

William B Day  
PO Box 425  
Maylands  
WA 6931  
28 December 2016

Mr Bill Piper,  
Principal Solicitor,  
Pipers Barristers and Solicitors  
Lower Ground Floor  
26 Harry Chan Avenue  
Darwin NT 0800

Dear Mr Piper

Re Concerns Notice under Defamation Act (NT) – Defamation of Ms Helen Secretary

In your Concerns Notice acting for Ms Helen Secretary you state that you “request a response no later than close of business Friday 16 December 2016”. However your letter was received in my post box on Tuesday, 20 December, so a response has not been possible until after Christmas 2016. Until such time as I get legal advice, I will make my observations on your demands, without prejudice.

In your letter you list some examples of material published on Facebook which you say “carry imputations that are defamatory to my client's character.” You further list how the “ordinary and natural meaning” of these referenced words “are or maybe defamatory to Ms Secretary”. In later paragraphs I shall briefly reply to each example and imputation given, noting that I have not had time to check the accuracy of your quotes. On the final pages of this response, is listed a timeline of publicly available background material relevant to my defence, most of which is not published on my facebook.

I am sorry if my comments have hurt and offended Helen and her family. I have known her since she was a child and worked extensively with her grandmother and her grandmother's brother. No doubt because of my history, Helen has been mostly respectful to my personally, as witnessed by her public statements (eg “We can decide”, NT News Letters, 21 March, 2016, page 12). From what I have read, I acknowledge her strength of character and dedication to her family.

Since 1991 to the present, Helen appears to have taken on the difficult role of president of an association that holds 301 hectares of Darwin community land, in what could be legitimately described as a “political” role. In documents I have seen (attached) Helen is the sole signatory or joint signatory with her family in future directions of the lease which affect the wider Aboriginal and general public. As a concerned citizen with 45 years involvement in the land in question, I maintain that my comments are within the bounds of free speech and are not defamatory, for the reasons set out below..

The facts of the 1995 charges and the subsequent court hearings and appeals have been extensively reported in

the Northern Territory newspapers and elsewhere, including on the internet, citing large sections of court transcripts. Both out of respect for the family of Helen Secretary and because it is irrelevant to the issues of my interest, in my public comments I have avoided the more personal information cited in other published material. Where I have regretfully referred to the reports and transcripts, it is only because the information is relevant to the administration and future directions of the Kulaluk lease.

In concluding pages of this response, as a reference, I cite headings and extracts from publicly available reports which are far more detailed and personal than anything on my Facebook.

My interest is in the management of 301 hectares of public conservation land on the Kulaluk lease, granted to the Gwalwa Daraniki Association (GDA) in 1979. Furthermore, the Gwalwa Daraniki Association Inc which was granted Special Purpose Lease 465 had a very different membership criteria to the Gwalwa Daraniki Association of which Helen Secretary is president, as evident by comparing the GDA constitution of 1979 with subsequent amended constitutions and the 2006 constitution signed off by Michael Chin and Helen Secretary (relevant to this case, as I will discuss). Apart from matters relevant to the management of the lease, I have absolutely no interest in Ms Secretary's private life.

### **Response to Examples given by you in Concerns Notice**

5 (a): The example you give quotes a headline from the NT News. In following paragraphs I give examples of sensationalist headlines, as reported in the NT News. This cannot be defamatory as it is fact and public knowledge. The issue is that during the years 1985 – 1997, in particular, crucial decisions were being made about the future of the Kulaluk lease, including two 99-year subleases, one to McDonald's Properties P/L and one to Vysrose aka Citiland aka Jape, as reported in the media and cited below. The court cases reveal issues that at the very least raise legitimate questions about decision-making inside the GDA and the organisation's suitability to hold a lease of legitimate interest to the wider Aboriginal community and the public. The past is cited to shine light on the present. If this is embarrassing to Ms Secretary, I am sorry.

As to whether, as a result of this history, “some are afraid to challenge this person”, I suggest that I am qualified to give an expert opinion as an anthropologist as to why Aboriginal people may be afraid to speak out against Ms Secretary. Supporting evidence can confirm this opinion.

