

A Report of a ‘Desktop’ Ethnographic Survey of Inpex's Area of Interest at Blaydin Point and Darwin Harbour and Howard Springs Accommodation Village.

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A report for INPEX Browse Ltd

Disclaimer

The results, conclusions and recommendations contained within this report are based on information available at the time of its preparation. Whilst every effort has been made to ensure that all relevant data has been collated, the author can take no responsibility for omissions and/or inconsistencies that may result from information becoming available subsequent to the report's completion.

Map 1: Darwin Harbour Inpex Project Area. Map showing sacred sites recorded as at 24 January 2012 (AAPA)

Map 2: Howard Springs Accommodation area. Map showing sacred sites recorded as at 24 January 2012 (AAPA).

Acronyms used in this report

AAPA	Aboriginal Areas Protection Authority
ABC	Australian Broadcasting Commission
ABS	Australian Bureau of Statistics
ADF	Aboriginal Development Foundation
AFANT	Amateur Fishermen's Association of the Northern Territory
AIAS	Australian Institute of Aboriginal Studies
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIC	Australian Institute of Criminology
ASP	Aboriginal Studies Press
ATSI	Aboriginal and Torres Strait Islander
ATSIC	Aboriginal and Torres Strait Islander Committee
CAEPR	Centre for Aboriginal Economic Policy Research
CBD	Central Business District
CDEP	Community Development Employment Projects
CD	Compact Disk
CDU	Charles Darwin University
CEO	Chief Executive Officer
CLP	Country Liberal Party
DAA	Department of Aboriginal Affairs
DBIRD	Department of Business, Industry and Resource Development
DCC	Darwin City Council
DHAC	Darwin Harbour Advisory Committee
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
FaHCSIA	Families, Housing, Community Services and Indigenous Affairs
IFC	International Finance Corporation
GDA	Gwalwa Daraniki Association
HRSCATSIA	House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs
HDM	Hollingsworth, Danes and Moore
HEAL	Healthy Engagement and Assistance in the Long Grass
HREOC	Human Rights and Equal Opportunity Commission
IFC	International Finance Corporation
LDC	Larrakia Development Corporation
LHMC	Larrakia Heritage Management Committee
LITS	Larrakia Intervention Transport Service
LNAC	Larrakia Nation Aboriginal Corporation

MLA	Member of the Legislative Assembly
MOU	Memorandum of Understanding
NAA	National Archives of Australia
NDLERF	National Drug Law Enforcement Research Fund
NLC	Northern Land Council
NNTT	National Native Title Tribunal
npg	no page number
NT	Northern Territory
NTCAR	Northern Territory Council for Aboriginal Rights
NTG	Northern Territory Government
OMD	One Mile Dam
ORIC	Office of the Registrar of Indigenous Corporations
POI	Proof of Identification
RTC	Return to Country
SRA	Shared Responsibility Agreement
STEP	Structured Training and Employment Projects
UWA	University of Western Australia

Consultant's experience

As a resident in Darwin from May 1969 to June 1985 I assisted the Larrakia people and others in making land claims that were submitted to both the Aboriginal Land Rights Commissioner in 1973 and the Interim Aboriginal Land Commissioner in 1975. Both Commissioners found in favour of the Larrakia claims. To facilitate these land claims, I published an Aboriginal newsletter titled *Bunji* between 1971 and 1985 (Day 1993). The purpose of this publication was to generate public interests and attention in the Larrakia claims to their ancestral lands. I am the author of the book, *Bunji: a story of the Gwalwa Daraniki Movement*, published by Aboriginal Studies Press in 1994 (Day 1994a, 1994b). This book was drawn from primary sources, and details a history of the struggle of Larrakia and associated Aboriginal people in the Darwin area (see Walsh 1994; Povinelli 1995c; Ralph 1995; Day 1996).

From August 1996 to February 1998, while enrolled at the University of Western Australia I conducted field work amongst Aboriginal groups in Darwin for my thesis, *Fringe dwellers in Darwin: cultural persistence or a culture of resistance?* (Day 2001; see Watson 1997). After graduating from UWA with a PhD in Anthropology in 2001 I was employed by the Yamatji Land and Sea Council's Pilbara Native Title Service in Tom Price until November 2003, preparing connection reports and genealogies for various Pilbara native title claimant groups.

From 2003 to 2006 I was employed by Gumala Aboriginal Corporation in Tom Price, Western Australia, as an anthropologist preparing genealogies, writing family histories and making documentary videos of ceremonies. From 2006 to the present I have participated in heritage surveys in the Pilbara with native title claimants and Pilbara mining companies and have written reports of those surveys according to the guidelines of the *Western Australian Aboriginal Heritage Act, 1972*. Between 2009 and 2011 I have been employed intermittently by the Martu Idja Banyjima native title claimants as an anthropologist to advise in mediation meetings organised by the National Native Title Tribunal in Karratha, Western Australia and to critique the work of other anthropologists, as well as conducting on-going research and heritage surveys for mining companies (Day 2010c, 2010d, 2010e, 2011g, 2011h; Day and Farnham 2010).

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Scope of work

The anthropologist was required by INPEX to conduct ‘desktop’ research to review the Company’s onshore and nearshore areas of interest in Darwin Harbour, at Blaydin Point and Howard Springs in relation to Aboriginal and Torres Strait Islander people (‘ATSI people’) and other groups who may be affected. In addition, the anthropologist was required to provide information about the ATSI family groups that may have used the land and waters in and around Blaydin Point and the land at Howard Springs, as described in the Scope of Work below. However, considering that Torres Strait Islander people in Darwin are either integrated with the general community or live amongst the Aboriginal groups discussed, they have not been discussed separately in this report.

The full Scope of Work provided by Inpex was as follows:

- Examine the documents listed in “Existing work by the Company” and all other relevant documents.
- Consult with Company personnel and review publically available information from NT government departments and peak bodies such as AFANT, LDC, LNAC and NLC to determine the level of use (including but not limited to recreational, plant gathering, hunting, fishing and ceremonial) of the Company’s areas of interest at Blaydin Point and Howard Springs by ATSI peoples and non ATSI people.
- Document the results of all reviews and advise if the Company’s proposed activities will inhibit any ATSI onsite activities and identify remedial action the Company should consider. When preparing this advice the Contractor will consider the requirements of Performance Standard 7 of International Finance Corporation's Performance Standards on Social & Environmental Sustainability.
- Provide information about the family groups that comprise the ATSI population of the greater Darwin area.
- Provide information about the ATSI family groups that may have used the land and waters in and around Blaydin Point and the land at Howard Springs, including but not limited to information on the demographics about where people lived, the previous and current Aboriginal population spread and any specific rights these groups may have.
- Prepare map(s) showing areas where the proposed development may or may not proceed. (INPEX can assist in this regard)
- Document any other relevant ATSI heritage issues.

- Analyse the above information against the development proposal to provide heritage management recommendations to the Company.

Performance Standards on Social and Environmental Sustainability

As stated in the Scope of Work above, INPEX requested that the report comply with the globally recognised International Finance Corporation's 'Performance Standards on Social and Environmental Sustainability' ('Performance Standards'), in particular Performance Standard 7 in relation to Indigenous people. For example, the Performance Standards (IFC 2006:28) recognise that Indigenous People may experience their lands and resources transformed, encroached upon by outsiders, or significantly degraded. Their languages, cultures, religions, spiritual beliefs, and institutions may also be under threat including loss of identity, culture, and natural resource-based livelihoods, as well as exposure to impoverishment and disease. In addition, the Performance Standards lists the following five objectives for companies dealing with Indigenous People (IFC 2006:28):

- To ensure that the development process fosters full respect for the dignity, human rights, aspirations, cultures and natural resource-based livelihoods of Indigenous Peoples;
- To avoid adverse impacts of projects on communities of Indigenous Peoples, or when avoidance is not feasible, to minimize, mitigate, or compensate for such impacts, and to provide opportunities for development benefits, in a culturally appropriate manner;
- To establish and maintain an ongoing relationship with the Indigenous Peoples affected by a project throughout the life of the project;
- To foster good faith negotiation with and informed participation of Indigenous Peoples when projects are to be located on traditional or customary lands under use by the Indigenous Peoples;
- To respect and preserve the culture, knowledge and practices of Indigenous Peoples.

Ichthys Gas Field Development Project Draft Environmental Impact Statement

The scope of works for this report is in addition to the *Ichthys Gas Field Development Project Draft Environmental Impact Statement* ('Environmental Impact Statement') which is a comprehensive report complying with guidelines set out by the Northern Territory and Commonwealth governments. As discussed in this report, the above Environmental Impact Statement (INPEX-Browse 2009) documents a thorough community consultation process, including gaining clearances from the Aboriginal Areas Protection Authority (AAPA) ensuring that the activities proposed for the Ichthys Project do not interfere with ATSI sacred sites. As a result, AAPA have issued a number of 'Authority Certificates' under the Northern Territory Aboriginal Sacred Sites Act (Table 4).

The Inpex Environmental Impact Statement (2009:457) outlines the key components of a Provisional Aboriginal Heritage Management Plan which includes monitoring of heritage sites during construction, commissioning and operations; exclusion zones around marine sacred sites;

identification of heritage sites to avoid disturbance of sites, including fencing and flagging; and seeking advice from traditional owners if sites must be removed. In addition, a Larrakia Heritage Management Committee (LHMC) with a standing agenda will be established to be made up of representatives of the Larrakia people and Inpex (see INPEX-Browse 2009:458-9; Table 10-13, p.458).

Executive summary

The City of Darwin is an enclave of ‘settled Australia’ in the vast expanses of ‘remote Australia’. With its own significant Aboriginal population, the approximately 110,000 citizens of Darwin live in a Territory that has a 28% Aboriginal population, compared with 2.3% nationally (INPEX-Browse 2009:122). In addition there is an increasing movement of Aboriginal people from the remote communities into the city (Holmes & McRae-Williams 2008) where many live as highly visible ‘homeless’ people, known locally as ‘longgrassers’.

Founded in 1869 on the land of the Larrakia people, the settlement on the harbour of Port Darwin rapidly displaced its indigenous people or confined them to reserves, to the extent that when Northeast Arnhem Land clans petitioned the federal government for security of land tenure in 1963 they were motivated by a fear that ‘the fate which has overtaken the Larrakeah tribe will overtake them’ (Day 1994a:4). Following increasing development in the North in the early 1970s (ABS 1974:70), the accelerated spread of the Darwin suburbs alarmed the remnants of the Larrakia people living in urban bushland camps, inciting them to make a last stand against the alienation of their land. Protests encouraged by the worldwide independence movements stirred the federal government to pass land rights legislation which led to a remarkable revival of the demoralised Larrakia language group.

