

THE CARVE UP OF ABORIGINAL LAND IN DARWIN: BEHIND THE SECRET DEALS AND CRAZY SCHEMES: GOVERNMENT IMPLICATED

Kulaluk 1971 – 1985

Darwin is a growing city, hungry for land. The Aboriginal bush camps have been closed and homeless people rounded up. Developers are now looking hungrily at the few areas of Aboriginal land that remain in the urban area. Communities like One Mile Dam, Knuckeyes Lagoon, Kulaluk and Bagot occupy valuable land. Secret talks are being held and the communities can no longer feel certain of their future. This is nothing new. The story of how the Bagot Reserve was cut back from 300 hectares to 23 hectares to create the surrounding suburb of Ludmilla in 1965 has been told by in nine pages of the Final Report of the Aboriginal Land Rights Commissioner, Mr Justice Woodward (1974). As Judge Woodward (1974:62) stated, ‘It is difficult to see how it was ensured “that Aborigines would benefit from the sub-division.” The simple truth of the matter was that the scattered integration of Aborigines was not what they wanted. They lost a large area of useful land and have nothing to show for it’ (see also Day 2008a).

Back in the 1970s, when Darwin suburbs were spreading rapidly, Aboriginal people joined with the Larrakia people to make a stand against ‘ethnic cleansing’ and refused to be moved further out of town (see Day 1994). Then when Mr Gough Whitlam came to power in Canberra, land rights became a reality. By 1975 Judge Dick Ward was appointed to hear the claims for land in Darwin, including the claim for 301 hectares at Kulaluk, including old Bagot Reserve (Ward 1975). Unfortunately, Judge Ward’s report was tabled in Parliament on November 11th, 1975, the same day that Mr Whitlam was dismissed. However, almost four years later in 1979, Paul Everingham handed back the old Bagot land and part of Kulaluk, stretching along the beach from Ludmilla Creek to Nightcliff (see Henderson 1984).

From the beginning, the Gwalwa Daraniki Association Inc (GDA) tried to sell off parts of the land entrusted in them (Day 1994, 2008b; Henderson 1984; Wells 1995). At first it was the ‘East Haven’ deal with Doug Gamble’s Redco Real Estate for planned canal housing in Ludmilla Creek. Albert Treves, the New Zealander president of the GDA, said at the time: ‘I suppose you can call it land, we can call it swamp we can call it mangroves or whatever – it’s not prime land we are talking about here, its mangroves and part of the creek water, still Aboriginal land’ (Day 1994). At the public meeting called to discuss the project, people heard for the first time that Redco was offering the people at Kulaluk \$78,000 to excavate the tidal creek used regularly by Bagot people. In this case, public opposition ensured that the project was stopped and the creek was saved.

GDA agreements with Vysrose Pty Ltd 1993 -1997

Not much more was done until August 1993, when rezoning applications were submitted to the Town Planning Authority by Vysrose Pty Ltd in accordance with a secret agreement with the GDA leaseholders.

The proposal was lodged following the signing of an option for a 99-year lease with the Gwalwa Daraniki Association for the land bounded by Bagot Road, Fitzner Drive, Totem Road and Dick Ward Drive (*NT News* August 22, 1993). Eventually, only the application for a McDonalds Restaurant was approved on part of Lot 5182 on the Kulaluk land. According to Marcia Langton, who advised the GDA in their plans to develop the area, McDonalds, 'forms the anchor tenancy for future planned developments' (Gwalwa Daraniki Association 1995). This means that the land is subleased cheaply to attract investment by other prestige businesses. Judging by the evidence, there is no condition in the agreement that McDonalds on Bagot Road must employ Aboriginal people. Meanwhile, since 1993 the restaurant has been paying what is alleged to be \$10,000 a year to the GDA.

