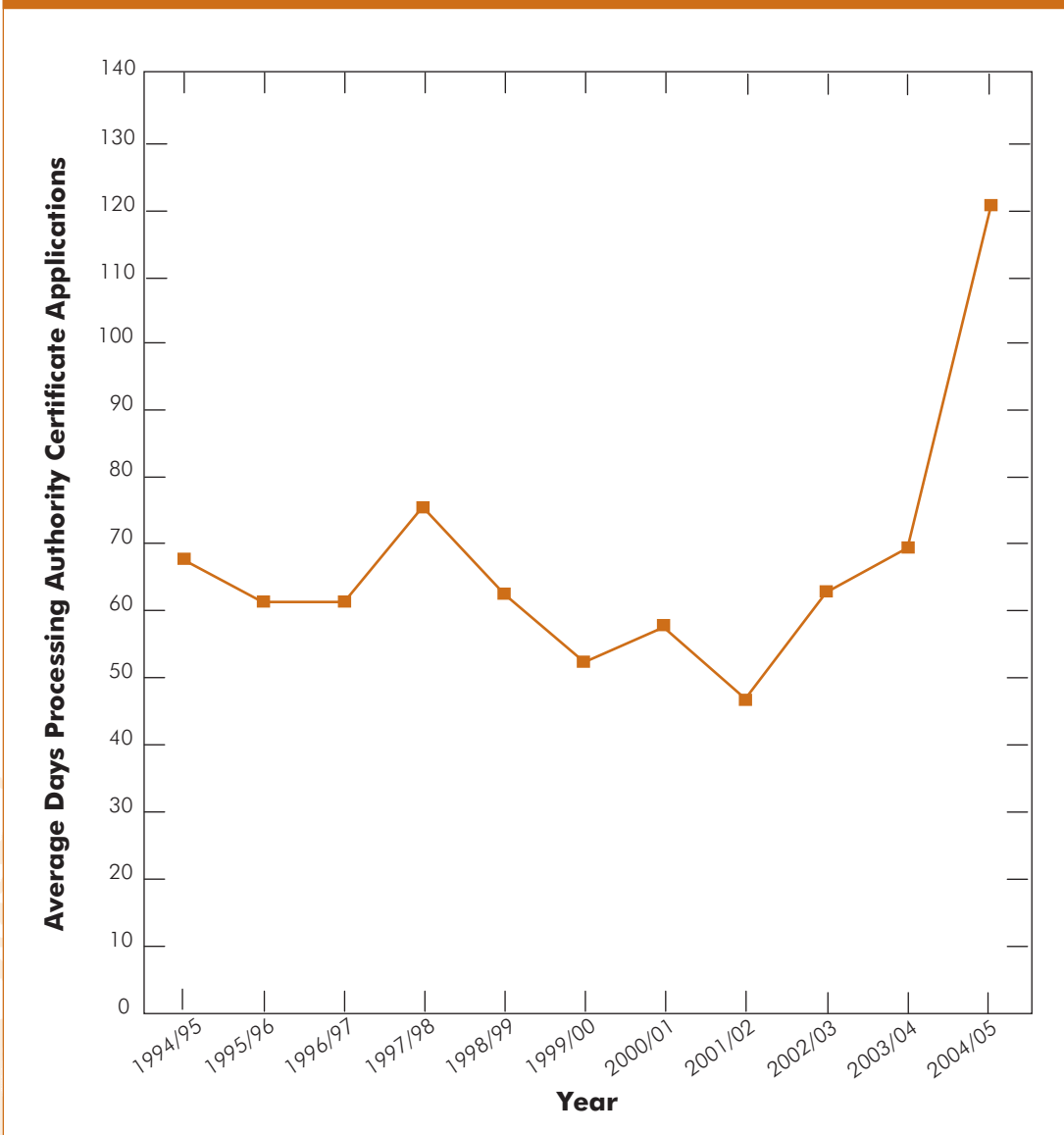
PERFORMANCE REPORTING

TIMELINESS

Since 2001-2002 there has been a steady increase in the time necessary to complete consultations for Authority Certificate applications. Consultations have been delayed due to factors including an increasing complexity of projects, the deaths of senior custodians and difficulty getting a consistent and timely custodian response.

The high number of Certificate applications in Alice Springs and the Darwin hinterland places significant pressures on custodians in these regions to work with the Authority in documenting sites and highlights the urgency in updating the Authority's sites records in these areas.

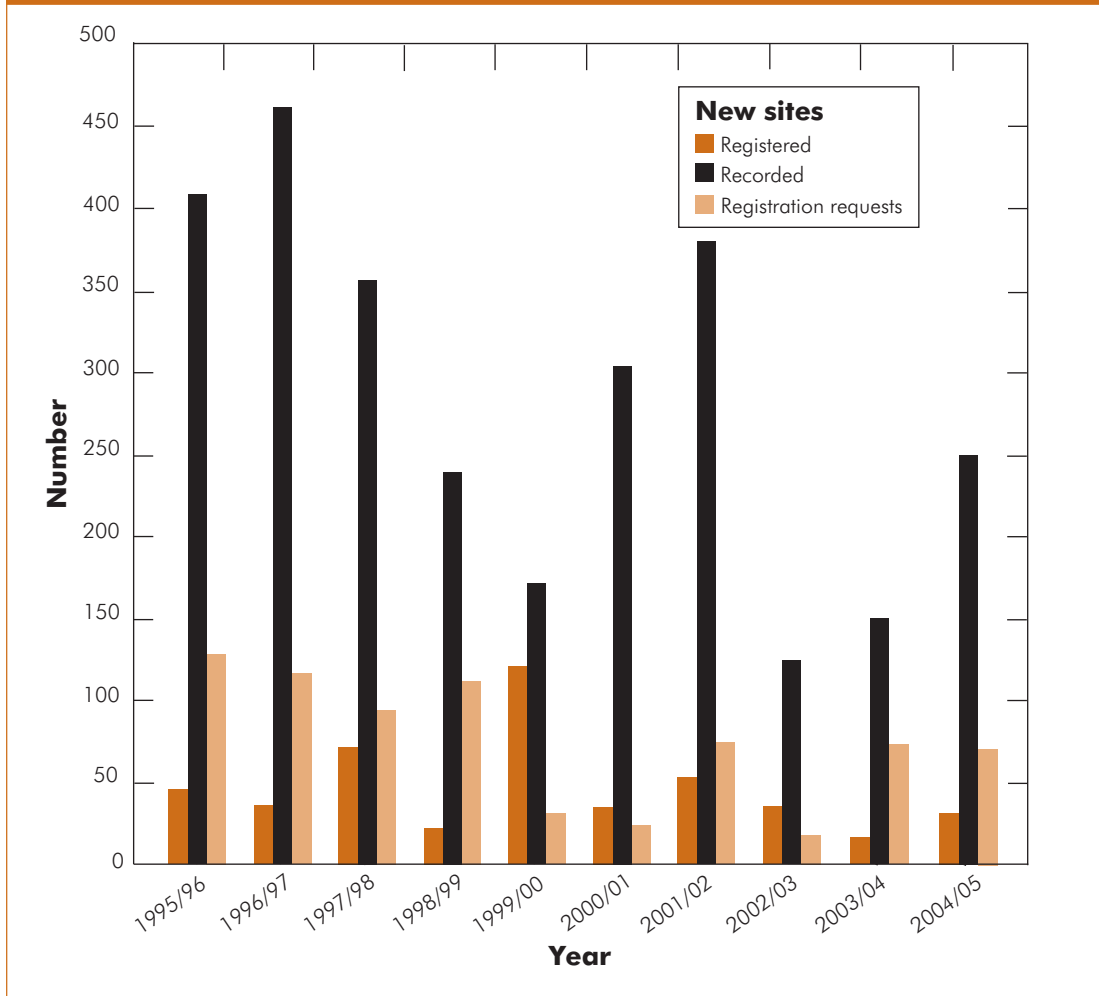
**FIGURE 4:
TIME TO PROCESS AUTHORITY CERTIFICATE APPLICATIONS**



PERFORMANCE REPORTING

REGISTER OF SACRED SITES

**FIGURE 5:
SITES RECORDED, REGISTERED AND REQUESTS FOR REGISTRATION**



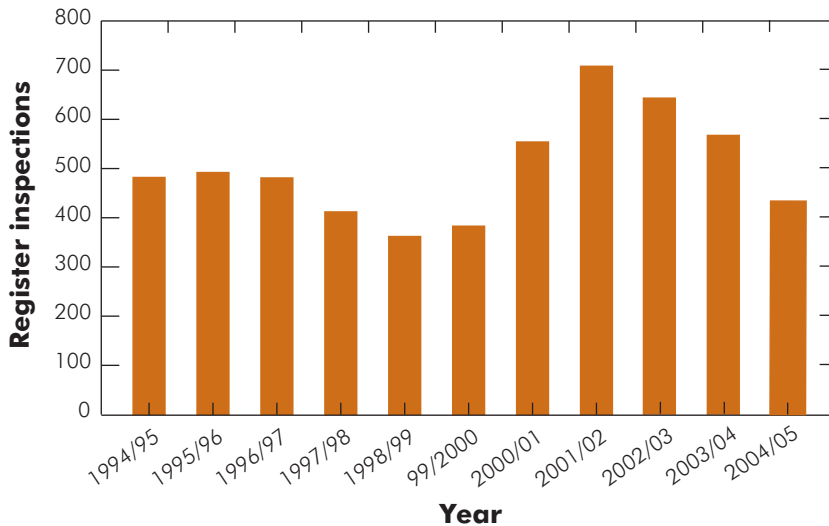
The number of sites requested by custodians for registration decreased slightly from 74 in 2003-04 to 69 in 2004-05. However, the number of sites registered by the Authority increased from 17 to 32. The number of sites recorded by the Authority also increased from 151 in 2003-04 to 250 in 2004-05.

