**NORTHERN TERRITORY OF AUSTRALIA**

# NORTHERN TERRITORY ABORIGINAL SACRED SITES ACT 1989

As in force at 30 May 2025

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# NORTHERN TERRITORY OF AUSTRALIA

As in force at 30 May 2025

## NORTHERN TERRITORY ABORIGINAL SACRED SITES ACT 1989

**An Act to effect a practical balance between the recognized need to preserve and enhance Aboriginal cultural tradition in relation to certain land in the Territory and the aspirations of the Aboriginal and all other peoples of the Territory for their economic, cultural and social advancement, by establishing a procedure for the protection and registration of sacred sites, providing for entry onto sacred sites and the conditions to which such entry is subject, establishing a procedure for the avoidance of sacred sites in the development and use of land and establishing an Authority for the purposes of the Act and a procedure for the review of decisions of the Authority by the Minister, and for related purposes**

## Part I Preliminary

### 1 Short title

This Act may be cited as the *Northern Territory Aboriginal Sacred Sites Act 1989*.

### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

### 3 Definitions

In this Act:

***Aboriginal*** means a person who is a member of the Aboriginal race of Australia.

***Aboriginal member*** means a member of the Authority appointed from a panel of persons nominated by the Land Councils or as provided in section 6(6).

***Aboriginal tradition*** has the same meaning as in the Land Rights Act.

***Authority*** means the Aboriginal Areas Protection Authority established by section 5(1).

***Authority Certificate*** means a certificate issued under section 22(1).

***Chairman*** means the Chairman of the Authority and includes a member appointed under section 9(1) to act in the place of the Chairman.

***Chief Executive Officer*** means the Chief Executive Officer appointed under section 15(1) and includes a person appointed under section 16 to act as the Chief Executive Officer while so acting.

***custodian***, in relation to a sacred site, means an Aboriginal who, by Aboriginal tradition, has responsibility for that site and, in Part II, includes a custodian of any sacred site.

***enforceable undertaking***, see section 39B(1).

***land*** includes land covered by water (including such land in the Territorial sea) and the water covering land.

***Land Council*** has the same meaning as in the Land Rights Act.

***Land Rights Act*** means the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth as amended from time to time.

***member*** means a member of the Authority and includes a person appointed under section 9(2) to act in the place of a member.

***Minister's Certificate*** means a certificate issued under section 32(1)(b).

***owner***, in relation to land, means a person having a legal or equitable proprietary interest in the land:

(a) including a person:

(i) who holds a mineral title under the *Mineral Titles Act 2010* authorising the person to conduct mining for minerals or extractive minerals on the land; or

(ii) who may exercise rights on the land under a non-compliant existing interest as defined in section 204(1) of that Act; but

(b) not including a person who holds a mineral title under that Act authorising the person to conduct only exploration for minerals or extractive minerals on the land.

***recorded party***, for an Authority Certificate, means a person who is specified in the Certificate as a recorded party for the Certificate.

***Register*** means the Register of Sacred Sites kept in pursuance of section 10(d).

***repealed Acts*** means the Acts and provisions repealed by section 50.

***sacred site*** means a sacred site within the meaning of the Land Rights Act.

*Note for section 3*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

### 4 Act binds Crown

(1) This Act binds the Territory Crown and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

(2) If the Territory Crown in any of its capacities commits an offence against this Act, the Territory Crown is liable in that capacity to be prosecuted for the offence as if it were a body corporate.

(3) This section does not affect any liability of an officer, employee or agent of the Territory Crown to be prosecuted for an offence.

(4) In this section:

***Territory Crown*** means the Crown in right of the Territory and includes:

(a) an Agency; and

(b) an authority or instrumentality of the Territory Crown.

## Part II Administration

### 5 Establishment of Authority

(1) There is hereby established an Authority by the name of the Aboriginal Areas Protection Authority.

(2) The Authority:

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall assume that it was duly affixed.

(5) The Authority, in the performance of its functions and the exercise of its powers, other than a function or power under section 17, 43 or 51 or Part III or IV, is subject to the direction of the Minister.

## 6 Composition of Authority

(1) The Authority consists of 12 members appointed by the Administrator by notice in the *Gazette*.

(2) Ten members of the Authority are to be custodians of sacred sites appointed in equal number from a panel of 10 male custodians and 10 female custodians nominated by the Land Councils, or otherwise as provided in subsection (5) or (6).

(2A) Two members of the Authority are to be persons appointed on the nomination of the Minister.

(3) The Administrator must, on the nomination of the members of the Authority, appoint an Aboriginal member to be the Chairman of the Authority and another, of the opposite sex to the person appointed as the Chairman, to be its Deputy Chairman.

(4) A member holds office as a member for such period, not exceeding 3 years, as is specified in the instrument of his or her appointment but is eligible for reappointment.

(5) The Minister must, when the occasion for the appointment of the Aboriginal members arises, by written notice to the Land Councils, request them to nominate a panel of 10 male custodians, and another panel of 10 female custodians, from which the Administrator may appoint 5 Aboriginal members of each sex or, where there is a vacancy in the office of an Aboriginal member (including a vacancy caused by a member's term of office expiring), to nominate a panel of twice the number of custodians of the relevant sex as the number of vacancies from which the Administrator may appoint the required number of members to fill the vacancy or vacancies.

(6) If the Land Councils do not, within 60 days after being requested to do so, nominate a panel of the required number of qualified persons under subsection (5), the Administrator may appoint such custodians of the appropriate sex as the Administrator thinks fit to be the Aboriginal members or to fill the vacancy or vacancies, whether or not those Aboriginals may have been included in a panel of persons nominated by the Land Councils or a Land Council.

## 7 Resignation and termination of membership

(1) A member may resign office by writing signed by or on behalf of him or her and delivered to the Administrator.

(2) A resignation by a member delivered in accordance with subsection (1) does not have effect until it is accepted by the Administrator.

(3) The Administrator may terminate the appointment of an Aboriginal member on the grounds of incompetence or misbehaviour.

(3A) The Minister may, at any time and at the Minister's discretion, make a written recommendation to the Administrator for the termination of the appointment of a member who was appointed on the Minister's nomination under section 6(2A).

(3B) On the Minister's recommendation under subsection (3A), the Administrator may terminate the appointment of the member nominated by the Minister.

