

forwarded to
Daila Delba
by ATsIC
Fax 89445666
8/10-
original

FISH CAMP
KULALUK
(Behind Minmarama)
6 October 1996

Dear ATsIC,

On behalf of the people camped in the scrub on Kulaluk land (down the track from Totem Road and turn towards Ludmilla Creek) I beg for some emergency water supply. The area is exceptionally dusty and it is impossible to keep clean, wash clothes etc.

The people have lodged a complaint with the Anti-Discrimination Commission and their complaint has been accepted on the grounds that the Darwin City Council refuses to make land available for camps and expects people to go to Kulaluk. That is, because Kulaluk is Aboriginal-owned land all Aborigines should go there says the DEC.

Also George Brown says to 'harass' and eventually people will go. But these people live in Darwin and have nowhere to go.

While their complaint is being heard, which may take time, their need is absolutely urgent. Something temporary like a water tank which could be delivered immediately and topped up regularly. Of course, then there are problems of drainage to consider. Perhaps you could talk about it with George Banbuna or Bob Bunduwabi.

Yours sincerely
Bill Dary

Department of Anthropology
The University of Western Australia
Nedlands WA 6907

January 1997

The Hon Mike Reed
Minister for Lands Planning and Environment
Legislative Assembly
Darwin NT 0801

Dear Mr Reed

Re: Threatened eviction of Lee Point campers

Please reconsider your order to evict the people camped on vacant Crown land at Lee Point. After lengthy hearings in 1974, the Aboriginal Land Rights Commission recognised the need for town camps. In his final report Judge Woodward hoped that by 1976 no Aborigines would be living on sufferance on vacant Crown land in Darwin and Alice Springs. The Northern Territory Government has also acknowledged the need for more town camps. The Bararra people have been at Lee Point for a long time and their claims deserve to be heard. I urge you to consult with them to find a resolution.

Yours sincerely

PO Box 41104
Casuarina NT 0811

2 April 1997

Hon Mike Reed
Minister for Lands Planning and Environment
Parliament House
Darwin

Dear Sir

Re: Town Camps in Darwin

You have been quoted in the media as saying that Aboriginal people must take responsibility for their own lives. This is an excellent point to apply to the Aboriginal people who have chosen to live in Darwin. By the application of these Liberal principles and a little lateral thinking, solutions can be found to the problem for homeless Aboriginal people around the city.

Please consider carefully the following proposals based on my work amongst these communities:

1. **Knuckeys Lagoon Town Camp** (41 hectares). At present the title to this SPL is held by an 'umbrella' organisation (ADF). The residents are *tenants* without any incentive to improve their lot. I have been involved with these people since 1971 and I know they are interested in commercial developments of part of their land to provide an income. They could then employ a manager and improve their accommodation. To make this possible the SPL should be converted to freehold granted to an association of residents with guarantees that they continue to provide transient accommodation.

2. **Railway Dam**. These people are also tenants of the ADF. If freehold title was given to an association of residents they might have more incentive to negotiate over the Better Cities proposals. To announce their 'relocation' without consultation is to repeat the worst acts of the past where decisions were always made for Aborigines as wards of the state.

p.l

3. **Lee Point/Buffalo Creek area.** An SPL for a town camp could be converted to freehold when a community of Central Arnhem Land people is more established there. To say that 'Aborigines already have 40% of NT land' is to confuse a *need* with land rights and is a highly discriminatory statement. These people will not go away.

4. **Casuarina Hospital area and Palmerston.** The same need applies to these areas where people camp.


6. **Bagot.** There has to be some move to integrate the area with the suburb of Ludmilla. Most of the vacant areas could be converted to freehold so residents can plan commercial developments.

7. **Kulaluk.** It would be undesirable if the 301 hectare lease became a dumping ground for homeless Aborigines. Neither should development plans endanger the unique urban bushland on the lease. The living area in Coconut Grove should be converted to freehold.

The conversion to freehold cannot be compared to the vast expanses of pastoral country. The town camps are used as *living areas*. Larrakia native title claimants might have problems with these plans but an inter-Aboriginal agreement could be negotiated by the NLC. Membership and constitutions would have to be carefully thought out as for strata titles.

