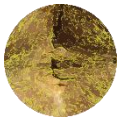

Submission by Yangamini

Opposing the Northern Territory Aboriginal Sacred Sites Legislation Amendment Bill 2025

As an organisation owned and run by Tiwi people, Yangamini respectfully submits this response to the Legislative Scrutiny Committee's inquiry into the Northern Territory Aboriginal Sacred Sites Legislation Amendment Bill 2025. We oppose the bill and question the motivation behind the proposed changes on behalf of Tiwi Traditional Owners and communities.

Tiwi people have strong cultural connections to their land and sea. Their sacred sites include ancient burial grounds, songlines, and other ancestral sites, which are located both on land and in the submerged waters surrounding the Tiwi Islands. Sacred sites are the foundation of our culture and represent the intricate relationship we have with the land. Our sacred sites hold teachings that are the oldest form of habitat protection in human history.

These cultural networks have been protected under legislation since the enactment of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT). For over 35 years, these laws have provided the legal protection in settler Australia for around 15,000 recognised Indigenous sacred sites. Despite this longstanding tradition of protection, the current proposal introduces changes that may undermine these hard-won safeguards.

Opposing this Amendment Bill

Despite claims made by the CLP, evidence indicates that the Aboriginal Areas Protection Authority (AAPA) is not leading the proposed change and was not properly consulted on this Bill. In previous amendments to sacred site legislation—such as the extensive review in 2016—Traditional Owners and land councils were given several months to provide input. The rushed one-week submission period for this Bill is unprecedented and inconsistent with these established protocols.

There are significant concerns that the Bill is being used as a vehicle to greenlight contentious development projects—specifically on Tiwi Islands. Historically, such developments have faced stringent opposition after decades of safeguarding sacred sites from intrusive projects.

A key term of reference for the Committee is whether the Bill shows sufficient regard to Aboriginal and Torres Strait Islander tradition. Traditional Owners have maintained and passed down sacred site protocols for thousands of years, with laws dating back to 1989 ensuring that these practices are respected. Decades ago, when certificates were first granted, extensive consultations took place that reflected the cultural protocols of

Traditional Owners. Many of those certificates—issued in a vastly different context—are now being transferred without the appropriate cultural review.

Another term of reference for the Committee is whether the Bill is unambiguous and clearly drafted. We are deeply concerned by the insertion of new sections 24A and 24B, which fundamentally change the status of Authority Certificates by making them both extendable (to a loosely defined set of associated operators) and transferable (from one proponent to another), these clauses create unacceptable ambiguity.

This rigid language removes the discretionary power historically afforded to AAPA, which had been honed over decades. For example, certificates granted as far back as the early 2000s were developed under conditions agreed upon through extensive cultural consultation—processes that are now being overridden by a "one-size-fits-all" mandate.

In the Northern Territory, there is mounting evidence that the government has repeatedly allowed the illegal repurposing of pastoral land for cotton farming without enforcing penalties, raising serious accountability concerns. For example, despite clear indications that water allocations—originally intended to sustain cattle grazing—were being diverted to irrigate cotton crops, regulatory agencies failed to prosecute these violations. Investigations have revealed instances where pastoral leases were exploited to grow cotton under so-called "water grab" schemes, with water licenses issued under lax oversight and without scientific basis or proper permits for non-pastoral uses. This chronic negligence not only depletes precious water resources but also undermines environmental and Indigenous land rights, as the diverted water and land clearing disrupt the natural and cultural landscapes. The NT government's track record in these matters, coupled with the absence of meaningful prosecutions, fuels widespread criticism that profit-driven interests are being prioritized over sustainable and lawful land management practices. When our sacred sites are disrupted by these colonial extractions, will the colony stand up for those who they oppress and extract from the first place?

The Significance of Sacred Sites for Tiwi

Sacred sites in Tiwi culture are far more than physical places—they are the living embodiment of ancestral spirits and form the backbone of a regenerative system that sustains both the land and its people. For the Tiwi people, these sites are central to their spiritual and cultural identity, serving as sacred spaces where ceremonies are held to ensure the continual renewal of the environment and the abundance of bush foods. These ceremonies and rituals are essential for livelihood. Traditional practices such as hunting, gathering, and food preparation are interwoven with the spiritual laws that govern these sites; any disruption or desecration not only damages the physical landscape but also severs the vital connection that underpins the community's access to natural resources and their capacity for regeneration. In Tiwi cosmology, the health of the land and the availability of bush tucker are seen as directly linked to the community's overall well-being, meaning that any disturbance to these sacred sites could trigger a cascade of negative effects across the entire system of life.

Settler colonisation has always deemed this knowledge as “primitive”, but it is based on 60,000 years of observation and practice to form our complex knowledge system, especially when sacred sites are interlinked with totems (what to eat and preserve) and *Yimunga* kinship system (population managed by everyone and not singular government). The recent example of disruption to a sacred site would be Santos Barossa Gas Project that operates on sacred sites that aren’t recognised by Australian law as it only covers shore/ intertidal zone. This destructive project has disrupted vital habitat of turtle and other sea creatures. Our people have witnessed increasingly smaller turtle and fish populations, which is alarming because these animals are ingrained in our totem system, the oldest human conservation science on this planet. The profits may go overseas without being taxed but we are still here relying on the food to live, where do you suggest us to go?

