

NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY ABORIGINAL SACRED SITES AMENDMENT  
ACT 2005

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Act No. 42 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 42 of 2005

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## AN ACT

to amend the *Northern Territory Aboriginal Sacred Sites Act*

[Assented to 14 December 2005]  
[Second reading 20 October 2005]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Northern Territory Aboriginal Sacred Sites Amendment Act 2005*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act amended**

This Act amends the *Northern Territory Aboriginal Sacred Sites Act*.

**4. Repeal and substitution of section 4**

Section 4 –

*repeal, substitute*

**4. Act binds Crown**

(1) This Act binds the Territory Crown and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

(2) If the Territory Crown in any of its capacities commits an offence against this Act, the Territory Crown is liable in that capacity to be prosecuted for the offence as if it were a body corporate.

(3) This section does not affect any liability of an officer, employee or agent of the Territory Crown to be prosecuted for an offence.

(4) In this section –

"Territory Crown" means the Crown in right of the Territory and includes –

(a) an Agency; and

(b) an authority or instrumentality of the Territory Crown.

**5. Amendment of section 38 (Secrecy)**

(1) Section 38 –

*omit*

A person

*substitute*

(1) A person

(2) Section 38, at the end –

*insert*

(2) In subsection (1) –

"person" includes a court or tribunal.

**6. New section 39A**

After section 39 in Part IV –

*insert*

**39A. Time for commencing prosecution**

- (1) A prosecution under this Act must be commenced –
  - (a) within 2 years after the day on which the Authority becomes aware of the commission of the alleged offence; or
  - (b) within any further time the court allows.
- (2) The court may allow further time if it considers the delay was justified in all the circumstances, including the following:
  - (a) the remoteness of the location where the offence is alleged to have occurred;
  - (b) the infrequency or irregularity of visits to that location;
  - (c) any inability to visit that location because of Aboriginal tradition;
  - (d) any difficulties in identifying or locating the alleged offender and any witnesses to the alleged offence.

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