(4) The Administrator must terminate the appointment of a member if the member:

(a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(b) is, without leave granted by the Authority, absent from 3 consecutive meetings of the Authority of which reasonable notice has been given personally or in the ordinary course of post;

(c) is the subject of a report of the Chief Health Officer, based on advice from 2 medical practitioners, that as a result of the member's mental illness, as defined in the *Mental Health and Related Services Act 1998*, he or she has become incapable of performing his or her duties as a member and is unlikely to be able to perform them for the remainder of his or her term of appointment; or

(d) becomes permanently incapable of performing his or her duties as a member.

**8 Leave of absence**

The Authority may grant leave of absence to a member.

**9 Acting appointments**

(1) Where:

(a) the Chairman is absent from duty; or

(b) the position of Chairman is vacant,

the Minister may appoint an Aboriginal member to act in the place of the Chairman during the period of absence or the vacancy.

(2) Where a member is absent from duty with leave, the Minister may, if the Authority so requests, appoint a person to act in the place of the member during the period of absence.

**10 Functions of Authority**

The functions of the Authority are:

(a) to facilitate discussions between custodians of sacred sites and persons performing or proposing to perform work on or use land comprised in or in the vicinity of a sacred site, with a view to their agreeing on an appropriate means of sites avoidance and protection of sacred sites;

(b) to carry out research and keep records necessary to enable it to efficiently carry out its functions;

(c) to establish such committees (including executive and regional committees), consisting of such members and other persons, as are necessary to enable it to carry out its functions;

(d) to establish and maintain a register to be known as the Register of Sacred Sites and such other registers and records as required by or under this Act;

(e) to examine and evaluate applications made under sections 19B and 27;

(f) after considering an application under section 19B, and in accordance with Division 1 of Part III, to issue or refuse to issue an Authority Certificate;

(g) to 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;

(h) to make such recommendations to the Minister on the administration of this Act as it thinks fit;

(j) to perform such other functions as are imposed on it by or under this or any other Act, or as directed by the Minister; and

(k) to enforce this Act.

**11 Powers of Authority**

The Authority has such powers as are necessary to enable it to perform its functions and exercise its powers.

## 12 Meetings of Authority

(1) Subject to subsections (2) and (3), the Chairman shall call such meetings of the Authority and committees of the Authority as are necessary for the performance of the functions of the Authority.

(2) The Chairman shall call not less than 4 meetings of the Authority in each full calendar year of its operation.

(3) The Chairman shall call a meeting of the Authority or a committee of the Authority if required to do so by the Minister.

(4) The Chairman shall determine the times and places of the meetings of the Authority and its committees.

(5) Subject to subsection (6), the Chairman shall preside at all meetings of the Authority at which he or she is present and in the absence of the Chairman the Deputy Chairman shall preside. In the absence of the Chairman and Deputy Chairman the members present shall elect one of their number to preside.

(6) Neither the Chairman nor the Deputy Chairman shall preside or continue to preside at a meeting of the Authority if the Authority is of the opinion that, in accordance with Aboriginal tradition, it would not be appropriate for him or her to do so.

(7) At a meeting of the Authority:

(a) seven members, not less than 2 of whom are male Aboriginal members and not less than 2 of whom are female Aboriginal members, constitute a quorum;

(b) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote; and

(c) subject to this Act, the Authority shall determine the procedure to be followed at or in connection with the meeting.

(8) The quorum and proceedings at a meeting of a committee of the Authority shall be as determined by the Authority.

(9) The Authority shall cause minutes to be kept of its meetings and of the meetings of its committees.

(10) An Aboriginal member may require the Authority or a committee of the Authority of which the Aboriginal member is a member to admit to a meeting of the Authority or committee, as the case may be, a person who in accordance with Aboriginal tradition is able to assist the member to participate more fully in the deliberations at the meeting and may require the Authority or committee to allow the person to address the meeting on the member's behalf, and the Authority or committee shall comply with the requirement.

(11) A person admitted to a meeting pursuant to subsection (10) shall not vote on any matter at the meeting.

**13 Protection of members**

No action or proceeding, civil or criminal, shall lie against the Chairman or a member for or in respect of an act or thing done or omitted to be done in good faith by a member in his or her capacity as the Chairman or a member.

**14 Annual report**

(1) The Chairman shall, as soon as practicable after 30 June in each year, submit to the Minister a report on the administration and operation of the Authority during the previous 12 months to and including 30 June of that year or, in the case of the first report, during the period since the establishment of the Authority.

(2) The Minister shall lay a copy of the report referred to in subsection (1) before the Legislative Assembly within 6 sitting days of the Assembly after the Minister receives the report.

**15 Chief Executive Officer**

(1) The Administrator shall appoint a Chief Executive Officer of the Authority who shall be charged with carrying out the decisions of the Authority.

(2) The Chief Executive Officer shall:

(a) be paid such salary, allowances and expenses; and

(b) hold office on such terms and conditions,

as the Minister, with the advice of the Commissioner for Public Employment, as defined in the *Public Sector Employment and Management Act 1993*, determines.

**16 Acting Chief Executive Officer**

Where the Chief Executive Officer is or is expected to be absent from duty or from the Territory, or there is a vacancy in the office of the Chief Executive Officer, the Authority may appoint a person employed

by the Authority, to act as the Chief Executive Officer during the absence or until the vacancy is filled.

### 17 Other staff of Authority

(1) The Authority may, on such terms and conditions as are approved by the Commissioner, as defined in the *Public Sector Employment and Management Act 1993*, employ such staff as are necessary to enable it to perform its functions and exercise its powers.

(2) Where immediately before the commencement of this Act a person was employed under section 15 of the repealed Acts as then in force, that person shall, on the commencement of this Act, be an employee of the Authority employed on the same terms and conditions as applied to the person immediately before that commencement.

### 18 Salaries, allowances and expenses

All allowances and other expenses payable to members of the Authority and the salary, allowances and expenses payable to the Chief Executive Officer and other persons employed by the Authority shall be paid out of the moneys of the Authority.

### 19 Delegation

(1) The Authority may, by resolution, delegate to the Chairman, a member or members of a committee of the Authority, the Chief Executive Officer or a person employed by the Authority any of its powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Authority.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Authority.