Previously it had been thought the Larrakia were doomed to extinction. As long ago as 1914 Baldwin Spencer (1914:152) had observed that the Larrakia tribe in Darwin had become ‘too decadent to retain anything but vestiges of its old customs’. By 1973 the Aboriginal Land Rights Commissioner reported that there are ‘some 18 members of the [Larrakia] tribe now left. Later information suggests that fewer than this number can trace paternal descent from the Larrakia, but there are more who identify themselves as Larrakia because of maternal links’ (Woodward 1973:26). As this report will document, there are now more than 1,600 Aborigines who identify as Larrakia and are recognised as traditional owners who greet visitors through ‘welcome to country’ ceremonies and negotiate agreements with multinational companies.

People from many nations have come to share with the Larrakia the land on which Darwin is built. Until 1911, the majority of the population were of Chinese origin. Indeed before White settlement, the Aboriginal people of the north coast traded with Macassan fishers who sailed south on the trade winds to harvest trepang from coastal reefs. For a period, the Malays were followed by Japanese pearl divers whose luggers moved freely along the coast. Perhaps because of its geographical proximity to South-East Asia, Darwin has always been relatively ethnically diverse. The 2006 census shows that 30.6% of Darwin’s population was born overseas (ABS 2007 in INPEX-Browse 2009:122).

From the early beginnings of the township, Aboriginal people from remote regions began to migrate to the new settlement in search of opportunities. Although this movement of people was discouraged by the imposed authorities, the Larrakia people accommodated their visitors with whom they shared laws and customs, if not language. Despite efforts to return Aboriginal people to their homelands or to impound them in compounds, the drift to town continued to the present. Between 2001 and 2006 the population of Aboriginal people in the Darwin region increased by 12%, or around 1,000 people (ABS 2007), many of who could be classed as 'homeless' (see Holmes *et al* 2007:9; Holmes & McRae-Williams 2008).

In sharing the at times rapid development of Darwin into the modern capital it has become, the Aboriginal people have become accustomed to change. By their historical experience over the last 143 years and countless generations of occupation of the land before that, they are proud to bear the cherished label of 'Territorians', even though this is often forgotten by more recent settlers. Therefore it is encouraging that the most recent arrival, INPEX, with its onshore processing plant on Blaydin Point in the Darwin Harbour, has been working through Larrakia representatives in consultations for mutually beneficial outcomes as the company seeks to confirm a 'social license to operate' (INPEX-Browse 2009:2.2.1).

Firstly it should be noted that the INPEX heritage surveys for the Ichthys Gas Field Development Project and onshore developments at Blaydin Point have been very thorough in identifying the mainly archaeological Aboriginal sites which will be impacted to various degrees by the project (Bourke 2005; Bourke & Guse 2007a, 2007b; Bourke & Mulvaney 2003; Crassweller 2006, 2009; Pollard 2010). In addition, INPEX must follow statutory, regulatory and legal requirements regarding Aboriginal heritage sites. However, as this report suggests, archaeological sites such as shell middens are more than a record of Aboriginal hunting and gathering practises – they are a reminder of continuing reliance on sea food and 'bush tucker' gathered from the harbour's fringes by Aboriginal people living in and visiting Darwin who exploit the mangroves, mudflats and adjoining monsoon forests to supplement their diet.

It is the nature of a desktop study to rely upon written material. In the fast moving developments surrounding the Inpex Darwin Harbour project, desktop research has often meant an over-reliance on newspaper reports. Also as noted, thorough archaeological surveys have been conducted with Larrakia people and reports subsequently published. However, relevant ethnographic material, and in particular a relevant definitive ethnographic report has been notably lacking for the Blaydin Point, Howard Springs onshore development sites. For this reason, in the conclusion of this report it is recommended that an explanatory guided tour of the Blaydin Point, Howard Springs and other onshore Project development sites be conducted by Inpex representatives with selected representative Larrakia elders.

While the Draft Environmental Impact Statement for the Ichthys Gas Field Development Project (INPEX-Browse 2009) is comprehensive and reassuring in its scope, its understanding of the Aboriginal people of the Darwin area who may be affected by the Inpex project appears to be lacking in depth and understanding. The EIS and media reports cited in this report suggest that Inpex in the past has mainly been consulting with the Larrakia Development Corporation and its past chairman, described in the EIS as the ‘senior custodian’ (INPEX-Browse 2009:456; see Constantine 2008:4; Adlam 2009c; Calacouras 2010a; Murphy 2009, 2010; LDC 2009, 2011). However, as hopefully this report makes clear, neither the LDC nor the Northern Land Council speak for all Aboriginal groups in Darwin, or can claim to be fully representative of the traditional owners.

Therefore to facilitate the project’s future relationships with Indigenous Darwin people and beyond, this report divides the Darwin Aboriginal people into several groups, namely the Larrakia people, the ‘urban Aboriginal’ people, the Kulaluk community, the Bagot Community, the town camp residents, and the ‘longgrass people’. Of these groups, the first are the traditional owners made up of a mixture of urban and traditional people, the second shares a similar lifestyle to the wider community in integrated housing, while maintaining a distinctively Aboriginal identity. The third, fourth and fifth live in exclusively Aboriginal bounded communities within the metropolitan area and the last group, better described as ‘homeless’, sleep in public places or hidden bush and foreshore camps. In addition, there is also a sizeable population of Torres Strait Islander people in Darwin; however, they are either integrated into the Aboriginal population or for the most part live within the general population. Therefore their needs are not considered separately in this report.

By way of explanation of the separate identities that compose the Aboriginal people of Darwin, each section of this report includes a brief explanation of the historical influences that shaped the identity of each group, including the impact of past and present development and the community’s attitude to such developments.

Without much exception, the Indigenous people of the Northern Territory, particularly those belonging to the groups discussed in this report, are disadvantaged and have gained little from the exploitation of their land as a commodity. As long as that situation remains, the propaganda emitted by new developers promising benefits to Aboriginal people will be contrasted with the readily accessible reality of Aboriginal living standards. Hopefully the body of this report and the recommendations made in the last section, offer suggestions that may be helpful to Inpex as they negotiate their way through a minefield of competing interests in a sincere desire to comply with international, Australian and Northern Territory standards in relating to Indigenous People.

Another theme running through this report is the general acceptance of the benefits of the Inpex Project by the traditional owners and the wider Darwin community. For example the influential

Amateur Fisher Association of the Northern Territory (AFANT) had stated publicly, ‘we believe that the project can be developed without unacceptable impacts on recreational fishing in and around Darwin’ (AFANT 2011:25). Larrakia elder, Bill Risk, who gave the ‘welcome to country’ for USA President Barak Obama in 2011 has often cited widespread support for the Inpex development and the employment opportunities it will bring his people (Risk 1996; Turner 2011a, 2011b). Even opponents of the gas plant within the Larrakia Nation have stressed they are not against development (Jackson in Ring 2008). However, elements of the Larrakia Nation Aboriginal Corporation remain a dissenting voice (see Adlam 2008; Watkins 2008; Turner 2011a).

As this report indicates, divisions between Larrakia groups run deep and have worsened during the discussions between Inpex and the LDC. These divisions have been discussed in more depth in the body of this report. They are not unsolvable and need to be addressed. Other Larrakia families and organisations appear to have been marginalised from any meaningful involvement. In particular the primary traditional-owner family for the Darwin area, and the Gwalwa Daraniki Association (GDA) which represents them, appear to be excluded from consultations. A chapter documenting the history of this group at Kulaluk and their leadership role in Larrakia land claims is further evidence that significant Larrakia traditional owners do not oppose development on inner-city land – even as in the example given, on urban land granted to Larrakia people in 1979. Further suggestions for more inclusive consultations with the Larrakia people are given in the recommendations of this report.

It has been the contention of this report that the so-called homeless ‘longgrass’ people are not fringe dwellers, but are an integral part of the Darwin community, as similar groups of traditionally-oriented people have been since early settlement. To the general public, this group is more visible and of greater concern than any other Aboriginal presence. While the Darwin public may have become hardened to the sights and sounds of people living out their lives in public places, for visitors and the media the homeless are a gauge of race relations in the Northern Territory. Others have interpreted the confronting situation as a form of resistance to invasion of Aboriginal lands (see Day 2001) or the reaction of a traumatised people (see Holmes 2007; Holmes *et al* 2007; Holmes and Eldridge 2008; Holmes and McCrea-Williams 2008). Whatever the case, this report suggests that the ‘itinerant’, ‘homeless’ or ‘longgrass’ people are a substantial segment of the Indigenous population whose lives could be made more difficult by the changes wrought by the Inpex project.

An in-depth discussion of the different histories of ‘urban Aborigines’ and ‘traditional Aboriginal people’ is offered as an explanation for the social separation that has existed in the past and continues in many forms into the present. As a result of their different pathways, the urban people more easily live and work and play amongst the general population, while the traditional people may prefer the segregated town camps or the institutionalised Bagot Community. Even where family links can be traced on genealogical charts, the links may have little social reality since the passing of an older

generation of consociates. Because the urban people may be more articulate and the traditional people far less so, the issue needs to be understood by developers who seek to gauge Aboriginal opinion.

Concluding the discussion on Aboriginal stakeholders, this report has briefly discussed the all-important issue of Aboriginal beliefs, in particular ‘the Dreaming’ as it relates to the Larrakia people and the Darwin region. As discussed, Mr Justice Mansfield in 2006 came to the conclusion that although the Larrakia held sincere beliefs, their knowledge of sites and laws and customs associated with those sites was piecemeal and unconvincing (ABC TV *Stateline Northern Territory*, April 21, 2006).¹ Others suggested that much of the evidence came from anthropologist’s reports (Walsh 1996; Toohey 2000, 2002). Mansfield concluded therefore that the Larrakia had not proven an unbroken connection to the laws and customs as existed at sovereignty, as is required under the Native Title Act. As the LDC CEO has said, ‘[W]hile disappointed on the one hand, [the LDC] acknowledges on the other the dismissal of Native Title on Darwin land has removed uncertainties and strengthened confidence for industry to do business in town’ (Constantine 2008:4). However, whilst not satisfying the rigorous requirements of federal native title law, ‘the Dreaming’ remains a central religious principle for Larrakia and other Aboriginal people living in Darwin, and needs to be considered by any developer.