PERFORMANCE REPORTING

REGISTER AND ARCHIVAL INSPECTIONS

In 2004-2005, the Authority responded to 429 requests to inspect the Register of Sacred Sites and other Authority sacred site archives. This compares with 567 in 2003-2004 and 639 in 2002-2003.

**FIGURE 6:
ANNUAL INSPECTIONS OF THE REGISTER OF SACRED SITES
AND SITES ARCHIVES**

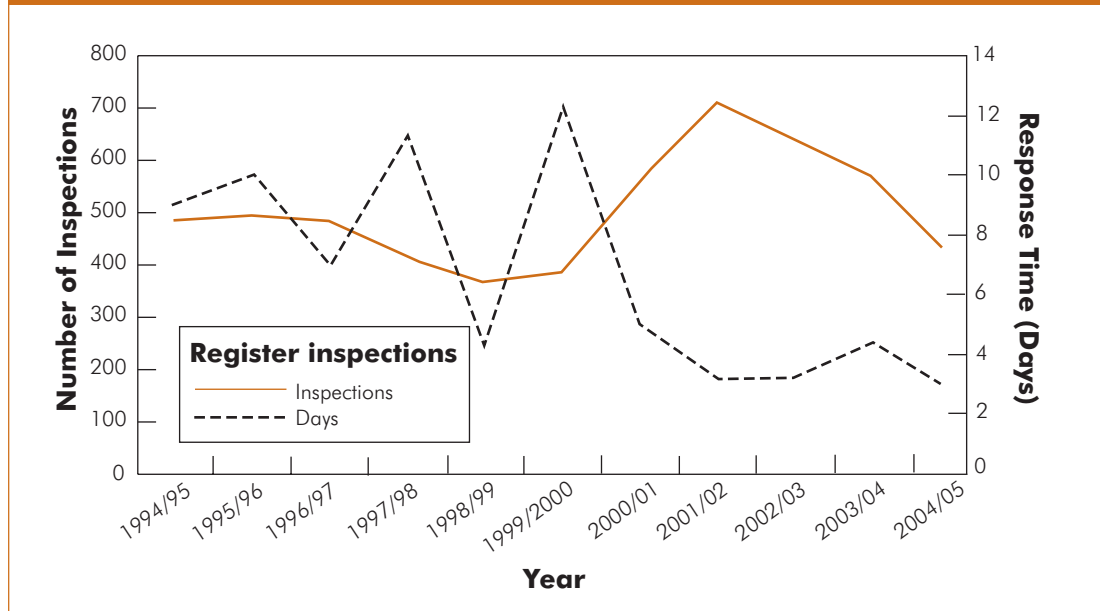


In 2004-2005 the average time taken to complete Register Inspection requests was 3 days, a 25% improvement on 2003-2004.



PERFORMANCE REPORTING

**FIGURE 7:
NUMBER OF REQUESTS TO INSPECT THE REGISTER
AND RESPONSE TIMES**



ADVICE TO CLIENTS AND THE BROADER COMMUNITY

In addition to formal requests to inspect the Register of Sacred Sites and Register of Authority Certificates the Authority also deals with numerous requests for information relating to site protection in the Territory. The provision of information and advice to the public is a significant element of the Authority's responsibility in carrying out its functions. In the current reporting period the Authority recorded 171 requests for information.

Responsibilities acquired under the *Heritage Conservation Act 1991* can also result in a number of requests associated with both forensic enquiries and the repatriation of skeletal remains. In 2004-05 the Authority received two requests associated with the repatriation of skeletal remains and for forensic assistance.

GOVERNANCE

AUTHORITY BOARD

MEMBERSHIP AND MEETINGS

The Authority comprises twelve members, ten of whom are Aboriginal custodians of sacred sites in equal numbers (five) of males and females. To fill vacancies for Aboriginal custodian members, the Land Councils are requested to nominate a panel of twice the number of custodians of the relevant sexes. The Territory Administrator appoints members by notice in the *Northern Territory Government Gazette*.

Custodian members of the Authority have been chosen from different regions of the Territory as follows: two males and two female members from both the Central Land Council and Northern Land Council, and one male and one female member from the Tiwi Land Council.

The Administrator also appoints Aboriginal members as the Chairman and Deputy Chairman, who must be of opposite sex, based on nominations from the Authority.

The Authority meets at least four times each year, often in different parts of the Territory.

APPOINTMENTS AND RESIGNATIONS

This reporting period saw the resignation of two Authority members, Ms Jeannie Egan and Dr Jeannie Devitt. Ms L Granites and Ms O Havnen were appointed on 18 May 2005 to fill these vacancies.



GOVERNANCE

MEMBERS OF THE ABORIGINAL AREAS PROTECTION AUTHORITY

MR R HAMMER	Chairman and Northern Land Council nominee, Borroloola, re-appointed 3 March 2004
MRS N CAMFOO	Deputy Chairman and Northern Land Council nominee, Bulman, re-appointed 28 February 2003, re-appointed as Deputy Chairman 4 June 2003
MR G CAMPBELL	Member and Northern Land Council nominee, Yarralin, appointed 28 February 2003
MRS J JONES	Member and Northern Land Council nominee, Timber Creek, appointed 28 February 2003
MR B ABBOTT	Member and Central Land Council nominee, Wallace Rockhole, re-appointed 28 February 2003
MS J EGAN	Member and Central Land Council nominee, Yuendumu, re-appointed 28 February 2003 Resigned 8 September 2004
MS L GRANITES	Member and Central Land Council nominee, Yuendumu, appointed 18 May 2005
MS L PULA	Member and Central Land Council nominee, Utopia, re-appointed 28 February 2003
MR P SIMPSON	Member and Central Land Council nominee, Tennant Creek, re-appointed 28 February 2003
MR M KERINAIUA	Member and Tiwi Land Council nominee, Nguiu, appointed 28 February 2003
MS C PURUNTATAMERI	Member and Tiwi Land Council nominee, Nguiu, re-appointed 28 February 2003
DR J DEVITT	Member and NT Government nominee, appointed 4 June 2003 Resigned 12 November 2004
MS O HAVNEN	Member and NT Government nominee, appointed 18 May 2005
MR D KIMBER	Member and NT Government nominee, appointed 4 June 2003

GOVERNANCE

AUTHORITY MEETINGS

Section 12 of the *Sacred Sites Act* provides that the Chairman “shall call such meetings of the Authority and committees of the Authority as are necessary for the performance and functions of the Authority” and that “the Chairman shall call not less than four meetings of the Authority in each full calendar year of its operation”.

Below is an outline of dates, venues and attendances at meetings called by the Chairman for the 2004-05 Financial Year:

September 14-16	2004	Katherine
December 7-9	2004	Darwin
March 7-9	2005	Alice Springs
June 7-9	2005	Darwin

SUMMARY OF ATTENDANCES AT MEETINGS OF THE AUTHORITY BOARD, 2004-05

Name	Meetings attended
HAMMER Roy (Chairman)	3
CAMFOO Nellie (Deputy Chairman)	3
ABBOTT Bernard	4
CAMPBELL George	4
GRANITES Lynette	1
HAVNEN Olga	1
JONES Josie	4
KERINAIUA Max	3
KIMBER Dick	3
PULA Lena	3
PURUNTATAMERI Clementine	3
SIMPSON Pepy	2
CAMFOO Tex (Requested person)	2
STEAD Jeffery (CEO, non Board Member)	4

GOVERNANCE

AUTHORITY OPERATIONS

PRINCIPLES OF GOVERNANCE

The Authority's governance framework aims to ensure that the Authority carries out its functions in an effective and efficient manner, in accordance with its responsibilities under the *Sacred Sites Act*. This includes:

- Effective Human Resources Management Practices
- Quality Control for Data and Outputs
- Development of Risk Management Strategies
- Planning and Development of a Business Plan

HOW AAPA IS GOVERNED

The primary policy and decision-making body is the Authority established at Section 5 of the *Sacred Sites Act*. The Authority is required to meet at least four times in each calendar year. Section 15 of the Act requires that "The Administrator shall appoint a Chief Executive Officer (CEO) of the Authority who shall be charged with carrying out the decisions of the Authority." All other staff of the Authority are employed directly by the Authority, under Section 17 of the *Sacred Sites Act*.