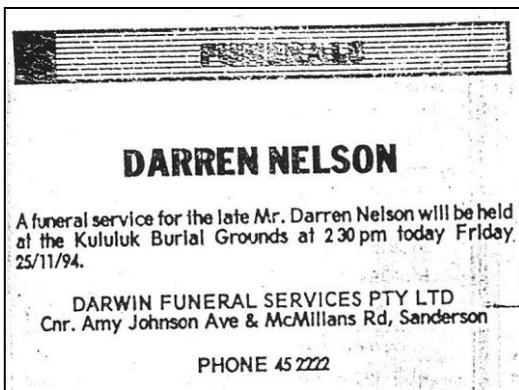
At the same time, David Smith from Vysrose and Helen Secretary from the GDA unveiled plans for a range of tourist accommodation facilities, including a motel, holiday apartments, and tourist village. A water theme park, a golf course and other commercial developments were also included in the plans (see *NT News*, 'Big theme park planned for Darwin', August 22, 1993; 'Developer in air war over theme park', December 12, 1993; Gwalwa Daraniki Association 1997). Significantly, according to the newspaper Helen Secretary said 'the approval of McDonalds should set a precedent for the development of Kulaluk' (*NT News* 12 December 1993).

Although Aboriginal people in Darwin were surprised to hear the announcement that their land was to be sold off to developers, the MLA for Millner, Mr Ken Parish welcomed the proposal. Mr Parish said, 'I've known of [Vysrose's] effort for 18 months and I'm very pleased to see it coming to fruition' (*NT News*, August 22, 1993). Only the fact that the area of interest to Vysrose is in the flight path of the International airport was to save the Kulaluk bushland from the bulldozers.

Inside the Gwalwa Daraniki 1991 - 1994

Further revealing developments came in the next year. On November 22nd, 1994, Helen Secretary entered the bedroom of her de facto partner, Darren Nelson, while he was asleep in their Kulaluk house and shot him in the back with his rifle. Helen had lived with Nelson at Kulaluk for 10½ years, from the time she was 15 and he was 17. In that time they had six children. According to the court transcripts, Helen's 15-year-old half-sister, Jacqueline (Treves's daughter), was also pregnant to Nelson (*NT News* May 12, 1998, p.3, 'Abuse made her shoot husband'). These facts are on the public record in transcripts and newspaper reports of the court case, which found Helen Secretary not guilty of murder on the grounds of self-defence after years of emotional and physical abuse. Making this case relevant to the sell-off of Aboriginal land is Helen's evidence that when she was President of the Kulaluk Community from August 1991 to August 1995 the deceased would 'come to the [Kulaluk] office and advise me about things,' and if she disagreed with him 'when I went home I used to get a flogging'.

Helen explained why she didn't leave Nelson. She said, 'Because Kulaluk is my home. I grew up there since I was little. I had nowhere else to go. It was always my home and my kids.' He was injecting himself with speed at Kulaluk and Helen says, 'We were his property'. If anyone interfered when he beat her, he said he 'would kill them'. For the purpose of this essay, it is of concern is that non-Aboriginal people like the late Darren Nelson and the New Zealander, Albert Treves, by being a spouse or in Treves's case, a widower and father, are eligible to be members of the GDA and decide the future of the Kulaluk lease. Inexplicably, despite the shocking revelations at the trial Nelson had been buried in the sacred Kulaluk burial ground on the Kulaluk lease on November 25th, 1994.



Above left: Funeral notice for Darren Nelson, ex-partner of Kulaluk President, Helen Secretary.

Above right: Sign at gate of the Knuckeys Lagoon Community - land won by residents after 8 years of struggle.

Marcia Langton and the 'Anchor Lease'

The Aboriginal academic, Professor Marcia Langton's past involvement in the future directions for Kulaluk is another matter of concern. Over many years, Prof Langton has defended the rights of Aboriginal people to exploit their land for financial gain. She has consistently attacked the concept of 'wilderness', most recently in *The Weekend Australian* 'Inquirer' section (April 11-12, 2009, p.22). Langton writes:

At the heart of the equity issue is that mainstream society has had the benefit of developing its economy at significant costs to the environment, but is now seeking increased control over privately held land of conservation value, such as indigenous land on Cape York.