Sacred Sites change over time, whereas Authority Certificates are static

We do not support the transfer of Authority Certificates between different proponents, because our sacred sites are not static, but changing over time.

In Tiwi culture, *Pukamani* refers to a dynamic ceremonial process during which the *mapurtiti*—a spirit to be reincarnated through kinship system—plays a critical role in regenerating sacred sites. During each ceremony, the mapurtiti will travel across the landscape, establishing new sacred places imbued with spirits to form the cycle. This process is not static; it continually redefines the geography of sacred sites, ensuring that these sites serve as the community’s cultural and physical sustainance, including the availability of bush foods that are essential for livelihood. However, the current Sacred Sites law is based on fixed, static concept of sacred sites with discrete geographical boundaries, which fails to capture this fluid and regenerative nature of Tiwi sacred practices.

We are worried about proponents being able to transfer Authority Certificates indefinitely (with no expiration date on the Authority Certificates). Instead of recognizing that sacred sites can change and evolve through ceremonies like those involving Pukamani, the law that already has a restricted conceptualisation of sacred sites, will now (as per the proposed amendments) also allow for licenses to sacred sites to be transferred and further erode the inherent dynamism of Tiwi living culture.

We need real reform of the Sacred Sites legislation

Today’s proposed Sacred Sites legislation, while appearing to offer protection, is criticized for addressing only the surface issues and hampering proponents.

The Sacred Sites legislation is subservient to the underlying system that continues to enable business-driven extraction and wealth hoarding. This allows profit motives to override the collective, inclusive decision-making traditions of Indigenous communities. Without tackling the root causes of settler colonisation, legal reforms will remain mere band-aids on a system designed to benefit the few at the expense of the many.

In both apartheid South Africa and the Northern Territory, the structures of settler colonialism were designed not only to subjugate Indigenous peoples but also to systematically extract and hoard wealth. In South Africa, apartheid was established as a legal and social system that segregated and oppressed non-white populations while securing land and resources for the white minority, creating an economic model where resource extraction was prioritized over the rights and welfare of the majority. Similarly, in the Northern Territory, colonial legal frameworks have historically facilitated the dispossession of Aboriginal peoples—undermining traditional ownership and harvesting natural resources for profit.

Tiwi Islands face challenges with low literacy rates—recent studies estimate that only around 60% of Tiwi adults are considered functionally literate, significantly below the national average. This disparity hampers effective communication of critical issues, including sacred site consultations. Traditional decision-making among the Tiwi has long been a collective process that involves broad community engagement and dialogue. However, modern consultation processes often concentrate on a small group of elders rather than including the wider community. This narrow focus means that even those elders, who are meant to represent the entire community's voice, might not be fully informed about all relevant developments. For instance, at Garden Point, the establishment of an Acacia plantation has raised concerns that many local people were unaware of the environmental and cultural impacts due to limited, top-down consultation. This situation not only diverges from the community's traditional way of making decisions, which is inclusive and participatory, but also risks undermining the rich cultural heritage and sustainable management practices that are vital for the Tiwi way of life.

The language barrier plays a critical role in undermining free, prior and informed consent among Indigenous communities. In many cases, external developers and settlers—driven primarily by profit—persist in pushing projects forward without fully engaging with or educating the community about the complex business procedures and potential consequences. With many community members lacking proficiency in the technical and legal language of profit-driven enterprises, crucial details about the implications of development projects are lost in translation. This gap in understanding allows developers to bypass meaningful consultation, effectively ignoring the community's consent, and imposing decisions that may disrupt traditional land use and cultural practices. The Act should be amended to strengthen our living culture as AAPA have suggested, rather than amended to be weakened as this Amendment Bill propose.

The settler structure of representative decision-making on the Tiwi Islands has often resulted in power being concentrated among a few leaders, a dynamic that has been exploited by external business interests. In some cases, these interests have secured their projects through bribery or 'paying off' certain people, ensuring that lucrative resource extraction continues unchecked while the broader community's rights and cultural values are sidelined. This pattern of corruption has persisted for decades, eroding trust in established governance systems. Younger generations, increasingly

aware of and disillusioned by this long-standing malpractice, show low participation in governmental decision-making processes. As a consequence, conventional consultation methods—designed within a settler framework that inherently privileges profit and narrow representation—are proving ineffective at capturing the true voice of the community.

Yangamini calls on the government to adopt the same consultation model as the 2016 review of sacred sites legislation, which was inclusive of land councils and Traditional Owners. The current approach – where amendments were advised less than one week before the Bill was introduced – will not help the government's relationship with Traditional Owners. These amendments will not be accepted by Traditional Owners, who will continue to resist, rather than collaborate with, government. Yangamini remains committed to protecting our cultural heritage and ensuring that any legislative changes respect our traditions and legal rights, as established by historical practice and supported by robust statistics.

A senior Tiwi elder is eager to attend the public hearing and share her views with the Committee.

Submitted by Yangamini