Section 19 provides for the Authority to delegate certain powers or functions. The CEO holds various such delegations and is responsible for the overall operation of the Authority. The CEO also exercises responsibilities under the *Public Sector Employment and Management Act* and *Heritage Conservation Act*.

HOW AAPA IS MANAGED

The CEO maintains overall responsibility for the day-to-day operation of the Authority. To ensure the smooth functioning of the offices the CEO chairs weekly coordination meetings with senior managers of the Authority's operational groups. Each operational group also meets regularly to ensure an effective flow of information.

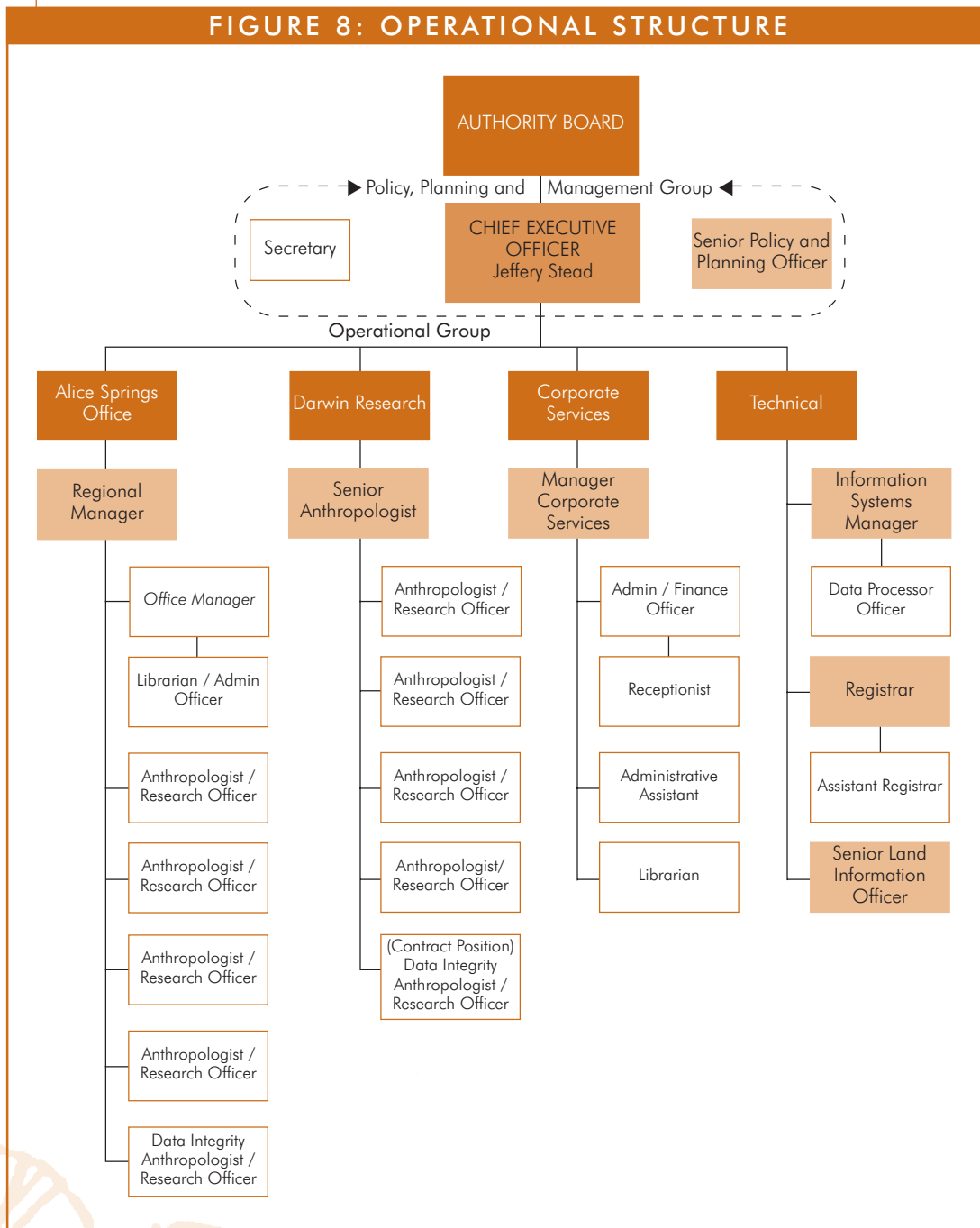
The Authority's operational groups comprise: Darwin Research, Corporate Services, Technical and Registry and the Alice Springs Regional office.

Administratively, the Authority divides the Northern Territory into northern and southern regions. The CEO, Senior Policy and Planning Officer, Corporate Services Manager and Technical/Registry section are all located in the Darwin office. The Regional Manager and staff are located in the Alice Springs office.



GOVERNANCE

FIGURE 8: OPERATIONAL STRUCTURE



GOVERNANCE

BUSINESS PLAN AND DEVELOPMENT

At its meeting in June 2005 the Authority resolved to adopt a draft High Level Business Plan. The Authority is currently in the process of finalising the plan, which will set out the guiding principles and business and operational direction for the organisation for the next three years.

KEY EXTERNAL RELATIONSHIPS

Throughout the reporting period the CEO and senior Authority staff have attended meetings with the Northern and Central Land Councils to establish working protocols. Issues under discussion include jurisdiction, cooperation on major projects and possible joint approaches to damage to sacred sites.

The CEO also met with the Lhere Artepe (Alice Springs Native Title Body Corporate) to establish a relationship with it. The Authority will include Lhere Artepe in discussion on major projects in the Alice Springs area.

The Authority has also established regular meetings with senior staff at the Department of Planning and Infrastructure (DPI) for the purpose of discussing matters of common interest. An improved dialogue with DPI is expected to improve site protection in areas of public works.

INFORMATION MANAGEMENT

In 2005 the Authority initiated a review of its information management and systems. The review is being undertaken by Risk Management Services, Department of the Chief Minister and is intended to report on the Authority's control over systems and processes for the collection, retention and dissemination of the Authority's sacred sites information. The review will also report on the Authority's compliance with the Northern Territory's *Information Act* (Part 9). The report was not received during the current reporting period.

The Authority continued to progress the development of an effective and secure approach to the provision of sacred site information in conjunction with the register of administrative interests, through the Territory Government's Integrated Land Information System (ILIS). In 2005 the Authority sought legal advice which indicates that improved licensing arrangements need to be in place before the Authority goes ahead with provision of information to ILIS and other users of the Authority's Registers. The Authority will undertake projects to achieve these licensing arrangements during 2005-06.

GOVERNANCE

LEGISLATION AND POLICY

ABORIGINAL SACRED SITE PROTECTION IN THE NORTHERN TERRITORY

ABORIGINAL SACRED SITES

Sacred sites are features of the landscape that hold specific meanings and importance in the traditions of Aboriginal communities. They may include features such as hills, waterholes, rocks, trees and sea features. They may also include rock art or other human artefacts. However, it is usually the natural features that are of most significance according to the body of Aboriginal tradition about how the world was shaped. Ceremony grounds and traditional burial grounds may also be sacred sites according to Aboriginal tradition.

The protection of Aboriginal sacred sites is an integral part of the Northern Territory Aboriginal land rights package under the Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* (hereafter *Land Rights Act*). Under the *Land Rights Act* a sacred site is defined as:

...a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition...

The *Sacred Sites Act* uses the same definition as the *Land Rights Act*.

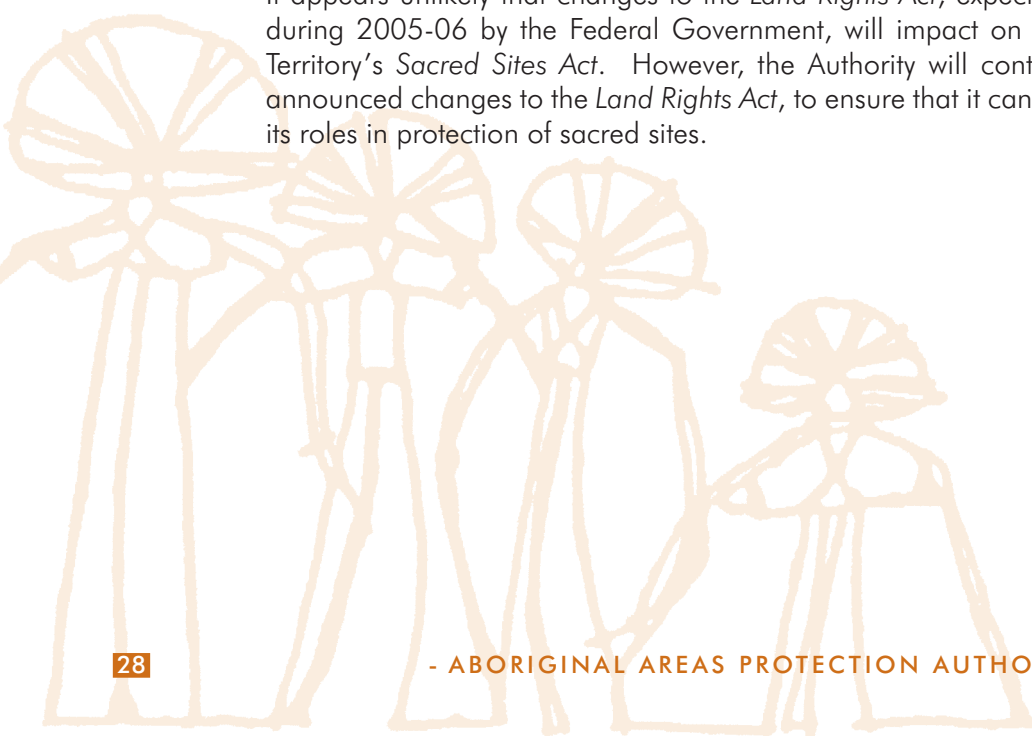
COMMONWEALTH AND NORTHERN TERRITORY LAWS

Section 69 of the *Land Rights Act* broadly prohibits entry and remaining on any land in the Northern Territory that is a sacred site, except under a law of the Northern Territory. Section 73 of the *Land Rights Act* gives the Northern Territory Legislative Assembly power to enact laws for:

...the protection of, and the prevention of the desecration of, sacred sites in the Northern Territory...