5 (b): The court transcripts and evidence given by Ms Secretary herself support my statement, as cited in the following paragraphs, which is of public importance for the reasons given above. The court transcripts themselves use the term 'the family'. In a later paragraph I support the use of the phrase 'to the exclusion of all others' in a brief discussion of the 2006 GDA constitution which restricts membership “of no less than five” to

the Kulaluk residents “and their spouses”, and to members of an undefined “Danggalaba Clan”, provided they have lived on the lease area for at least 12 months (and if their membership application is approved).

5(c) As I have said in my introduction above and in the Facebook quote you give, I am not interested in “salacious gossip”. The court cases are one of the few examples of insights into the internal affairs of the Gwalwa Daraniki Association Inc, and raise questions of whether the association is a fit and proper body to hold 301 hectares of community land in Darwin originally recommended to be set aside for “Larrakia and associated Aborigines” by the Interim Aboriginal Land Commissioner in 1975. I also refer you to sworn statements cited in the delegate Chris Loorham’s September 2001 decision in the registration test for the Kulaluk native title claim application made in May 1998 (amended October 1999), *Prince of Wales, Helen Secretary and Bill Risk on behalf of the Larrakia People* (the applicants), in particular S.186(1)(g), “A description of the persons who it is claimed hold the native title.”

Examples of secret deals by the GDA are the agreement with Halikos and Planit Consulting to allow the stockpiling of contaminated construction waste and concrete pours on the Kulaluk lease (described in correspondence by Minister Tollner in 2015 as “unlawful”), the suspected illegal dumping of building waste by Venturin into the mangroves behind Minmarama, the signing of a “non-lapsing caveat” with Gwelo Investments, the failed prawn farm, the failed crab farm, the agreement with Ernie Chin's Dragon Lady P/L, the agreement with Citiland/Jape, talks with Larrakia Development Corporation, the 99-year lease to McDonald's and a Memorandum of Understanding with the previous Northern Territory Government. These deals are all of public interest and raise questions that need to be answered.

5(d) As stated above, I am not interested in Helen Secretary's private affairs except where they impact on the Kulaluk lease held in trust by the GDA. I know nothing about the gambling habits or otherwise of Ms Secretary. The comment you cite was by someone I have never met. My reply, “You said it Jade” means exactly as it reads (i.e. that the statement is by another person, not one that I endorse). There was no further comment by myself. Your example is trivial, and not defamatory.

Finally, you state that “The examples provided are not exhaustive, and I am instructed you have published such material over a protracted period of time, and continue to do so to the present day.” The examples you refer to are not of interest to most of my so-called Facebook friends, take up a tiny fraction of my postings and are difficult to find. They are not points I need to rehash; however, I do continue to publish material on Facebook concerning the management of the lease which I have no doubt is very annoying to your client, but this is not illegal or defamatory.

## **Imputations of Concern**

You list seven ways that my words used are or may be defamatory to Ms Secretary. Briefly, I have listed my responses below:

- a. The court transcripts and newspaper reports suggest that in the years in which long-lasting irreversible deals were negotiated Ms Secretary was unduly influenced when negotiating deals which affect all Darwin Aboriginal people and the community in general. These agreements were made without input from the wider Larrakia community and have the potential to direct the future use of the Kulaluk Lease Area. Furthermore there are questions about the constitutional legality of the incorporated association in making these deals (records of AGMs, financial statements etc). Based on the available evidence, this is a legitimate concern and is not defamatory.
- b. To answer this question, interlocutory injunctions may be needed to produce evidence that agreements made between 1979 and the present and in particular during Ms Secretary's time as President to the present have been properly fulfilled.
- c. I do not know if Ms Secretary has a gambling problem and I deny I have ever inferred that she has.
- d. Whether Ms Secretary is of poor character is subjective. I have great sympathy for what she has been through in childhood and during more than ten years of domestic violence. As repeatedly stated, my only interest is the management of the Kulaluk Lease Area. That interest is based on my 45 years of involvement, as described in my book, "Bunji: a story of the Gwalwa Daraniki Movement" published by Aboriginal Studies Press in 1994.
- e. You state my writings suggest that Ms Secretary "was someone to be feared and not approached." I am in possession of videos of Ms Secretary and members of her family threatening groups of people who hold legitimate concerns about the future of the Kulaluk Lease Area, including Ms Secretary interrupting a public meeting with shouts of "Go back to where you came from" (see following paragraphs). Witnesses can be produced who will attest that they have been intimidated by Ms Secretary's behaviour or by members of her family, including, regrettably, her latest partner. I also have experienced threatening and defamatory behaviour from this group, including at public meetings of the Development Consent Authority.
- f. To average and reasonable persons attending a public meeting at Fitzer Drive interrupted by Ms Secretary and recorded on video tape, including some Aboriginal persons, the behaviour of Ms Secretary is regarded as violent, intimidating and even dangerous to their safety. Witnesses can attest that these acts and threats have had provable