Under a different legislation, and by relying on a more confined family group more closely affiliated with the Wadjiginy language group who had maintained Larrakia sites on Cox Peninsula, the Larrakia have been able to win their ‘Kenbi Claim’ (Gray 2000) across the harbour from Darwin (see Parsons 1998; O’Connor 2011). The claim book prepared for this long-running case in 1979 (Brandl *et al* 1979) was able to preserve information from surviving Larrakia traditional elders and others knowledgeable of Larrakia laws and customs. Although the 1979 report included useful interpretations of Larrakia sites on Cox Peninsula, the connection between those sites and the city side of the harbour were confined to well-documented sites at Emery Point and Casuarina Beach, well away from the Inpex onshore development at Blaydin Point and Howard Springs, with the *Yirra* site a possible exception. However, as this report endeavours to explain, the Dreaming is not always ‘set in stone’ but is reinterpreted according to incidents and revelations that may be unpredictable. Concluding the section on the Dreaming, this report suggests that giving traditionally-oriented families a stronger voice will ensure less potential for conflict between Larrakia people and Inpex over possible disturbance of Dreaming sites or beliefs.

¹ Mansfield (2006) <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2006/404.html?stem=0&synonyms=0&query=mansfield%20risk%20northern%20Territory%202006>

Finally, this report discusses the generally accepting attitudes of other stakeholder groups towards the Inpex project in Darwin Harbour, more specifically the Amateur Fishermen's Association of the Northern Territory (AFANT) and the Environment Centre NT, who both make positive suggestions.

In conclusion, the sum of recommendations made in this report is for a more inclusive consultation process with Aboriginal groups in Darwin, including the Larrakia. The loss of the native title claim over Darwin, in some ways removes uncertainties while in other ways creates confusion, as seen in the dispute between the LDC and the LNAC, leaving the resolution to the developers if they wish to reach a consensus. On the whole, however, the Larrakia people are receptive to any development that provides opportunities for the future as already demonstrated by the success of the Larrakia Trade Training Centre which Inpex helped to establish with a \$3m donation (Calacouras 2010a; Murphy 2010 Seiya Ito 2011).

More specifically, in a 'desktop' study it is not possible to be definitive as to the land and sea use by Aboriginal people of the areas affected by the Inpex-Browse development, except to endorse the comments by the Ichthys Gas Field Development Project Draft Environmental Impact Statement (INPEX-Browse 2009:455), that the impact on indigenous hunting, gathering and fishing is expected to be minimal 'given that the fishing areas affected represent a very small portion of the areas available in Darwin Harbour'. Similarly, the area of mangroves to be disturbed by the project represents only a small proportion of the habitat type within the harbour overall (INPEX-Browse 2009:455). In addition, the company is required to abide by a wide range of Australian statutory, regulatory and legal requirements in regard to Aboriginal sites, heritage and the environment.

In accordance with the Scope of Works, the following sections consider at greater length the Aboriginal groups, sites and beliefs as they may be affected by the Inpex Browse onshore facilities at Blaydin Point, gas pipeline in Darwin Harbour and accommodation village at Howard Springs.

Aboriginal People of Darwin: Larrakia families

Introduction

The promised benefits flowing to the Larrakia people from the Ichthys Gas Field Development Project and associated works at Blaydin Point in Darwin Harbour and Howard Springs add urgency to defining more clearly the social structure of the Aboriginal society who claim to be the traditional owners of the Darwin area. The task is complex, despite evidence gathered during the long running Kenbi claim involving many months of recording statements by Aboriginal witnesses and their expert representatives between 1979 and 2000, followed by the Larrakia native title claim for land in Darwin heard by the Federal Court (Mansfield 2006).

Eventually, in the Kenbi case Mr Justice Gray found in 2000 that a small family sub-group of the Larrakia people who reside in the community of Belyuen, across the harbour from Darwin, satisfied the legal requirement of a 'local descent group' with 'spiritual affiliations' to the Cox Peninsula as defined under the *Aboriginal Land Rights (NT) Act, 1976*. However, as stated, a claim under the *Native Title Act, 1993* over land in Darwin made by the Northern Land Council on behalf of the wider Larrakia language group was unsuccessful.

A detailed summary of ethnographic and historical literature referring to the Larrakia people was prepared for the Kenbi Land Claim book (Brandl *et al* 1979). Sam Wells also has published a book of Larrakia personal histories which includes an overview of Larrakia history (Wells 2001:1-47; see also: Wei 1990; Wells 1995; Povinelli 1993a; LNAC 2005a; Bauman 2006:xix-xxix). In addition, Robert Graham (1997) gives a brief summary of Larrakia history in his report and Mr Justice Mansfield includes a lengthy and comprehensive summary and discussion of Larrakia history in his decision in the Larrakia native title case (Mansfield 2006:Para 98-443). For the purpose of this report it is not necessary to repeat the contact history of the Larrakia people as recorded in the above reports.

The following sections discuss the requirements for membership to the Larrakia group, based mainly on genealogies or 'bloodlines', and the connections between family groups, both in Larrakia tradition and within incorporated bodies. The historical experience of people identifying as Larrakia also divides the tribe basically into two groups, discussed in more detail in a later section, that could be described for the want of better terms, as the 'traditional Larrakia' and the 'urban Larrakia'. In addition, the following discussions should be read in conjunction with later sections on Larrakia 'Dreaming' beliefs and other Aboriginal groups in the Darwin area.



Left: Dominic Bishop. Centre: Titus Bishop at Knuckeyes Lagoon. Right: Andrew Thompson, Bagot Community. Below: Gwendoline Rankin lives in the Bagot Community in Darwin, as do her brother and their children and nephews and nieces.; Stephanie Thompson. Stephanie's grandmother was Margaret Moy, a wife of Tommy Lyons. Stephanie and her siblings live in the Bagot Aboriginal Community in Darwin. Right: Elisha, Dallax, Marilyn and Kathleen from the Rankin family at home in Bagot.



Plate 1: 'The Forgotten Larrakias' (Photos Bill Day).

Larrakia Family groups

The anthropologist, Peter Sutton (1998:112) suggests four criteria for Larrakia membership. They are:

- Descent from a former identifiable landowner of Larrakia land, in accordance with Aboriginal tradition;
- Self identification as a Larrakia person;
- Acceptance as a Larrakia person generally by undisputed Larrakia group members;
- Desire to be accepted as a claimant in the present [Kenbi] case...

As well as the anthropological models presented in the two Larrakia land claims under different legislation, the membership of the Larrakia group is defined by membership rules in representative bodies such as the Larrakia Nation Aboriginal Corporation (LNAC), the Larrakia Development Corporation (LDC), the Gwalwa Daraniki Association and the Kenbi Danggalaba Association. In fact, with the failure of the native title claim, a codified membership may be the only option for defining Larrakia identity. If this is to be the case, without having a ruling from an impartial court for guidance, it is important to 'get it right'.

The requirements for membership in the LNAC are listed in the rules of the LNAC (LNAC 1998; LNAC 2011) under Section 5.2.2, which states:

A person who is eligible to apply for membership must be an individual who is:

- a) At least 18 years of age and an Aboriginal and Torres Strait Islander person;
- b) One of the Native Title Holders of the Traditional Country and/or their descendants;
- c) All people registered with the Northern Land Council as Larrakia claimants in the Kenbi Land Claim and/or on whose behalf an application for Larrakia Native Title has been lodged with the National Native Title Tribunal, shall be eligible to become members. The family group to which the member belongs shall be recorded on the register of members.

The families are grouped according to a table attached as an appendix to the LNAC rules (2011, below).

Roman (provisional) Singh Lyons Minyiinma Rankin	Shepherd Baban Reid Briston Morton, Campbell Firth, Risk	Mills Raymond	Batcho Williams May Quall Alley Raymond
Cubillo Barnes Fox Carter, Devine	Fejo Parfitt King Dawes	Browne Talbot Kenyon	McLennan

Table 1: Larrakia Nation Aboriginal Corporation Family Groups (LNAC 2011).

Numbers of LNAC members in each family group were given in submissions to Chief Justice Martin in the Supreme Court of Northern Territory of Australia on 10 September, 2009 (Table 2). The table was submitted under the heading, ‘The notification and involvement of Larrakia apart from the Plaintiffs’. The submission states: ‘The 7 plaintiffs have the support of at least 109 further members of their respective families ... In addition, the LNAC’s current membership (ex.RM2) totals 407’. The submission then refers to the following table of LNAC members (Table 2):²

Family Group	Number	Family Group	Number
Batcho	104	Roman/Danks	27
Brown/Talbot	35	Raymond/Mills	21
Cubillo	41	McLennan	53
Fejo	69	Shepherd	57
		Total	407

Table 2: Larrakia Nation Aboriginal Corporation family groups and membership numbers (Martin 2009).

² Outline Submissions for Hearing on 10 September 2009 Before Martin CJ, Supreme Court of Northern Territory of Australia at Darwin, No. 101 of 2009 (20921822) between: Robert Mills and Others, Plaintiffs, and: Northern Land Council, First Defendant, Larrakia Development Corporation Pty Ltd, Second Defendant. Plaintiffs’ (Martin 2009).

While there is some logic in grouping the families in this way, the results have proved to be unrepresentative for the following suggested reasons:

- The 8-family model does not include the Secretary family, who have perhaps the strongest claim to be traditional owners of Darwin by descent and connection.
- The 8-family model is based on family size and theoretically if not in practice gives disproportionate power to three large families who have the least claim of traditional connection, ie the Mills, McLennan and Cubillo families.
- The 8-family model nullifies the influence of the Danggalaba clan as traditional owners by grouping the Roman, Singh, Minyinma and Rankin families into a single group.
- Similarly, the 8-family model marginalises the traditional Bishop, Campbell and Morton families who have a well-documented genealogy as Larrakia through their father's father's father.
- Families are grouped with families with whom they have had little or no previous contact.
- The Bishop family is not listed. They should be with their cousins, the Morton and Campbell families.

For the above reasons, this report proposes a family grouping that is suggested as more in keeping with Larrakia traditional social structure, both on the Cox Peninsula and in Darwin, as outlined in the Kenbi Land Claim book (Brandl *et al* 1979) and in the report by Mr Justice Gray (2000).³ Obviously the requirement for membership to LNAC, that members be native title holders no longer applies, which then allows for considerable interpretation. As a result, an alternative model of 14 family groups proposed in this report is suggested below.