The *Sacred Sites Act* was passed under this power to establish procedures for the protection and registration of sacred sites and the avoidance of sacred sites in the development and use of land.

It appears unlikely that changes to the *Land Rights Act*, expected to be announced during 2005-06 by the Federal Government, will impact on the operation of the Territory's *Sacred Sites Act*. However, the Authority will continue to monitor any announced changes to the *Land Rights Act*, to ensure that it can effectively undertake its roles in protection of sacred sites.



GOVERNANCE

LANDOWNERS AND DEVELOPERS

The Authority strives to achieve practical outcomes in its operations by respecting the interests of site custodians, landowners and developers. Often custodians, landowners and developers have diverging interests in land, however there is usually substantial overlap between these interests. In most cases, the Authority's challenge is to accommodate new uses of land with the need to protect sacred sites, thus preserving and enhancing Aboriginal tradition in a changing social environment.

Section 44 of the *Sacred Sites Act* explicitly deals with landowners' rights to use land comprised in a sacred site consistent with the protection of sacred sites. Authority Certificates provide a legal instrument to accommodate such land-use. As well as protecting the fabric of sacred sites in the context of land ownership and development, the *Sacred Sites Act* provides for Aboriginal people to have access to sacred sites "in accordance with Aboriginal tradition".

Under the sacred sites laws applying in the Northern Territory, all sacred sites are protected regardless of underlying land title, whether they are registered or not, or even if they are not known to the Authority. They are protected particularly by Sections 33 (unauthorised entry), 34 (unauthorised works or uses) and 35 (desecration) of the *Sacred Sites Act*, which set out various offences in relation to sacred sites.

Prosecutions may only be brought by the Authority and custodians' views must be taken into account whenever the Authority exercises such powers under the *Sacred Sites Act*.

RESPONSIBILITIES UNDER THE HERITAGE CONSERVATION ACT 1991

Section 10(j) of the *Sacred Sites Act* specifies that one of the functions of the Authority is "to perform such other functions as are imposed on it by or under this or any other Act, ...". The *Heritage Conservation Act 1991* (hereafter the *Heritage Conservation Act*) places a number of additional duties on the Authority.

Firstly, the *Heritage Conservation Act*, Section 8(d), provides for the Authority to nominate a representative to the Heritage Advisory Council. Senior Anthropologist, Mrs Lesley Mearns, represented the Authority throughout the reporting period.

Secondly, Section 29(2) of the *Heritage Conservation Act* states:

The Minister or the Minister's delegate shall not permit an action in relation to an archaeological object prescribed for the purposes of Part 6 which is sacred according to Aboriginal tradition unless he or she has sought and taken into account the advice, if any, of the Aboriginal Areas Protection Authority established by the Northern Territory Aboriginal Sacred Sites Act given after consultation with those Aboriginals it considers to be the traditional owners of the object.

Lastly, the CEO of the Authority holds two delegations from the Minister for Conservation relating to the *Heritage Conservation Act*. The first enables the CEO to make decisions about what may happen on an Aboriginal burial site. The second delegation makes the CEO a person who should be advised of the discovery of an Aboriginal burial site or skeletal remains. As a consequence of these delegations the Authority responds to requests from the Coroner's office for advice on whether skeletal remains found in the Northern Territory are likely to be part of a traditional Aboriginal burial. The Authority also acts as a receiving agency and temporary repository in the Northern Territory for skeletal remains repatriated to Aboriginal communities from museums in Australia and overseas.

HUMAN RESOURCES—MANAGING OUR PEOPLE

OVERVIEW

The principles of human resource management contained in the *Public Sector Employment and Management Act* inform the human resource management policy and procedures of the Authority although the Authority is not an 'agency' under the Act. The Authority complies with provisions of anti-discrimination legislation, in particular, the Northern Territory's *Anti-Discrimination Act*. The Authority provides a safe and healthy working environment and safe plant and equipment by maintaining an Occupational Health and Safety Program in which all employees are actively encouraged to participate to ensure compliance with the *Northern Territory Work Health Act*.

STAFFING

As at 30 June 2005 there were 27 positions in the Aboriginal Areas Protection Authority.

TERMS AND CONDITIONS OF EMPLOYMENT

The Authority employs staff under the relevant provisions of the *Sacred Sites Act*. As a consequence, the Authority is not a prescribed agency within the meaning of the *Public Sector Employment and Management Act 1993*. On 5th May 2004 the Commissioner for Public Employment approved terms and conditions for staff employed by the Authority as required by the *Sacred Sites Act*.

EQUAL EMPLOYMENT OPPORTUNITY

POLICY OBJECTIVES

The Authority focuses on the following objectives.

The Authority aims to ensure that all staff regardless of sex, race, disability, religion, political belief or marital status are able to fully and equally:

- develop their abilities and potential;
- contribute to the success of the Authority's objectives; and
- share in the benefits of employment according to their contribution.

To achieve these objectives the Authority provides Equal Employment Opportunity Awareness Sessions for management and the dissemination of information relating to equality of opportunity and prevention of discrimination to all staff. In addition, the Authority provides a process for resolving any staff grievances as well as specific mechanisms for dealing with incidents of workplace harassment. These last two areas are outlined under their respective headings below.

INTERNAL GRIEVANCE PROCEDURES

Procedures for the resolution of grievances arising in the workplace emphasise conciliation. The procedures were adopted after extensive consultation with stakeholders including staff, Unions, Commissioner for Public Employment and Office of Anti-Discrimination.

There were no grievances arising from Authority staff within the period under report.

WORKPLACE HARASSMENT

The objective of this policy is to provide guidance for employees on the prevention and elimination of any form of harassment of employees within the Aboriginal Areas Protection Authority. It also provides procedures for the resolution of both formal and informal complaints. Staff with managerial responsibilities are made aware of the Authority's obligations under the *Anti-Discrimination Act* and the principles of equity and merit which underpin the Authority's Equal Employment Opportunity objectives.

There were no allegations of workplace harassment made within the period of the report.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Aboriginal Areas Protection Authority's EAP is an external program providing professional and confidential counseling for all employees and their immediate family members.

OCCUPATIONAL HEALTH AND SAFETY

The Aboriginal Areas Protection Authority continues to be committed to providing a safe workplace for all its employees and consultants. The Authority encourages the participation of every staff member in achieving a healthy and safe working environment.

This commitment is demonstrated by its high emphasis on fieldwork safety and training at both the Darwin and Alice Springs offices. Staff feel they are free to raise any issues with the nominated OH&S officer and receive a prompt response.

OH&S is a standing item on the agenda for the "All Staff" meetings usually conducted once per month.

The OH&S unit of the Department of Corporate and Information Services (DCIS) conducted a review of the Authority's OH&S procedures. The recommendations of the review are to be implemented in priority order.

WORKER'S COMPENSATION

There were 2 worker's compensation claims made within the period of the report.

STAFF TRAINING AND DEVELOPMENT

Training and development focuses on providing the skills and competencies necessary for staff to perform the tasks involved in achieving the desired outcomes of the Authority. The Authority recognises that training is a continuous process integrated with, and running parallel to, work.

Seventy-five percent of all employees undertook some form of training or accreditation during the year. Courses included defensive four-wheel driving, first aid, researchers workshop, procure goods and services, cultural geography, MapInfo and project management.

The Authority spent \$13,000 on training programs in 2004-2005 representing 0.7% of total salary expenditure.

STUDY ASSISTANCE PROGRAM

The Aboriginal Areas Protection Authority values its staff as its greatest resource. The Aboriginal Areas Protection Authority is committed to providing support for formal education as a learning opportunity enabling staff to progress in their careers and increase the Authority's overall skill base.

