



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

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: ec.sen@aph.gov.au

Dear Committee Secretary,

Re: Response to Questions on Notice, Beetaloo Basin Enquiry – Aboriginal Areas Protection Authority

On 22 March 2022 in Darwin, Northern Territory, representatives of the Aboriginal Areas Protection Authority appeared before the Senate Standing Committee on Oil and Gas Exploration and Production in the Beetaloo Basin.

The purpose of this letter is to convey a response to three questions that were asked by Senator Malarndirri McCarthy, and that were taken on notice.

Please find attached a response to the questions on notice.

Please contact the Authority should you require any further information.

Yours sincerely,

Dr Benedict Scambary
Chief Executive Officer
1 April 2022

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Senate Standing Committees on Environment and Communications: Oil and gas exploration and production in the Beetaloo Basin.

Response to Questions on Notice

Aboriginal Areas Protection Authority

1 April 2022

Questions on Notice from Senator Malarndirri McCarthy,

1. How many sacred sites are there in the Beetaloo Basin?
2. How many gas related Authority Certificates have been issued in the Beetaloo Basin by the Aboriginal Areas Protection Authority?
3. Please provide a list of Authority Certificates, including details of the applicants, and the timeframes for consultations with custodians.

Preamble

The Aboriginal Areas Protection Authority (the Authority) is an independent statutory body established by the *Northern Territory Aboriginal Sacred Sites Act 1989* (The Sacred Sites Act), with the primary purpose of protecting Aboriginal sacred sites across the Northern Territory. The Authority holds records of sacred sites, and consults with custodians of sacred sites to issue Authority Certificates in relation specific development proposals. Authority Certificates provide instruction to development proponents for the protection of sacred sites in relation to their development activity. Authority Certificates provide an indemnity against prosecution under the offence provisions of the Sacred Sites Act provided the terms of the certificate are abided by. The Sacred Sites Act provides certainty for custodians that their sacred sites will be protected, and certainty for developers through the provision of clear direction for the protection of sacred sites. It is an offence to enter or work on a sacred site in the Northern Territory, and an offence to breach an Authority Certificate.

The Authority is governed by a 12 member Board of whom ten are senior custodians of sacred sites and who are nominated by NT Land Councils and appointed by the Administrator of the Northern Territory. In addition there are two Northern Territory Government representatives on the Board. Mr Bobby Nunggumajbarr from Ngukurr is the Chair of the Authority, and Ms Valerie Martin from Yuendumu is the Deputy Chair.

Question 1: How many sacred sites are there in the Beetaloo Basin?

Within the Beetaloo Sub-Basin, the Authority has records of 80 sacred sites, of which 45 are known to be water-related, as shown on the attached map (Attachment 1). There are likely to be many additional sacred sites in the Beetaloo Basin not depicted on the attached map, but as the area has not been completely surveyed, some sacred sites are not yet recorded by the Authority.

All sacred sites in the Northern Territory are afforded protection by the Sacred Sites Act whether the Authority has a record of them or not.

Question 2: How many gas related Authority Certificates have been issued in the Beetaloo Basin by the Aboriginal Areas Protection Authority?

Since 1997 the Authority has issued a total of 23 Authority Certificates for petroleum exploration activities¹ in the Beetaloo Sub-Basin, as listed in Table 1. Some important caveats on these Authority Certificates include:

- Some were issued as a variation of a previous Authority Certificate, for example a change to the proposed activities or subject land
- Many were issued in accordance with an agreement between custodians and the petroleum company, facilitated by the Northern Land Council (NLC) who undertook consultation with custodians

¹ Including any or all of: seismic, civil works (e.g. roads, bores), drilling and hydraulic fracturing

The Authority has two current applications for Authority Certificates for petroleum exploration activities in the Beetaloo Sub-Basin:

- Sweetpea Petroleum; EP136 – two applications
- Imperial Oil and Gas; EPs 167, 168 – one application

Question 3: Please provide a list of Authority Certificates, including details of the applicants, and the timeframes for consultations with custodians.

A list of issued Authority Certificates is presented in Table 1.