My interest is to see justice done to the Knuckeyes Lagoon and Railway Dam residents and the homeless people living in Third World conditions around Darwin.

Yours sincerely,



Bill relating

3-2-97

to Darwin

early due to death of closest informant - funeral coming on him.

Bill stay - work thru new developments, then call me in March/April

YOU CAN HELP STOP

THE EDICTIONS !

who ? how ? where ? why ?

Please visit the display outside
WAASSA then write, telephone or fax
to Mike Reed, Minister for Lands,
Planning and Environment,
Legislative Assembly, Darwin NT 0801
Fax/phone 08 89996910

Suggested letter attached...

**Visitors from all around the world are coming to
Darwin for the
Arafura Games.**

**While the world is watching,
homeless Aboriginal people
will**

PROTEST

PEOPLE WHO HAVE NO WATER, SHOWERS OR TOILETS.
PEOPLE AT RAILWAY DAM WHO ARE BEING KICKED OUT.
PEOPLE AT KNUCKEYS LAGOON WHO WANT LAND TITLE.
PEOPLE WHO WANT A CAMP AT LEE POINT AND PALMERSTON.
ANYONE WHO SUPPORTS HOMELESS ABORIGINES IN DARWIN.
ANYONE WHO IS ANGRY AT THE WAY THE GOVERNMENT AND CITY
COUNCIL TRY TO PUSH ABORIGINES OUT OF DARWIN
(Is it right that two homeless people got fined \$1600 for taking two
blankets? Is it right that people live without tap water in town? Is it
right that people who do have a place to live can be 'relocated'?)

JOIN US IN A PROTEST

BEFORE THE ARAFURA GAMES

10th of MAY OPENING CEREMONY

Be there

contact 89482010



DEPARTMENT OF LANDS, PLANNING AND ENVIRONMENT

GPO BOX 1680
DARWIN NT 0801

TO WHOM IT MAY CONCERN

You are illegally camping on vacant Crown land.

Notice is hereby given to vacate this land immediately.

If you are found to be present on this property within 24 hours, the Northern Territory Police will be authorised pursuant to the *Trespass Act* to do all things necessary for your removal as prescribed under *Act*.

10.10 am
15 May

W F FLAHERTY
Assistant Secretary
Land Administration

13 May 1997



Northern Territory Government

TRESPASS ACT

7. TRESPASS AFTER DIRECTION TO LEAVE

- (1) A person who trespasses on any place and, after being directed to leave that place by an occupier or member of the Police Force acting at the request of the occupier, fails or refuses to do so forthwith or returns within 24 hours to that place, commits an offence.

Penalty \$2,000.

- (2) A direction under subsection (1) may, where the trespass is on Crown land or land occupied by the Territory or the Commonwealth or a statutory corporation, be given by a member of the Police Force whether a request to act has been made by the occupier or not.

8. TRESPASS AFTER WARNING TO STAY OFF

- (1) Where a person is trespassing or has trespassed on any place, an occupier of that place may, at the time of the trespass or within a reasonable time afterwards, warn that person to stay off that place.
- (2) Where an occupier of any place has reasonable cause to suspect that a person is likely to trespass on that place, the occupier may warn that person to stay off that place.
- (3) Where a person is convicted of an offence against this Act committed on or in respect of any place, the Court may warn that person to stay off that place.
- (4) A person who, being a person who has been warned under this section to stay off any place, unlawfully trespasses on that place within one year after the giving of the warning, commits an offence.

Penalty: \$2,000.



(⇒BILL DAY)

Mr. W. F. Flaherty
Assistant Secretary in Land Administration
Department of Lands & Planning
2nd Floor AMP Building
Cnr Knuckey & Cavenagh Streets
Darwin NT 0800

Billy Cooper,
183, 1 Dickward Drive
Fannie Bay NT

23 May 1997

Dear Mr. Flaherty

Thank you for meeting with us this morning.

As we said in this morning's meeting, Lee Point is our home. We were at Lee Point for a long time. We told you that we've been at Fish Camp a little while but there are no facilities, no water or toilet, it's too hard to stay there; so we have moved back to Lee Point. At the meeting, we talked with you about being allowed to stay where we are at Lee Point. We said we are going to stay there anyway, but it will be better if we are given permission. You yourself agreed that there are no facilities at Fish Camp, and that is why we are back at Lee Point; you yourself said we've lived at Lee Point for a long time. But still you said we are legally trespassing and might be arrested if we continue to stay at Lee Point.