STAFF DEVELOPMENT FRAMEWORK

The purpose of the Aboriginal Areas Protection Authority's Staff Development Framework is to provide a process for staff throughout the organisation to:

- understand their role and contribution within the organisation;
- realise their potential within the context of their work roles;
- ensure they have the appropriate skills to undertake their existing and future work requirements;
- consider their long-term work needs within the Authority; and
- give and receive feedback about themselves and their managers.

The Staff Development Framework was introduced in the Authority in May/June 2005.

POLICIES

During the reporting period the Aboriginal Areas Protection Authority undertook to review a number of outdated policies. The updated policies include:

- Internal Transfers;
- Protective Footwear, Hats and other equipment;
- Corporate Clothing;
- Eyesight Testing; and
- Time off in Lieu (Draft only)





ABORIGINAL AREAS PROTECTION AUTHORITY

GPO BOX 1890
DARWIN NT 0801
TELEPHONE: (08) 8981 4700
FACSIMILE: (08) 8981 4169

8 December 2005

The Hon Elliot McAdam MLA
Minister assisting the Chief Minister on Indigenous Affairs
Parliament House
DARWIN NT 0800

Dear Minister

In accordance with the provisions of Section 14 (1) of the *Northern Territory Aboriginal Sacred Sites Act 1989*, I am pleased to submit the Annual Report for the Aboriginal Areas Protection Authority for the Financial Year, 1 July 2004 to 30 June 2005.

The report refers to the sixteenth year of operation of the Aboriginal Areas Protection Authority. To the best of my knowledge and belief, the system of internal control provides assurance that:

- a) proper records of all transactions affecting the Aboriginal Areas Protection Authority are kept and employees under my control observe the provisions of the *Financial Management Act*, the Financial Management Regulations and Treasurer's Directions;
- b) procedures within the Aboriginal Areas Protection Authority afford proper control over expenditure, receipts and public property consistent with my responsibilities as accountable officer and in accordance with Section 13 of the *Financial Management Act*;
- c) there is no indication of malpractice, fraud, major breach of legislation or delegation, major error in or omission from the accounts records;
- d) in accordance with the requirements of Section 15 of the *Financial Management Act*, the internal audit capacity available to the Aboriginal Areas Protection was adequate and the results of internal audit were reported to me;
- e) financial statements included in the report were prepared from proper accounts and records were in accordance with Part 2, Section 5 of the Treasurer's Directions. All financial statements prepared by the Department of Corporate and Information Services, on behalf of the Aboriginal Areas Protection Authority, were prepared from proper accounts and records; and
- f) all employment instructions issued by the Commissioner for Public Employment were complied with.

Yours sincerely

JEFFERY STEAD
Chief Executive Officer

CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached financial statements for the Aboriginal Areas Protection Authority have been prepared from proper accounts and records in accordance with the prescribed format, the *Financial Management Act* and Treasurer's Directions.

We further state that the information set out in the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and notes to and forming part of the financial statements, presents fairly the financial performance for the year ended 30 June 2005 and the financial position on that date.

At the time of signing, we are not aware of any circumstances that would render the particulars included in the financial statements misleading or inaccurate.

J. Stead

.....
JEFFERY STEAD
CHIEF EXECUTIVE OFFICER
30/08/05

Clive Naylor

.....
CLIVE NAYLOR
MANAGER CORPORATE SERVICES
30/08/05



ABORIGINAL AREAS PROTECTION AUTHORITY

STATEMENT OF FINANCIAL PERFORMANCE FOR YEAR ENDED 30 JUNE 2005

OPERATING REVENUE			
	NOTE	2005 \$'000	2004 \$'000
Taxation Revenue			
Grants and Subsidies			
Current		20	22
Capital			
Sales of Goods and Services			
Output Revenue		2,324	2,287
Other Agency Revenue		365	346
Interest Revenue			
Miscellaneous Revenue		1	2
Services Received Free of Charge	12	301	258
Profit/Loss on Disposal of Assets	3	1	0
TOTAL OPERATING REVENUE	2	3012	2915
OPERATING EXPENSES			
Employee Expenses			
Employee Expenses		1906	1621
Administrative Expenses	4		
Purchases of Goods and Services		923	934
Repairs and Maintenance		1	0
Depreciation and Amortisation	7	20	16
Other Administrative Expenses		302	258
Grants and Subsidies			
Current		5	5
Capital			
Community Service Obligations			
Interest Expense			
TOTAL OPERATING EXPENSES	2	3157	2834
NET OPERATING SURPLUS/(DEFICIT)	11	(145)	81

The Statement of Financial Performance is to be read in conjunction with the notes to the financial statements.



ABORIGINAL AREAS PROTECTION AUTHORITY

STATEMENT OF FINANCIAL POSITION FOR YEAR ENDED 30 JUNE 2005

ASSETS			
	NOTE	2005 \$'000	2004 \$'000
Current Assets			
Cash and Deposits	5	152	313
Receivables	6	46	36
Prepayments		17	12
Inventories			
Advances and Investments			
Other Assets			
Total Current Assets		216	361
Non-current Assets			
Receivables			
Prepayments			
Advances and Investments			
Property, Plant and Equipment	7	39	59
Other Assets			
Total Non-current Assets		39	59
TOTAL ASSETS		254	420
LIABILITIES			
Current Liabilities			
Deposits Held			
Payables	8	(41)	(20)
Borrowings and Advances			
Provisions	9	(300)	(217)
Other Liabilities			
Total Current Liabilities		(341)	(237)
NET ASSETS		(87)	183
EQUITY			
Capital			
Opening Balance	10	45	7
Equity Injections/Withdrawals		(125)	38
Accumulated Funds			
Opening Balance	10	139	58
Current Year Surplus/Deficit		(145)	81
TOTAL EQUITY		(87)	183

The Statement of Financial Performance is to be read in conjunction with the notes to the financial statements.

ABORIGINAL AREAS PROTECTION AUTHORITY

STATEMENT OF CASH FLOWS FOR YEAR ENDED 30 JUNE 2005

CASH FLOWS FROM OPERATING ACTIVITIES			
	NOTE	2005 \$'000 (OUTFLOWS) INFLOWS	2004 \$'000 (OUTFLOWS) INFLOWS
Operating Receipts			
Taxes Received			
Grants and Subsidies Received			
Current		20	22
Capital			
Receipts From Sales of Goods And Services			
Output Revenue Received		2324	2287
Receipts from Customers		351	431
Other operating Receipts		2	2
GST Receipts on Sales		28	31
GST Receipts from Taxation Authority		52	50
Total Operating Receipts		2777	2822
Operating Payments			
Grants and Subsidies Paid			
Current		(5)	(5)
Capital			
Community Service Obligations			
Payments to Employees		(1816)	(1725)
Payments for Goods and Services		(914)	(960)
GST Payments on Purchases		(78)	(85)
Total Operating Payments		(2813)	(2775)
NET CASH FROM/(USED IN) OPERATING ACTIVITIES			
	11	(35)	47
CASH FLOWS FROM INVESTING ACTIVITIES			
Investing Receipts			
Proceeds from Asset Sales			
Repayment of Advances			
Sale of Investments			
Total Investing Receipts			
Investing Payments			
Purchase of Assets	7	1	(33)
Advances and Investing Payments			
Total Investing Payments		1	(33)
NET CASH FROM/(USED IN) INVESTING ACTIVITIES			
		1	(33)

continued next page...

ABORIGINAL AREAS PROTECTION AUTHORITY

STATEMENT OF CASH FLOWS *continued...* FOR YEAR ENDED 30 JUNE 2005

CASH FLOWS FROM FINANCING ACTIVITIES			
	NOTE	2005 \$'000 (OUTFLOWS) INFLOWS	2004 \$'000 (OUTFLOWS) INFLOWS
Financing Receipts			
Proceeds of Borrowings			
Deposits Received			
Capital Appropriation		38	38
Equity Injection	10	32	
Total Financing Receipts		70	38
Financing Payments			
Repayment of Borrowings			
Equity Withdrawals	10	(195)	
Total Financing Payments		(195)	
NET CASH FROM/(USED IN) FINANCING ACTIVITIES		(125)	38
Net Increase/(Decrease) in Cash Held		(161)	49
Cash at Beginning of Financial Year		313	263
CASH AT END OF FINANCIAL YEAR	5	152	313

The Statement of Cash Flows is to be read in conjunction with the notes to the financial statements.



NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2005

1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

(a) Objectives and funding

The task given to the Aboriginal Areas Protection Authority by the Northern Territory Parliament is to implement the *Northern Territory Aboriginal Sacred Sites Act*.

The Authority is predominantly funded by the Northern Territory Treasury appropriation. The financial statements encompass all funds through which the Authority controls resources to carry on its functions.

This will be achieved through:

- The protection of sacred sites.
- Establish and maintain a Register of sacred sites.
- Respond to requests from Aboriginal custodians for site protection.
- With the approval of Aboriginal custodians, issue certificates setting out conditions under which developments may proceed without endangering sites of cultural importance.
- Carry out surveys to determine the constraints, if any, imposed by the existence of sacred sites on works or use of land.