# Part III Sites protection procedure

## Division 1A Application for Authority Certificate

### 19A Definitions

In this Division, unless the contrary intention appears:

***non-standard application*** means an application classified by the Authority under section 19C as non-standard.

***standard application*** means an application classified by the Authority under section 19C as standard.

### 19B Application for Authority Certificate

A person who proposes to use or carry out work on land may apply to the Authority, in a form approved by the Authority, for an Authority Certificate.

### 19C Authority to classify application

(1) The Authority must classify an application under section 19B as either a standard application or a non-standard application.

(2) When classifying an application in accordance with subsection (1), the Authority must have regard to the guidelines set out in the Regulations.

### 19D Fees and charges

(1) A standard application is to be accompanied by the prescribed fee.

(2) If an application is classified as non-standard, the Authority may charge the applicant an amount, calculated in accordance with the Regulations, that represents the Authority's costs and expenses in respect of the determination of the application.

### 19E Non-standard application

(1) If the Authority classifies an application as non-standard, the Authority must:

(a) give notice to the applicant accordingly, including advising the applicant that charges will apply in respect of the determination of the application;

(b) provide the applicant with a copy of the guidelines that relate to:

(i) the classification of an application as a standard or non-standard application; and

(ii) the charges that will apply in respect of the determination of the application; and

(c) if the applicant requests – provide the applicant with an estimate of the amount of the charges that will apply in respect of the determination of the application.

(2) An applicant who intends to proceed with a non-standard application must confirm in writing within 60 days of receiving notice under subsection (1)(a) that the charges applicable in respect of the application will be met by the applicant.

(3) If an applicant fails to confirm in accordance with subsection (2) that the charges will be met, the application is taken to have lapsed.

### 19F Authority to consult with custodians

As soon as practicable (but not later than 60 days or such longer period as the Minister approves) after:

(a) a standard application is received; or

(b) written confirmation in accordance with section 19E(2) is received in relation to a non-standard application,

the Authority must consult with the custodians of sacred sites on or in the vicinity of the land to which the application relates that are likely to be affected by the proposed use or work.

### 19G Applicant may request conference with custodians

(1) An applicant under section 19B may request the Authority to arrange a conference on the application or terms and conditions of an Authority Certificate, or as the case may be, between the applicant and the custodians of the relevant sites.

(2) A request under subsection (1) is to be in writing and may be made before or after the issue of an Authority Certificate in relation to the land.

(3) If a request for a conference has been made under subsection (1), the applicant or a custodian of a site with whom the applicant has requested the conference may apply to the Authority for the conference to be held in the presence of the Authority or a member or committee of the Authority authorised by the Authority for that purpose.

(4) If a request for a conference has been made under subsection (1), the Authority must:

(a) assess whether the holding of the conference is likely to entail significant costs, having regard to the matters prescribed in the Regulations; and

(b) if the conference is likely to entail significant costs:

(i) advise the applicant that charges will apply to recover the costs of the Authority;

(ii) provide the applicant with a copy of the guidelines that relate to the charges that will apply in respect of the conference; and

(iii) if the applicant requests – provide the applicant with an estimate of the amount of the charges that will apply in respect of the conference.

(5) An applicant who intends to proceed with a request for a conference must confirm in writing within 60 days of receiving notice that charges will apply in respect of the conference that the charges will be met by the applicant.

(6) If an applicant fails to confirm in accordance with subsection (5) that the charges will be met, the request for the conference is taken to have been withdrawn.

**19H Applicant may have matter referred to Minister**

(1) An applicant who is aggrieved by:

(a) a decision by the Authority to classify an application as non-standard;

(b) the amount of charges applied in respect of the determination of a non-standard application; or

(c) the amount of charges applied in respect of a conference referred to in section 19G,

may make written submissions on the matter and require the Authority to refer the matter to the Minister.

(2) The Authority must refer the submissions referred to in subsection (1) to the Minister together with the Authority's comments and the Minister must decide the matter.

**19J Minister may require security**

The Minister may require an applicant who is liable for charges in respect of a non-standard application or a conference to lodge with the Minister security, in the amount the Minister thinks fit, for the charges.

**19K Account for charges**

(1) When the costs incurred by the Authority in respect of determining a non-standard application or in respect of a conference requested under section 19G are known, the Authority must calculate the charges applicable in accordance with the guidelines set out in the Regulations and provide the applicant with an account advising the amount payable and the date by which it is to be paid.

(2) On receipt of an account under subsection (1), the applicant must pay to the Authority the amount payable by the specified date.

### 19L Conference with custodians

(1) If:

(a) the Authority receives a request under section 19G for a conference; and

(b) if applicable – confirmation in accordance with section 19G(5) has been received that charges will be met,

the Authority must, within 60 days of:

(c) receiving the request or the confirmation (as appropriate); or

(d) the expiry of the period specified under section 19F,

whichever is the later, arrange for the conference to be held as soon as practicably suits the applicant and the custodians.

(2) The Minister may, in the circumstances of a particular case, allow a longer period as the Minister specifies within which period the Authority must arrange for the conference to be held.

(3) If a request for a conference is received under section 19G before the Authority has determined the application in relation to which the conference is requested, the Authority must stay the making of a decision to issue or refuse to issue an Authority Certificate in the matter until the conference has been held, unless the request is sooner withdrawn in writing or taken to be withdrawn under section 19G(6).

## Division 1 Avoidance of sacred sites

### 22 Authority Certificate

(1) The Authority shall, where it is satisfied that, in relation to an application under section 19B:

(a) the work or use of the land could proceed or be made without there being a substantive risk of damage to or interference with a sacred site on or in the vicinity of the land; or

(b) an agreement has been reached between the custodians and the applicant,

issue an Authority Certificate to the applicant (which, in the case where an agreement referred to in paragraph (b) has been reached, is in accordance with the agreement):

(c) describing the part or parts of the land on which the work proposed in the application may be carried out or use made (or on which the work may not be carried out or use made, as the

case may be) with sufficient particularity to enable the land and part or parts to be identified; and

(d) setting out the conditions, if any, on which under this Act the work may be carried out or use made as the Authority thinks accords with the custodians' wishes or, if an agreement has been reached between the custodians and the applicant, accords with that agreement.

