

02 February 2011

Hon Gerry McCarthy
Minister for Lands and Planning
GPO Box 3146
Darwin
NT 0801

Dear Mr McCarthy

Re: “War Refuge now a Park” NT News, January 15, 2011.

Congratulations on establishing a bushland heritage park on the Stuart Highway near the future suburb of Johnston. According to the above newspaper report, the planned improvements to the Government Heritage Registered “17½ Mile Army Camp” follow a report prepared by the Department of Lands and Planning. The newspaper report adds that NT Government expects to award a tender soon for a March start and an end-of-the-year finish. The park will feature a wheelchair accessible path loop, link paths and interpretative signage. Establishing such a heritage park will provide recreational space in the new suburbs, preserve some of our native bushland and acknowledge an important heritage site.

Closer to Darwin, there is a 301 hectare Crown Lease between Ludmilla Creek and Nightcliff that includes a tidal creek and mangroves, intertidal flats, monsoon forest, wetlands, heritage sites, World War II sites, beaches, roosting grounds for migratory birds, Aboriginal heritage sites, sacred sites, burial sites, eucalypt savannah forest, freshwater wetlands and recreational sites. In addition, most of the area was set aside for the Bagot Aboriginal Reserve between 1938 and 1965 (see Woodward 1974). The value of this part of the Ludmilla/Bagot/Kulaluk area for its heritage and cultural significance is well documented in several reports prepared for the leaseholders (Gwalwa Daraniki 1995, Federal and NT Government (see Day 2005, 2006) and the Australian Heritage Commission (Wells 1995). In fact, the whole Kulaluk lease area is already listed on the Australian Heritage Commission website.

The evidence overwhelmingly shows that the Kulaluk lease was set aside for the expressed purpose of conservation, as noted in confidential cabinet reports and correspondence. In addition, in her report to the Aboriginal Areas Protection Authority, *History of the Kulaluk Lease*, the researcher Krimhilde Henderson (1984) cited correspondence from T. C. Lovegrove to J. P. M. Long, (25 October 1974):

In October [1974] a ‘proposed land usage plan’ for the whole [Kulaluk] area being claimed was received from Bill Day. Darwin DAA told Central Office [in Canberra]: ‘This includes

large areas to be retained for public access as fauna and flora sanctuaries... We believe this proposal is imaginative and is an attempt to make the area at least partly into one of Aboriginal cultural significance. The fauna and flora sanctuary proposals may of course attract interest and support from environmentalists.

Henderson's earlier report, *Land Use Field Study of the Kulaluk Area*, commissioned by David Ritchie of the Aboriginal Areas Protection Authority is also a useful document, recording heritage sites and how the Kulaluk area is used by Aboriginal people and others.

Considering all the information available to you and the Department of Lands and Planning, I cannot understand how the issue of future directions for the Kulaluk lease has still not been resolved and why it is that myself and other concerned voters have spent the good part of 18 months campaigning to ensure the original intentions for granting the lease are honoured.

Recently I spoke to the leaseholders at the Kulaluk village. Their constitution states that they are members of the Danggalaba Clan, yet they complained to me that they were destitute and needed to sell off parts of the lease to provide a future for their children. Firstly I pointed out that two expensive aquaculture projects on the lease had fallen in a heap, and that under the permit, the area must be restored at even greater expense. An illegal earth dump that provided some sort of kickbacks must also be removed at great expense.

Secondly I pointed out that they, ie the Secretary family, are descendants of the Larrakia traditional owners Of Darwin and the Cox Peninsula (see Brandl et al 1979) and should have a guaranteed future with developments planned at Kenbi and possibly Inpex and elsewhere. Instead, inexplicably the Kulaluk Danggalaba Larrakia families have remained aloof from Larrakia affairs. I suggested that the Kulaluk leaseholders have been badly advised by developers eager to get their hands on the Kulaluk land (in which the Government is regrettably complicit). The Secretarys are not even members of the Larrakia Nation Aboriginal Corporation.

In any case, I reasoned, it is not the responsibility of the Gwalwa Daraniki Association Inc to maintain and pay for a lease that predictably has become a weight around their collective necks. As stipulated in the Land Rights Act, the Kulaluk lease should have been granted to a Larrakia Land Trust: however, the Land Rights Act did not apply to Kulaluk after the original Land Rights Bill was amended in 1976 to exclude land in towns. I explain all this in my essay, *Kulaluk and Land Rights: How the Spearhead of the Land Rights Movement was Appropriated* (Day 2010).

In conclusion, Mr McCarthy, I beg of you refer to the reports referenced below and to apply to the Kulaluk lease the same farsighted principles you have used to set aside the new heritage park near Johnston.

Yours sincerely,

Dr Bill Day

Consulting Anthropologist

Author of *Bunji: a story of the Gwalwa Daraniki Movement* (Aboriginal Studies Press, Canberra, 1994)

References

Note: Many of these documents are available on my website

<http://www.drilldayanthropologist.com>

Brandl, M, M Walsh and A Haritos 1979 *Kenbi Land Claim*. Northern Land Council, Darwin.

Day, W B 2005 *Shared Responsibility Agreement Alienates Land Won in Land Rights Struggle*

Day, W B 2006 *Shared responsibility or no responsibility? The Kulaluk 'Crabgate' scandal*. A5 Booklet, 8 pp.

Day, W B 2008b *Recommendations for a Kulaluk Wilderness, Heritage and Education Park: A last opportunity to be true to the vision of its founders?* Report to Larrakia Nation Aboriginal Corporation.

Day, W B 2009a *The Carve Up of Aboriginal Land in Darwin: behind the secret deals and crazy schemes: Government implicated*. Duplicated A4.

Day, B 2009b *Why Aboriginal people oppose the proposed Arafura Harbour marina on the Kulaluk lease*. A5 Booklet, 8 pp.

Day, B 2009c *Crabgate: an environmental and financial disaster: Comment on "Our vision of economic independence"*.

Day, W B 2010 *Kulaluk And Land Rights: How The Spearhead Of The Land Rights Movement Was Appropriated*. Unpublished essay.

Gwalwa Daraniki Association Inc 1995 *Our future at Kulaluk and Minmarama Park: Facts about the threats to our social and economic development*.

Gwalwa Daraniki Association Inc and Vysrose Pty Ltd 1997 *Kulaluk Development Proposal: development brief for the development Part Lot 5182, Bagot Road Town of Darwin*.

Henderson, K 1983 *Land Use Field Study of the Kulaluk Area*. Darwin: **Aboriginal Sacred Sites Protection Authority** (unpublished).

Henderson, K 1984 *History of the Kulaluk lease*. Darwin: **Aboriginal Sacred Sites Protection Authority** (unpublished).

Hewitt, Sharon 2006 *Our vision to economic independence and employment and educational opportunities for our community: an evaluation of Gwalwa Daraniki Enterprises Mud Crab Farm Employment Program*. Gwalwa Daraniki Association Inc, Darwin.

Hollingsworth Consultants 1985 *Kulaluk Lease Area Land Development Study*, Brisbane: Hollingsworth Consultants in association with Planet Location International.

Ward, D 1975 *Kulaluk Land Claim: findings and report of the Interim Aboriginal Land Commissioner*. Darwin: IALC

Wells, S 1995 *Town camp or homeland? A history of the Kulaluk Aboriginal community*. Darwin: **Report to the Australian Heritage Commission**.

Woodward A E 1974 *Final report of the Aboriginal Land Rights Commission*. Canberra: Australian Publishing Service