results of making people reluctant to speak out on issues of concern to them. The same applies to Aboriginal people abused in other incidents recorded on video.

g. Documents publicly available and media reports show that Ms Secretary as president of the GDA and at times, Gwalwa Daraniki Enterprises, or sometimes known as Gwalwa Daraniki Corporation, has been involved in agreements with Planit, Halikos, Chin, Jape, Gwelo, and McDonalds, amongst others. The details and payments are not known. The lack of financial accountability is of concern to Aboriginal people and the general public. As with Halikos and Planit and others, the legality of these agreements and the operation of the same is in dispute. Note the dumping of building waste into the mangroves behind Minmarama Village and the dumping of concrete pours and asbestos waste by Halikos for example. Neither has there ever been an investigation into two failed aquaculture projects on the lease, or the failure to restore the site of the ponds as required under the development permit. More recent has been the clearing of land behind McDonald's on Fitzer Drive.

Point 11. You add that my investigative reporting entails “deliberate attempts to tarnish [Ms Secretary's] reputation.” As briefly explained in this reply, I strongly deny the allegation that this has been my intention.

Point 12. If Ms Secretary has “suffered significant damage to her reputation” as you say, it is through her own actions and not through my publications.

Points 13 to 17 are unacceptable to me. Should you proceed I will seek **full payment of my costs** incurred, already substantial. In addition, considering that I have **no assets**, I strongly suggest Ms Secretary withdraws her action, which is of a trivial nature and cannot be helpful to her and her family.

Point 17. Your letter states “We request a response no later than the close of business **Friday 16 December 2016.**” However, your letter was received at my post box on Tuesday 20<sup>th</sup> December and we are now in the Christmas and New Year break.

### **Offer of Amends**

In conclusion, without prejudice, I make the following offer of amends by way of a public statement along the following lines:

**“Helen Secretary is a descendant of Larrakia traditional owners of the Darwin area. She and her family, excluding her spouse, have full rights in the Kenbi (Cox Peninsula) land claim and all other claims, negotiations and organisations representing the Larrakia people, in particular the Danggalaba clan of the Larrakia people. Helen and her family have a long-term connection with the Kulaluk area, in particular the Kulaluk village in which she and her immediate family have lived since its origins. In striving for financial independence for her family she has shown great courage and determination.”**

I will also monitor all unsolicited comments on my Facebook and delete any unsolicited and unproven comments about alleged gambling habits.

### **Background information**

The following paragraphs are not from my Facebook, but are intended as an expansion of the points being made in this letter and as illustrations that the information is available on the public domain and cannot be defamatory:

- **1983:** Helen Secretary in defacto relationship with Darren Nelson. Court transcripts record that Helen lived with Nelson at Kulaluk for 10½ years, from the time she was 15 and he was 17. In that time they had six children.
  
- **1985 “Kulaluk Lease Area Land Development Study” released:** The report is an influential “pre-feasibility study” funded by the Aboriginal Development Corporation by Hollingsworth Consultants in association with Planit Location International (see comment below for August 1997).
  
- **February 1, 1986:** Helen Secretary's mother fatally hit by a car on Bagot Road, Millner.
  
