

FACT SHEET

Protecting Sacred Sites in the Northern Territory



What is a sacred site?

Sacred sites are places within the landscape that have a special significance under Aboriginal tradition. Hills, rocks, waterholes, trees, plains and other natural features may be sacred sites. In coastal and sea areas, sacred sites may include features which lie both above and below the water.

Sometimes sacred sites are obvious features, such as ochre deposits, rock art galleries, or spectacular natural features. In other instances sacred sites may be unremarkable to an outside observer. They can range in size from a single stone or plant, to an entire mountain range.

In all cases, sacred sites derive their status from their association with particular aspects of Aboriginal social and cultural tradition. This body of tradition is mainly concerned with the activities of the ancestral beings, known collectively as 'Dreamings', whose travels across the land and sea created the physical and social world that people now inhabit.

As the ancestral beings carried out their journeys and interacted with one another, they transformed the formless, empty world into the landscape we now see, with its diverse human, plant and animal populations. Places associated with specific events in the actions and interactions of the Dreamings form the majority of sacred sites in the Northern Territory.

Sacred sites are subject to a range of traditional restrictions that govern the appropriate custodianship, access, and use of the site.

Legal definition of a sacred site

"Sacred site" means a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition.'

Aboriginal Land Rights (Northern Territory) Act 1976, Part VII, s.69.

Custodians of sacred sites

According to Aboriginal law, each sacred site is the responsibility of recognised custodians. They must ensure that sacred sites are kept safe and that they are used properly. There may be a large number of custodians for a particular sacred site or just a handful, and as a general rule sacred sites are known only to the people who 'belong' to the country where the sacred sites are located.



Protecting Sacred Sites Across the Territory

In many parts of the NT there are certain sites that are secret to women just as there are sites that are secret to men. Revealing the existence of such sites – and the rituals associated with them – to members of the opposite sex is considered dangerous and potentially life-threatening.

Why do sacred sites need protection?

Aboriginal people know that sacred sites are powerful places. They are concerned to protect ignorant people, including non-Aboriginals, from contacts with such places that they believe may have unintended consequences.

Some activities, such as lopping a sacred tree or digging into sacred ground, may disturb the spirit ancestors, with grave consequences both for the person causing the disturbance and for the Aboriginal people who are custodians of that place.

Aboriginal law dictates that if custodians of sacred sites allow a site to be damaged, other Aboriginal people will hold them responsible. This can lead to retribution or sanctions within Aboriginal society. It can also lead to recriminations against non-Aboriginal people who damage such places

What legal protections are there for sacred sites?

In the NT, sacred sites are protected by the *Northern Territory Aboriginal Sacred Sites Act*. This Act is consistent with powers given to the Territory under Commonwealth legislation to protect sacred sites throughout the Territory.

Under the Act the Aboriginal Areas Protection Authority (AAPA) is the body responsible for overseeing the protection of sacred sites across the whole of the NT, and for taking action against individuals or organisations who damage sacred sites or are otherwise in breach of the laws protecting sacred sites.

Penalties

In the event of a breach of the *Sacred Sites Act*, the AAPA has the power to bring prosecutions which can result in fines and/or imprisonment. Breaches include:

- Unauthorised entry onto sacred sites.
- Work on sacred sites.
- Desecration of sacred sites.
- Contravention of site avoidance conditions.
- Unauthorised communication of secret information.

Fines are calculated in penalty units (one penalty unit = \$141 as at 1/07/2012) and are as follows:

- For breaches by an individual, fines range up to 400 penalty units or imprisonment for up to 2 years.
- For breaches by an organisation, fines range up to 2,000 penalty units.

