Submission on the Referral

Landbridge Darwin Port Lessee Trust – Darwin Port Maintenance Dredging Campaign

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Aboriginal Areas Protection Authority (Authority)

Section of [referral	Theme / issue	Comment

Darwin Port Maintenance Dredging Works Referral Report: section 2.3 and Appendix A – Screening Tool; and
 	
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	People/ Culture and heritage	• The Authority is an independent statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Act). The Authority is responsible for the protection and registration of Aboriginal sacred sites throughout the Northern Territory.
		• A person who unlawfully enters or remains on, or damages or interferes with a sacred site may be liable for offences under the Act.
		• The Authority's submission is confined to those aspects of the Referral that apply, or may apply, to Aboriginal sacred sites.
		• The Authority notes the Referral Report does not deal with Aboriginal sacred sites, other than in Appendix A – Screening Tool to the Report, where the Culture and heritage section is marked as "No".
		• The Authority notes the proponent has advised in the Referral form that:
		  ○ searches have been conducted of the National Native Title Tribunal and Northern Territory Sacred Sites and Heritage registers for the areas subject to the dredging campaign;
		  ○ there has not been any consultation with any Aboriginal communities about the proposed dredging works.
		• Under regulation 7 of the *Northern Territory Aboriginal Sacred Sites Regulation 2004* a person may apply to the Authority for an abstract of the Authority's records in relation to a parcel of land (Abstract of Records). An Abstract of Records provides information regarding sacred sites recorded or registered by the Authority within the relevant parcel of land and may assist proponents to identify known sacred site constraints and undertake an informed risk assessment at an early stage of project planning.
		• Applicants are advised that the information contained within an Abstract of Records is provided for information purposes only and cannot be relied upon as an exhaustive list of sacred sites within the relevant parcel of land. This is because there may be other sacred sites within the relevant parcel of land of which the Authority is not yet aware, or which have not yet been recorded or registered by the Authority.

		• The existence of a sacred site is a question of fact and is not dependent upon the site being recorded or registered by the Authority. Accordingly, the absence of a sacred site from an Abstract of Records should not be taken as confirmation that no sacred sites exist within the relevant parcel of land. For proponents seeking greater certainty regarding sacred site constraints associated with a particular proposal, the Act provides a process for applying for an Authority Certificate. • In about June 2019, the Authority received and responded to an Abstract of Records application made by "Landbridge Group Australia" for the following parcels of land: Sections 5719, 5783, 7216 and 7219 Hundred of Bagot and Lot 10187 Town of Darwin. The Authority presumes it is this Abstract of Records application that has been referred to by the proponent in the Referral form. • The Authority understands the areas subject to the dredging campaign include areas outside of the parcels of land that were included in the 2019 Abstract of Records application. The Authority has also not sighted information confirming the final locations for disposal of the dredge spoil. • Having regard to Regulation 79 of the *Environment Protection Regulations 2020* and to the NT EPA's Environmental factors and objectives dated 17 March 2025, the Authority submits that: ○ any assessment of the proposal in relation to culture and heritage should have regard to the potential presence of Aboriginal sacred sites (including both recorded and unrecorded sacred sites) in all proposed dredging areas and in all proposed dredge spoil disposal areas; and ○ the proponent should obtain an Abstract of Records for all parcels of land the subject of the proposed dredging and dredge spoil disposal areas as doing so will enable the proponent to have access to all current information held by the Authority regarding sacred sites within the relevant parcels of land. While an Abstract of Records does not provide the proponent with the protection under the Act that an Authority Certificate can provide, at a minimum, the Abstract of Records can provide some assistance to the proponent to avoid the commission of an offence under the Act.