- **April 27, 1987:** Kulaluk Special Purpose Lease 465 of 301 hectares converted to Crown Lease in Perpetuity 00671. The new lease is “conditional upon compliance by the lessee, with the covenants and conditions to be complied by the lessee” and stated that the lease was “liable to be determined to be forfeited for non compliance.” Amongst the conditions and covenants of the lease are as follows:
  1. Subject to the Crown Lands Act the Lessees shall not use the land for a purpose other than the lease purpose.
  5. The Lessee shall, in respect of land included in the lease, ensure that at all times and to the satisfaction of the Minister, the land is kept clean, tidy and free from weeds, debris, dry herbage, rubbish, carcasses of animals and other unsightly or offensive matter and harbour for insects, pests and the breeding of mosquitoes.
  6. If the Lessee fails to observe and carry out or to cause to be observed or carried out the conditions of clause 5 above on his part, the Territory shall have a right to enter onto the demised premises and do all things necessary to that end and the expense and costs thereof (as determined by the Minister) shall be borne and payable by the Lessee on demand.
  
- **August 1991 to August 1995:** Helen Secretary is President of Gwalwa Daraniki Association Inc. In Supreme Court transcripts **Helen testified that “when she was President of the Kulaluk Community from August 1991 to August 1995 she was away from home 'most of the day'. However, [Darren Nelson] would 'come to the [Kulaluk] office and advise me about things' and if she disagreed with him, 'when I went home I used to get a flogging.'”** Helen also testified in court, 'We were his property' (my emphasis).

- **August 1993:** Rezoning applications for land held by Gwalwa Daraniki Association Inc bounded by Fitzer Drive, Dick Ward Drive, Totem Road and Bagot Road (Lot 5182) submitted to the Town Planning Authority by Vysrose Pty Ltd and Gwalwa Daraniki Association (*NT News* August 22, 1993).
- **August 22, 1993, “Big Theme Park planned for Darwin”:** John Loizou in *NT News* reports: “A huge commercial, tourism and leisure park is planned for Darwin. The site earmarked is at Kululuk, vacant Aboriginal land bounded by Bagot Road and Dick Ward Drive ... the international food chain McDonalds has agreed to become a tenant and negotiations were being held with several other enterprises. The proposal – developed by architects Woods Bagot for Mr Smith’s Darwin-based family company Vysrose Pty Ltd – is now with the Town Planning Authority. **It was lodged following the signing of an option for a long-term lease with the owner of the land, the Gwalwa Daraniki Association.** The proposal would include a motel-restaurant, holiday apartments, a nine-hole par-three golf course – including a driving range – a go-kart track and a water-theme recreation park. This would include water slides, lakes, cable water skiing and white water rafting. In addition venues for activities such as indoor cricket, volleyball, badminton, basketball and netball would be provided. The Bagot Road frontage would be developed for a range of service and commercial uses. **The proposed development had the support of the Gwalwa Daraniki Association, Mr Smith said.**
- **December 3, 1993, “Second Big Mac gets Govt OK”:** Jason Scott in *NT News* reports: “A \$3 million McDonalds restaurant, the second for Darwin, was given the go-ahead yesterday. The restaurant will be built on Aboriginal land starting next year ... The Bagot Rd restaurant will be part of a huge commercial, tourism and leisure park development proposed by Vysrose. Vysrose has an agreement with landowners the Gwalwa Daraniki Association to develop the land ... The proposal includes a motel-restaurant, holiday apartments, golf course, go-kart track and water-theme recreation park.”
- **December 12, 1993, “Developer in air war over theme park”:** Cherie Beach reports in the *Northern Territory News*: “Under the existing zoning the Gwalwa Daraniki Association, which holds title to the land under a Commonwealth lease, can build a flora and fauna sanctuary, cluster dwellings, a child care centre and sports venues. In a letter to [Industries and Development Minister] Mr Hatton, **association president Helen Secretary said: 'It is rather evident that the uses of the land under the proposed rezoning will be far more suited to the site than the current uses permitted for development.'** **The approval of MacDonallds [sic] should set a precedent for the development of the Kululuk [sic] land, she said.** Mr Smith wants to build a multimillion tourism and leisure park on vacant Aboriginal land he has secured a 99-year lease for, bounded by Bagot Road, Fitzer Drive, Totem Road and Dick Ward Drive... A MacDonallds [sic] restaurant at the corner of Fitzer Drive and Bagot Road – where Mr Smith also plans to build shops – was approved last week.”  
The *NT News* article includes a photograph by Clive Hyde with a caption: “Developer David Smith and Kululuk

(sic) leader Helen Secretary discuss the proposed development.”