You said that you have no authority to make any decision about whether or not our people can stay living at Lee Point. So you said you would pass what we have said to you today, on to your people, and that what we have been talking about would go through a "process". You explained that this process would involve meetings.

One person said that it might be a good idea if two representatives from the Lee Point community were present at any meeting about whether or not we would be allowed to stay at Lee Point, and you said "Yes, that sounds like a good idea".

It was a good meeting. But it needs to be followed up by your people and ours. We want to know the names of the people who will be involved in any decisions about us staying at Lee Point. We would like to know when the first meeting of the process is. We expect that we will be invited to send someone to speak on behalf of the people of Lee Point.

It's our futures we're talking about, so of course we must be involved.

As we said, we will stay at Lee Point, our home. We want to get the process going, have meetings with your people, and work something out. This is too urgent to put off until another time. Please talk to the relevant people and arrange a meeting, as you said you would. Let us know when it is, our representatives will go and speak on our behalf, and then we will get some real communication happening.

Yours sincerely,
on behalf of the people of Lee Point,

George Banbura
Dulcie Malimara

Billy Cooper *[signature]*

George Banbura
Dulcie Malimara
Billy Cooper

composed by Sally Anne Watson



DEPARTMENT OF LANDS, PLANNING AND ENVIRONMENT

GPO BOX 1680
DARWIN NT 0801
Telephone No.: (08) 89 995392
Facsimile No.: (08) 89 995404

NAME: William Bartlett & Day

Your occupation of Lot 9458 Town of Nightcliff constitutes a trespass in contravention of the *Trespass Act*, which prohibits the unlawful trespass of land including Crown land.

Pursuant to section 7 of the *Trespass Act*, you are hereby directed to leave this land with any personal belongings forthwith.

Pursuant to Section 8 of the *Trespass Act*, you are further warned to stay off the land.

If you ignore this notice, and return to the site within 12 months, you may be prosecuted under the *Trespass Act*.

W F FLAHERTY
29 May 1997

SERVED BY: W F FLAHERTY AT 7:15^{PM} HOURS ON THURSDAY 29 MAY 1997

Also banned for 12 months

Jacky Barakal

Angela Kelly and Troy and Batatji (Cedric)

Len Stewart

Ronald Muluik

Denis Burns

Duncan Denis



Northern Territory Government

NORTHERN TERRITORY POLICE
CHARGE SHEET

IJIS ID: 126501
Case Number: 9712579
Episode Number: 104636
AP Number: 46292

OFFENDER

Surname: DAY

Given names: William Bartlett

Aboriginal Name:

You have been charged with the following offence/s namely-

Trespass after direction to leave-owner

Trespass after direction to leave-police

You are not obliged to say anything unless you wish to do so,
but whatever you say will be taken down in writing and may
be given in evidence. Do you wish to say anything?

ANSWER:

no

MEMBER ACCEPTING CHARGE

532

WALSH, TERRENCE

SNR SGT

DWN

No.

Name

Rank

Station

Signature

CHARGE

Time: 9:42 hours

Date: 29/05/97

Station: BPC

NORTHERN TERRITORY OF AUSTRALIA
BAIL ACT

IJIS ID: 126501

Case No: 9712579

Sections 25(1), 27(1), (2), 29 & 30(1) & Reg. 3(2)(a)

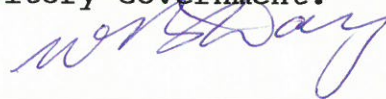
BAIL UNDERTAKING AND AGREEMENT BY ACCUSED PERSON

I, WILLIAM BARTLETT DAY, Student of 25 MOSEC STREET undertake to appear at the Court of Summary Jurisdiction, Nichols Place, CAVENAGH STREET, DARWIN at 9.00 o'clock in the forenoon on Tuesday, the 10th day of June, 1997 or at any other time and place at which the proceedings may be continued for the following offences:

1 count of Trespass after direction to leave-owner
1 count of Trespass after direction to leave-police

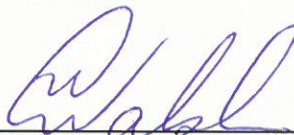
IF YOU DO NOT APPEAR, ANY MONEY OR SECURITY GIVEN BY YOU MAY BE LOST BY ORDER OF THE COURT.