(b) Central Holding Authority

The Central Holding Authority is the 'parent body' that represents the Government's ownership interest in Government controlled entities.

The Central Holding Authority also records all Territory items. Territory items are revenues, expenses, assets and liabilities controlled by the Government and managed by Agencies on behalf of the Government. The main Territory item is Territory revenue, which includes taxation and royalty revenue, Commonwealth general purpose funding (such as GST revenue), fines, and statutory fees and charges.

The Central Holding Authority also holds certain Territory assets not assigned to Agencies as well as certain Territory liabilities that are not practical or effective to assign to individual Agencies such as unfunded superannuation and long service leave.

Territory items

The Central Holding Authority recognises all Territory items, therefore the Territory items managed by the Authority on behalf of Government are not included in the Authority financial statements. However, as the Authority is accountable for the Territory items they manage on behalf of Government, these items have been separately disclosed in Note 18, titled Schedule of Territory Items.

(c) Basis of accounting

The financial statements have been prepared in accordance with the requirements of the *Financial Management Act* and Treasurer's Directions.

Except where stated the financial statements have been prepared in accordance with the historical cost convention.

These financial statements do not comply with Australian Equivalents to International Financial Reporting Standards, as Australia is not adopting these requirements until reporting periods commencing on or after 1 January 2005. However the potential impact on accounting policies that will arise from the transition to the new standards is disclosed in Note 19.

The following is a summary of the material accounting policies, which have been adopted in the preparation of the financial statements.

(d) Changes in accounting policies

The accounting policies adopted are consistent with those of the previous year.

(e) Revenue recognition

Revenue is recognised at the fair value of the consideration received net of the amount of goods and services tax (GST). Exchanges of goods or services of the same nature and value without any cash consideration are not recognised as revenues.

Output revenue

Output revenue represents Government funding for Authority operations and is calculated as the net cost of Authority outputs after taking into account funding from Authority revenue.

The net cost of Authority outputs for output appropriation purposes does not include any allowance for major non-cash costs such as depreciation.

Revenue in respect of this funding is recognised in the period in which the Authority gains control of the funds.

Grants and other contributions

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the Authority obtains control over the assets comprising the contributions. Control is normally obtained upon receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Sale of goods

Revenue from the sale of goods is recognised (net of returns, discounts and allowances) when control of the goods passes to the customer.

Rendering of services

Revenue from rendering services is recognised in proportion to the stage of completion of the contract.

Sale of non-current assets

The profit or loss on disposal of non-current asset sales is included as revenue at the date control of the asset passes to the buyer, usually when an unconditional contract of sale is signed.

The profit or loss on disposal is calculated as the difference between the carrying amount of the asset at the time of disposal and the net proceeds on disposal.

Contribution of assets

Contributions of assets and contributions to assist in the acquisition of assets, being non-reciprocal transfers, are recognised, unless otherwise determined by Government, as revenue at the fair value of the asset received when the entity gains control of the asset or contribution.

(f) Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred on a purchase of goods and services is not recoverable from the Australian Tax Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Statement of Financial Position.

Cash flows are included in the Statement of Cash Flows on a gross basis. The GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the ATO are classified as operating cash flows.

Commitments and contingencies are disclosed net of the amount of GST recoverable from, or payable to, the ATO.

(g) Cash and cash equivalents

For the purpose of the Statement of Financial Position and the Statement of Cash Flows, cash includes cash on hand, cash at bank and cash equivalent assets controlled by the Authority. Cash equivalents are highly liquid short-term investments that are readily convertible to cash.

Bank overdrafts are carried at the principal amount.

(h) Receivables

The collectibility of debtors or receivables is assessed at balance date and specific provision is made for any doubtful accounts.

Trade debtors to be settled within 30 days and other debtors to be settled within 30 days, are carried at amounts due.

(i) Property, plant and equipment

Acquisitions

All items of property, plant and equipment with a cost, or other value, equal to or greater than \$5,000 are recognised in the year of acquisition and depreciated as outlined below. Property, plant and equipment below the \$5,000 threshold are expensed in the year of acquisition.

The cost of property, plant and equipment constructed by the Agency includes the cost of materials and direct labour, and an appropriate proportion of fixed and variable overheads.

Complex assets

Major items of plant and equipment comprising a number of components that have different useful lives, are accounted for as separate assets. The components may be replaced during the useful life of the complex asset.

Subsequent additional costs

Costs incurred on property, plant and equipment subsequent to initial acquisition are capitalised when it is probable that future economic benefits in excess of the originally assessed performance of the asset will flow to the Agency in future years. Where these costs represent separate components of a complex asset, they are accounted for as separate assets and are separately depreciated over their useful lives.

Construction work in progress

As part of Stage 1 of *Working for Outcomes*, the Department of Planning and Infrastructure is responsible for managing general government capital works projects on a whole of Government basis. Therefore appropriation for most capital works is provided directly to the Department of Planning and Infrastructure and the cost of construction work in progress is recognised as an asset of that Department. Once completed, capital works assets are transferred to the Agency.

Revaluations

Assets belonging to the following classes of non-current assets are progressively revalued on a rolling basis with sufficient regularity to ensure that an asset's carrying amount does not differ materially from its fair value at reporting date:

- Land;
- Buildings;
- Infrastructure assets;
- Cultural assets; and
- Self generating and regenerating assets.

Fair value is the amount for which an asset could be exchanged, or liability settled, between knowledgeable, willing parties in an arms-length transaction.

Other classes of non-current assets are not subject to revaluation and are measured on a cost basis.

The unique nature of some of the heritage and cultural assets may preclude reliable measurement. Such assets have not been recognised in the financial statements.

Depreciation and amortisation

Items of property, plant and equipment, including buildings but excluding land, have limited useful lives and are depreciated or amortised using the straight-line method over their estimated useful lives.

Amortisation applies in relation to intangible non-current assets with limited useful lives and is calculated and accounted for in a similar manner to depreciation.

The estimated useful lives for each class of asset, for the current year, are in accordance with the Treasurer’s Directions and are provided as follows:

	2005	2004
Buildings	n/a Years	n/a Years
Infrastructure assets	n/a Years	n/a Years
Plant and equipment	5 Years	5 Years
Leased plant and equipment	n/a Years	n/a Years
Cultural assets	n/a Years	n/a Years
Self generating and regenerating assets	n/a Years	n/a Years
Intangibles	n/a Years	n/a Years

Assets are depreciated or amortised from the date of acquisition or, in respect of internally constructed assets, from the time an asset is completed and held ready for use.

(j) Leased assets

Leases under which the Agency assumes substantially all the risks and benefits of ownership are classified as finance leases. Other leases are classified as operating leases.

Finance leases

Finance leases are capitalised. A leased asset and a lease liability equal to the present value of the minimum lease payments are recorded at the inception of the lease.

Lease payments are allocated between the principal component of the lease liability and the interest expense.

Operating leases

Operating lease payments made at regular intervals throughout the term are expensed when the payments are due, except where an alternative basis is more representative of the pattern of benefits to be derived from the lease property.

(k) Payables

Liabilities for trade creditors and other amounts payable are carried at cost which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the Agency. Trade creditors are normally settled within 30 days.

(l) Employee benefits

Provision is made for employee benefits accumulated as a result of employees rendering services up to the reporting date. These benefits include wages and salaries and recreation leave. Liabilities arising in respect of wages and salaries and recreation leave expected to be settled within twelve months of the reporting date are measured at their nominal amounts based on remuneration rates which are expected to be paid when the liability is settled.

No provision is made for sick leave, which is non-vesting, as the anticipated pattern of future sick leave to be taken indicates that accumulated sick leave is unlikely to be paid.

Employee benefits expenses are recognised on a net basis in respect of the following categories:

- wages and salaries, non-monetary benefits, recreation leave, sick leave and other leave entitlements; and
- other types of employee benefits.

As part of the introduction of *Working for Outcomes*, the Central Holding Authority assumed the long service leave liabilities of Government Agencies, including the Aboriginal Areas Protection Authority.

(m) Superannuation

Employees' Superannuation entitlements are provided through the NT Government and Public Authorities Superannuation Scheme (NTGPASS), Commonwealth Superannuation Scheme (CSS) and non-government employee nominated schemes for those employees commencing on or after 10 August 1999.

The Authority makes superannuation contributions on behalf of its employees to the Central Holding Authority or the non-government employee nominated schemes. Any liability for government superannuation is met directly by the Central Holding Authority and the Authority has and will continue to have no direct superannuation liability.

(n) Rounding of amounts

Amounts in the financial statements and notes to the financial statements have been rounded to the nearest thousand dollars.

(o) Comparatives

Where necessary, comparatives have been reclassified and repositioned for consistency with current year disclosures.