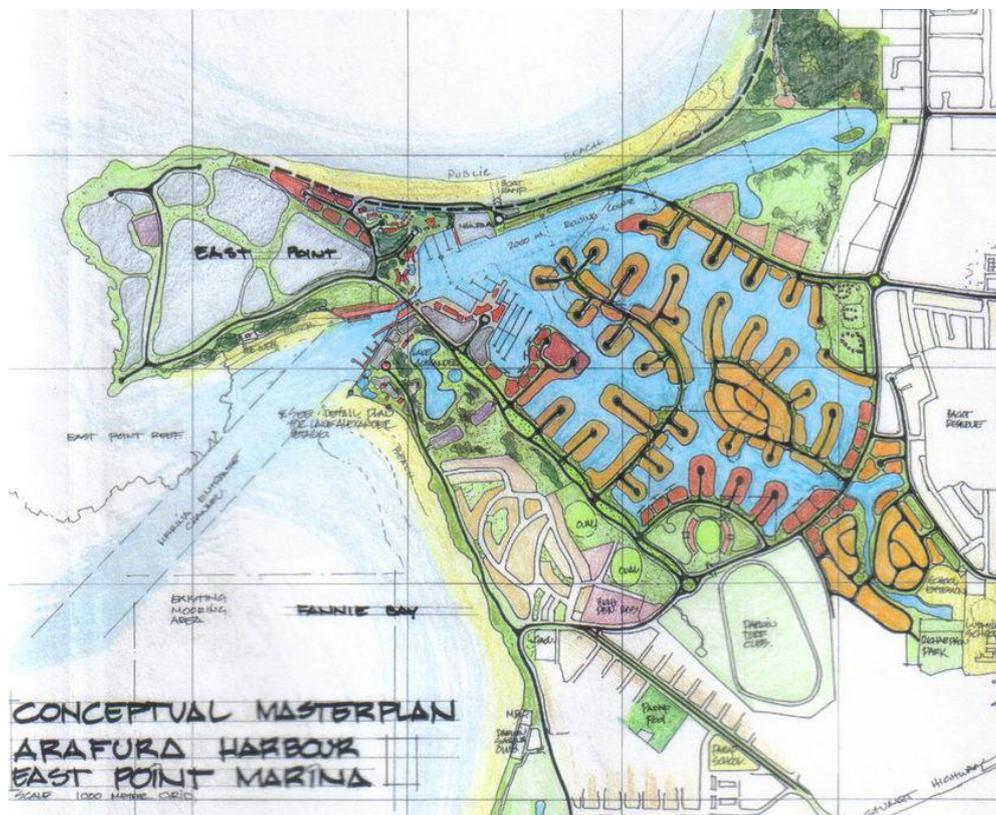
Marcia Langton's behind-the-scenes advocacy of an 'anchor lease' for McDonalds was the bait that attracted unscrupulous Darwin developers and real estate agents hungry to get their hands on Aboriginal land for token rewards to a select few Aboriginal people. From the hand over of the lease to a compliant association in 1979 (see Day 2010), for thirty years NT Governments of

various persuasions have been complicit in these secret deals, like that between the GDA and the ‘Arafura Harbour’ developers in 2009 (see ‘Crabgate’: an illustrated history of the Kulaluk crab farm debacle, Day 2011).

The Arafura Harbour Proposal

A separate article is needed to fully discuss the two disastrous government-sponsored aquaculture projects on the Kulaluk lease and secret arrangements with large Darwin building companies to use the Kulaluk land for an earth stock pile and the unsupervised dumping of fill (see Day 2009a, b, 2011; www.drilldayanthropologist.com).