I agree that if I do not keep my undertaking or agreement I will pay \$1000.00 to the Northern Territory Government.



Signature of Accused Person

The undertaking and agreement was entered into on Thursday, the 29th day of May, 1997 before me at Berrimah Police Cntr and a completed copy of this form was handed to each person who signed this Bail undertaking and agreement.



WALSH, TERRENCE
SNR SGT 532
Authorised Member

SECURITY/CASH deposited by accused person: \$0.00

IF NOT CASH OTHER DETAILS: \$1000.00 (O.R.)

ANY GOODS DEPOSITED AS SECURITY MAY BE LOST IF THE ACCUSED PERSON DOES NOT COMPLY WITH HIS BAIL CONDITIONS WHICH ARE ATTACHED/ OVERLEAF.

**NORTHERN TERRITORY POLICE****FACSIMILE**TO: David Dwyer FAX NO: _____

FROM: PROSECUTIONS - DARWIN

SUBJECT: PRECIS / CHARGES AS REQUESTED

No of pages (include. this page) 4

CASE NO. DEFENDANT NAME

9712579 - Day Williams

POLICE PROSECUTIONS UNIT
Tourism House - 2nd Floor
43 Mitchell Street - DARWIN NT 0800
Telephone: 08 89997900 - Fax: 08 89997525

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NORTHERN TERRITORY OF AUSTRALIA
Justice Act

IJIS ID: 126501

File No: 9712579
Section 49

C O M P L A I N T

The Complaint of Robin Laurence TRENNERY Senior Sergeant of Police of DARWIN taken this 30th day of May 1997, before the undersigned, a Justice of the Peace for the Northern Territory of Australia, states that

William Bartlett DAY, (Male, 11/11/40) of 25 MOSEC STREET, LUDMILLA NT.

On the 29th day of May 1997

at Darwin in the Northern Territory of Australia.

1. trespassed on a place, namely, Crown land situated at Lee Point, and after being directed to leave that place by Department of Lands, refused to do so forthwith.

Contrary to Section 7 of the Trespass Act.

AND FURTHER

On the 29th day of May 1997

at Darwin in the Northern Territory of Australia.

2. trespassed on a place, namely Crown land situated at Lee Point, and after being directed to leave that place by a member of the Police Force acting at the request of the occupier refused to do so forthwith or returned within 24 hours to that place:

Contrary to Section 7 of the Trespass Act.

Taken before me the day and year first above mentioned at Darwin in the said Territory.

Justice of the Peace

PRECIS - GENERAL

JSB/002466

CR NR:

AP NR:

46292

IN'S FULL NAME:

TENDER:

OFFENCE:

DEPT. OF LANDS, PLANNING & ENVIRONMENT

WILLIAM BARTLETT DAY

TRESPASS AFTER DIRECTION TO LEAVE -
OWNER
TRESPASS AFTER DIRECTION TO LEAVE -
POLICE

TIME/DATE OFFENCE:

0730 hours 29-May-1997

PLACE OF OFFENCE:

LOT 9458 TOWN OF NIGHTCLIFF - LEE POINT

ARRESTING MEMBERS:

BOAG/MARTIN/WALLACE/EY

STATION/DATE:

CASUARINA STATION / 29-May-1997

CASE NUMBER:

9712579

PRECIS

ON THURSDAY THE 29MAY97 AT ABOUT 0700 HOURS THE DEFT. WAS WITH A GROUP OF OTHER PERSONS AT A BUSH CAMP AT THE SEAWARD END OF LEE POINT ROAD. ✓ THIS BLOCK IS LISTED AS LOT 9458 TOWN OF NIGHTCLIFF WHICH IS CROWN LAND THE POSSESSION OF THE MINISTER FOR LANDS, PLANNING AND ENVIRONMENT ✓