Family name	Comments	Relationships
1. Secretary family	Regarded as the traditional owners of the Darwin area. Ancestors of Frank Secretary. Incorporated as the Gwalwa Daraniki Association to hold the 301 hectare Kulaluk Crown Lease in Perpetuity granted to Larrakia and associated Aborigines in 1979.	Includes Shields, Treves and Nelson families. Frank Secretary, Tommy Lyons, Crab Billy and King George were classificatory brothers of the Danggalaba clan.
2. Singh – Thompson	Apical ancestor, Tommy Lyons. His grandchildren Raylene Singh and siblings. As a local descent group, the 'Tommy Lyons group' won the Kenbi case for Larrakia in 2000. Includes the Thompson family as descendants of Margaret Moy, a partner of Tommy Lyons (Gray 2000:Para 4.10.4).	Families 1-6 are from the same descent line according to the 1973 genealogy and the Kenbi claim book, and closely related to 5, 7, 8 and 10
3. Rankin	Apical ancestor Josephine Rankin (dec) was Larrakia. Her daughter, Gwen, and son, Michael, and families are long-term residents of Darwin's Bagot Community.	Maternal cousin of 2. Nipper Rankin was husband of daughters of apical 10 (sons Johnny Fejo and Raymond Rankin)

³ Concerning Larrakia family groups, Sutton (1998:109) suggests, 'It is very useful in land claims for such schematic overviews of blocs of descendants to be provided along with the detailed genealogies themselves, so that the internal structure of dominant groups, especially large "tribal" ones, can be readily appreciated.'

4. Minyinma	Descendants of apical ancestor Crab Billy, father of Long Billy Minyinma. As of 2012 there are two surviving members, Kathleen and her son Desmond.	Crab Billy was sibling of apical ancestors of 1-5. Descendants of Prince of Wales Nipul (cousin of Billy Minyinma) could fit here.
5. Batcho	Apical ancestors Blanchie and Pat Lawrie. Second generation siblings Sam, Dolly and Dedja Batcho. The Batcho descendants include the Williams, Quall, May, Raymond and Ally families. All belong to the Larrakia Danggalaba clan.	Pat Lawrie recorded as uncle of Sam Gundulg and Dolly Garinyi (and Dedja Batcho, Dolly's sister). Shown on 1973 genealogy as Danggalaba clan.
6. Roman	Descendants of Amy Bandira and her daughter Lindy Roman. Kelvin Costello has been CEO of Larrakia Nation and held positions in LDC. Audrey Tilmouth is an outspoken elder.	Closely related to families 1-5. Apical Amy said to be sister of Tommy Lyons.
7. Shepherd – Reid –Baban - Risk	Descendants of Ababa (Gray 2000:37-8). Bill Risk gave the Larrakia welcome to country for Barak Obama. Also includes Musk, Collins and Briston family. Ababa's children were removed by the authorities.	Ababa was the sister of the mother of Topsy Secretary (1).
8. Bishop	Descendants of Willie Daiyal and his son, Captain Bishop (dec). Captain Bishop was married twice. The Campbell and Morton families are descendants of his first wife, May. His two adult grandsons from his second wife live at the Knuckeyes Lagoon Community in Darwin.	Captain's daughter Jeanie was cared for by her mother's sister, Mary Minmarama, daughter of Garamanak (10). Bishop descendants include Campbell and Morton families
9. Fejo	Descendants of Juma, Roger and Smiler Fejo. The Rev Wally Fejo died in 2012. The Fejo family are supporters of the Larrakeyah Community at Acacia Gap, on the old Larrakeah Reserve, south of Darwin.	'King Charles is shown as adoptive parent of Blanchie (5). Blanchie may have adopted the three Fejo brothers (Gray 2000:41)..
10. Talbot – Browne – Kenyon	Apical ancestors are Topsy Garamanak and Hilda Gunmanga (sisters). Nigel Browne is the chairperson of LDC. Donna Jackson works for LNAC. Both families have affiliations with tribal groups apart from Larrakia. ⁴ Kenyons at Humpty Doo station.	Joan (Kenyon) is daughter of Hilda. Nancy (Browne) daughter of Garamanak. Talbots descended from Lorna, daughter of Garamanak.
11. Cubillo	Apical ancestor said to be Annie Duwun. The largest group identifying as Larrakia but not mentioned in the 1973 genealogy. Mary Lee was introduced to President Obama when he visited Darwin. Her son Gary Lee is a well known artist (see Lee 2006). Donna Odegaard has been working closely with Raylene Singh. Richard Barnes ex Chairman of LDC.	Includes Devine, Barnes, Odegaard and Lee surnames amongst others (Gray 2000:43-45). Not connected with families 1-10. Annie Duwun not shown on records, but Cubillo family are accepted by LNAC and LDC.
12. Mills – Raymond	Descendants of Kowija or Kadjowi and James Mills (Gray 2000:40). Another family group with multiple tribal affiliations and not mentioned in the 1973 genealogy. Includes artist-filmmaker Desmond 'Coochie' Raymond and the musical Mills sisters.	No known past genealogical connection to families 1-10, but are accepted by LNAC and LDC.
13. McLennan	Apical ancestor Minnie Lily not evident in census records as Larrakia. Not mentioned in the 1973 genealogy. A large family (see Gray 2000:35)	No known past genealogical connection to families 1-10, but are accepted by LNAC and LDC.
14. Firth– Waters–Lowe	Apical ancestor Eva Humbadj, daughter of a Larrakia man called Fat Jack. Not mentioned in the 1973 genealogy. See Gray (2000:35).	Fat Jack shown on records as Larrakia, otherwise no known genealogical connection to families 1-10.

Table 3: Suggested grouping of Larrakia families (Day).⁵

⁴ Larrakia Development Corporation Achievement Report (2008:29) states: 'Nigel [Browne] is a Larrakia and Woolna man, a director of the Larrakia Development Corporation and a Chair of the Advisory Committee.'

⁵ Sutton (1998:109) states: 'While there are a few Larrakia families with no known upper generation links to the others, and one where only a minority view considers there to be such a link to others, a large proportion of the Larrakia fall into one or other of two large cognatic stocks.'

The above 14-family model is based upon anthropological evidence and Larrakia tradition as it existed before the so-called revival of the Larrakia tribe and the formation by the Northern Land Council of the Larrakia ‘language group’ (Walsh 1989a, 1989b) or ‘new tribe’ (Sutton 1998). It is suggested that the advantages of the 14-family model are:

- The 14-family model gives greater authority to the families 1-10 who are shown on the 1973 genealogy and other documentation as Larrakia.
- The 14-family model includes families 1 – 6 as separate entities and thus respects their traditional authority.
- In the 14-family model each group consists of descendants of an undisputed apical ancestor of an upper deceased generation from recorded history. (Higher generations are contentious).
- The 14-family model represents the Danggalaba clan descendants separately in families 1 – 6 according to their apical ancestor. It is not respectful or traditional to group these families together as in the 8-family model.
- The 14-family model is not based on size. For example, the Cubillo family is by far the largest, and the Minyinma family has only two survivors, as of 2012. Basing the division of families by their size marginalises smaller families who have strong traditional rights to be heard, and should be respected.

The principle of descent in the above model is either through the mother or father. A decision by Northrop Hill and O'Loughlin JJ (at p.553)⁶ cited by Blowes (1992:15) held that: ‘The particular principle of descent in operation will depend upon the circumstances of the particular case ... The point is that the principle of descent will be one that is recognised as applying in respect of the particular group. Further, there is no reason why the particular principle of descent traditionally operating may not change over time...’ (as cited in Blowes 1992:15; see also: Kearney 1984, 1988; Toohey 1981a, 1981b, 1982).

The Larrakia land rights protests

The Larrakia protests for land rights in the 1970s are described in the book, ‘Bunji: a story of the Gwalwa Daraniki Movement’ (Day 1994a) and other media reports (see Day 2011a, 2011b; Lockwood 1971, 1973). One of the earliest Larrakia protests was a walk (mostly in bare feet) from their camp at Kulaluk to the city centre on National Aborigines Day, 1971. Later, Topsy Secretary captured the moment in her language: ‘*Gweylgwa ngayuboenoe gwoyalwa nganigi*: I burnt my feet for this country, this is my country’ (Secretary and Heffernan 1996:1). Placards included, ‘I am Larrakia and proud of it’, and, ‘We love our land’ (Day 1994a:18; *NT News*, July 10, 1971, p.3).

⁶ Northrop et al (1992) <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/1992/69.html?stem=0&synonyms=0&query=northrop%20Hill%20O'Loughlin>

Amongst the earliest reports on the renewed Larrakia struggle was an article, 'A Call Out for all Larrakia' (*NT News* May 29, 1971, npn), announced by 'Tribal leader, Mr Kooloomurinyee, (known everywhere as Mr Bobby Secretary)' who said he 'hoped to get all Larrakias together within a week or so'. Two years later as a result of their land rights campaign, in 1973 the Aboriginal Land Rights Commissioner Mr Justice Woodward visited the Larrakia camp at Kulaluk in Darwin (NAA 1973a). During the previous week a public notice was inserted in the *NT News* stating: 'All Larrakia tribe descendants who may be eligible for land rights – you are invited to meet Judge Woodward – Saturday 10 a.m. at Kulaluk, Coconut Grove. F. Fogarty, Vice Pres. Gwalwa Daraniki' (*NT News* May 31, 1973, p.27). Although few people responded to the above notices in 1971 and 1973, the Larrakia people later experienced a remarkable revival. Mr Justice Mansfield (2006:Para 839) referred to this 'revival' when he stated (his quotation marks):

In the 1970s the [Larrakia] land claims drew interest to the Larrakia culture and there has since been a revival of the Larrakia community and culture. A large number of people who now identify as Larrakia only became aware of their ancestry during these land claims, and acquired much 'knowledge' at this time.

Referring to the Larrakia land rights protests of the 1970s, Mr Justice Mansfield (2006:Para 388) also states: 'Indeed it is noteworthy that the historical record shows that people of mixed descent did not participate in any of the demonstrations outlined above.' However, despite these expressed opinions, the families identified as Larrakia by Topsy Secretary have remained relatively stable, according to information recorded on her 1973 genealogy.

The 1973 genealogy

In his first report Woodward (1973:49) had stated:

When I first met [the Larrakia] I was told that there are some 18 members of the tribe left. Later information suggests that fewer than this number can trace paternal descent from Larrakia, but there are more who identify themselves as Larrakia because of maternal links. They have told me that the whole of Darwin is built on Larrakia country...

