

FOR CABINET

Title	KULALUK LAND CLAIM, DARWIN.
Minister	R. I. VINER, MINISTER FOR ABORIGINAL AFFAIRS.
Main purpose	To seek approval for the issue of a lease of vacant Crown land to Aboriginals in the Kulaluk area in Darwin and for the Aboriginal Land Fund Commission to negotiate for the purchase of additional areas.
Relation to existing policy	Consistent with election policy commitments to meet Aboriginal land needs. Matter is outside the scope of Aboriginal Land Rights (Northern Territory) Act, being a claim to land in a town area.
Timing/ legislative priority	Early decision required because settlement has been long delayed and leaseholders are pressing for action.
Announcement of decision, tabling, etc	No immediate announcement proposed.
Action required before announcement	Purchase and lease arrangements should be completed before any announcement.
Cost	Costs will be met from moneys already available to the Aboriginal Land Fund Commission or to my Department, or appropriated to them in future: i) purchase costs: possibly up to \$200,000 depending on the number of leases available for sale; ii) annual grants to meet any rates imposed by Darwin City Council (estimated \$2,000) and any development covenants in lease.

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BACKGROUND

Aboriginals of the Larakia group traditionally living in the Darwin area campaigned for some years for the grant of an area of land at Kulaluk where they have camped for some time. Part of the land claimed was being privately developed as a suburban subdivision in 1972 by Sabrina Holdings Pty Ltd, but in December 1973 development was halted by agreement for a year (with compensation of just under \$53,000) while the Aboriginal Land Rights Commission proceeded. Mr Justice Woodward recommended in general terms that the area claimed should be granted as a lease to be held by Aboriginal trustees.

2. The Interim Land Commissioner, Mr Justice Ward, inquired into the claim and in June 1975 recommended the grant of a lease over an area slightly larger than the original claim. The area comprised 338.8 hectares, being mainly vacant Crown land but including four areas of privately leased land (see map, Attachment A).

3. At the request of the then Minister, the Aboriginal Land Fund Commission approved in principle the purchase of the privately leased areas and in August 1975 asked the Chief Property Officer, Darwin, to negotiate on its behalf. None of the leased areas has been bought. Valuations in 1975 totalled \$513,000 but the prices asked by some lessees were substantially higher and totalled over \$800,000. Details of the areas in question are set out in Attachment B. Compulsory acquisition proceedings commenced against Sabrina Holdings Pty Ltd but have not been pursued (see Attachment C).

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ISSUES FOR CONSIDERATION

4. The Aboriginal Land Rights (Northern Territory) Act does not provide for claims to traditional areas within towns. The Kulaluk claim is, therefore, outside the scope of that legislation.
5. I consider that compulsory acquisition is no longer appropriate. A substantial area of land adequate for Aboriginal use is available without acquiring all the leased areas, and the cost of compulsory acquisition would be disproportionate to the benefit to Aboriginals. A decision not to proceed with the acquisition is likely, however, to attract some criticism. Cabinet approval in principle for the issue of a lease over the vacant Crown land within the area claimed would be appropriate.
6. The immediate group of Larakia people and their close relatives is small, numbering only some 20 people, but Aboriginal visitors to Darwin camp in the area. In 1962 the then Government reduced the only Aboriginal reserve in Darwin - Bagot - from 640 to 57 acres to provide for urban development. The Aboriginal Land Rights Commissioner noted that the Kulaluk claim would partly compensate for this. It would also relieve some of the increasing pressure on Bagot from Aboriginals drawn to Darwin. The vacant land may be adequate for the intended purposes but any addition of leased areas that might be bought would allow more of the original plan to be implemented.
7. The Larakia people have prepared plans to develop parts for habitation, recreational and community purposes, and to retain wilderness areas. A substantial part of the area is unsuitable for development because it lies in the flight path of the Darwin aerodrome and is low-lying and swampy. It includes Aboriginal burial grounds which would be preserved.
8. It is almost certain that at least two of the leaseholders would not agree to sell at an acceptable price and would seek substantial compensation in the event of compulsory acquisition. A third area might be acquired for a moderate sum, perhaps as low as \$10,000; a fourth area would possibly be for sale at a reasonable price.

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9. Additional funds are not sought; any purchases would be financed from the Aboriginal Land Fund Commission's present resources. Grants from my Department's appropriations will be necessary to allow the Aboriginal group to develop the area as planned over a period and to meet any rates charged. Grants might also be made from the Aboriginal Benefits Trust Account.

PUBLIC IMPACT AND PUBLICITY

10. The Kulaluk claim continues to attract a good deal of public attention and some hostile response is likely if the lease is not granted in terms of the Interim Commissioner's recommendations. On the other hand, expenditure of a substantial sum to acquire areas compulsorily for a small group of Aborigines or on compensation to achieve a new arterial access reserve for the benefit of the majority of the general public in Darwin (see paragraph 14) is likely to attract strong criticism.

11. If Cabinet endorses my recommendations, no announcements should be made until purchase and lease arrangements are finalised.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

12. Both the Legislative Assembly and the Darwin City Council have an interest in the matter. The recommended action should be reasonably acceptable and I would propose to discuss the intended action with the Majority Leader and the Mayor before any public announcement.

CO-ORDINATION

13. The proposals have been discussed with the Departments of Prime Minister and Cabinet, Attorney-General's, Northern Territory, Finance, and Administrative Services.