**23 Variation of Certificate**

A person to whom an Authority Certificate is issued or who would, under section 19B, be entitled to apply for an Authority Certificate, may apply to the Authority for a variation of an Authority Certificate and Division 1A and this Division, with the necessary changes, apply as if the application for the variation were an application for a Certificate.

**24 New applications on refusal of Authority**

Where the Authority refuses to issue an Authority Certificate on an application under section 19B or vary a Certificate on an application under section 23, the applicant may not again apply under that section for the issue or variation, as the case may be, of an Authority Certificate in respect of the land or part of land to which the original application related, except with the permission in writing of the Minister.

**24A Transfer of Certificate**

(1) A person (the ***transferee***) may, with the consent of the person to whom an Authority Certificate (the ***existing Certificate***) was issued, apply to the Authority for the existing Certificate to be transferred to the transferee.

(2) The application must be:

(a) in a form approved by the Authority; and

(b) accompanied by the prescribed fee.

(3) After receiving the application, the Authority must issue a new Authority Certificate to the transferee.

(4) The new Authority Certificate must be issued:

(a) in respect of the same land and work or use of the land that were the subject of the existing Certificate; and

(b) subject to the same conditions to which the existing Certificate was subject.

(5) On the issue of the new Authority Certificate, the existing Certificate is automatically cancelled.

**24B Recorded parties for Certificate**

(1) Any of the following may be specified in an Authority Certificate as a recorded party, or as recorded parties, for the Certificate:

(a) a specified person;

(b) persons of a specified class, including persons who, from time to time, carry out work or make use of the land that is the subject of the Certificate.

(2) A person to whom an Authority Certificate (the ***existing Certificate***) was issued may apply to the Authority for one or more persons specified in the application to be added to the Certificate as a recorded party, or as recorded parties, for the Certificate.

(3) The application must be:

(a) in a form approved by the Authority; and

(b) accompanied by the prescribed fee.

(4) After receiving the application, the Authority must issue a new Authority Certificate to the applicant in place of the existing Certificate.

(5) The new Authority Certificate must:

(a) specify as a recorded party, or as recorded parties, for the Certificate the person or persons who were specified in the application; and

(b) be issued:

(i) in respect of the same land and work or use of the land that were the subject of the existing Certificate; and

(ii) subject to the same conditions to which the existing Certificate was subject.

(6) On the issue of the new Authority Certificate, the existing Certificate is automatically cancelled.

### 25 Effect of Certificate

Subject to the conditions, if any, of an Authority Certificate, a person to whom the Certificate was issued or a person who is a recorded party for the Certificate may:

(a) enter and remain on that part or those parts of land the subject of the Certificate on which, under the Certificate, work or a use proposed in the application for the Certificate may be carried out or made; and

(b) do such things on the land as are reasonably necessary for carrying out that work or making that use of the land.

### 26 Register of Certificates, &c.

The Authority shall keep, in a form approved by the Minister, a separate register in which it shall keep a copy of all applications made and certificates issued under Divisions 1 and 3 of this Part, details of all refusals to issue a certificate and such other information as is prescribed.

## Division 2 Documenting, evaluating and registering sacred sites

### 27 Application to have site registered

(1) A custodian of a sacred site may apply to the Authority for the site to be registered in the Register.

(2) As soon as practicable after an application under subsection (1) is received by the Authority it shall consult with the applicant and other custodians, if any, of the sacred site to determine:

(a) the basis on and extent to which the applicant and other custodians, if any, are entrusted with responsibility for the site according to Aboriginal tradition;

(b) the name or names and addresses of the custodian or custodians;

(c) the story of the site according to Aboriginal tradition;

(d) the location and extent of the site;

(e) the restrictions, if any, according to Aboriginal tradition, on activities that may be carried out on or in the vicinity of the site;

(f) the physical features that constitute the site;

(g) whether, and if so to what extent, the period of the registration should be limited; and

(h) the restrictions, if any, that should be applied to information about matters referred to in paragraph (c) or (f) divulged by the custodian or custodians.

(3) Except to the extent that the Authority determines under subsection (2)(h) that the information should not be recorded, the Authority shall reduce to writing the information obtained as a result of consultations under subsection (2).

**28 Representations by owners of land on which site situated**

(1) Before registering a sacred site as the result of an application under section 27(1) the Authority shall give to each owner of land comprised in the site or on which the site is situated a notice:

(a) giving details of the area concerned;

(b) inviting the owner to make written representations in connection with the application by a specified date, being not earlier than 28 days after the receipt of the notice; and

(c) specifying an address to which such representations may be sent.

(2) The Authority shall give due consideration to all representations made by an owner as the result of an invitation under subsection (1)(b) and in particular shall make and record its findings in relation to the immediate or possible detrimental effect, if any, the fact that the site is a sacred site may have on the owner's proprietary interest in the land.

(3) Where the owner of land to whom a notice under subsection (1) has been given advises the Authority that the owner's intended work on or use of the land may be constrained by the existence of the sacred site, the Authority shall advise the owner, in writing, of the owner's right to apply for an Authority Certificate in relation to the land.

**29 Registering of sacred sites**

Where after examining and evaluating:

(a) the information obtained as a result of consultations under section 27(2);

(b) any representations made under section 28(1); and

(c) such other information concerning the site as is available to it,

the Authority is satisfied that the site the subject of the application is a sacred site, it shall place the information recorded in pursuance of section 27(3) and a record of its findings referred to in section 28(2), if any, in the Register and on its so doing the site is registered as a sacred site for the purposes of this Act.

## Division 3 Review procedure

### 30 Application for review

(1) A person who applied under section 19B for an Authority Certificate and who is aggrieved by:

(a) a decision or action of the Authority under Division 1; or

(b) the failure by the Authority within a reasonable time to come to a decision on an application or request under Division 1A or Division 1,

may apply to the Minister for a review of the decision, action or failure.

(2) As soon as practicable after receiving an application under subsection (1) the Minister shall, after consulting with the Authority, request the Authority to conduct a review of the matter the subject of the application or refuse to ask the Authority to review the matter, and the Minister shall, in writing, advise the applicant accordingly.