The *NT News* reported on April 6, 2009, under the heading, ‘Landowners already cashing in on marina’, that the GDA is already receiving payments for the Arafura Harbour proposal. It was later revealed that a caveat over the land had been granted to Gwelo developer Even Lynne. The GDA’s lawyer, Mr Michael Chin, said: ‘A developer doesn’t go and prepare detailed plans unless they can get some commitment from the landowners’ (*NT News* April 6, 2009). The proposed marina will excavate most of the Kulaluk lease behind the Bagot Community and all of the Ludmilla Creek system, despite the GDA reporting in 1995 that they are custodians of registered sacred sites.



Above: The Arafura Harbour proposal first reported in *NT News* on April 1st, 2009. The proposed marina and canal housing estate takes up most of the Kulaluk lease. The GDA has signed a caveat over the land to Gwelo Investments Pty Ltd, the developers.

Sacred Gunabibi Ceremony Ground

The Gwalwa Daraniki Association report, *Our future at Kulaluk and Minmarama Park: Facts about the threats to our social and economic development* (GDA 1995), states:

We protect a number of areas and sites of traditional Aboriginal significance within our lease boundaries. Some of these are recorded by the Aboriginal Areas Protection Authority, including a cemetery currently used by our community, a pukamani place (burial site of ancestors) and a **guabibi [sic] ground (ceremonial area)**, as well as sacred springs and other important sites.

The above statement by the Gwalwa Daraniki Association in 1995 (my emphasis) contradicts evidence by Helen Secretary, the GDA President, in 2010 denying that the Gunabibi site was sacred (see below). However, according to the Yolngu elder and past-President of the Bagot Community, James Gaykamungu, who gave evidence to a Planning Committee hearing in 2010, in the early 1960s his father organised for 19 men to walk to Darwin to conduct a Gunabibi ceremony at a site behind Bagot Community, along with Law men from various other communities (Gaykamungu 2010). Unfortunately, despite the site's cultural and historical significance the Gunabibi site and many other sites on the Kulaluk lease were never registered, most likely because it was thought that being on Aboriginal land, the sites would be protected (see Henderson 1983; Cooper 1985; Hollingsworth Consultants 1985).

During the Planning Committee hearing in Darwin on July 22nd, 2010, to consider rezoning of the leasehold land along Dick Ward Drive and Fitzer Drive, the CEO of the Larrakia Development Corporation, Greg Constantine, and the leaseholders' representative, Helen Secretary, in oral evidence discounted Mr Gaykamungu's statement (Gaykamungu 2010) by suggesting that no important ceremony had been held at the site, the area was a rubbish dump and that the events occurred a long time ago. Ms Secretary was particularly critical of Mr Gaykamungu's story, claiming that the area was no more than a 'sit down' site and of as such it was of no importance to her people. As well as a direct rebuttal of Mr Gaykamungu's evidence, the statement by Helen Secretary contradict the Gwalwa Daraniki Association's 1995 report, cited above, and a 1982 letter to the GDA from David Ritchie, Consultant Anthropologist with the Aboriginal Sacred Sites Authority, as it then was, emphasising the Gunabibi site's importance to Aboriginal people. The map provided in 1982 by David Ritchie coincides with a map in the report, 'Kulaluk Lease Land Development Study' (Hollingsworth 1985), and the map in Henderson's 'Land Use Field Study of the Kulaluk Area' (Henderson 1983).

‘The Kulaluk Eco Cultural Tourism Concept Plan’

During her tenure at the NT University Marcia Langton was not in favour of total exploitation of the Kulaluk lease. To her credit, the plans for the Kulaluk land on the seaward side of Dickward Drive included the **‘Regeneration and conservation of the Ludmilla Creek catchment area and surrounding environment’**. Her report continues: ‘Guided by Larrakia people, visitors would see and learn about our eco-system, land and sea scape and their cultural and environmental values through direct experience and interpretation’. The ‘Kulaluk Eco Cultural Tourism Concept Plan’ aimed to establish ‘employment, educational, environmental and commercial opportunities...for Larrakia (and other Aboriginal people who live in Larrakia society) to manage our commercial, environmental and cultural resources’ (GDA 1995).

