

Shared Responsibility Agreement to Alienate Land Won in Land Rights Struggle.

By Dr William B Day

As commuters drive from Darwin's northern suburbs to their city offices along Dick Ward Drive, the monotony of apartments and light industry lining the busy arterial road is broken by a kilometre of bushland and mangroves as the route bisects the 301 hectare Kulaluk lease, held by the Aboriginal Gwalwa Daraniki Association (GDA) since 1979. The struggle for the return of this unique area of urban bushland, tidal flats and mangrove forest began in 1971, when the Larrakia people and their supporters raised their flag outside the Darwin Supreme Court to claim back their ancestral land on which the City of Darwin had been built. For the next two years, the group directed a campaign that culminated in the firebombing of a surveyor's truck as extensions to a housing subdivision threatened their beachside camp. The story is told in the book, *Bunji: a story of the Gwalwa Daraniki Movement*.

The land that was eventually granted in 1979 'for Aboriginal Community use' incorporates the revoked areas of the old Bagot Aboriginal Reserve after the reserve had been diminished to a fraction of its original size and hemmed in on three sides by the suburb of Ludmilla. Aboriginal people have traditionally camped and hunted throughout the Kulaluk area and many are buried in the old cemetery now reclaimed by the monsoon forest. However few other Darwin residents are aware of the urban ecosystem beyond what is seen from the road as they drive by.

Despite the significance of the area to Aboriginal people, according to the Minister for Planning and Lands, the Kulaluk land was excluded from the Larrakia native title claim over the City of Darwin because 'the issue of Crown Lease Perpetual No.671 predates the application for a determination of native title.' Ironically then, land that was granted to the Larrakia and others after their long struggle is alienated from the increasingly influential Larrakia Nation whose headquarters now adjoin the lease. Instead, the Kulaluk controlling body, the Gwalwa Daraniki Association, is an incorporated group that has no affiliation with the Larrakia representative organisation.

Since the granting of the Kulaluk lease the Gwalwa Daraniki Association has proposed schemes from quarries to canal housing estates, motels and golf courses, all of which have been thwarted by objections from those who fought for the land to be set aside. In one corner a McDonald's restaurant stands as 'an anchor lease' on the theory that a high profile business will attract others.

No similar proposals have eventuated, as the flight path of the Darwin International Airport prohibits zoning approval.

In 1997, excavation machinery began working deep inside the lease, in a tidal area draining into Ludmilla Creek, used by Darwin Aboriginal people for crabbing, fishing, shellfish gathering and general picnicking. Five ponds varying from 9000 square metres to 1300 square metres, bordered by levee banks, were being gouged from the salt flats to create a three-hectare 'prawn farm' with approximately 2000 to 4000 cubic metres of seawater flowing through the system daily. The three hectare area being excavated was also a roosting site for migratory wading birds at high tides. At low tide, the mud flats came alive with flashes of colour as red-clawed crabs darted from their burrows to feed.

The aquaculture project aimed to produce two crops per year of tiger prawns to be sold through SAFCOL. As the work preceded, 'keep out' signs, fences and gates appeared. Obviously, recreational crabbers and fishers would no longer be welcome in this part of the lease. At the same time, new access roads were bulldozed and mangroves cleared for powerlines. A project spokesperson stated that objectors to the prawn farm were 'condemning Aboriginal and Islander people trying to pursue sustainable economic and social progress.'

Within four years the \$150,000 ponds lay as an abandoned mosquito-breeding haven. Beside the cleared but unused power line easement, dumped steel poles lay rusting in the mud, while a Darwin headstone was to be tragically inscribed, 'Aquaculture was his dream. He died doing what he loved.' There was no evidence of restoration as stated under Schedule 10 of the Development Permit DP97/0077, 'upon cessation of the use, the area used for ponds shall be rehabilitated to the requirements and satisfaction of the Secretary, Department of Lands, Planning and Environment.' Despite one defence of the project that its construction had 'cleared a lot of coffee bush,' in fact the earth works and previous mosquito breeding drainage works had actually spread the seeds of this weed.