THE DEFT. WAS SPOKEN TO BY POLICE ABOUT HIS PRESENCE AT THE CAMP. ✓

HE ADMITTED THAT HE LIVED AT THE CAMP. ✓ THAT HE WAS AWARE THAT THERE WERE NO TRESPASSING SIGNS AND NO CAMPING SIGNS ON THE ROADS INTO THE CAMP. ✓

HE STATED THAT HE HAD BEEN AT THE CAMP FOR ABOUT 17 DAYS ✓ AND THAT HE HAD SLEPT THERE FOR THAT TIME, SLEEPING THERE THAT NIGHT. ✓ THE DEFT. ALSO ADMITTED THAT HE RESIDED AT 25 MOSEC STREET, LUDMILLA. ✓

THE DEFT. WAS ISSUED WITH A NOTICE PURSUANT TO SECTION 7 OF THE TRESPASS ACT. ✓ AT THAT TIME HE WAS WARNED OFF THE LAND BY THE AUTHORISED REPRESENTATIVE OF THE DEPARTMENT OF LANDS, PLANNING AND ENVIRONMENT - WILLIAM FRANCIS FLAHERTY. ✓

PRECIS - GENERAL

JSB/002466

DEFT. WAS PRESENT WHEN A GENERAL WARNING WAS THEN ISSUED BY
N/SGT MARTIN AND SUPT. EY OF THE N.T. POLICE.

THE DEFT. SAT AND DECLINED TO LEAVE. HE WAS THEN APPROACHED AND
SPECIFICALLY ADDRESSED BY SGT. JAMES BOAG AND CAUTIONED THAT IF HE
DID NOT LEAVE HE WOULD BE ARRESTED. THE DEFT. AGAIN REFUSED TO
MOVE AND WAS ARRESTED.

HE AND HIS PROPERTY WERE THEN CONVEYED TO THE WATCH-HOUSE.

AT THE TIME OF THE OFFENCE THE DEFT. WAS IN POSSESSION OF A COPY
OF THE TRESPASS NOTICE IN HIS NAME TO LEAVE THE SITE. HE IGNORED
REQUESTS BY THE REPRESENTATIVE OF THE OWNER AND TWO REQUESTS BY
POLICE TO LEAVE THE AREA.

Media Release 6 June 1997

On Tuesday 10 June at 9am, anthropologist Bill Day will appear in the Darwin Court of Summary Jurisdiction on two counts of 'trespass after direction to leave' on Crown Land at Lee Point. Mr Day will plead not guilty.

In the gallery he will be supported by the people camping at Fish Camp who were evicted from Lee Point last July. Some will be wearing T-shirts bearing the slogan "Forgive us our trespasses as we forgive those who trespass against us" (Note: Jacky Barakal, Angela Kelly, Len Stewart, Ronald Muluk, Denis Burns and Duncan Dennis are Aborigines who have also been barred from the land for 12 months under the Act, along with two children).

After the short hearing the group will be available to speak to the media outside the court. Jacky Barakal is the longest serving delegate to the NLC. He will

state: "From now on, government employees who wish to visit Arnhem Land had better bring their swags. We have always made people welcome with the best houses but if Aboriginal people are not welcome in Darwin, we will ~~have to~~ not welcome government people to our land."

Mr Barakal's brother died resisting an eviction notice from the Department of Lands, Planning and Environment at Lee Point last January. The man's possessions were burnt in a mourning ceremony next day at the Lee Point site.

"That area is significant to our family so how can the government ban us from returning for twelve months?" said Mr Barakal.

W. Day

89482010

Administrative

*Proposed
Town
Planning
Area*

SHOAL

P.O.

NIGHTCLIFF

9368

LEE POINT

BUFFALO

9018

CREEK

ROAD

ROAD

TOWN

CASUARINA

BEACH

HIGH WATER MARK

HIGH WATER MARK

LEE POINT

Municipality Boundary

GULF

BEAGLE

Darwin

JOINS DARWIN 32.30

INFORMATION
DEPARTMENT

Media Release 6 June 1997

Aborigines barred from Crown land will support anthropologist charged with Trespass.

On Tuesday 10 June at 9 am, anthropologist Bill Day will appear in the Darwin magistrate's court on two counts of 'trespass after direction to leave' on Crown land at Lee Point. Mr Day will plead not guilty.