The Langton report ‘Our Future at Kulaluk and Minmarama Park’(GDA 1995) incidentally exposes some of the other secretive plans for Aboriginal land. In 1995, in conjunction with Lutz Frankenfeld and Associates and the Darwin architect, Hans Vos from Woodhead Australia, it was proposed to develop a large-scale tourism, trade and convention centre on an Aboriginal special purpose lease in Darwin. The report continues:

The newsletter of the Kulumbiringin Aboriginal Corporation, issued in April 1995, refers to the proposed project as a ‘World class Indigenous Multi-Purpose Cultural, Tourism, Trade and Convention Centre’. The plan of the proposed Aboriginal Cultural Centre, Darwin’ shows a series of ‘villages’ – one Malaysian, one Indonesian and one Chinese – laid out around a polo reserve, water fountain, amphitheatre, lake, car parks and an area for ‘future development’. The Aboriginal component of this is a building in the style of a giant turtle.

Although the above project came to nothing, it illustrates how Government, developers and Aboriginal organizations conspire together in secret to exploit Aboriginal land.

One Mile Dam

Since 1996 the Aboriginal community living on the 3.2 hectare One Mile Dam lease has lived under the threat of eviction to make way for a public park following the removal of the Stuart Park oil tanks and the construction of hillside apartments surrounding the site. The oil tanks have now been demolished and the housing developments are well advanced, leaving the community fearful that a deal has been made by the NT Government to compulsorily acquire the lease and pay compensation to the Aboriginal Development Foundation, the ‘umbrella group’ which has held the lease since the land was handed over on March 26, 1979. Despite media announcements by NT Planning and Lands Minister, Delia Lawrie, the OMD community has not been consulted at any stage. Ms Lawrie

has also confirmed in the Legislative Assembly that town plans ‘always had the area of One Mile Dam highlighted as proposed future park land’ (Hansard, November 29, 2007). To add to their feeling of powerlessness the community has become a ‘prescribed area’ under the NT Intervention. Similarly, on the 40-hectare Knuckeyes Lagoon Community, an area ripe for development, the Bangun, Stevens, Agnew, Jackaboy, Knowles and Bishop families who fought for the lease live as helpless tenants on land that has become a dumping ground for homeless people, controlled by an absent landlord. And on the Bagot lease, surrounded by the suburb of Ludmilla, a once proud community passively awaits its fate, to be decided under the all-encompassing federal NT Emergency Response Act which has abrogated their rights.

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Darwin 2011



Above: The NT Emergency Response ‘Intervention’ sign which was erected at the entrance to all Darwin Aboriginal communities without consultation. On the 31st anniversary of the return of One Mile Dam to Aboriginal people, the Intervention sign was covered by a protest banner.

References

- Cooper, C 1985 *Submission to the Darwin City Council on Management Objectives for East Point Reserve*. Aboriginal Sacred Sites Authority, Darwin.
- Day, B 1994 *Bunji: a story of the Gwalwa Daraniki Movement*. Canberra: Aboriginal Studies Press.
- Day, B 2008a *A Bagot History*. A4 duplicated booklet. 17 pages.
- 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, B 2009a *Why Aboriginal people oppose the proposed Arafura Harbour marina on the Kulaluk lease*. A5 Booklet, 8 pp.
- Day, B 2009b *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.
- Day, B 2011 *'Crabgate': an illustrated history of the Kulaluk crab farm debacle*. Unpublished report.
- Gaykamungu, James and Bill Day 2010 *"Gunabibi – the story I have been told, the boomerang story echoing around Darwin."* 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).
- 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.