(3) Where the Minister refers a matter to the Authority for review, the Authority shall provide:

(a) the applicant under subsection (1);

(b) where appropriate, the custodians of sacred sites affected; and

(c) any other person appearing to the Authority to be affected,

with a notice:

(d) stating the matter to be reviewed;

(e) inviting them to make written representations in connection with the review by a specified date, being not earlier than 28 days nor later than 60 days after the date of the notice; and

(f) specifying an address to which such representations may be sent.

(4) Where, after due consideration of all representations made as a result of an invitation under subsection (3)(e) (but not later than 28 days after the latest time limited by the notices under that subsection for the making of those representations), the Authority does not, by exercising its powers under any other provision of this Act, satisfy the concerns of the applicant for the review, it shall provide the Minister with a report and its recommendations on the matter and copies of all documents or records likely to be relevant to the Minister's consideration of it.

## 31 Consideration of report and recommendations

As soon as practicable after the Minister receives the report and recommendations provided under section 30(4), the Minister shall consider the report, its attached documents, if any, the Authority's recommendations and such other information as is available to him or her and, where the Minister considers it appropriate to enable him or her to better make his or her decision in relation to the application, discuss with the applicant, the custodians and any other person or body who or which, in the Minister's opinion, has a legitimate interest in the outcome of the Minister's decision, any aspect of the report and recommendations.

## 32 Decision of Minister

(1) After considering the matter and carrying out the discussions, if any, referred to in section 31 the Minister may in his or her discretion:

(a) uphold the decision or action of the Authority; or

(b) issue to the applicant for the review a certificate in relation to the land or any part of the land comprised in a sacred site or on which a sacred site is situated, setting out conditions, if any, on which work may be carried out on or use made of the land as the Minister thinks fit.

(2) A certificate under subsection (1)(b) has the same effect as an Authority Certificate and where it is in conflict with an Authority Certificate the Authority Certificate, to the extent of that inconsistency, has no force or effect.

(3) As soon as practicable after making it, the Minister shall, in writing, give to the Authority and each person to whom a notice of the relevant review was given under section 30(3), a notice of the Minister's decision, the reasons for the decision and, where the Minister issues a certificate as a result of the decision, a copy of that certificate.

(4) Where the Minister issues or refuses to issue a certificate under subsection (1)(b), the applicant, under section 30, may not seek a further review under that section unless the basis for the application is substantially different from the previous application and information, documents or records that are likely to be relevant for the consideration of the Minister, being information, records or documents that were not available to the Minister at the time of considering the previous application, will be available to the Minister in connection with the consideration of the further application.

(5) The Minister shall cause to be laid before the Legislative Assembly a copy of any notice given by him or her under subsection (3), together with a copy of the reasons given therewith.

# Part IV Offences, penalties and procedures

## 33 Entry onto sacred sites

Except in the performance of a function under this Act or otherwise in accordance with this Act (including a certificate or permission or approval under this Act) or the Land Rights Act, a person shall not enter or remain on a sacred site.

Maximum penalty: In the case of a natural person – 200 penalty units or imprisonment for 12 months.

In the case of a body corporate – 1 000 penalty units.

## 34 Work on sacred site

(1) A person shall not carry out work on or use a sacred site.

Maximum penalty: In the case of a natural person – 400 penalty units or imprisonment for 2 years.

In the case of a body corporate – 2 000 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if it is proved that the defendant carried out the work on or used the sacred site with, and in accordance with the conditions of, an Authority Certificate or a Minister's Certificate permitting the defendant to do so.

## 35 Desecration

A person shall not desecrate a sacred site.

Maximum penalty: In the case of a natural person – 400 penalty units or imprisonment for 2 years.

In the case of a body corporate – 2 000 penalty units.

**36 Defences**

(1) Subject to subsection (2), it is a defence to a prosecution for an offence against section 33, 34(1) or 35 if it is proved that the defendant had no reasonable grounds for suspecting that the sacred site was a sacred site.

(2) Where a sacred site in respect of which a charge for an offence against section 33, 34(1) or 35 is laid is on Aboriginal land within the meaning of the Land Rights Act, the defence provided by subsection (1) shall not be available unless it is also proved that:

(a) the defendant's presence on the land comprised in the sacred site would not have been unlawful if the land had not been a sacred site; and

(b) the defendant had taken reasonable steps to ascertain the location and extent of sacred sites on any part of that Aboriginal land likely to be visited by the defendant.

**37 Contravention of sites avoidance conditions**

A person who contravenes or fails to comply with a condition of an Authority Certificate or a Minister's Certificate relating to work which may be done on or use that may be made of land and by so doing causes damage to a sacred site or distress to a custodian of a sacred site, is guilty of an offence.

Maximum penalty: In the case of a natural person – 200 penalty units or imprisonment for 12 months.

In the case of a body corporate – 1 000 penalty units.

**38 Secrecy**

(1) A person shall not, either directly or indirectly, except for the purposes of this Act or as permitted by the Authority:

(a) make a record of, or communicate to a person, information of a secret nature according to Aboriginal tradition acquired by reason of his or her membership of, or employment in the service of, the Authority or involvement in a procedure for the purposes of this Act; or

(b) produce to a person, or permit a person to have access to, a document furnished or produced for the purposes of this Act, including the Register and the register and other records referred to in section 26.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) In subsection (1):

***person*** includes a court or tribunal.

### 39 Authority to bring prosecutions

A prosecution for an offence against this Act or the Regulations shall not be brought except by the Authority.

### 39A Time for commencing prosecution

(1) A prosecution under this Act must be commenced:

(a) within 2 years after the day on which the Authority becomes aware of the commission of the alleged offence; or

(b) within any further time the court allows.

(2) The court may allow further time if it considers the delay was justified in all the circumstances, including the following:

(a) the remoteness of the location where the offence is alleged to have occurred;

(b) the infrequency or irregularity of visits to that location;

(c) any inability to visit that location because of Aboriginal tradition;

(d) any difficulties in identifying or locating the alleged offender and any witnesses to the alleged offence.

## Part IVA Enforceable undertakings

### 39B Enforceable undertakings

(1) An ***enforceable undertaking*** is an enforceable promise given under this Part by a person in relation to an alleged contravention of this Act or a term or condition of an Authority Certificate.

