

MANAGEMENT OF THE KULALUK LEASE IN DARWIN

Kulaluk Village and the Minmarama Village should be excised from the lease

20 November 2009

Senator Trish Crossin
Labor Senator for the Northern Territory
Parliament House
Canberra
ACT 2600

Dear Senator Crossin

RE: MANAGEMENT OF THE KULALUK LEASE IN DARWIN

Thank you for your reply of 6 November, 2009, regarding my concerns about the management of the Kulaluk lease in Darwin. As you explain, the Kulaluk land is held under a Crown Lease in Perpetuity whereby the Northern Territory Government has day-to-day responsibility for ensuring that the leaseholders (the Gwalwa Daraniki Association Inc) adhere to the (unstated) conditions of the lease.

You also quote the rather confusing NT Government advice that the lease 'is a strong title which gives exclusive perpetual rights, but it is constrained by the fact that it is a Crown lease, and there is statutory restriction and other caveats on any dealings; its status as a town camp and Commonwealth management further limit autonomy'. However, the only known caveat on the land is the caveat taken out between the leaseholders and Gwelo Investments (attached). The fact that payments have been received by the GDA for proposed private developments (Arafura Harbour) on the Kulaluk lease does not suggest they are under any 'statutory restraints'. Even the statutory requirement that the 5 ha crab/prawn aquaculture ponds and levee banks be restored to the natural state in the event of the demise of the project(s) has never been enforced. Note: the failed mud crab farm was sponsored by a Federal 'Shared Responsibility Agreement' and the Charles Darwin University.

Your conclusion that: 'There is therefore limited scope only for any further or wider Aboriginal involvement beyond the present Gwalwa Daraniki Association' highlights the fact that the 'present Gwalwa Daraniki Association' has little in common with the intentions for the granting of the lease in 1979 to 'Larrakia and Associated Aboriginal people', particularly since the GDA constitution was amended in 2005 to restrict eligible membership to those members of a particular clan who have lived on the lease for 12 months, 'and their spouses'.

As I have documented in my book, *Bunji: a story of the Gwalwa Daraniki Movement* and more recent pamphlets, the history of the Kulaluk lease since 1979 has shown that the wider area of the 301 hectare lease is more of a burden to the small membership of the GDA than an asset, except for the purpose of making agreements with developers for short term gain. In most cases the proposed projects do not benefit the Darwin Aboriginal community and Larrakia people in particular, as was intended. For example, the destruction of mangroves, dumping of building waste and rezoning as light industrial has contributed to the continued destruction of a unique urban bushland environment. More could be written about the lack of bushland management – again beyond the resources of the GDA.

Considering the Federal powers under the Emergency Response ‘Intervention’, the NT Government correctly informed you that the lease’s ‘status as a town camp and Commonwealth management further limit autonomy’. This observation leads to the following constructive suggestions for the future management of the Kulaluk land:

- There are two town camps on the lease, the Kulaluk Village in Coconut Grove and Minmarama Village in Ludmilla.
- The management of the two communities and the management of the remaining bushland and mangroves have proven to be incompatible.
- As stated above, history since 1979 has shown that the management of the wider lease will always be beyond the resources of the small community in the Kulaluk Village. The undeveloped land is a financial burden to the Gwalwa Daraniki Association. Schemes proposed by the leaseholders have been in conflict with the Crown lease, community interests and the well-documented original purposes of the area.
- The Kulaluk Village and the Minmarama Village should be excised from the lease as two separate town camp leases controlled by the existing membership of the GDA. The Juninga Nursing home should also be excised.
- The Kulaluk land will remain as Aboriginal land and not become alienated under this proposal.
- After the excision of the two town camps, the undeveloped bushland and mangroves should be held by a representative trust, as was original intended by Judge Dick Ward.

- The Kulaluk Wilderness Trust should include the Bagot Community, the GDA, Larrakia Nation, the Save East Point group, Ludmilla Land Care and other appropriate representative groups.
- The Trust should have a clear set of statutory aims and purposes for the use and preservation of the land and its environment for the community good.
- Funding that is available through various bushland preservation and education grants will provide employment for Aboriginal people as well as restoring the landscape. A proposal is outlined in my report on the future management of the lease.

May I suggest that the statement that there is ‘limited scope only for any further or wider Aboriginal involvement [in the Kulaluk lease] beyond the present Gwalwa Daraniki Association’ is a viewpoint that contrasts with the vision of the founders and the intentions of the lease. Similarly, in a reply of 11 September, 2009, expressing concern for ‘consultations with the [Kulaluk] residents and on the basis that they benefit’ Jenny Macklin fails to distinguish between the conflicting priorities of the management of the Kulaluk town camp and the management of the wider area, unless Ms Macklin supports the view that the 301 hectare lease is for the benefit of a small restricted group.

More positively, hopefully I have outlined in this letter how the present impasse can be overcome to the benefit of the Larrakia people and the Darwin community as a whole.

Yours sincerely

Dr William (Bill) Day

cc. Minister for Families, Housing Community Services and Indigenous Affairs Hon Jenny Macklin MP
Leader of the Opposition, Hon Terry Mills MLA
Chief Minister Paul Henderson MLA