In 2005 came the announcement that the Commonwealth Government had signed a Shared Responsibility Agreement (SRA) with the Gwalwa Daraniki Association to provide 'the foundations for a mud crab business that can employ young people and develop business skills amongst indigenous communities in Darwin harbour' (www.indigenous.gov.au/sra/nt/fact_sheets/nt06.pdf). The SRA provides \$450,000 for the conversion of the failed

prawn farm to a crab farm by providing ‘specialist aquaculture support as well as a project officer to coordinate business development.’ The SRA funding will be coordinated through Community Development Employment Projects (CDEP) and Structured Training and Employment Projects (STEP), for six aquaculture trainees and two administration trainees. Meanwhile, a steering committee made up of representatives from the Gwalwa Daraniki Association, Northern Territory and Federal Government agencies and the Charles Darwin University will oversee operation of the new development.

Earlier statements claimed that the crab farm would be restricted to the original ‘footprint’ of the prawn ponds; however, media reports claim that the application has been held up by the NT Environment Protection Authority (EPA) because of plans to double the farm’s size to 5.25 hectares by clearing mangroves at Kulaluk. Meanwhile, the application was being considered by the NT Government Planning Minister, Dr Chris Burns. The *NT News* reported (March 20, 2006): ‘Although [the crab farm] is yet to be approved, the Territory Planning Department said small-scale operations have already started.’ Earlier, a NT Government media release stated that the new venture was proceeding ‘following years of negotiations with the NT Government’s Department of Business, Industry and Resource Development (DBIRD). According to the media release, fifteen tons of mud crabs a year will generate around \$235,000 in the first three years before expanding in future years.

In response to criticism, Dr Chris Burns echoed statements used to defend the since failed prawn ponds - ‘The business venture for the mud crab farm is an initiative of the Kulaluk community and a progressive step towards establishing a potentially long term sustainable enterprise that could bring real opportunities for cross-cultural education, training and employment to the Kulaluk community.’

At the same time as plans were being made for the crab farm, The NT Government announced that 26,000 hectares of mangroves in the Darwin harbour were to be protected. The Minister announced: ‘Any future clearing within the Conservation Zone will now require planning consent, with any proposals to go through a strict public process.’ Despite this assurance, Adele Pedder of the Australian Marine Conservation Society in Darwin believes that there is a lack of any overall policy and strategic planning in relation to aquaculture in the NT. She is concerned that ‘the industry will continue to grow in a piecemeal, poorly regulated, profit driven manner with serious implications for the environment, the community, and ultimately for the industry

itself.' These comments parallel the accusations being made about a Commonwealth Government SRA being used for an unapproved, unviable and destructive project that could be environmentally and socially damaging.

Even more seriously, according to the few survivors of the fight to preserve the Kulaluk open space for Aboriginal community use, the joint venture further distances the Kulaluk land from community control. Certainly, weekend crab hunters and yam gatherers will not be welcome near the unfenced ponds, as the signage already indicates. Although the Kulaluk venture is said to serve as a demonstration site for other interested communities, at Maningrida in Central Arnhem Land a crab farm effectively uses only above-ground pools set amongst the mangroves. On Aboriginal land it is unlikely any community would agree to such massive excavation works as occurred at Kulaluk in 1997 and that are being sustained in 2006.

Despite the Conservation Zone protecting the Kulaluk mangroves that provide an abundance of bush foods for town dwellers in times of shortage, the disturbance that has already occurred for aquaculture ponds leaves open the dreams of real estate developers who have shown an interest in the Ludmilla Creek system. Standing beside the hectares of drains and ponds now existent at Kulaluk, it does not take much imagination to picture the still, deep waters as anchorages for millionaires' boats.