(2) An enforceable undertaking may contain any of the following:

(a) any terms and conditions that the Authority considers necessary to ensure compliance with this Act or with an Authority Certificate;

(b) a requirement that the person who gives the undertaking carries out specified remediation work to rectify damage resulting from an action that is allegedly in contravention of this Act or an Authority Certificate;

(c) a requirement that the person who gives the undertaking publishes notice of the alleged contravention and any act or thing done, or to be done, by the person.

(3) An enforceable undertaking must include time limits for the performance of any obligations and a method to monitor compliance with the undertaking.

(4) The process of negotiating an enforceable undertaking is without prejudice to any party's position.

**39C Authority may accept enforceable undertaking**

(1) The Authority may accept an enforceable undertaking given by a person in connection with an alleged contravention of:

(a) this Act; or

(b) a term or condition of an Authority Certificate.

(2) The Authority must consider the following before accepting the enforceable undertaking:

(a) the nature and gravity of the conduct constituting the alleged contravention;

(b) if applicable – the maximum penalty provided for the alleged contravention;

(c) the benefits of the proposed undertaking and the public interest;

(d) the interests of justice;

(e) any other factor that the Authority considers relevant.

(3) The enforceable undertaking must be in writing, signed by the Authority and the person who gives the undertaking and dated.

(4) The Authority must publish on the Authority's website, or in any other way determined to be appropriate by the Authority, notice of the decision to accept the enforceable undertaking and of the reasons for that decision.

(5) The giving of the enforceable undertaking does not constitute an admission of guilt by the person giving it in relation to the alleged contravention.

**39D Enforcement orders**

(1) The Authority may apply to the Supreme Court for an order under subsection (2) if the Authority considers that a person has contravened an enforceable undertaking accepted by the Authority.

(2) The Supreme Court may make any of the following enforcement orders if the Court is satisfied that the person has contravened the enforceable undertaking:

(a) an order directing the person to comply with the undertaking;

(b) an order directing the person to do any specified act or thing for the purpose of complying with the undertaking;

(c) an order directing the person to do any specified act or thing to minimise any harm or other impact resulting from the contravention of the undertaking;

(d) an order that the person pay an amount to the Authority for any costs or expenses reasonably incurred by the Authority in taking action to minimise any harm or other impact resulting from the contravention of the undertaking, including any investigation, legal or court costs;

(e) an order that the person pay an amount in compensation to any other person who has suffered loss or damage as a result of the contravention of the undertaking;

(f) an order revoking the undertaking;

(g) any other order the Court considers appropriate in the circumstances.

**39E Power of Authority to take action**

(1) If the Supreme Court makes an enforcement order under section 39D(2) and the person in respect of whom it was made contravenes the order, the Authority may:

(a) do any act or thing specified in the order; or

(b) do anything that is necessary or expedient to be done for the purpose of doing an act or thing specified in the order; or

(c) publish notice that the person has contravened the order.

(2) The Authority may recover the reasonable costs and expenses incurred in doing a specified act or thing under subsection (1) from the person in respect of whom the enforcement order was made in a court of competent jurisdiction as a debt due and payable to the Territory.

**39F Variation or withdrawal of enforceable undertaking by interest holder**

(1) A person who has given an enforceable undertaking to the Authority may vary or withdraw the undertaking with the consent of the Authority.

(2) Despite subsection (1), the provisions of an enforceable undertaking cannot be varied to provide for a different alleged contravention.

(3) An enforceable undertaking is revoked on the withdrawal of the undertaking.

(4) The Authority must publish on the Authority's website, or in any other way determined to be appropriate by the Authority, notice of the decision to consent to the variation or withdrawal of an enforceable undertaking and of the reasons for that decision.

**39G No criminal proceedings while enforceable undertaking in force**

(1) Subject to subsection (3), no proceedings for an alleged contravention of this Act may be commenced or continued against a person who has given an enforceable undertaking in relation to the contravention while the undertaking is in force.

(2) After accepting an enforceable undertaking from a person in relation to an alleged contravention of this Act, the Authority must take reasonable steps to have any prosecution against the person in relation to the contravention stayed as soon as possible.

(3) Proceedings may be instituted or resumed against a person who has given an enforceable undertaking in relation to an alleged contravention of this Act if the undertaking is not complied with.

**39H No further proceedings if enforceable undertaking complied with**

If the Authority is satisfied that an enforceable undertaking in relation to an alleged contravention of this Act has been complied with:

(a) the Authority must take reasonable steps to have any prosecution in relation to the contravention discontinued as soon as possible; and

(b) a criminal proceeding for an offence that is constituted by the alleged contravention may not be commenced.

# Part V Miscellaneous

**40 Non-derogation from other laws or rights**

(1) Nothing in Part III purports or shall be taken to derogate from a provision of any Act requiring consent, approval or permission for the work or use of the land the subject of an Authority Certificate or Minister's Certificate or from the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* of the Commonwealth or the Land Rights Act.

(2) Nothing in this Act shall be taken to prevent a person from directly communicating with a custodian about a sacred site or land on which a sacred site is situated.

**41 Powers to protect sacred sites**

(1) Without limiting the power of the Administrator to otherwise take steps to protect a sacred site, the Administrator may take, or promote, or cause to be taken, steps to protect sacred sites, under such laws in force in the Territory as the Administrator considers appropriate:

(a) by the acquisition of an area of land;

(b) by the reservation of an area of Crown land;

(c) by the vesting of title to an area of Crown land in the Authority;

(d) where land is vested in, or is under the care, control or management of, a statutory corporation, by recommending the taking of special measures, including the making of by-laws, for the protection of the site; and

(e) where a person has an estate or interest in land, by recommending, and assisting with the funding of, special measures for the protection of the site.

(2) The Regulations may provide for or relate to the protection of a sacred site.

**42 Wishes of Aboriginals to be taken into account**

Before exercising a power under this Act in respect of a sacred site, the Authority or the Minister, as the case may be, shall take into account the wishes of Aboriginals relating to the extent to which the sacred site should be protected.

**43 Permission to enter and remain on sacred site**

(1) Subject to the conditions, if any, of an Authority Certificate or a Minister's Certificate, a person may enter and remain on a sacred site with the approval of the custodians of the site or the Authority provided that the person does so in accordance with the conditions, if any, to which the approval is subject.