In the 1957 Register of Wards, 38 people were recorded as being members of the Larrakia tribe (Mansfield 2006:Para359). By 1973, estimates of the numbers of Larrakia had ranged from fourteen (Mansfield 2006:Para 402)⁷ to eighteen (Woodward 1973:49). In 1977, Federal Cabinet papers noted: 'The immediate group of Larrakia people and their close relations is small, numbering only some 20 people...' (NAA 1977). Alternatively, Len Muller (1971:1) estimated from the 1966 census and

⁷ From a list of Larrakia names painted on a shed at Kulaluk in 1972 (see Buchanan 1974:iv), Assistant District Adviser, Department of Welfare Jack Doolan reported that 7 were 'full Larrakia', 3 others were from maternal descent and 4 from paternal descent, a total of 14 (NAA 1971).

register of births and deaths that ‘the Laragia population was 15 males, 13 females, total 28’ (NAA 1971).

Despite low official estimates of the Larrakia population, the Topsy Secretary genealogy of 1973 submitted to Mr Justice Woodward in 1973 includes almost 100 people who identified as Larrakia, plus many more unnamed children (NAA 1973b). The genealogy has a red dot beside some names. A note on the chart says that the ‘[red dot] indicates these people speak the [Larrakia] language’. There are fifteen red dots. Beside the genealogy is a note: ‘Names underlined in red would consider themselves eligible for land rights’ (*ibid*). There are eighty-two names underlined. The chart was not rediscovered in the archives until 2009 (see Day 2010c; Reeves 2011).

Topsy Secretary was a recognised Larrakia leader when I knew her and well qualified to provide information for a Larrakia genealogy. Her respected position was recognised in 1991 by the Aboriginal Land Commissioner, Mr Justice Olney (1991:Para 9.20), when he stated, ‘[Topsy Secretary] is clearly a leader among the Larrakia people in the Darwin area as were her brother Bobby and her father Frank before her.’ Heffernan (1996:1) also states: ‘Along with Prince Mitbul, Topsy Secretary is one of the most senior traditional owners of Darwin and the Cox Peninsular or the Northern Territory of Australia.’ For the above reasons I regard the 1973 genealogy as a definitive record of the Danggalaba clan and the membership of the Larrakia language group.

At least six years before the Kenbi land claim, the genealogy by Topsy Secretary appears to confirm that the Larrakia accepted cognatic descent. On the advice of Topsy Secretary, a note on the genealogy states (NAA 1973b):

Children of mixed marriages have identified as Larrakia:

- a) If their father is Larrakia.
- b) If they were brought up by a widowed or deserted mother.
- c) If the family lived in Darwin and had one Larrakia parent.

The 1973 genealogy and other indicators suggest that ‘people of mixed descent’, including Topsy Secretary’s grandchildren and the descendants of Dedja Batcho, Ababa and Garamanak were equally recognised as members of the Larrakia people. Brandl and Walsh (1983:151) cite a statement by Johnny Fejo from the newsletter *Bunji* (January 1973): ‘If one girl marries to a white bloke and has a baby, it’s a half-caste’, but we call it full-blood Larrakia...’ Brandl and Walsh (1983:151) comment: ‘Identification is bilateral then and “full-blood” is taking on a sense equivalent to “authentic”.’ There may be many explanations for ‘people of mixed descent’ not participating in the political protests. For example they were more likely to be employed and face external pressures not to participate.

That is not to say those who have rediscovered their Larrakia identity are not Larrakia; however, this report suggests that a distinction needs to be drawn between ‘urban Larrakia’ who were removed for whatever reason, and move easily between cultures, and the ‘traditional people’ who have maintained a connection to a distinctly Larrakia identity and live within a distinctly Aboriginal domain. It is suggested in this report that many in the latter group are marginalised or unrepresented by Larrakia ‘representative groups’.

By the 1990s, many of the older Larrakia people had died, leaving a small group living in the Kulaluk community, a family at Belyuen, two families in the Bagot Community, two or three individuals in the Knuckeyes Lagoon community and a community on the old Larrakeah Reserve at Acacia Gap, south of Darwin. Most of the other 1,600 members of the Larrakia Nation now live in urban housing and are members of incorporated associations under Western law.

The Danggalaba clan

There is evidence that the Larrakia people recognise the Danggalaba clan as the rightful traditional owners of the Darwin region. For example, anthropologist John Avery (1997:57) states that the Danggalaba claimants claim ‘they (and the Tommy Lyons group) are Danggalaba and that the Danggalaba are the traditional Aboriginal owners of the land.’ In the Kenbi Land Claim, Brandl *et al* (1979:172) say they asked the question: “‘Who owns the [Cox Peninsula] claim area?’” and were told that ‘the *Danggalaba* clan owns it’. In 2000, Mr Justice Gray cited the Kenbi Land Claim book (Brandl *et al* 1979) which listed 7 people who fell within the definition of traditional Aboriginal owners in the Land Rights Act with respect to the land claimed. They were: Bobby Secretary, Topsy Secretary, Gabriel Secretary, Prince of Wales, Olga Singh, Rachel (or Paula) Thompson and Kathleen (or Dolphin) Minyinma. Mr Justice Gray (Para 2.18.1) noted: ‘These persons were considered to have as their principal dreaming, or *durlg*, the *Danggalaba*, or crocodile.’

Mr Justice Olney (1991:Para 7.3.5) states: ‘The pre-eminence of the Danggalaba clan means that all surviving members of the Danggalaba clan automatically have a publicly recognised entitlement to Larrakia country but for those with a filiative [marriage] link to some member of the Danggalaba clan two conditions should be satisfied: they must accept their birthright and they must demonstrate an active interest in that country.’

The Larrakia language group

The 1973 genealogy indicates a wider Larrakia group of at least eighty-two named persons, including the Williams, Fejo, Roman, Shepherd, Risk, Rankin, Browne, Baban, Reid, Campbell, Bishop, Talbot and Kenyon families and their descendants. Sutton (1998:109) states that with some exceptions, ‘the Larrakia fall into one or other of two large cognatic stocks’, and this is basically true of the Larrakia society I knew in 1973, at least for families 1 -10 (Table 3). Whether the wider group of families, 1 -14, retain any rights and interests over land and sites in the Darwin area is academic now that their

native title claims seem to have lost every avenue of appeal (see Reeves 2011). However, the process has raised the members' awareness of their Larrakia identity.

As a result of the land claim process, the Larrakia Nation Aboriginal Corporation supposedly represents the wider Larrakia claimant group of eight families (Mansfield 2006:Para 695). According to Ben Scambary (2007:157):

This organisation [the Larrakia Nation] is a coalition, initially facilitated by the NLC, of Larrakia families, individuals and factions, with the primary purpose of providing a corporate identity for Larrakia against increased pressure from external agencies to 'know' whom the Larrakia were.

Amongst the wider Larrakia families Sutton (1998:111) explains that not all subgroups interact in the sense of being a society, with members of all other subgroups. Some subgroups predominantly interact with families who are not Larrakia. For example, Sutton notes that the day-to-day social world of the Belyuen-based subset of the Danggalaba clan is amongst non-Larrakia kin, rather than the Darwin-based subgroups of the wider Larrakia group (Sutton 1998:111, footnote 190). Others in the wider group like the Mills, Kenyon and Browne families have multiple allegiances.

The remarks by Mr Justice Mansfield (2006: Para 833) concerning the 'numerical extent of those professing membership' highlight how the land claim process itself has distorted Larrakia processes of succession. As the numbers of Larrakia grew, the inclusion of additional families created dissention so that it is not surprising that members of the Danggalaba clan like Tibby Quall, the Secretary family, the Rankin family and the Singh family have withdrawn to their own family groups where they feel more in control.

Mr Justice Mansfield (2006:Paras 832 and 833) commented on 'the breakdown in the process for the transfer of knowledge' amongst the wider Larrakia. Mansfield continued: 'I think that breakdown is also revealed in the current decision-making structures for the Larrakia people ... I am mindful that the numerical extent of those professing membership of (and apparently accepted as members of) the Larrakia people is much greater than during the early and middle decades of the 20th Century. However, I think it is clear that the decision-making process among the Larrakia people has been largely transferred to the Larrakia Nation. Its composition is not traditional.'

Mansfield commented that 'the present laws and customs of the Larrakia people reflect a sincere and intense desire to re-establish those traditional laws and customs adapted to the modern context ... That, however, is not a sufficient factual foundation for making a determination of native title rights and interests in this proceeding' (Mansfield 2006:Para 15). However, it was my observation that the

Larrakia people listed on the 1973 genealogy did not feel the need to 're-establish' traditional laws and customs because by a process of succession, they considered themselves to be holders of those laws and customs and were recognised by others as such.

Once the wider group was established, in my opinion it could have become difficult for the Danggalaba group, as shown in the 1973 genealogy, and other traditional people to assert their perceived authority, particularly in a decision-making process that was foreign to them. The atmosphere in the wider Darwin community could also have been intimidating. Scambary (2007:157) writes:

...a public backlash occurred, fuelled by political comment from the Darwin Lord Mayor, Chief Minister Stone, and Prime Minister Howard - the latter describing the claim as 'an extravagant ambit claim' (Carey and Collinge 1997: 21). The NLC received a significant amount of mostly anonymous hate mail, including a newspaper photograph of Larrakia claimants at a press conference that had been modified by the drawing of targets with bullet holes on their foreheads...

Scambary (2007:156) also mentions an earlier claim whereby, 'The announcement of this claim had a divisive impact on the already fragile Larrakia polity and prompted a considerable public backlash...' For the above reasons I suggest that the 'Tommy Lyons group' chose to be represented separately in the Kenbi claim, while others in the Batcho group and the Secretarys at Kulaluk were persuaded to join the Larrakia group. However, evidence in this report suggests the basic structure of the Danggalaba clan shown on the 1973 genealogy remained and remains to the present.

In paragraph 814, Mr Justice Mansfield states: 'However, thereafter there is progressively little evidence of the continued practice of, and respect for, the Larrakia traditional laws and customs [up] until the 1970s.' I suggest that in the 1970s the Larrakia people with a recognised system of succession were practising laws and customs in conjunction with the Wadjiginy-Kiyuk people on the Cox Peninsula (Brandl *et al* 1979) and other groups to the east (see Graham 1997). They may have been adapted customs but they were considered to be uniquely Larrakia laws and customs. However, the land claims process, in ways suggested above, has then distorted the nature of the 'society' by rapidly adding many people who had not previously outwardly identified as Larrakia, over-riding the order of succession by the establishment of incorporated representative bodies.

