



NORTHERN
LAND COUNCIL

MEDIA RELEASE

Our Land, Our Sea, Our Life

Gunlom Falls Traditional Owners in High Court testcase

11 December 2023

Traditional Owners of Gunlom Falls have today travelled to Canberra in the pursuit of justice.

In 2019 a sacred site at Gunlom Falls, within Kakadu National Park, was damaged by works undertaken by Parks Australia.

The sacred site was exposed to the public as the result of a new walking track being built. The construction of the walking track was discovered to differ to the designs that were approved by Traditional Owners during consultations.

In October 2022, the Supreme Court of the Northern Territory found that the Director of National Parks cannot be held criminally responsible for offences under the Northern Territory Aboriginal Sacred Sites Act 1989.

This week, at the High Court of Australia, Traditional Owners and the Aboriginal Areas Protection Authority (AAPA) are appealing this decision.

The NLC is serving as an intervenor in court proceedings, supporting its constituents: Traditional Owners Rosiena Browne, Bernadette Calma, Bessie Coleman, Joseph Fergusson, Martin Fergusson, Joshua Hunter, Rachael Wilika Kendino and Joseph Markham.

This appeal is significant because it will settle whether the Commonwealth can rely on so-called 'Crown Immunity' to avoid criminal penalties for damaging sacred sites in the Northern Territory.

Quotes attributable to Northern Land Council Chief Executive Officer, Joe Martin-Jard:

- The NLC stands behind the Kakadu Traditional Owners in their long-running effort to hold the Director of National Parks to account.
- This legal loophole, which has afforded immunity, must be closed. Not only to achieve a fair resolution in the case of Gunlom Falls, but to deter any future desecration of sacred sites by Commonwealth entities.
- The NT's Aboriginal sacred sites and cultural heritage are of highest importance - we need to prevent any further, irreparable damage.