(2) In this section:

(a) ***approval*** includes a permit issued under section 29, and a written permission referred to in section 31(4), of the repealed Acts in effect immediately before the commencement of this Act;

(b) ***Authority*** includes the Authority under the repealed Acts.

### 44 Proprietary rights of owners of land preserved

(1) Subject to subsection (2) and the conditions, if any, of an Authority Certificate or a Minister's Certificate, the owner of land comprised in a sacred site, or a person with the express permission of the owner, may enter and remain on that land and do anything thereon for the normal enjoyment of the owner's proprietary interest in the land.

(2) Nothing in subsection (1) shall be taken to give a person a greater right with the permission of the owner than that possessed by the owner himself or herself.

### 45 Evidence that site is sacred site

For the purposes of this Act, production of:

(a) the Register; or

(b) a certificate issued under the common seal of the Authority or the hand of the Chief Executive Officer certifying that an area of land is or was on a specified date registered in the Register,

shall be accepted as prima facie evidence by all courts, judges and persons acting judicially, without further proof being required, that an area of land on the Register or the area of land to which the certificate relates is a sacred site.

### 46 Aboriginals' right of access to sacred sites

Notwithstanding this or any other Act, Aboriginals shall have access to sacred sites in accordance with Aboriginal tradition and entry pursuant to such access is not an offence under this Act.

### 47 Access to sacred sites across other land

(1) Notwithstanding any Act or rule of law to the contrary, a person with the express approval of the custodian of a sacred site, the Authority or the Minister may, for a purpose:

(a) permitted by Aboriginal tradition;

(b) reasonably necessary for or in connection with the performance of a function or the exercising a power under this Act; or

(c) reasonably necessary for or in connection with the preparation of an application under this Act or the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* of the Commonwealth or the preparation or hearing of a claim under the Land Rights Act,

by reasonable means and by the most direct practical route between a place of public access and the sacred site (or between sacred sites), after giving reasonable notice to the owner of the land he or she

proposes to cross, but subject to subsection (2), cross any land to that sacred site or between sacred sites.

(2) Where the owner of land given notice under subsection (1) requests that an alternative route across the land be taken so as not to obstruct the owner's normal activities on the land, a person to whom subsection (1) applies shall not cross the land except by that alternative route.

Maximum penalty: In the case of a natural person – 200 penalty units or imprisonment for 12 months.

In the case of a body corporate – 1 000 penalty units.

(3) Nothing in subsection (1) shall be taken to authorize a person to whom it applies to camp or otherwise reside on the land which under that subsection he or she may cross.

(4) A person who prevents a person from or obstructs a person exercising a right under subsection (1) is guilty of an offence.

Maximum penalty: In the case of a natural person – 200 penalty units or imprisonment for 12 months.

In the case of a body corporate – 1 000 penalty units.

**48 Inspection of register and other records**

A person may at any reasonable time, on payment of the prescribed fee, inspect so much of the Register or other records of the Authority as the Authority, in pursuance of section 10(g), is required to make available for public inspection.

**48A Acquisition to be on just terms**

(1) If the application of a provision of this Act in a particular case would result in an acquisition of property otherwise than on just terms, the person from whom the property is acquired is entitled to such compensation as is necessary to ensure that the acquisition is on just terms.

(2) A court of competent jurisdiction may determine the amount of compensation or make the orders that, in its opinion, are necessary to ensure that the acquisition is on just terms.

(3) In subsection (1):

***this Act*** includes the repealed Acts.

### 48B Fees and charges are debt due and payable

(1) A fee or charge payable to the Authority under this Act is a debt due and payable to the Authority.

(2) The Authority may waive all or part of a fee or charge under this Act.

### 49 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(1A) The Regulations may prescribe:

(a) guidelines for the Authority when classifying an application for the purposes of section 19C;

(b) the method of determining the charges that are payable in respect of a non-standard application; and

(c) the method of determining the charges that are payable in respect of a conference referred to in section 19G.

(2) The Regulations may provide for a penalty, not exceeding 100 penalty units, for an offence against the Regulations.

## Part VI Repeal, savings and transitional

### 50 Repeal

The Acts, and provision of an Act, listed in the Schedule are repealed.

### 52 Interim Authority

Until the Authority is first properly constituted under this Act, the members of the Authority appointed by the Administrator under section 5 of the repealed Acts and holding office immediately before the commencement of this Act shall constitute the Authority under this Act, and the provisions of Division 1 of Part II of the repealed Acts relating to termination of membership, leave of absence, acting appointments and meetings shall apply, with such changes as the Minister thinks necessary to enable the Authority to perform its functions and exercise its powers, as if those provisions were contained in this Act.

### 53 Appointment of first Chairman, &c.

(1) As soon as practicable after the Authority is first properly constituted under this Act, the Minister shall call a meeting of the Authority at which it shall nominate an Aboriginal member to be its Chairman and another to be its Deputy Chairman.

(2) At a meeting called pursuant to subsection (1) the members present shall elect one of their number to preside until the resolution as to the member to be nominated as Chairman is passed and on that resolution being passed that member shall be taken to be the Chairman for the purposes of section 12, notwithstanding that he or she has not yet been appointed under section 6(3).

### 54 Property of former Authority

In addition to the register and records referred to in section 51(1), all other property or interests held by the Authority under the repealed Acts for the purposes of those Acts immediately before the commencement of this Act shall, on that commencement, become the property of the Authority and shall be applied by the Authority or exercised, as the case may be, for the purposes of this Act.

## Part VII Transitional matters for Northern Territory Aboriginal Sacred Sites Legislation Amendment Act 2025

### 55 Continuation of appointments and application of amendments

(1) Despite the amendments made by the amending Act, a person who held office as a member of the Authority immediately before the commencement (an ***existing member***) continues to be a member of the Authority after the commencement.

(2) For subsection (1), an existing member who is not an Aboriginal member of the Authority is, after the commencement, taken to be a member appointed on the nomination of the Minister under section 6(2A), as in force after the commencement.

(3) To avoid doubt:

(a) section 7, as in force after the commencement, applies in relation to an existing member; and

(b) sections 24A and 24B, as in force after the commencement, apply in relation to an Authority Certificate that was in effect immediately before the commencement.