Conclusion

The contact history of the Larrakia people resulted in different formative experiences of traditional people and assimilated Larrakia and their families. However, in spite of the removal of children and the confinement of 'full-bloods' on reserves as 'Wards of the State' in the assimilation era, a semblance of Larrakia religion and practices survived, often in shared ceremony with neighbouring groups. In particular, Larrakia knowledge of country and rituals flourished on the Cox Peninsula,

albeit through intermarriage with the Wadjiginy people as custodians. No doubt because Larrakia people, even the children removed to institutions, continued to live on their country in Darwin, contact was kept with between 'urban people' and 'traditional people'. In the bushland camps around Darwin, a semblance of ceremony was kept, as I witnessed in the early 1970s. From these urban camps a protest movement emerged in 1971 to reclaim Larrakia land.

The growing disagreement amongst the Larrakia was created by confusion over the land claim process and the deaths of respected elders. During the record-long land claim process in the Kenbi case, the breakdown in the process for the transfer of knowledge amongst the wider Larrakia accelerated, although anthropological literature, transcripts and recordings preserved knowledge for those who wished to learn Larrakia ways. At this time, incorporated Larrakia organisations were formed to contain the decision-making structures for the Larrakia people. With the formation of Larrakia decision-making structures, usually under the over-arching auspices of the Northern Land Council, less literate traditional people began to be marginalised, in a process continuing to the present. Hopefully this report will assist to redress the balance.

Aboriginal People of Darwin: Larrakia Representative Bodies

Introduction

Discussing the Kenbi land claim under the heading, 'Primary spiritual responsibility', Walsh (1989a:29) states that 'primary spiritual responsibility is a corporate issue' in Larrakia territory. That is 'overall spiritual responsibility is held by the totality of Larrakia' (*ibid*). Sutton (1998:109) also suggests that 'most Larrakia have lost specific clan affiliations and all, or almost all, now identify with the whole of Larrakia country as land-holders'. In light of the previously presented authority of the Danggalaba clan in the Kenbi Claim Book (Brandl *et al* 1979), the concept of corporate responsibility is questionable. Indeed Walsh (1981:8) lists the members of the Danggalaba clan and notes:

While these people are acknowledged as owners it is the Secretary family, especially Bobby Secretary, who are regarded as mainly being responsible for the Darwin area. Prince of Wales and Olga Singh have been seen as being principally responsible for the Cox Peninsula and off-shore islands. In discussions with the Belyuen Community about Larrakia land people have usually deferred to the Kalalak mob (the Secretary family).

Similarly, on the Cox Peninsula, Justice Peter Gray (2000: Para 6.3.6) found:

The overwhelming tenor of the evidence, however, is to accord primacy to members of the Tommy Lyons group, particularly Raelene, Jason and Zoe Singh. In my view, this is the result of a recognition by members of the Belyuen group that the inheritance of Tommy Lyons and his classificatory brothers, Crab Billy Belyuen, King George and Frank Secretary, gives rise to a primary entitlement and a primary responsibility.

Although in some case Larrakia decision-making structures may have survived, as indicated above, there is an obvious need for incorporated bodies to represent Larrakia interests. Of these, there are many, the main ones being Larrakia Nation Aboriginal Corporation, Larrakia Development Corporation, Gwalwa Daraniki Association, and the Kenbi Danggalaba Association, amongst others. Larrakia interests are also represented by the Northern Land Council and the Bagot Community Inc.

Larrakia claims

The Larrakia Association was formed in 1983. This association, open to people of Larrakia descent, included land rights issues among its aims but provided a focus for any issues affecting Larrakia people. Around the same time (August 1983) a group of urban Larrakia wrote to the Northern Land Council seeking to be added to the list of claimants (Olney 1991:Para 7.2.4). Sutton (1998:106) argued that incorporated bodies like the Larrakia Association should be seen as part of the 'new tribes' movement. Optimistically, he wrote:

Many of the new tribes of Australia have become legally incorporated. These are partly exercises in attempted fixity. The Larrakia Association is just such a formal body. It is evidence that members of the wider group of Larrakia people can, as far as practicable, act as a formal body with respect to the tribe's landed interests. Contested definitions of who is Larrakia are not solely the province of informal day-to-day cultural and social life, but may also have a formal manifestation from time to time.

As Scambary (2007:156) relates, in 1994 on the eve of a Northern Territory election, Tibby Quall representing the 'Kulimbringing Land Council' and supposedly the Danggalaba clan, held a press conference to announce a native title over all vacant crown land within the city limits. The announcement had a divisive effect on the Darwin community. As a result, immediately following the election, NLC Director Darryl Pearce and Larrakia Richard Barnes attended a pre-organised meeting at Kulaluk where the Larrakia were at pains to distance themselves from the claim. A report in *Land Rights News* (August 1994:5).on the claim and the subsequent meeting pleaded for reconciliation:

At the meeting an angry senior Larrakia said that 'all Darwinians must live together and love one another', and wanted to reassure all that no one was in danger of losing any land or houses, both Aboriginal and non-Aboriginal.

'What the Larrakia want however, is for the NLC to look at what interests the Larrakia have in land in the Darwin area, and for those interests to be recognised,' [said Mr Pearce following the meeting].

'This includes the proposed Palmerston suburb of Rosebury [sic]. The NT Government have advertised for any interest in land for the Rosebury area to be expressed. The Larrakia want that potential interest in land to be expressed,' said Mr Pearce.

A photograph accompanying the above article is captioned: 'Larrakia spokesperson Richard Barnes, right, speaks with NLC Director Darryl Pearce at a meeting with the Larrakia at Kulaluk in June' (*ibid*).

In 1996, the Northern Land Council (NLC) represented the Larrakia in their native title claim over Darwin. As a result of concern by the public, the NLC delivered a pamphlet to every Darwin household, entitled: 'How will a native title claim over Darwin affect me?' (NLC 1996). Under the heading, 'Larrakia and Development', the pamphlet notes: 'Larrakia people are not against development. Like any landowner, the Larrakia expect to be notified and compensated for any development on their land.'

The pamphlet comments on five contested sites, including Palmerston where, 'a native title claim on the land for the new suburb of Rosebury and Bellamack was lodged in 1994' (NLC 1996; also see

Lawson 2002:17). Another area of contention was East Arm Port, where, 'The NT government did not properly notify the traditional owners under the NT Land Acquisition Act.' According to the pamphlet (NLC 1996), in 1995 the Larrakia stated in good faith they would not obstruct the development pending a settlement offer from the NT Government. By December 1996, no offer had been tabled. The NLC (1996) continued, 'In public areas, the Larrakia are proposing coexistence – Larrakia native title can coexist with the use and enjoyment of reserves, parks and beaches by the general public. Larrakia want to protect important sites and the environment, including our valuable mangroves.'

Larrakia Nation Aboriginal Corporation

The Larrakia Nation Aboriginal Corporation (LNAC) was registered on 25th May, 1998, and has been described as 'an umbrella organisation for members of the larger Larrakia family groups' (LNAC 2001). Outlining some of the achievements of the LNAC, a one-page history lists 'negotiated outcomes' in the first four years of the organisation (*ibid*). In 1999 on behalf of Larrakia people the LNAC negotiated with the NT Government regarding native title rights along the proposed railway corridor. The LNAC requested some areas of land in place of monetary compensation and were offered Karu Park (site of the old Retta Dixon Home) and a small section of Bullocky Point. Plans were then made to build a cultural centre on the Bullocky Point site (Spowers 2001). LNAC also negotiated with the Phillips Oil Company, to allow construction of a gas plant at Wickham Point (LNAC 2001).⁸

In the year 2000, Aboriginal Land Commissioner Mr Justice Gray eventually found in favour of the Kenbi Land Claim on Cox Peninsula, made under the *Land Rights (NT) Act, 1976*. Gray ruled that six traditional owners survived but noted that 1,600 claimants would benefit. In answer to NT Government fears that planning and development were threatened by the decision, Chief Executive Officer of the NLC Norman Fry said. 'Aboriginal people in the Territory are just as keen to see Darwin and the NT grow and progress as any other Territorian. This view was confirmed by Larrakia spokesperson Mr Bill Risk who was quoted as saying in *Land Rights News* (March 2001, p.11):

There is no threat to development from the confirmation of our land rights. Larrakia people have always made it very clear that we are not anti-development on our land, provided our rights are recognised and protected. We have already shown we can negotiate 'win-win' outcomes in our agreement over LNG plant at Wickham Point.

⁸ Scambary (2007:156) writes: 'Prior to the conclusion of the Kenbi Land Claim, three non-claimant applications under the NTA were lodged by the Northern Territory government in respect of a proposed subdivision in Palmerston, the new East Arm Darwin port, and the site for the liquid natural gas plant at Wickham Point in Darwin Harbour.' Scambary cites National Native Title Tribunal (NNTT) file no. DC94/1, NNTT file no. DC94/4 & 94/5 and NNTT file no. DC95/1 respectively (Scambary 2007:156, footnotes 5, 6, 7).

Bill Risk has also said, 'It is important Larrakia secure a solid economic future and education, whilst maintaining connections to country and strong friendly connections with our traditional neighbours' (LDC 2011:7).

More recently, disputes within the Larrakia Nation led to the Office of the Registrar of Indigenous Corporations (ORIC) placing the LNAC into 'special administration' in October 2010 (see Adlam 2010a, 2010b, 2011b; Langford 2010b). This appears to have been resolved and LNAC programs continue apace, as discussed in a later section of this report.

The Larrakia Development Corporation

The Larrakia Development Corporation (LDC) was officially incorporated under the Corporations Act in February 2002. At the same time the Larrakia Development Trust was established to hold the monies paid to Larrakia native title claimants to withdraw their claims to certain lands in and around Darwin (LNAC 2009a). The LDC describes itself as 'a vertically integrated company, specialising in all aspects of the urban housing industry. It is owned and managed by the traditional owners of Darwin and its surrounds – the Larrakia people – who hire in additional expert advice as required'(LDC 2008:2).

Amongst their achievements, the LDC agreed to forgo possible native title rights in the Rosebery, Bellamack and Archer areas of Palmerston in return for the opportunity to purchase a sizeable parcel of land from the NT Government at the going commercial rate. The Corporation then borrowed \$1 million to purchase 50 hectares in Rosebery from the NT Government. The Board's strategy was to open the land for commercial development, whilst retaining cultural aspects such as naming rights and natural surrounds (LDC 2008:4).

In 2006, the LDC Board approved a Distribution Policy to Larrakia, funded from fifty percent of the investment income earned by the Corporation. Larrakia families can apply for grants for educational scholarships, business establishment capital, first home buyer grants, funeral expenses and erection of headstones on the graves of past elders, aged care and cultural preservation (LDC 2008:8). Also included under the auspices of the Distribution Policy are a range of various sponsorships that the Corporation donate to various sporting clubs, crime spotters, theatre groups and a raft of community projects, amongst others.

