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**Aboriginal Areas  
Protection Authority**  
protecting sacred sites across the territory

Mr Andrew Mactier  
Senior Planner  
Park Development and Strategic Projects  
Department of Environment, Parks and Water Security

Via email: [parkplanning@nt.gov.au](mailto:parkplanning@nt.gov.au)

Dear Mr Mactier

### **Mac Clark Conservation Reserve - Draft Joint Management Plan**

Thank you for your invitation to comment on the Mac Clark Conservation Reserve - Draft Joint Management Plan.

The Aboriginal Areas Protection Authority is a statutory body established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (Sacred Sites Act). The Authority is responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory. The protection of Aboriginal sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage for the benefit of all Territorians.

There are numerous Aboriginal sacred sites located within the Mac Clark Conservation Reserve. Under the Sacred Sites Act, it is unlawful to carry out work on, or use these sacred sites except in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority.

An Authority Certificate was issued to the Parks and Wildlife Service in 2004 (C2004/143), in accordance with the Sacred Sites Act. That certificate regulates certain works and use of the land and includes conditions that restrict works occurring in certain areas and prohibit any damage to Acacia peuce trees. We recommend contacting the Authority regarding any identified need to vary the existing Authority Certificate, to incorporate any proposed new activities.

It is recommended that additional text is added to the introductory paragraph at 6.5, to reflect the requirement for an Authority Certificate for any work or use of the sacred sites located within the Reserve, for example:

*An Authority Certificate issued by the Aboriginal Areas Protection Authority is also required for any works on or use of Aboriginal sacred sites located within the Reserve..*

The Authority notes that the content of section 6.5.5 Protecting Sacred Sites of the draft plan requires technical correction, and suggests the following replacement text:

#### *6.5.5 Protecting Sacred Sites*

*Aboriginal sacred sites are places within the landscape that have a special meaning or significance under Aboriginal tradition. Sacred sites are important for Aboriginal people as key markers of Aboriginal law, beliefs and knowledge systems. They are geographic places and yet they encompass a range of intangible cultural heritage values that exist in memory, in ritual, in spirituality, in normative practices, and narratives that are integral to law and culture and place.*

*All Aboriginal sacred sites in the Northern Territory are protected by the Northern Territory Aboriginal Sacred Sites Act 1989 (Sacred Sites Act). The Sacred Sites Act is administered by the Aboriginal Areas Protection Authority, and provides a framework for the protection of sacred sites, predominately through the mechanisms of sacred site registration and the issuing of Authority Certificates.*

*Under the Sacred Sites Act, it is unlawful to carry out works on or use a sacred site without an Authority Certificate. Authority Certificates are issued in accordance with the wishes of Aboriginal custodians of sacred sites on or in the vicinity of land where use or works are proposed, and ensure that their sacred sites are protected. This means that the Traditional Owners have an enforceable right to say who enters their sacred sites, and what can or cannot happen on or in the vicinity of their sacred sites.*

*Strong joint management will make sure that sacred sites are protected in accordance with Traditional Owners' wishes. Under the ALRA, the CLC has a specific function to "assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites" and under its established procedures will carry out this role in helping joint management.*

It is also recommended that the description of the Reserve in paragraph 2.1 more clearly identify the fact that the Reserve comprises many Aboriginal sacred sites

If you have any queries, please contact [Secretariat.AAPA@nt.gov.au](mailto:Secretariat.AAPA@nt.gov.au) or on (08) 8999 4303.

Yours sincerely,



Dr Benedict Scambary  
Chief Executive Officer  
15 April 2024