

## Submission 42

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SUBMISSION TO:

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ABORIGINAL AND  
TORRES STRAIT ISLANDER AFFAIRS.

PARLIAMENT INQUIRY INTO THE REEVES REPORT ON THE ABORIGINAL LAND  
RIGHTS (NT) ACT

SUBMITTED IN PERSON BY:

DOMINIC MILLER  
44 TAYLOR STREET  
ALICE SPRINGS  
NT 0870

Dear Committee Members,

The Reeves Report deals with the situation I find myself in, on pages 291, 292, 293 & 294 under the heading of **Sacred sites on freehold land in a town**. I agree with this part of the report and request Mr. Reeve's recommendations are implemented.

The above mentioned pages outline a brief history of the events regarding a block of suburban freehold land I bought in 1985 for the purpose of constructing a family home.

A sacred site declaration on a suburban residence places enormous emotional strain on the owners of that freehold property. In November 1993 my wife (my fiancée at that time) and I were first informed of a sacred site investigation into the northern side of Taylor Street which includes our property. This came as an enormous shock to us!

Our "Great Australian Dream" had suddenly become worse than a nightmare.

By that time we had owned the block for over 8 years, excavations of hundreds of tonnes of rock had taken place, the home was partially built and we were living in it. My solicitor went through the normal checks when I purchased the land. Planning and building approvals were granted prior to construction. The Sacred Sites Authority investigated and did not object to the original development of Taylor Street.

Our normal rights to develop the land vegetate it and landscape it, as we pleased were suddenly gone. Aboriginal custodians have the right to access the land irrespective of our freehold title rights.

Since November 1993 my wife and I have endured enormous pressure and distress. Financial pressure has also been placed on us because of this predicament. The family home which we had personally worked so hard on and in which we had invested our own money and mortgage funds, was suddenly of dubious market value.

The Aboriginal Areas Protection Authority (A.A.P.A.) requested we immediately suspend work and we complied with that request. Our co-operation was probably a huge mistake. If we had ignored the request and immediately excavated all areas we wished to develop in the future then we would not be in our current predicament. We were eventually allowed to complete our home and have the right to develop a small courtyard but approximately 1100 square metres of our land has sacred site restrictions. These restrictions severely interfere with my family's enjoyment of the land.

Our wedding on 9/4/94 was held under the shadow of the controversial events we then found ourselves in. I ask the Committee members if they themselves would want to deal with these worries while on their honeymoon.

All this after a prominent Canberra politician stated that no Australian's back yard would be under threat from Aboriginal land claim!

This unbelievable situation we are in has been covered in local and national newspapers and television. The B.B.C and a Canadian radio service plus foreign newspapers have also reported our predicament. They were understandably surprised that such a situation could occur. I do not wish to be a media celebrity. I would much rather spend time with my wife and new son and enjoy the fruits of our labours.

Under current legislation the A.A.P.A. has the right to claim sacred sites on freehold property at any time. This can be years after they originally approved a subdivision, as was the case with my land. This is totally unfair and the legislation must be rectified. In fact the Taylor Street sacred site was extended again in 1997. This occurred when that freehold land immediately east of Taylor Street was subdivided for a new residential estate. The 1997 claim adjoins the 1993 claim.

When intending property buyers apply for a sacred site search from the A.A.P.A. the information provided is anything but concise! The attached letter from the A. A. PA. is their standard reply. Paragraph 1 advises that there are no registered sacred sites. Paragraph 2 states "this does not mean there are no sacred sites". This information is totally unsatisfactory. It provides no certainty for a property buyer who wants to ensure he/she has no problems in the future.

There is an acceptance by Aboriginals that sacred sites can be demolished if compensation is paid to them. There are a number of cases in Alice Springs of such compensation being agreed to prior to demolition of a sacred site. An example of this is the Smith Street site as detailed in the attached article from the Alice Springs News 28/2/1996. Since this is the case then situations like mine should be covered by legislation and compensation paid by Government to the claimants where it is justified.

I request the committee members read the full submission I made to Mr. Reeves for his report.

Unless the amendments recommended by Mr. Reeves are made retrospective I will suffer a financial penalty that other landowners will not. This is clearly unfair. I respectfully suggest that as a matter of urgency Mr. Reeve's recommendations are implemented and that they be made retrospective.

Yours faithfully  
(signed)  
Dominic Miller.

# ABORIGINAL AREAS PROTECTION AUTHORITY

PO Box 3656  
ALICE SPRINGS NT 0871  
Telephone (089) 526366  
Facsimile (089) 52 2824

OUR REF:

PO Box  
ALICE SPRINGS 0870

Dear Mr and Ms

**RE: ABORIGINAL SACRED SITES WITHIN THE AREA OF  
STREET, ALICE SPRINGS.**

Referring to your application dated \_\_\_\_\_ seeking advice on the location of  
of  
Sacred sites within the above area, I advise that the Aboriginal Areas Protection Authority  
has no Registered or Recorded sites within the area.

This does not necessarily mean that there are no sacred sites located in this area, but rather  
reflects the situation that Aboriginal custodians for this area have not sought protection for  
sacred sites under Northern Territory law and that no other information on the location of  
sites is available to the Authority.

The *Aboriginal Sacred Sites Act* 1989 enables a person, wishing to make use of or carry out  
works on land in the Northern Territory, to request that the aboriginal Areas Protection  
Authority consult with custodians and provide written advice specifying the constraints (if  
any) to a particular development imposed by the existence of sacred sites. Section 20(3) of  
the Act also provides the opportunity for an Applicant to discuss the project with  
Aboriginal custodians at a meeting convened by the Authority.

The written advice provided by the Authority following the completion of the procedures  
established in Sections 20-22 of the Act is termed an "Authority Certificate" and sets out  
the conditions (if any) on which, under the Act, the proposed work may be carried out or  
use made of the land. As long as the holder of a Certificate complies with its conditions the  
holder is indemnified against prosecution under any of the offence provisions of the Act.

If you have any queries, please do not hesitate to contact me on 52 6366.

Yours sincerely

(signed)

**MICHAEL PICKERING  
REGIONAL OFFICER**