

Estimates Committee 2011

Questions Taken On Notice

(14/06/2011 to 23/06/2011)

Date: 16/06/2011 Output:
Sub Output:
Subject: Prosecutions in Relation to Desecration of Sacred Sites

From:Mr Adam Giles to Hon Malarndirri McCarthy
Indigenous Development

5-22

Question: Minister, there were 10 reports of desecration of scared sites in the Northern Territory, I believe, in the last financial year, but it is definitely in your annual report. How many prosecutions were there? I think there were two. What were the reports of the desecration? To what extent? Where were they? What was the outcome of the prosecutions, and how much did the prosecutions cost to run?

Answer:
Answered On: 16/06/2011

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Question: **5-22**
Mr GILES: Minister, there were 10 reports of desecration of sacred sites in the Northern Territory, I believe, in the last financial year, but it is definitely in your annual report. How many prosecutions were there? I think there were two. What were the reports of the desecration? To what extent? Where were they? What was the outcome of the prosecutions, and how much did the prosecutions cost to run?

Answer:
Answered On:
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Attachments:

Damage to Sacred Sites 2009-2010

The Aboriginal Areas Protection Authority 2009-10 Annual Report referred to responses to 10 new reports of sacred site damage. A subsequent review of data has shown that there were 12 sacred site damage reports in 2009-2010. These site damage reports are as follows:

- **Tanami Road** – Alleged damage to a sacred bloodwood tree at Witchetty Bore. Following consultations with custodians and advice from the Department of Construction and Infrastructure (DCI), the matter has been resolved by an agreement between custodians and the DCI.
- **Plenty Highway** – Alleged damage to a sacred site at Manners Creek Station. A deep trench has been dug into the dry waterhole and several large old coolibah trees have been knocked over. The AAPA has contacted the landowners and Department of Construction and Infrastructure, but has not been able to gain evidence of involvement in the alleged damage.
- **Banka Banka** – A fence has allegedly been constructed over a hill comprising a sacred site on Banka Banka Station. Legal advice from the Department of Justice indicated that there was insufficient evidence to proceed to prosecution. Discussion is continuing between the landowner, custodians and AAPA about restoration of the site and future management.

- **Helen Springs** – Graffiti on boulders comprising two sacred sites in the Stuart Highway road reserve. With insufficient evidence to identify possible offenders, the AAPA has negotiated with the DCI for the graffiti to be removed, under custodian supervision.
- **Beswick** – The AAPA is currently investigating a recent report of works disturbing two grave sites and a ceremony area within the Beswick community. Cautionary letters seeking explanation have been sent to Roper Gulf Shire.
- **Barrow Creek** – Alleged damage to a tree comprising a sacred site located on land adjacent to the Barrow Creek Hotel. Custodians have requested the hotel owners be notified regarding the site and its location.
- **Kalanjarri** – A complaint was received about water extraction at a sacred site, a waterhole on Bonney Creek, within Aboriginal Land. AAPA's enquiries have identified sufficient information to seek a legal opinion from the Department of Justice.
- **Milingimbi** – Alleged crabbing within a sacred site near Milingimbi. The Northern Land Council (NLC) have resolved the matter using the land use agreement between the crabbers and the traditional owners, and the AAPA has sent a caution letter to the crabber and the licensee, in Vietnamese.
- **Milingimbi and Glyde River (2)** – Reports received from the Wanga Djakamirr Rangers of illegal fishing inside sacred site boundaries. Discussions have been held with the fishermen involved, and training has been provided to the ranger group with regard to evidence collection procedures.
- **Ngalpa Ngalpa Camp, Tennant Creek** – During the course of SIHIP related works, a track was graded through a restricted work area (under an Authority Certificate) associated with a men's ceremony area within Ngalpa Ngalpa (Mulga) town camp. At the custodians' request AAPA revisited the area to ensure that all sites are adequately protected and a new Authority Certificate was issued over the camp. Custodians have requested that the matter be resolved through appropriate legacy infrastructure provision in support of men's ceremonies in that part of Tennant Creek. AAPA continues to negotiate this approach with the relevant agency.
- **Ludawei, Windows on the Wetlands** – Alleged damage to the sacred site during works in the area. The issuing of an Authority Certificate protecting the site and allowing works has resolved the issue to the custodians' satisfaction.

Prosecutions 2009-10

Two prosecutions were successfully undertaken in 2009-10, in cooperation with Fisheries Police. A private barrister provided legal advice and acted for the Authority. Total legal costs for the Authority in 2009-2010 were \$3200.

Details of the prosecutions are as follows:

Defendant: Darren Robert MURRAY
Location of Complaint: Blyth River, via Maningrida
Type of Prosecution:
s33 Northern Territory Aboriginal Sacred Sites Act 1989
Entered a sacred site
s34 Northern Territory Aboriginal Sacred Sites Act 1989
Carried out works on a sacred site

Complaint Lodgment Date: 20 October 2009 (Case No. 20920144)
Date of Offence: 27 May 2009.
Magistrate: Ms S Oliver, CM
Court: Court of Summary Jurisdiction, Darwin
Date of Hearing: 16 April 2010
Plea: Guilty to both offences.
Acquitted/Convicted: Convicted
Penalty:
Count 1 - fined \$1,500 plus \$40 Victims of Crime Levy
Count 2 - fined \$4,000 plus \$40 Victims of Crime Levy

Defendant: Leslie Leigh DALE
Location of Complaint: Blyth River, via Maningrida
Type of Prosecution:
s33 Northern Territory Aboriginal Sacred Sites Act 1989
Entered a sacred site

Complaint Lodgment Date: (Case No. 21012363).
Date of Offence: 17 March 2010.
Magistrate: Mr Michael Carey
Court: Court of Summary Jurisdiction, Darwin
Date of Hearing: 3 June 2010
Plea: Guilty
Acquitted/Convicted: Convicted
Penalty:
Fined \$500 (Entering a sacred site)
Fined \$200 (Breach of the *Aboriginal Land Rights Act* – enter Aboriginal land without permit)