The Northern Land Council is presently the sole shareholder of the Larrakia Development Corporation under a trust deed on behalf of the Larrakia People. The trust, dated 8 February 2002, provides that the sole share may only be transferred at the direction of the Larrakia to a body corporate established after a finding by a Court that the Larrakia are the native title holders of land in the Darwin region and which resolves any internal dispute as to the composition of the Larrakia group (Fry 2007). As the representative organisation established by and for the Larrakia people, the Larrakia Nation claim that

it was to become the Prescribed Body Corporate under Native Title regulations ‘pursuant to Section 56(2) or a determination pursuant to section 57(2) of the *Native Title Act, 1993* (LNAC 2007). However, following the failure of the Larrakia native title claim the NLC has refused to transfer the control of the Larrakia Development Corporation to the Larrakia Nation, claiming the Nation does not possess the ‘significant commercial expertise required to perform the critical shareholding function’ (*ibid*).

The LDC and Kenbi

On 5 April 2007, Justices French, Finn and Sundberg of the Full Federal Court dismissed an appeal on *Mansfield* (2006). In the judgement, French *et al* (*Risk v Northern Territory of Australia* [2007] FCAFC 46 (5 April 2007))⁹ cite *Mansfield*’s decision that the Larrakia people do not have native title over the Darwin area (Area A). The *Mansfield* (2006:Para 14) decision states:

I have therefore reached the conclusion that the Larrakia people that is the present society comprising the Larrakia people, do not now have rights and interests possessed under the traditional laws acknowledged, and the traditional customs observed, by the Larrakia people at sovereignty. That is because I do not find that their current laws and customs are ‘traditional’ in the sense explained in *Yorta Yorta*.

However, it wasn’t until January 2009 that an ‘in principle agreement’ was reached between the Northern Territory Government, the NLC, and the Tommy Lyons group. The deal came almost eight years after the NT Government’s decision to withdraw from the long running legal battle waged by the previous CLP government and settle the matter through negotiation. The LDC chief executive, Greg Constantine said he hoped for a prompt approval of the January 2009 settlement from the Federal Government. (See also: ‘Thirty-Year Title Fight settled’, *Saturday Extra, NT News*, January 31, 2009, p.19-20; Adlam 2009a; Day 2001c:15). According to the website of the Larrakia Development Corporation (<http://www.larrakia.com.au/>):

The Kenbi Claim affects over 600 square kilometres of Cox Peninsula. The ‘in principle agreement’ reached between the government and Northern Land Council has assigned 15,000 hectares of this land as Territory Freehold to be managed by the Larrakia Development Corporation for commercial development. The remaining 52,000 hectares will become communally held Aboriginal Land, managed similarly to Arnhem Land.

The Board of the Larrakia Development Corporation is now looking forward to fine-tuning plans to develop employment and commercial opportunities to benefit all Larrakia and other Aboriginal people on the Cox Peninsula pending the final stage of the Kenbi claim process...

⁹ French et al (2007) <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCAFC/2007/46.html?stem=0&synonyms=0&query=French%20Finn%20Sundberg%20FCAFC%2046>

Chairman Koolpinyah Barnes said the project and financial experience gained by the corporation will be further utilised when Kenbi is finalised.

‘The Board looks forward to continuing to work for all Larrakia on new commercial opportunities on Cox Peninsula as well as continuing and growing our Darwin projects,’ Mr Barnes said.

Peter Murphy (2009:20) adds: ‘In the case of Kenbi, the existence of the LDC allowed the Northern Land Council, the legal guardian of Aboriginal land rights in the Top End, to sign off on a deal which leaves approximately 15,000 ha of Aboriginal land as freehold instead of inalienable freehold title, which is harder to utilise in modern market terms.’

Amongst other projects over the past seven years, Larrakia Development Corporation has developed the multi-million dollar Darla subdivision at Palmerston, established the award-winning Larrakia Homes company and the steel company, Saltwater Construction. In July 2009, the *NT News* printed a statement by ‘Corporation Chairman Koolpinya Barnes’ announcing that a trade training school for will be started on land owned by the corporation near the Darwin Port Precinct at Berrimah (*NT News* July 15, 2009). Also in July, Koolpinya Barnes announced that distributions to senior Larrakia people would be increased from ‘\$200 per quarter to \$250 per quarter, or \$1,000 per year’ (*NT News*, July 10, 2009, npn).

The origins of the LDC have been explained by Peter Murphy (2009:20):

The Northern Land Council, a statutory authority of the Commonwealth government, is not a business organisation. But its members saw the need for an Aboriginal grouping to turn land rights and subsequent Native Title laws into business and job opportunities for Aboriginal people...

The late Les Toy, a developer whose family still holds the L J Hooker franchise in Darwin, and Norman Fry, the then manager of the Northern Land Council, worked the idea through with Larrakia people like Bill Risk, Laurie Cubillo, Koolpinyah Barnes and Kelvin Costello....

Norman Fry allocated \$10,000 ‘seed’ money from NLC funds to get the newly-formed Larrakia Development Corporation registered and on its financial feet. The rest is history...¹⁰

LNAC v LDC

Another side of the story is told by the Larrakia Nation Aboriginal Corporation (LNAC) in a 2008 media release (Jackson 2008:1) which claims:

¹⁰ The *NT News* columnist Peter Murphy (Murphy 2009:20) admits that he was once employed by the LDC.

The LDC as a corporate entity, and its Chair Richard Barnes, have no absolutely no cultural nor legal authority, to make decisions on the use of Larrakia land, outside of its original terms of reference to develop Rosebery and Darla in Palmerston.

When the Larrakia Nation enquired about the handing over of the sole share of the LDC to the ‘peak representative body’ for the Larrakia People (in their view, the Larrakia Nation Aboriginal Corporation), the NLC responded in ‘insulting legal terms, essentially informing [the LNAC] that NLC will choose the recipient of the share, stating they favour the LDC’ (Jackson 2008). In fact, the NLC manager (Fry 2007:1) stated:

The Larrakia Nation, by its rules and through its practice, performs important community and cultural functions, but could not be said to possess the significant commercial expertise required to perform the critical shareholding function. The NLC further understands that there is little support within the Larrakia group, and its constituent families, for the proposition that the Larrakia Nation perform this function. In these circumstances the NLC is not prepared to accede to your suggestion that the shareholding be transferred to the Larrakia Nation.

The LDC and the LNAC previously clashed over plans to develop Middle Arm in Darwin Harbour. In a full-page advertisement signed by CEO Greg Constantine, ‘Koolpinyah Richard Barnes’ praised the decision by Inpex, to consider Middle Arm as a potential site for their \$12 billion liquefied natural gas plant. In the advertisement, Barnes said:

The Larrakia Development Corporation has already expressed interest to formalise an MOU agreement with Inpex as we have in the past with Bechel, Waterfront Corporation, Sitzlers and others. This is a two way street, we supply Inpex with on-the-ground support, labour and the backing of the majority of Larrakia people, and they provide genuine business and employment opportunities for them. Our discussions with Inpex was on the understanding that the company was continuing with its environmental impact study of the area and will isolate any archaeological sites such as middens and artefacts that may be found there.

Our track record in fostering this kind of partnership has built us a positive reputation in assisting proponents of major projects. It’s been a win-win for both sides, particularly for the Larrakia – we have placed over 150 Larrakia and other Aboriginal people in jobs over the past three years... (Constantine 2008:4).

The Larrakia Nation’s acting chairwoman, Donna Jackson, responded in strong language, pointing out that the Larrakia Development Corporation has no authority over Aboriginal land at Middle Arm. In an article headed, ‘Gas plant location squabble’, (*NT News*, May 10, 2008, npn), Ms Jackson was quoted as saying:

The LDC is a corporate entity. It and its chair Richard Barnes have absolutely no cultural or legal authority to make decisions on the use of Larrakia land, outside of its original terms of reference.

In an 'Open Letter to Darwin' (*NT News*, September 27, 2008, npn) the Larrakia Nation informed the public that LNAC did not support the Inpex development. The statement continued:

We have repeatedly informed Government and the Northern Land Council of this. The Larrakia Development Corporation (LDC) is not representative of the Larrakia people. Their board of directors is appointed by the Northern Land Council, which holds the shares of this corporate entity. The LDC does not consult us and is not accountable to us. We do not know any details about deals done between the LDC, Inpex and the NT Government in the name of Larrakia.

The Larrakia people have repeatedly stated that we place major and upmost importance on the preservation of our ancestral land and sea country. We do not believe that the Inpex gas development is compatible with our ideals, beliefs and our culture.

Donna Jackson has also made it clear in public statements that the LNAC opposes the full scale industrialisation of Middle Arm, including the Inpex LNG plant, the Arafura Resources proposal for a uranium processing plant and the Dow Chemicals plant (*Nuclear Territory News*, October 2008:4). Donna Jackson added:

The Larrakia Nation agreed to the formation of the Development Corporation (as advertised by the NLC) under the provision that LDC would sit under Larrakia Nation, and seek full consultation, consent and guidance from Larrakia Nation on all issues relating to our land and culture.

Obviously from the above comments, since 2006 when Judge Mansfield ruled that native title had been extinguished in Darwin the Larrakia Development Corporation has manoeuvred to usurp the functions of the LNAC with the support of the NLC and the local media. In 2008, LDC CEO Greg Constantine (2008:4) expressed a commonly held view concerning the failure of the Larrakia native title claim:

The Larrakia Development Corporation has grown from strength to strength and while disappointed on the one hand, acknowledges on the other the dismissal of Native Title on Darwin land has removed uncertainties and strengthened confidence for industry to do business in town. It sees the development of Middle Arm as a positive step forward in building a better future for Darwin and its traditional landowners, the Larrakia.

Donna Jackson represents a different view point. She told Graham Ring from the *National Indigenous Times* (Ring 2008:28) that she was not blindly anti-development; however, she is concerned about the mushrooming of 'Aboriginal development corporations' designed to facilitate development on Aboriginal land. Donna emphasised:

Over time these [corporations] can become more powerful than the people that they supposedly represent. Aboriginal people who worry for country need to keep a close eye on these corporations and make them fully accountable to the people. We are the sovereigns of our country and we should never forget that, nor let others forget.

Ironically, there are Larrakia families living in poverty in town camps who might apply this message to the LNAC itself.