ABORIGINAL AREAS PROTECTION AUTHORITY

2. STATEMENT OF FINANCIAL PERFORMANCE BY OUTPUT GROUP

	2005 \$'000	2004 \$'000
PROTECTION OF SACRED SITES		
Operating Revenue		
Taxation revenue		
<i>Grants and subsidies</i>		
Current	20	22
Capital		
<i>Sales of goods and services</i>		
Output revenue	2324	2287
Other agency revenue	365	346
Interest Revenue		
Miscellaneous Revenue Services	1	2
Received Free of Charge	301	258
Profit/Loss on Disposal of Assets	1	0
TOTAL OPERATING REVENUE	3012	2915
Operating Expenses		
Employee expenses	1906	1621
<i>Administrative expenses</i>		
Purchases of goods and services	923	934
Repairs and maintenance	1	
Depreciation and amortisation	20	16
Other administrative expenses	302	258
<i>Grants and subsidies</i>		
Current	5	5
Capital		
Community service obligations		
Interest expense		
TOTAL OPERATING EXPENSES	3157	2834
NET OPERATING SURPLUS/(DEFICIT)	(145)	81

3: PROFIT/LOSS ON DISPOSAL OF NON-CURRENT ASSETS

Proceeds from the disposal of non-current assets	1	
Less: Written down value of non-current assets disposed		
Profit/(Loss) on the disposal of non-current assets		
	1	0

ABORIGINAL AREAS PROTECTION AUTHORITY

4: OPERATING EXPENSES

The net operating surplus/(deficit) has been arrived at after charging the following expenses:

	2005 \$'000	2004 \$'000
Administrative Expenses		
Consultants (1)	137	149
Advertising (2)	1	0
Marketing and Promotion (3)	0	1
Document Production	11	8
Legal Expenses (4)	18	29
Recruitment (5)	17	13
Training and Study	13	19
Official Duty Fares	19	31
Travelling Allowance	22	21

(1) Includes marketing, promotion and IT consultants.(2) Does not include recruitment advertising or marketing and promotion advertising.(3) Includes advertising for marketing and promotion but excludes marketing and promotion consultants' expenses, which are incorporated in the consultants' category.(4) Includes legal fees, claim and settlement costs.(5) Includes recruitment related advertising costs.

5: CASH AND DEPOSITS

Cash on hand	1	1
Cash at bank	152	312
On call or short term deposits		
	152	313

6: RECEIVABLES

Current		
Trade debtors	41	27
Less: Provision for doubtful trade debtors	7	0
Sundry debtors	0	0
Interest receivable	12	15
Other receivables	12	15
Non-current		
Other receivables	0	0
TOTAL RECEIVABLES	46	36

ABORIGINAL AREAS PROTECTION AUTHORITY

7: PROPERTY, PLANT AND EQUIPMENT

	2005 \$'000	2004 \$'000
Plant and equipment		
At cost	49	50
Accumulated depreciation	(26)	(17)
	23	33
Computer Hardware		
At Cost	48	48
Less: Accumulated Amortisation	(32)	(21)
	16	27
TOTAL PROPERTY, PLANT AND EQUIPMENT	39	59

Reconciliations

Reconciliations of the carrying amounts of property, plant and equipment at the beginning and end of the current financial year are set out below:

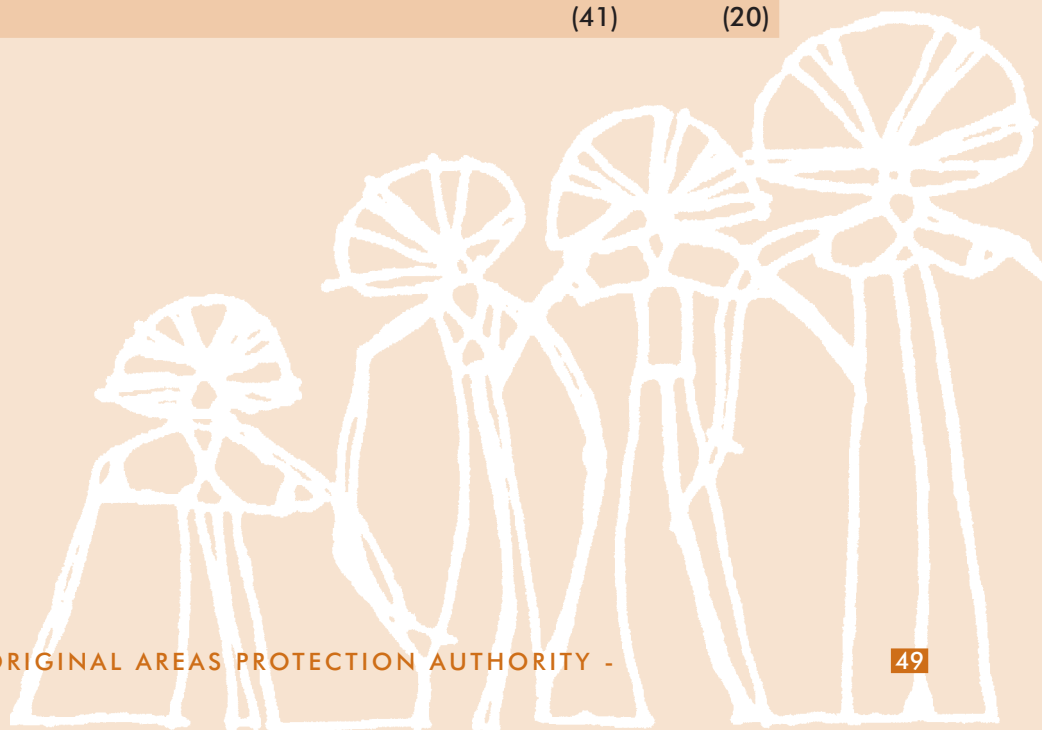
	Note	Plant & Equipment	Computer Hardware	Total
30 June 2005				
Cost/Valuation				
Balance at the beginning of the year		50	48	98
Additions		(1)		(1)
Disposals				
Transfers (net)	12(a)			
Revaluation (net)	12 (b)			
Balance at the end of the year		49	48	97
Accumulated depreciation				
Balance at the beginning of the year		(17)	(21)	(38)
Depreciation and amortisation		(9)	(11)	(20)
Disposals		0		0
Transfers (net)	12(a)			
Revaluation (net)	12(b)			
Balance at the end of the year		(26)	(32)	(58)
Written down value				
Balance at the beginning of the year		33	27	60
BALANCE AT THE END OF THE YEAR		23	16	39

continued next page...

ABORIGINAL AREAS PROTECTION AUTHORITY

7: PROPERTY, PLANT AND EQUIPMENT

Note	Plant & Equipment	Computer Hardware	Total
Reconciliations continued...			
30 June 2004			
Cost/Valuation			
	27	37	64
Balance at the beginning of the year			
Additions	23	11	34
Disposals			
Transfers (net)	12(a)		
Revaluation (net)	12(b)		
Balance at the end of the year	50	48	98
Accumulated depreciation			
	(11)	(11)	(22)
Balance at the beginning of the year			
Depreciation and amortisation	(6)	(10)	(16)
Disposals			
Transfers (net)	12(a)		
Revaluation (net)	12(b)		
Balance at the end of the year	(17)	(21)	(38)
Written down value			
	16	26	42
Balance at the beginning of the year			
BALANCE AT THE END OF THE YEAR	33	27	60
		2005	2004
		\$'000	\$'000
Purchase of non current assets			
		(1)	23
Payments for Acquisition of Plant and Equipment		0	11
Payments for Acquisition of Computer Hardware		(1)	33
8. PAYABLES			
		(35)	(20)
Trade Creditors		(6)	0
Other Creditors		(41)	(20)



ABORIGINAL AREAS PROTECTION AUTHORITY

9. PROVISIONS		
	2005 \$'000	2004 \$'000
Current		
<i>Employee Benefits</i>		
Recreation Leave	(222)	(170)
Leave Loading	(27)	(41)
Recreation Leave Fares	(22)	
<i>Other Current Provisions</i>		
Other Provisions	(29)	(6)
Non Current		
Other Provisions		
Total Provisions	(300)	(217)
a) Reconciliations		
Balance as at 30 June 2004	(211)	(255)
Reductions arising from payments/other sacrifices of future economic benefits		
Additional provisions recognised	(60)	44
Balance as at 30 June 2005	(271)	(211)
<i>Other Current Provisions</i>		
Balance as at 30 June 2004	(6)	(27)
Reductions arising from payments/other sacrifices of future economic benefits		
Additional provisions recognised	(23)	21
BALANCE AS AT 30 JUNE 2005	(29)	(6)

The Aboriginal Areas Protection Authority employed 27 employees as at 30 June 2005.