(4) In this section:

***amending Act*** means the *Northern Territory Aboriginal Sacred Sites Legislation Amendment Act 2025.*

***commencement*** means the commencement of section 3 of the amending Act.

## Schedule Acts and provisions repealed

section 50

| Act or Provision | Number and year |
|---|---|
| *Aboriginal Sacred Sites Ordinance 1978* | No. 115, 1978 |
| *Aboriginal Sacred Sites Act (No. 2) 1978* | No. 116, 1978 |
| *Aboriginal Sacred Sites Amendment Act 1983* | No. 57, 1983 |
| Section 9(1) of the *Public Service and Statutory Authorities Amendment Act 1985* | |

# ENDNOTES

## 1 KEY

Key to abbreviations

**amd = amended**
**app = appendix**
**bl = by-law**
**ch = Chapter**
**cl = clause**
**div = Division**
**exp = expires/expired**
**f = forms**
***Gaz* = *Gazette***
**hdg = heading**
**ins = inserted**
**lt = long title**
**nc = not commenced**
**od = order**
**om = omitted**
**pt = Part**
**r = regulation/rule**
**rem = remainder**
**renum = renumbered**
**rep = repealed**
**s = section**
**sch = Schedule**
**sdiv = Subdivision**
**SL = Subordinate Legislation**
**sub = substituted**

## 2 LIST OF LEGISLATION

***Northern Territory Aboriginal Sacred Sites Act 1989* (Act No. 29, 1989)**

| | |
|---|---|
| Assent date | 23 June 1989 |
| Commenced | 15 August 1989 (*Gaz* S45, 15 August 1989) |

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**

| | |
|---|---|
| Assent date | 30 June 1993 |
| Commenced | 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993) |

***Financial Management (Consequential Amendments) Act 1995* (Act No. 5, 1995)**

| | |
|---|---|
| Assent date | 21 March 1995 |
| Commenced | 1 April 1995 (s 2, s 2 *Financial Management Act 1992* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995) |

***Mental Health and Related Services (Consequential Amendments) Act 1999* (Act No. 11, 1999)**

| | |
|---|---|
| Assent date | 25 March 1999 |
| Commenced | 1 February 2000 (s 2, s 2 *Mental Health and Related Services Act 1998* (Act No. 63, 1998) and *Gaz* G3, 26 January 2000, p 2) |

***Northern Territory Aboriginal Sacred Sites Amendment Act 2002* (Act No. 65, 2002)**

| | |
|---|---|
| Assent date | 9 December 2002 |
| Commenced | 15 August 1989 (s 2 and back note 1 *Northern Territory Aboriginal Sacred Sites Amendment Act 2002* (Act No. 65, 2002)) |

***Northern Territory Aboriginal Sacred Sites Amendment Act 2003* (Act No. 47, 2003)**

| | |
|---|---|
| Assent date | 18 September 2003 |
| Commenced | 3 March 2004 (*Gaz* G9, 3 March 2004, p 5) |

***Northern Territory Aboriginal Sacred Sites Amendment Act 2005* (Act No. 42, 2005)**

| | |
|---|---|
| Assent date | 14 December 2005 |
| Commenced | 29 March 2006 (*Gaz* S6, 29 March 2006) |

***Mineral Titles (Consequential Amendments) Act 2010* (Act No. 37, 2010)**

| | |
|---|---|
| Assent date | 18 November 2010 |
| Commenced | 7 November 2011 (s 2, s 2 *Mineral Titles Act 2010* (Act No. 27, 2010) and *Gaz* G41, 12 October 2011, p 5) |

***Public Sector Employment and Management Amendment Act 2011* (Act No. 29, 2011)**

| | |
|---|---|
| Assent date | 31 August 2011 |
| Commenced | 1 January 2012 (*Gaz* S73, 20 December 2011, p 2) |

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

| | |
|---|---|
| Assent date | 12 July 2013 |
| Commenced | 28 August 2013 (*Gaz* G35, 28 August 2013, p 2) |

***Northern Territory Aboriginal Sacred Sites Legislation Amendment Act 2025* (Act No. 11, 2025)**

| | |
|---|---|
| Assent date | 29 May 2025 |
| Commenced | 30 May 2025 (s 2) |

## 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 7, 15 and 17.

## 4 LIST OF AMENDMENTS

| | |
|---|---|
| s 3 | amd No. 37, 2010, s 9; No. 11. 2025, s 4 |
| s 4 | sub No. 42, 2005, s 4 |
| s 6 | amd No. 11, 2025, s 5 |
| s 5 | amd No. 5, 1995, s 19 |
| s 7 | amd No. 11, 1999, s 4; No. 11, 2025, s 6 |
| s 10 | amd No. 47, 2003, s 9 |
| s 15 | amd No. 28, 1993, s 3; No. 29, 2011, s 45 |
| s 17 | amd No. 28, 1993, s 3 |
| pt III | |
| div 1A hdg | ins No. 47, 2003, s 4 |
| ss 19A – 19L | ins No. 47, 2003, s 4 |
| ss 20 – 21 | rep No. 47, 2003, s 5 |
| ss 22 – 24 | amd No. 47, 2003, s 9 |
| ss 24A – 24B | ins No. 11, 2025, s 7 |
| s 25 | amd No. 11, 2025, s 8 |
| s 30 | amd No. 47, 2003, s 9 |
| ss 33 – 35 | amd No. 47, 2003, s 9; No. 23, 2013, s 15 |
| s 37 | amd No. 47, 2003, s 9; No. 23, 2013, s 15 |
| s 38 | amd No. 47, 2003, s 9; No. 42, 2005, s 5; No. 23, 2013, s 15 |
| s 39A | ins No. 42, 2005, s 6 |
| pt IVA hdg | ins No. 11, 2025, s 9 |
| ss 39B – 39H | ins No. 11, 2025, s 9 |
| s 47 | amd No. 47, 2003, s 9; No. 23, 2013, s 15 |
| s 48 | amd No. 47, 2003, s 6 |

| | |
|---|---|
| s 48A | ins No. 65, 2002, s 3 |
| s 48B | ins No. 47, 2003, s 7 |
| s 49 | amd No. 47, 2003, s 8 |
| s 51 | exp No 29, 1989, s 51(6) |
| pt VII hdg | ins No. 11, 2025, s 10 |
| s 55 | ins No. 11, 2025, s 10 |