- **November 20, 1994:** Helen Secretary shoots her de facto partner of 10½ years, Darren Nelson, while he is asleep in their elevated house at Kulaluk.
- **November 21, 1994, “Man Shot dead in Darwin home – hunting rifle blast: police”:** Nathaniel Bane reports in NT News, page one: “The man was killed just before 11am in his elevated house at Kulaluk, in suburban Coconut Grove. Police were notified of the shooting after receiving a phone call from a resident at Kulaluk.”
- **November 25, 1994, Funeral notice for Darren Nelson published in NT News:** “A funeral service for the late Mr Darren Nelson will be held at the Kululuk Burial Grounds [Totem Road, Coconut Grove] at 2.30 pm today Friday 25/11/94. DARWIN FUNERAL SERVICES PTY LTD Cnr Amy Johnson Ave and McMillans Rd, Sanderson. PHONE 45 2222.” Note: Helen’s mother, grandmother and great uncle were buried in this cemetery.
- **27 November 1995: Trial of Helen Patricia Secretary commences and continues to 4 December.** She was arraigned on the following charge: “That on 20 November 1994 at Darwin in the Northern Territory of Australia you murdered Darren Robert Geoffrey Nelson contrary to section 162 of the Criminal Code.” She pleaded not guilty to that charge.
- **Tuesday, November 28, 1995. “Battered wife shot man dead – court claim”:** Bob Watt reports in NT News, pages 1 & 2, “The court heard the man had had six children by his wife and had made her sister, then 15 pregnant. [The sister] said her sister would 'do everything for the man they both loved, even getting him his drugs, without which he was an angry person.’ **The court heard that Secretary was president of the community at the time...** [Jacqueline Treves] now aged 16, told the court she was Secretary's sister and lived with the couple, sleeping in the same bedroom. At the time of Mr Nelson's death she was eight months pregnant and he was the father...”
- **Wednesday, November 29, 1995. “Accused 'treated like a slave”:** Bob Watt reports, page 6, [Lynette Shields] told defence counsel John Lawrence that Mr Nelson used to drink a lot and smoke marijuana. Then last year he started to inject a white powder “which he said was speed.” Ms Shields said **Mr Nelson, a non-Aboriginal, was racist. “He never liked black people,”** she said....” (my emphasis).

- **Friday, December 1, 1995. “Murder accused 'lived in fear’”:** Bob Watt reports in NT News, page 6, Mr [John] Lawrence was opening the defence case for Secretary, 26, who has pleaded not guilty to murdering her husband, Darren Nelson at Kulaluk... Mr Lawrence said Secretary had been forced to take out a restraining order against her husband after assaults and him cutting off the telephone... “Helen Secretary decided to do what she did by virtue of the ... **years, months, weeks of fear and terror...**” (my emphasis).

- **Saturday, December 2, 1995. “Woman 'killed to escape her husband’”:** Bob Watt reports in NT News, page 5, “Psychiatrist Dr Joan Lawrence told the court the pattern for battered women was to become almost totally controlled by their partner. Dr Lawrence, a researcher into domestic violence at Royal Brisbane Hospital, said the women **almost lost the ability to think for themselves... Dr Lawrence said constant abuse lowered a person's self-esteem...**” (my emphasis).

- **Tuesday, December 5, 1995. “Bashed wife case: guilty on kill count”:** Bob Watt reports in NT News, page 5, “...The judge instructed the jury to find the woman not guilty of murder and guilty of manslaughter 'based on provocation.' His ruling will be argued before the Court of Criminal Appeal comprising three other Supreme Court judges. The appeal court is not likely to bring down its decision until next year... The judge told Secretary: 'I fully appreciate the very heavy time you had in this court over the past week and I am sorry that your travail is not yet over'... He told the jury they had sat on one of the most interesting criminal trials he had presided over in the NT...”