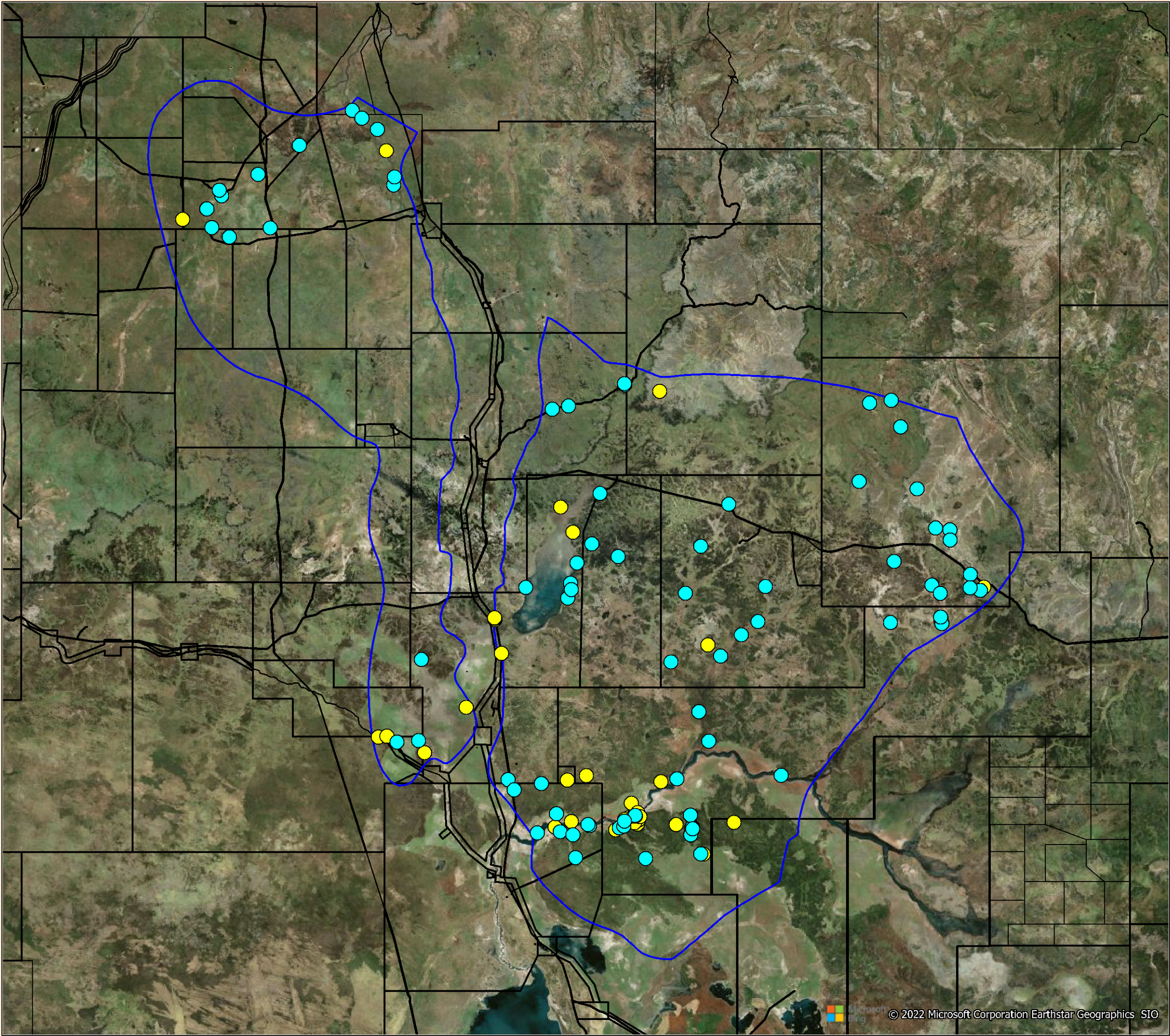
Where the Northern Land Council is listed as the Responsible Organisation, Authority Certificates have been issued on the basis of agreement in accordance with s22(1)(b) of the Sacred Sites Act. In such cases the Authority has assessed to its satisfaction that an agreement is an agreement for the purposes of the Sacred Sites Act.

Table 1: Authority Certificates for petroleum activities in the Beetaloo Sub-Basin

Petroleum company	Relevant EP/s ²	Authority Certificates ³ issued	Consultation with custodians	
			Responsible organisation	Number of days on which consultation occurred (indicative)
From 2018 (after NT Hydraulic Fracturing Inquiry): 11 Authority Certificates				
Santos	EP161	C2018/102	NLC	4
		C2018/105	NLC	
		C2019/043	NLC	1
		C2020/011	NLC	14
Origin Energy	EPs 76, 98, 117	C2018/103	NLC	12
		C2019/014	NLC	
		C2019/039	NLC	
		C2020/003	NLC	
		C2022/002	NLC	6
Sweetpea Petroleum	EP136	C2020/072	AAPA	18
Minerals Australia	EP153	C2020/103	AAPA	9
Prior to 2018 (before NT Hydraulic Fracturing Inquiry): 12 Authority Certificates				
Pacific Oil and Gas	EPs 76, 98, 117/136	C1992/181	unknown	unknown
		C1992/182		
		C1992/183		
		C1992/184		
Mataranka Oil NL	EP98	C1997/158	AAPA	1
Sweetpea Petroleum	EPs 98, 117	C2007/041	NLC	unknown
Dunmarra Energy	EP140	C2007/151	AAPA	1
Falcon Oil & Gas Australia	EPs 76, 98, 117	C2011/195	NLC	6
		C2012/023	NLC	
		C2012/088	AAPA	7
		C2013/133	AAPA	3
Santos Pty Ltd	EP161	C2013/142	NLC	4

² Multiple Authority Certificates may be issued to the same company for proposed activities in a given EP or set of EPs due to staging of the proposed works (e.g. separate certificates for seismic and drilling) or due to subsequent certificates issued following an amendment to the proposed activities

³ Year of issue is indicated by YYYY in the following format: CYYYY/XXX



Abstract of Authority's Records - Regulation 7(3)(b)

Provided to:
Senate Inquiry

ASSESSED AT 30/03/2022

This map is not a complete record of all
sacred sites in the Beetaloo sub-basin,
as many areas have not been subject to
a sacred sites survey.

Sites shown are only those recorded or
registered by the Authority.

N.B. The Sacred Site point is indicative of the
general sacred site location and does not necessarily represent the
location of any specific feature of the sacred site or the site extent and
is not an exhaustive record as unrecorded site may exist in the area

J2022 0259

0 66,000
meters

Scale 1:1,100,000

KEY

- | | |
|--|--|
|  Subject Land |  Non Water Related
Sacred Sites (45) |
| |  Water Related
Sacred Sites (80) |



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Darwin, Northern Territory of Australia
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