14. The Department of the Northern Territory accepts the need for an alternative arterial access to the northern suburbs to Bagot Road and indicates that, although the final alignment, the timing and financing of such a project are matters to be clarified in the near future, the most likely of the alternative routes would affect the original claim area in some way and a road

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excision will be necessary. The Department maintains the view that the Commonwealth should not grant a lease and shortly afterwards be obliged to acquire a road reserve and compensate the lessee group. In the offer of any lease, provision should be made for the excision of a road reserve on a reasonable alignment at no cost to the Government.

15. The Department of Finance notes that on 7 May 1976 (No. 574) Cabinet sought a review of the guidelines for the operation of the Aboriginal Land Fund Commission and that, pending its receipt, no additional funds should be provided. Although additional funds were provided in the recent Budget, Finance questions whether the proposed purchases should be approved before the report called for has been considered by Cabinet.

RECOMMENDATIONS

16. It is recommended that Cabinet:

- (i) approve that the Minister for the Northern Territory offer an appropriate lease to the Aboriginals over vacant Crown land within the total area recommended by the Interim Land Commissioner which will allow for a road excision as required at no cost to the Commonwealth;
- (ii) authorise me to arrange for the Aboriginal Land Fund Commission to consider the purchase of any of the four privately leased areas (within the total area of the claim recommended by the Interim Land Commission) which may be added to the lease; any acquisitions to be financed with moneys presently available to the Aboriginal Land Fund Commission.

4 November 1977

R. I. VINER

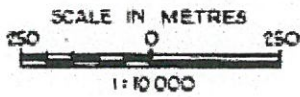
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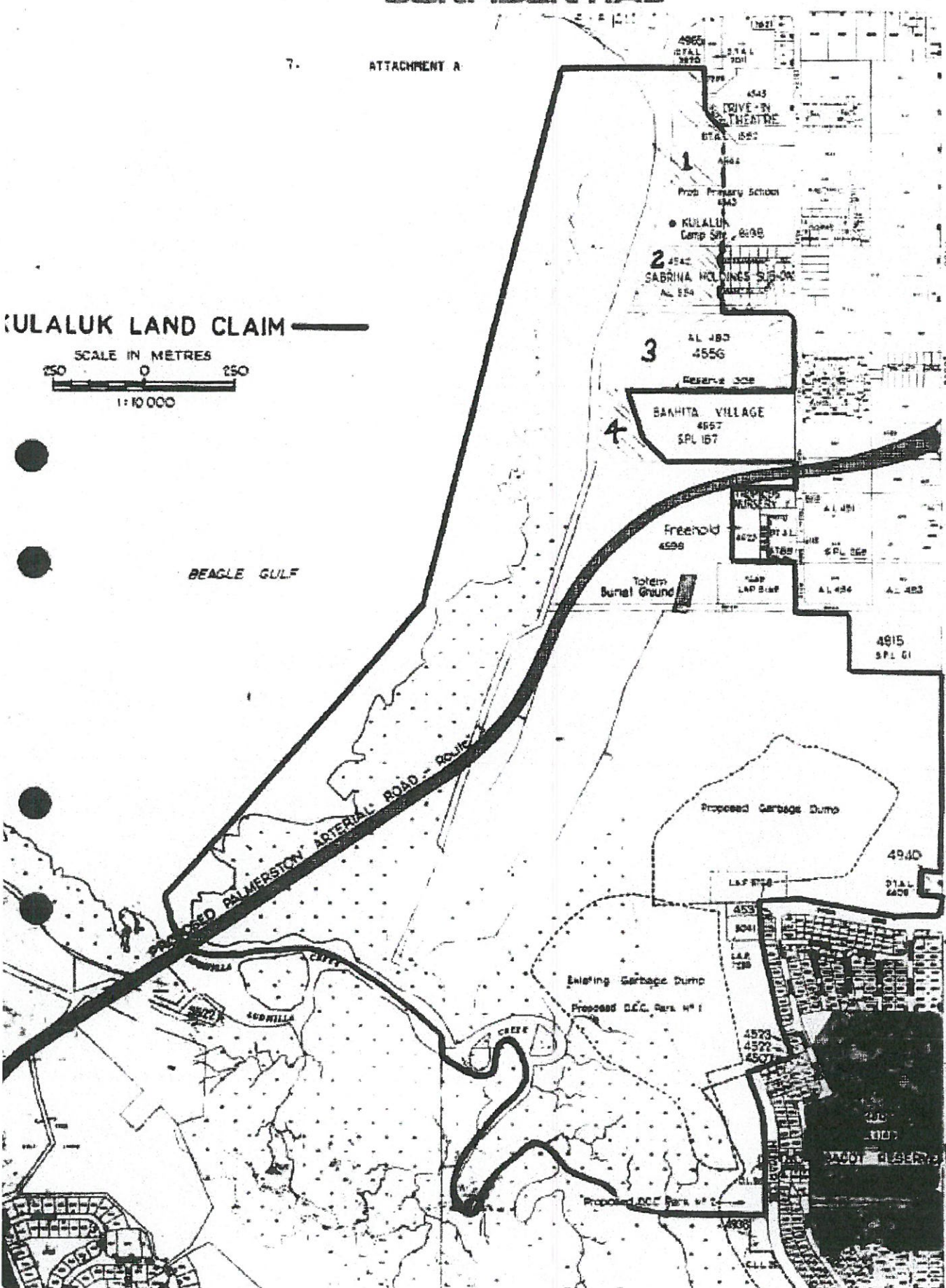
7.

ATTACHMENT A

KULALUK LAND CLAIM



BEAGLE GULF



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