- **November 30, 1995. John Lawrence opens the defence case to the jury (17 pages of transcript):**<sup>1</sup> Mr Lawrence stated in part, “...and what is crucial to the defence case is that, over a period of years, there was a physical and psychological warfare committed by [the deceased] upon the accused and their children; verbal abuse, racial abuse, physical assaults, psychological torture committed on the accused. And it is absolutely all-important for you to know that, to properly judge the woman's actions on 20 November last year...It is a case about domestic violence. It is a case about cruelty, power, subjugation, denigration, humiliation, physical assaults; it is a case about fear... the deceased who was a wife basher, had graduated for alcohol and marijuana to chemical drugs. He was injecting himself with chemical drugs, drugs purchased for him by his wife, his slave, the accused...”

**...what is important to the defence in this case is that you are apprised of the full factual background, the whole scenario, without which you can't properly judge the accused person...**

...a forensic psychiatrist is going to give expert evidence about [battered wife syndrome], which is a concept that exists if you are a woman in that situation, it affects you. It affects the way you perceive things; it affects [the

---

<sup>1</sup> Taken verbatim from Kearney, J, 'Director of Public Prosecutions v Helen Patricia Secretary: Reasons for ruling on Crown Submission', delivered Supreme Court of the Northern Territory, 12 December 1995.

way] you apprehend things; it affects the way you judge things. In a sense, you're basically beaten into a different perspective...The expert will also say, as another stick on that pile, that women in a situation like that develop a concept known as "Learned helplessness". By virtue of the continual beatings, their self esteem is demolished. You might be thinking, "Well why didn't she just leave him? Why didn't she just cut and run?"... They've got little [self-esteem] or none - negative perhaps, in some instances – and by virtue of that, they're just incapable, unable to have the appropriate volition, gumption – call it what you may – to make that move. She had lived in house no. 10 in Kulaluk for about 8 months before 20 November 1994. In that period the beatings got worse... She said: 'He always said he was the man of the house, he can do whatever he wanted. **We were his property**, and if anybody tried to interfere when he flogged me or the kids they better watch out, that he'd kill them.'

[Helen] explained why she had never left the deceased before 18 October, 1994, viz: 'Because **Kulaluk is my home. I grew up there since I was little. I had nowhere else to go.** It was always my home and my kids.'

[Forensic Psychiatrist] Dr Lawrence considered that the Kulaluk community, '**the family**', provided 'a sense of security for [the accused] in the face of what was then to become escalating violence'.

**The accused's election as President of the Kulaluk community in August 1991 is very important for her, 'an affirmation of her worth', which helped her 'through the dark times' in her relationship with the deceased**" (my emphasis).

- **January 17, 1996:** Kulaluk Crown Lease in Perpetuity 00671 records that an Under Lease was granted to McDonald's Properties (Aust) P/L, expiring on October 19, 2094.
- **January 17, 1996:** Kulaluk Crown Lease in Perpetuity 00671 records that a Sub Lease was granted to Vysrose P/L, expiring on July 7, 2094.
- **March 27, 1996. "Flight-path hell for Larrakia":** A half-page letter, "The Way I See It" attributed to Lynette Shields and Helen Secretary, Nightcliff.
- **September 6, 1996, "Wife shot man in bed: appeal":** NT News reports: "The judge at Secretary's murder trial ruled that self-defence was not available in the case but two of the three appeal court judges found that he erred in this ruling. The court quashed Secretary's conviction for manslaughter and ordered a new trial. [Director of Public Prosecutions Rex Wild QC] has asked the High Court to find that self-defence is not available which means the conviction for manslaughter will stand... The appeal is expected to be heard in Canberra next year."
- **August 1997. "Kulaluk Development Proposal - Development Brief for the Development of Part**

**Lot 5182, Bagot Road Town of Darwin” prepared by the Gwalwa Daraniki Association Inc and Vysrose P/L.** The introduction to the report states: “In 1985, the consulting firm Hollingsworth Dames and Moore (HDM)<sup>2</sup> undertook a conceptual pre-feasibility study, funded by the Aboriginal Development Corporation, to assess areas that the community could develop in order to strive for economic self-determination. At the time of the above consultancy, the community land holding was changed from a Special Purpose Lease to a Crown Lease in Perpetuity and rezoned to R6, allowing for the community to develop their land in a commercial manner. Since the HDM consultancy was completed in 1985, there have been several initiatives by the GDA to undertake the commercial development of their land.”