Aborigines who were camping at Lee Point when police raided the camp on May 29 will support Mr Day wearing T shirts with the slogan "FORGIVE US OUR TRESPASSES AS WE FORGIVE THOSE WHO TRESPASS AGAINST US".

Jacky Barakal, Angela Kelly, Len Stewart, Ronald Muluk, Denis Burns and Duncan Dennis were barred for twelve months under the Trespass Act from entering the land, along with two children.)

After the short hearing the group will be available to speak to the media outside the court.

Jacky Barakal is the longest serving delegate to the NLC. He will call for actions against government workers travelling to Aboriginal lands.

"From now on government workers had better bring their swags to Arnhem Land. We have made them welcome in the past. Many live in the best houses while Aboriginal housing is overcrowded. If Aboriginal people are not welcome in Darwin. we will not welcome government people to our land. They can sleep on the ground without a shower,"

Mr Barakal's brother died while resisting attempts by the NT Department of Lands Planning and Environment to evict him from the Lee Point camp last January.

"We burnt my brother's possessions in a ceremony at Lee Point and now I need access to the area which is important to us. How can they ban my family for twelve months? However, this is not a land claim but a housing issue.

Homeless Aboriginal people are being chased out of the city.", said Mr Barakal.

Note: Bill Day enrolled at the prestigious University of Western Australia at the age of 51 in 1992. In 1996 he completed a BA with first class honours in English and Anthropology. He is now a PhD anthropology student at UWA doing field work in Darwin with homeless Aboriginal people. "The conditions in the camps are such that it is impossible to be an academic without being an activist", he said today.

Telephone Bill Day on 89482010 Monday.



DEPUTY CHIEF MINISTER
MINISTER FOR LANDS, PLANNING AND ENVIRONMENT

PARLIAMENT HOUSE
DARWIN NT 0800

GPO BOX 3146, DARWIN, NT 0801
TELEPHONE: (08) 8999 6155
FACSIMILE: (08) 8999 6910

The Proponents
for a Town Camp at Lee Point
PO Box 41104
CASUARINA NT 0811

Sirs/Mesdames

I refer to your letter of 14 July 1997 proposing a town camp be established on Lot 4869, Lee Point, for use by Central Arnhem Land people.

Lot 4869 is not available, nor suitable for the establishment of a town camp.

There are a number of areas of land specifically set aside for town camps in the Darwin and Palmerston region and there are large vacant areas within these sites which could be used to develop further infrastructure.

Whilst I acknowledge the Fish Camp site at Kulaluk does not have essential services, you have chosen to live at this location instead of other specifically designated sites with better services.

If it is your intention to remain at Fish Camp, I suggest you liaise with the management of the Kulaluk lease area with a view to applying to appropriate funding sources for the provision of essential services.

Yours sincerely

23/7/97

MIKE REED



Northern Territory Government

FOR BILL.

I was born in 1955, and all the
Maccassin people can come down to
Mittlingimbi and they can visit us like a
family way. And now here in Darwin
in Larrakea camp we want a house
to live in. At Lee point. That old man,
Bobby, he will fight for himself
at Lee point camp and nobody
accepted to give him home.
FROM HELEN Warranawarrany



PARLIAMENT OF AUSTRALIA • THE SENATE

SENATOR BOB COLLINS
SENATOR FOR THE NORTHERN TERRITORY

P.O. BOX 1026
DARWIN, N.T. 0801
TELEPHONE (089) 819595
FACSIMILE (089) 813040

7TH FLOOR
HOOKER BUILDING
MITCHELL STREET
DARWIN, N.T. 0800

7 February 1997

Mr Bill Day
PO Box 892
NEDLANDS WA 6009

Dear Bill

Thank you for your letter of 8 January 1997. It was nice to hear that you are alive and well and returning to Darwin. Please get in touch with me at your convenience after you arrive.

I have been doing what I can for the Maningrida mob at Lee Point and also for the people at Railway Dam Camp where the NT Government has disgracefully ratted on the commitment it gave to the former Labor Government about the security of tenure for the people there in exchange for the money we provided for shifting the fuel tanks as part of the Better Cities program.

As I am sure you are aware, this community has been given its marching orders as well.

I look forward to seeing you when you arrive in Darwin.

Yours sincerely



BOB COLLINS