10. EQUITY		
(a) Capital		
Balance at the Beginning of Year	(45)	(7)
Equity Injections	(70)	(38)
Equity Withdrawals	195	0
Balance at the End of Year	80	(45)
(b) Accumulated funds		
Balance at the Beginning of Year	(139)	(58)
Current Year Operating Surplus /(Deficit)	145	(81)
Balance at the End of Year	7	(139)

11. NOTES TO THE STATEMENT OF CASH FLOWS

	2005 \$'000	2004 \$'000
Reconciliation of net operating surplus / (deficit) to net cash used in operating activities.		
Net operating surplus/(deficit)	(145)	81
Non Cash Items		
Depreciation	20	16
Amortisation		
(Profit)/Loss on Disposal of Non Current Assets	(1)	0
Changes in Assets and Liabilities		
Decrease/(Increase) in Receivables	(10)	79
Decrease/(Increase) in Prepayments	(5)	(12)
Decrease/(Increase) in Inventory	0	0
Decrease/(Increase) in Other Assets	0	0
(Decrease)/Increase in Accounts Payable	21	(53)
(Decrease)/Increase in Provision for Employee Benefits	60	(45)
(Decrease)/Increase in Other Provisions	23	(21)
NET CASH FLOWS FROM/(USED IN) OPERATING ACTIVITIES	(37)	45
Non Cash Financing and Investing Activities		
Finance Lease Transactions		
12. SERVICES RECEIVED FREE OF CHARGE		
Corporate and information services	(301)	(258)



13. FINANCIAL INSTRUMENTS

A financial instrument is any contract resulting in a financial asset of one Agency and a financial liability of another Agency.

(a) Interest Rate Risk

The Agency's exposure to interest rate risk and the average interest rate for classes of financial assets and financial liabilities is set out below. The average interest rate is based on the outstanding balance at the start of the year.

	Weighted Average interest rate %	Variable Interest \$'000	Fixed Under 1 year \$'000	Interest 1 to 5 years \$'000	Maturity Over 5 years \$'000	Non- Interest bearing \$'000	Total \$'000
2005 Financial Assets							
Cash Assets		152					152
Receivables						46	46
		152				46	198
Financial Liabilities							
Accounts Payable						(41)	(41)
Borrowings and Advances							
Lease Liabilities							
		152				(41)	(41)
Net Financial Assets/(Liabilities)		152				5	157
2004 Financial Assets							
Cash Assets		313					313
Receivables						36	36
		313				36	349
Financial Liabilities							
Accounts Payable						(20)	(20)
Borrowings and Advances							
Lease Liabilities							
						(20)	(20)
Net Financial Assets/(Liabilities)		313				16	329

(b) Credit Risk

The Agency principally deals with Government Agencies. In respect of any dealings with organisations external to Government, the Agency has adopted the policy of only dealing with credit worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults.

The carrying amount of financial assets recorded in the financial statements, net of any provisions for losses, represents the Agency's maximum exposure to credit risk without taking account of the value of any collateral or other security obtained.

(c) Net Fair Value

The carrying amount of financial assets and financial liabilities recorded in the financial statements represents their respective net fair values with the exception of borrowings from NT Treasury Corporation. The market value of these borrowings at balance date amounted to \$0 (2005: \$0) compared to the amount of \$0 (2004: \$0) reported in the Statement of Financial Position.

14. COMMITMENTS

	2005 \$'000	2004 \$'000
(i) Capital Expenditure Commitments		
Estimated capital expenditure contracted for at balance date but not provided for and payable:		
Within one year	0	0
One year or no later than five years		
Greater than five years		
	0	0
(ii) Other Non Cancellable Contract Commitments		
Other future commitments not provided for in the financial statements and payable: Rental Agreement – Xerox Printer DCC240CPFS with Connected Solutions Group.		
Within one year		
One year and no later than five years	5	0
Greater than five years		
	5	0

15. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

a) Contingent liabilities

The Authority maintains a register of Contingent liabilities and reports to Treasury annually. For the year ended 30 June 2005 the Authority had a “Nil Return”.

b) Contingent assets

The Aboriginal Areas Protection Authority had no contingent assets as at 30 June 2004 or 30 June 2005.

16. EVENTS SUBSEQUENT TO BALANCE DATE

No events have arisen between the end of the financial year and the date of this report that require adjustment to, or disclosure in these financial statements.



ABORIGINAL AREAS PROTECTION AUTHORITY

17. WRITE OFFS, POSTPONEMENTS AND WAIVERS

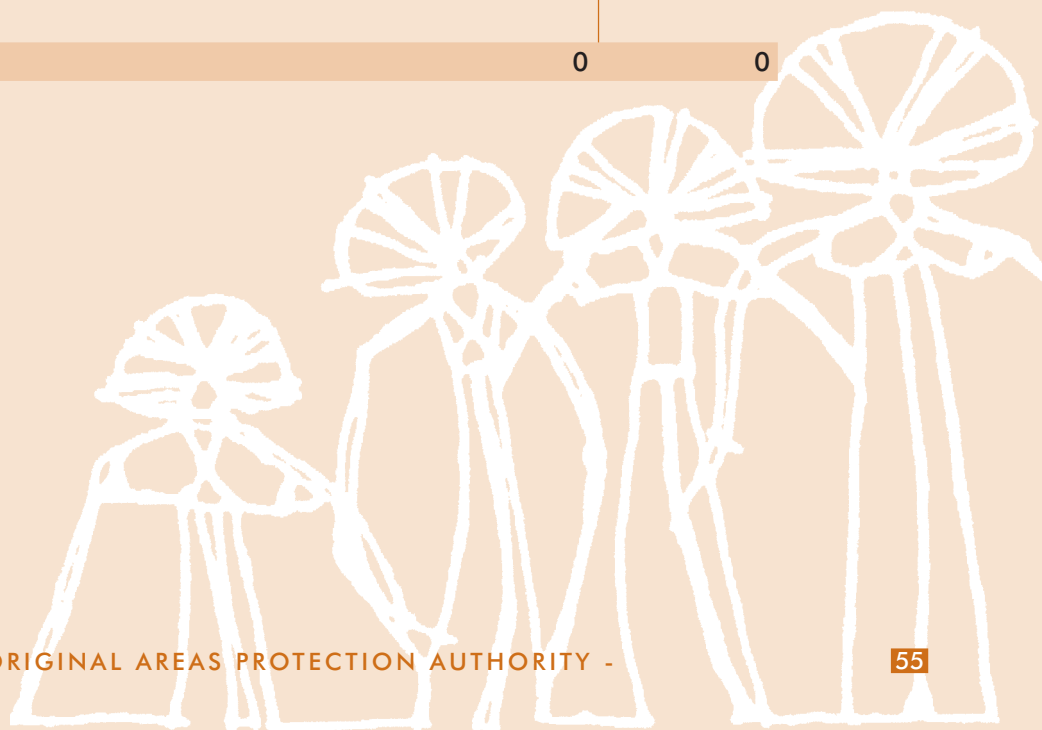
	Agency 2005		Territory Items 2005		Agency 2004	
	\$'000	No. of Trans.	\$'000	No. of Trans.	\$'000	No. of Trans.
Write offs, waivers and postponements under the Financial Management Act						
Represented by:						
Amounts written off, waived and postponed by Delegates						
Irrecoverable amounts payable to the Territory or an Agency written off		0	0		.5	1
Losses or deficiencies of money written off						
Public property written off						
Waiver or postponement of right to receive or recover money or property						
TOTAL		0	0		.5	1
Amounts written off, waived and postponed by the Treasurer						
Irrecoverable amounts payable to the Territory or an Agency written off						
Losses or deficiencies of money written off						
Public property written off						
Waiver or postponement of right to receive or recover money or property						
TOTAL						
Write offs, postponements and waivers authorised under other legislation						



ABORIGINAL AREAS PROTECTION AUTHORITY

18. SCHEDULE OF TERRITORY ITEMS

	2005 \$'000	2004 \$'000
TERRITORY REVENUE AND EXPENSES		
Revenue		
Taxation Revenue		
Grants and Subsidies		
Current		
Capital		
Sale of Goods and Services		
Fees from Regulatory Services	14	16
Interest Revenue		
Royalties and Rents		
Other Revenue		
Total Revenue	14	16
Expenses		
Central Holding Authority Revenue Transferred	14	16
Doubtful Debts Expense		
Bad Debts		
Total Expenses	14	16
REVENUE LESS EXPENSES	0	0
TERRITORY ASSETS AND LIABILITIES		
Assets		
Taxes Receivable		
Grants and Subsidies Receivable		
Royalties and Rent Receivable		
Other Receivables		
Total Assets		
Liabilities		
Central Holding Authority Revenue Payable		
Unearned CHA Revenue		
Total Liabilities		
NET ASSETS	0	0



19. DISCLOSING THE IMPACT OF ADOPTING AUSTRALIAN EQUIVALENTS TO INTERNATIONAL FINANCIAL REPORTING STANDARDS (IFRS)

AASB 1047 requires Agencies to disclose within their 30 June 2005 financial reports the impacts of adopting the Australian equivalents to IFRS. Specifically, AASB 1047 requires Agencies to disclose:

- any known or reliably estimable information about the impacts on the financial report which are likely to result from the adoption of the new standards; or
- if the impacts above are not known or not reliably estimable, a statement to that effect.

The Aboriginal Areas Protection Authority is managing the transition through information and attendance at seminars conducted by the Northern Territory Treasury.

The following known or reliably estimable information is provided in relation to expected impacts resulting from the adoption of Australian Equivalents to International Financial Reporting Standards (IFRS):

- Based on Authority IFRS Impact Assessments the total impact is only expected to be minimal for the Aboriginal Areas Protection Authority.