According to the Aboriginal academic, Marcia Langton, who advised the GDA in their plans to develop the area at this time, McDonalds “forms the anchor tenancy for future planned developments” (Gwalwa Daraniki Association 1995). Significantly, in a media release Helen Secretary is quoted saying, “the approval of McDonalds should set a precedent for the development of Kulaluk” (NT News 12 December 1993).

- **May 12, 1998, “Abuse made her shoot husband”:** Bob Watt reports in the NT News (page 3): A witness told the court the European husband who had six children to his wife, an Aboriginal community leader, said he 'hated Aborigines'... He had disobeyed a court order to hand in his firearms after Secretary took out a restraining order against him. Secretary's half sister, Jacqueline Treves, now 18, also of Kulaluk, agreed with defence counsel John Lawrence that **Secretary was 'a slave' to her husband...** Ms Treves said Secretary had found out she was pregnant to [Helen's] husband only when told at Darwin Magistrates Court. The baby was born in December 1994 and she and her sister were still on good terms. The trial before Acting Justice Ian Gray continues today.”
- **May 15, 1998, “Killer was 'battered wife'”:** NT News, page 4, reports: “A woman who shot her husband had been in a state of 'chronic terror' for some time, the Supreme Court heard yesterday... Dr Lawrence was giving evidence at the trial of [Helen] Secretary, 29, charged with the manslaughter of her de facto husband Darren Nelson. The jury will hear final addresses today.”
- **May 16, 1998. “Secretary jury told of terror”:** Bob Watt reports in the NT News, page 7: “[Director of Public Prosecutions Rex Wild QC] said that the Crown accepted that Secretary had been **provoked by long-term abuse** and that the killing was not murder...”
- **May 19, 1998, “Day when Helen just had enough. 'He forced her to tell her kids that she hated them'”:** Bob Watt in NT News reports in a feature article (page 10): “Evidence in the trial of Darwin woman

---

<sup>2</sup> Hollingsworth Consultants (1985) *Kulaluk Lease Area Land Development Study*, Brisbane: Hollingsworth Consultants in association with Planit Location International.

Helen Patricia Secretary, found not guilty yesterday of the manslaughter of her husband, was a horrific litany of continuing physical and mental abuse... The defence called Brisbane forensic psychiatrist Joan Lawrence, an expert in the 'battered wife syndrome' to explain to the jury the forces behind an abusive relationship... [Dr Lawrence] said: **'The woman somehow believes it is her fault so she doubles her efforts to please him and placate him. Low self-esteem also helps to keep her in the relationship...She regarded her election as the president of her Kulaluk Community as a great honour and this was 'something of a counter' to the things happening in her personal life'** (my emphasis).

