

As a result of decisions made by the leaseholders of 301 hectares of community land in the heart of suburban Darwin, the following time line is of PUBLIC INTEREST. The facts are taken from the PUBLIC DOMAIN (transcripts, media reports, published documents etc). The Supreme Court transcripts and newspaper reports of trials and appeals are quoted here in the public interest solely because they give insights into the internal affairs of the secretive Gwalwa Daraniki Association Inc from 1985 when future directions were being determined for the 301 hectare Kulaluk Lease Area, including 99-year subleases to McDonalds Properties and Vysrose P/L. For a history of the Kulaluk lease up to 1985 see my book, "Bunji: a story of the Gwalwa Daraniki Movement" published by Aboriginal Studies Press in 1994.

**1984:** Helen Secretary in a 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 by Hollingsworth Consultants in association with Planit Location International was funded by the Aboriginal Development Corporation (see the comments 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 [NT] 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:** Helen Secretary is President of Gwalwa Daraniki Association Inc. In Supreme Court transcripts Helen stated that when she was President of the Kulaluk Community from August 1991 to August 1995 she was away from home 'most of the day'. At these times her non-Aboriginal partner 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, part Lot 5182 bounded by Fitzer Drive, Dick Ward Drive, Totem Road and Bagot Road, 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 Kulaluk, 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 (my emphasis). 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 MACDONALDS [SIC] SHOULD SET A PRECEDENT FOR THE DEVELOPMENT OF THE KULULUK [SIC] LAND, SHE SAID (my emphasis).** 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, Fitzner Drive, Totem Road and Dick Ward Drive... A MacDonalds [sic] restaurant at the corner of Fitzner 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 Kululuk.

**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 Kululuk, in suburban Coconut Grove. Police were notified of the shooting after receiving a phone call from a resident at Kululuk.”

**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 two great uncles 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...**”.

**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):** 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 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” (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).**

**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 to the editor 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) 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, McDonalds “forms the anchor tenancy for future planned developments”. 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 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'** .

**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). The claim 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”.