

## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### WRITTEN QUESTION

Mr Vowles to the Minister for Community Services:

#### Protection of Sacred Sites

1. Please provide details of all consultations held in 2013/14 in respect of review of the *Northern Territory Sacred Sites Act*, including date, location, people present and summary of issues discussed in each consultative meeting.

#### Answer

No consultations were held with Northern Territory Government agencies in regards to the review of the Northern Territory Aboriginal Sacred Sites Act in 2013-14.

2. Please provide details of:
  - a) any action taken by you to ensure that the Parks and Wildlife Commission of the Northern Territory has taken appropriate measures to ensure the protection of sacred sites on properties that they have management responsibility for
  - b) all action taken and reported to the Aboriginal Areas Protection Authority and site custodians in relation to damage to sacred sites at Chambers Pillar Historical Reserve and Judburra/Gregory National Park
3. Please provide details of all advice provided by the Aboriginal Areas Protection Authority to you and/or the Department of Lands, Planning and the Environment in 2012/13 and 2013/14 in relation to human burials known or believed to be present in the vicinity of Lot 5182 Town of Darwin and Lot 8630 Town of Nightcliff.
4. Please provide details of any sacred site remediation and protection measures taken in 2013/14 or planned for 2014/15 at Bootu Creek mine site in relation to damage to sacred sites at that location.
5. Please provide details of any activities undertaken by the Aboriginal Areas Protection Authority in 2013/14, or planned for 2014/15, in relation to supporting the inter-generational sharing of knowledge about sacred sites and sacred site protections issues among site custodians.

- 
1. No consultations were held with Northern Territory Government agencies in regards to the review of the Northern Territory Aboriginal Sacred Sites Act in 2013-14.
  2.
    - a) The AAPA has been in discussion with the Parks and Wildlife Commission of the Northern Territory (Parks) in relation to improving mechanisms for sacred site protection within National Parks.

Outcomes of these discussions have led to a number of initiatives that should better protect sacred sites within the Parks estate. These include:

- Provision of sacred site data in a digital format by the AAPA to Parks. This occurs via a live data access to the AAPA's database. The same service is provided to other Government agencies including Department of Infrastructure, Housing, Department of Lands, Planning and Environment and Power Water Corporation.
  - The AAPA has worked with Parks in developing a protocol for how they interact with the AAPA in relation to Authority Certificates. This includes the development of a single point of contact between the two organisations.
- b) In 2013-14, the AAPA brought legal action against the Northern Territory of Australia for breaches in 2011 of the Sacred Sites Act by the former Parks and Wildlife Service at Chambers Pillar and Judburra National Parks. The AAPA lost the case at Chambers Pillar, but won the case at Judburra National Park. Both court cases have clarified the law around the protection of sacred sites under the Act and the exercise of proprietary rights and interests of land holders.

Consultations have continued with custodians at both locations subsequent to the two court cases. At Chamber's Pillar there has been minimal damage and no need for reparation to the site itself, as it is expected that after some rainfall damage to the site will be corrected. At Judbarra/Gregory National Park, custodians remain concerned about the damage to the trees and undertook a ceremony to mark their destruction. Further discussions are also occurring within the joint management framework.

3. Until October 2012 AAPA had a delegation under the previous Heritage Conservation Act for the protection of traditional Aboriginal and Macassan burials in the Northern Territory. When the new Heritage Act commenced in 2012 this delegation expired, and the Heritage Branch of the Department of Lands, Planning and the Environment assumed responsibility for traditional Aboriginal and Macassan burials. All traditional Aboriginal burial matters are now the responsibility of the Minister for Lands, Planning and the Environment.

On 30 January 2014 the AAPA issued an Authority Certificate for development at Lot 5182 Town of Darwin and Lot 8630 Town of Nightcliff. The Authority Certificate highlighted that part of the subject land may form part of a historical burial ground and advised the applicant to seek the advice of the Heritage Branch.

On 14 January 2014 the AAPA met with the Heritage Branch to advise them of the possible existence of a burial area within Part of Lot 5182 and Lot 8630 Town of Darwin, and that a number of Larrakia people were keen to seek protection of this area under the Heritage Act. Further to this meeting the AAPA wrote to the Heritage Branch on 11 February 2014 and provided them with archival material identified by the AAPA that refers to burials in the area.

4. The AAPA has issued a number of Authority Certificates to OM Manganese. The first of these relates to the protection of sacred sites on the Bootu Creek Mineral Lease. The breach of this certificate led to the successful prosecution of OM Manganese in 2013.

The second certificate permits the company to undertake works for the temporary stabilisation of the sacred site by constructing a bund wall. The third Authority Certificate allows the company to undertake permanent remediation to prevent further damage to the sacred site.

AAPA and OM Manganese are continuing discussions about the temporary stabilisation of the sacred site.

5. The AAPA undertakes primary field work with custodians of sacred sites and records information about sacred sites and custodianship. Over thirty years of data is retained in the Authority concerning traditional land interests across the Northern Territory. This raises a number of legacy issues that relate to the intergenerational transfer of knowledge about sacred sites and custodianship.

The Authority actively responds to requests from descendants of people who have been consulted about sacred sites in the past. At present each request is responded to on its merits. In 2014-15 the AAPA is actively developing a protocol to better enable custodian access to sacred site information provided by deceased ancestors to support the intergenerational sharing of knowledge.

Where possible the AAPA and sacred site custodians encourage young people to participate in 'on- country' visits to learn about sacred sites. This work is opportunistic and often done within the context of Authority Certificate work.

The Board of the Authority have also considered the issue of youth engagement and place a high priority on this in the context of the AAPA's approach to the protection of sacred sites.

Initiatives that have been considered by the Board include:

- The development of a school's curriculum package focussing on sacred sites.
- School engagement by the Board
- Facilitated 'on country visits' to increase opportunities for intergenerational transfer of knowledge; and
- A film and media campaign.

The AAPA continues to pursue such initiatives within the resource base available.