- **May 19, 1998, "Husband killer found not guilty":** Bob Watt in NT News reports (page 1): "A woman who shot her sleeping husband in the back walked free from the Supreme Court yesterday after her second trial over the killing. A jury found Helen Patricia Secretary not guilty of the manslaughter of her husband.
- **May 22, 1998. Kulaluk native title application to National Native Title Tribunal, "Prince of Wales, Helen Secretary and Bill Risk on behalf of the Larrakia People" (the applicants).** Defines the claimants in S186(g)2: "The Larrakia People, by definition, are comprised by all persons descended from the nine apical Larrakia persons identified in paragraph 5."
- **September 2001. Kulaluk native title application, "Prince of Wales, Helen Secretary and Bill Risk on behalf of the Larrakia People" (the applicants) passes Registration Test.** Decision by Chris Loorham, Delegate: "The application is ACCEPTED for registration pursuant to s.190A of the Native Title Act 1993 (Cwlth)...  
S186(g)1. The native title group is the Larrakia People who, according to traditional laws acknowledged and customs observed: (a) are traditionally connected with the area described in schedule B ("the area claimed") through: spiritual, religious, physical and historical association; biological, classificatory or adoptive descent through the four grandparental lines...and processes of succession.... 2. The Larrakia People, by definition, are comprised by all persons descended from the nine apical Larrakia persons identified in paragraph 5."
- **February 2006:** The directors of Vysrose aka Citiland are listed in as Tony Fu Chin Jape, Alan Fu Kung Jape, Kong Su Jape and Ernest Sue Wah Chin.
- **September 2006, Amended constitution of the GDA registered by Michael Chin, Barrister and Solicitor:** Membership of GDA restricted to those who have lived in the Kulaluk Community on "Lot 5182 Town of Darwin or Lot 8630 Town of Nightcliff ... for a continuous period of at least twelve months." In addition, the amended constitution states that the members should be descendants of the Danggalaba Clan of the Larrakia People [not defined] or their spouses, provided at least half of the members (out of a minimum membership of 5) are "Aboriginal persons". Two examples of non-Aboriginal spouses who have held

disproportional influence on the association are the New Zealander Albert Treves and the deceased Darren Nelson.

- **March 9, 2009, Non Lapsing Caveat signed by GDA president Helen Secretary and Michelle Nelson for the leaseholders and Director, Even Lynne, for Gwelo Investments Pty Ltd.** The document notes that the caveat is “the grantee of exclusive rights pursuant to an agreement between the Caveator [Gwelo] and the Registered Proprietor [Gwalwa Daraniki Association Inc, PO Box 746, Nightcliff, NT 0814] dated 15 December 2008.” The “non lapsing caveat” document states: “The caveator claims the estate or interest specified in the land described on the grounds set out and forbids the registration of any dealing affecting that estate or interest to the extent of the prohibition as specified during the period in which the caveat remains in force.” A map accompanying the caveat document shows that Gwelo’s “equitable interest in the land” applies to almost all the vacant land and mangroves on the Kulaluk lease to the west of Dick Ward Drive. GDA lawyer Michael Chin said: “A developer doesn’t go and prepare detailed plans unless they can get some commitment from the landowners” (“Landowners already cashing in on marina”, Ben Langford, NT News April 6, 2009).

- **October 2, 2012. Public verge meeting, Fitzner Drive, Ludmilla, interrupted by verbal threats and physical intimidation by GDA members:** Recorded on video and uploaded to You Tube <https://www.youtube.com/watch?v=JhvZIs9TdQw> .The meeting was called to discuss public concern about applications by Jape's Citiland to develop 35 hectares of bushland on Lot 5182. Some of the transcript is reproduced below:

David Percival (MC): “We all feel we have been let down, that this was done without us knowing.”

Helen Secretary (interjecting aggressively): “Nothing to do with you. It's GDA's land, nothing to do with you. You've got your own property, you fucking look after your own property mate.”

Margaret Clinch: “It's Darwin people's land.”

Helen Secretary: “This was Larrakia land before you came here mate. I don't give a fuck! You mob kicking up a stink about land that's got nothing to do with you. Go back to where you come from!”

- **May 4, 2014. Protest at land clearing on Totem Road:** Further examples of Helen Secretary and her family’s abusive and intimidating behaviour are recorded on video, on this occasion directed at Larrakia traditional owners. See You Tube videos, “Protest at the Destruction of an Aboriginal Site in Darwin, Parts One to Four”. NOTE: The unedited film is even more confronting.

The above brief timeline puts into perspective the interface that may have affected the decision-making of the Gwalwa Daraniki Association Inc and agreements that alienated land on a community lease from Aboriginal uses for 99 years. I suggest that the above timeline raises questions as to whether the Gwalwa Daraniki Association Inc is a fit and proper body to hold the lease of 301 hectares of community land in suburban Darwin. Questions also need to be asked as to who has written various media releases and letters attributed to Helen Secretary. These are legitimate questions and as such not defamatory. After consideration of the above, I hope that you agree with me.

Yours sincerely

William B Day PhD

28 December 2016

Email: bartlettday@hotmail.com