The Larrakia Trust fund

In 2008 the *Northern Territory News* reported on 'one of the most important announcements in Australia's history' (Adlam 2008:npn) The report on the Inpex deal was accompanied by a photograph of the painted Kenbi Dancers dancing in loin cloths for the seated Federal Minister for Resources and Energy, Martin Ferguson, Inpex President Naoki Kuroda and Chief Minister Paul Henderson 'as the \$12 billion Inpex plant was announced...' Adlam (2008:npn) continued:

The only sour note in the day was the abuse hurled at people leaving the press conference by the Larrakia Nation's Donna Jackson. The Nation's bitter enemy, the Larrakia Development Corporation, an Aboriginal run commercial enterprise that puts indigenous workers in jobs, wholeheartedly supports the gas plant. Its members weren't out in the hot sun – they were in the air-conditioning inside buttering up Inpex executives for future Aboriginal job opportunities.

On 30 June, 2009, proceedings were commenced in the Northern Territory Supreme Court by Robert Mills, James May, Kathleen Browne, Audrey Tilmouth, Joseph Browne, Donna Jackson and Bilawara Lee as Larrakia people on behalf of themselves and their families. The purpose of the proceedings was to obtain orders from the Court to repair the mechanism in the trust structure to ensure that control of the trust was to be in the hands of a corporation 'properly representative of and controlled by Larrakia people' (LNAC 2009a:1); see also: 'Larrakia group takes NLC to court', *NT News*, October 9, 2009, npn).

According to the LNAC statement (LNAC 2009a), the intention of the creators of this trust structure was that the Larrakia native title claim would determine the Larrakia people who held native title rights. The LNAC would be an organisation which represented and was controlled by these native title owners which would then run the trust and hold the trust assets (LNAC 2009a). However, as

previously discussed, the native title claim resolved that the Larrakia had lost their connection, under the Native Title Act at least. Furthermore, according to the affidavit signed by the seven plaintiffs, there is doubt over who are the Larrakia following the Mansfield decision in 2006. The affidavit states (LNAC 2009b:7, paragraph 22.2):

[T]here is uncertainty over the persons who fall within the definition of ‘Larrakia People’. On one view, with the failure of the Native Title Claim, no one falls within that definition. On another view, it is only the persons who were included in the Native Title Claim at the time it was made and not, for example, their children. Either of these constructions would be contrary to what it appears was the intention behind the establishment of the trusts, i.e., to establish a trust for the benefit and advancement of the Larrakia in perpetuity.¹¹

Inpex MOU

More positively, the Larrakia Development Corporation Pty Ltd Newsletter (December 2009, Issue 27) reported that the Chairman of the LDC and the Managing Director of INPEX, Seiya Ito, had signed a Memorandum of Understanding (MOU) ‘that will guarantee jobs for Aboriginal workers on the \$12 billion gas project’. Mr Naoki Kuroda, President of INPEX, said: ‘We are very pleased we have established a strong working relationship with the Larrakia’. The INPEX President continued, ‘INPEX recognises the Larrakia people as the traditional owners of the Darwin region, and is working with them to secure a sustainable economic future for all Larrakia’ (LDC 2009:1; see Adlam 2009c).

At the signing of the MOU, NT Chief Minister Paul Henderson said that INPEX had demonstrated its commitment and good corporate citizenship through its notion to put its roots down in Darwin. Mr Henderson noted that everybody was a winner by the agreement between INPEX and the Larrakia. ‘The Territory is one step closer to a world-class project, the prospects for indigenous Territorians will be lifted and INPEX has the backing of the traditional people of Darwin’, Chief Minister Henderson said (LDC 2009:2).

Changes at the LDC

By 2010, there had been a change of leadership at the LDC. On October 6, 2010, the *Northern Territory News* reported, ‘Larrakia chair hangs up his boots’. The article continued:

One of the Northern Territory’s most influential indigenous leaders retired yesterday. Koolpinyah Barnes stepped down as chairman of the Larrakia Development Corporation after seven years. Under his leadership, the corporation grew from a small construction company to a major developer. It has many job-creation deals with big enterprises, including Inpex, and is

¹¹ The affidavit (LNAC 2009b:13, paragraph 38) points out that ‘the Secretary family headed by Lynette Shields and Helen Secretary are Larrakia but not members of the LNAC nor are they associated with any of the current board members of the LDC.’

building a trade training centre in Darwin. The corporation established its credibility through the five-stage Darla housing subdivision at Palmerston. It later branched out into repairs and maintenance, landscaping and a bus service. Mr Barnes, one of the few surviving Larrakia speakers, said that the corporation should never forget its 'cultural roots'. The organisation spent \$500,000 of its profits on Larrakia people, increasing to \$1 million this financial year. Barrister and father of five, Nigel Browne, 32, has taken over the chair.

The resignation of Barnes was followed by the departure of CEO, Greg Constantine, who resigned in June, 2011. Under the heading 'Larrakia chief steps down', the *NT News* reported (June 7, 2011, npn; see also Adlam 2011a):

Greg Constantine resigned as chief executive of the Larrakia Development Corporation yesterday. He will leave in August after holding the job for a total of nine years. Mr Constantine, who has been a regular fixture on the NT News' *150 Most Powerful List* each year, was instrumental in the corporation's commercial success, including the Darla housing subdivision in Darwin, the building of the \$4.5 million Larrakia Trade Training Centre, the Lyons housing estate and the jobs agreement with Inpex. He said it was time to step down. 'I believe now is the right time to bring new blood to lead the Larrakia Development Corporation into its next phase,' he said.

Meanwhile, Australia's longest running land rights claim reached a milestone when legislation was passed in the NT Parliament to set up a trust for traditional owners. Chief Minister Paul Henderson revealed that the Heads of Agreement between the Federal and Territory Governments included the Larrakia Development Corporation as preferred developer (see Adlam 2009a). In response, the Chair of the LNAC Board, Emily Browne, protested that the process of establishing the Kenbi Land Trust Act did not include appropriate consultation with traditional owners (Henderson 2011; Hind 2011). However, in the *National Indigenous Times* (December 14, 2011, p.6) the Northern Land Council Chief Executive Officer, Kim Hill, defended the decision to enlist the LDC to develop lands under the Kenbi Land Claim and denied that traditional owners had not been consulted. Kim Hill said, 'The NLC's ongoing and comprehensive consultations demonstrate overwhelming support by Larrakia families for the Larrakia Development Corporation.' Mr Hill added, 'Larrakia Development Corporation has successfully completed other major developments in recent years, including new suburbs at Palmerston and properly distributed benefits under the trust deed to the Larrakia' (*ibid*).

Conclusion

Following the failure of the Larrakia native title claim there is confusion over which incorporated body is to be the holder of the trust fund to benefit Larrakia. As the controlling body for a trust fund established in 2002, the Northern Land Council has somewhat arbitrarily decided that the Larrakia Development Corporation is the representative body to administer the trust and also to develop lands

flowing from the Kenbi land claim decision. The late Peter Murphy (2009:20) also suggested the NLC has a financial interest in the *status quo*. The Larrakia Nation Aboriginal Corporation disputes the manner of this decision and the legitimacy of the LDC to represent Larrakia families.

In addition, following the Mansfield decision in 2006, legal advice questions who properly falls within the definition of ‘Larrakia People’. The same advice alleges that the primary traditional owners for the Darwin area are not represented by either Larrakia representative body, in that it is stated in an affidavit (LNAC 2009b:13, paragraph 38), ‘The Secretary family headed by Lynette Shields and Helen Secretary are Larrakia but not members of the LNAC nor are they associated with any of the current board members of the LDC.’

It has been a theme of this report that so-called Aboriginal ‘representative bodies’ are invariably not truly representative. The on-going dispute that is documented above seems to confirm that suspicion, making the task of companies wishing to work with traditional owners a difficult one. At best it can be said that the divisions are as a result of the disruption to Aboriginal society since settlement – the removal of children and in particular the division of Larrakia people into Wards and citizens between 1936 and 1964. While the recognition of land rights and native title is a welcome development, it also has contributed to the disputes that otherwise could have been resolved internally according to customary law.

This report does not intend to make a judgment on the dispute between the LNAC and the LDC and others, except to recommend that intervening companies do not inflame the situation by taking sides. For example, the Ichthys Gas Field Development Project Draft Environment Impact Statement (2009:456) refers to the LDC’s past chairperson as ‘senior custodian’, when it is doubtful that such a statement can be culturally justified (see Day 2009b). Hopefully the analysis provided in this report will assist in observing Aboriginal cultural protocols and be a guide through the minefield of Aboriginal politics.

One recurring theme in this report is that the Larrakia are generally a welcoming and pragmatic people who acknowledge that commercial developments can provide employment and opportunities for their future generations. In 1996 Bill Risk, stated, ‘When negotiations over developments are approached in good faith, with everyone’s rights respected, development agreements will be negotiated by the Larrakia’ (Risk 1996:10). Undoubtedly, Bill Risk spoke for the majority of Larrakia when he said, ‘Larrakia people have always made it very clear that we are not anti-development on our land, provided our rights are recognised and protected.’

Aboriginal people of Darwin: Urban Larrakia people

Introduction

The early history of race relations in Darwin has been summarised by Mansfield (2006:Para 241-372), Cummings (1990), Wells (2001) and others. Each of these histories document government policies of social engineering that have led to separate histories for sections of the Aboriginal population. Undoubtedly the disruption to Aboriginal families by government policies was the cause of Mr Justice Mansfield's finding that the oral evidence from witnesses in the Larrakia native title case disclosed 'a level of generality of knowledge which is not consistent with the acquisition of knowledge in accordance with the traditional laws and customs of the Larrakia people' (Mansfield 2006:Para 13). Not surprisingly, the judge concluded that the evidence from Larrakia witnesses did not show the passing on of knowledge of the traditional laws and customs from generation to generation during much of the 20th century.

In his judgement, Mansfield (2006:Para 12) took into account 'the effects of the attempted assimilation of Aboriginal people into the European community and the consequences of the implementation of those attempts and other government policies (however one might judge their correctness)'. He concluded that these policies led to 'the reduction of the Larrakia population, the dispersal of many Larrakia people from the claim area, and to a significant breakdown in Larrakia people's observance and acknowledgement of traditional laws and customs' (*ibid*).

Describing the remarkable 'revival' of the Larrakia people, Mansfield (2006:Para 15) commented:

The present laws and customs of the Larrakia people reflect a sincere and intense desire to re-establish those traditional laws and customs adapted to the modern context. They are the consequence of significant efforts on the part of many to achieve that result. It is an entirely proper objective. It is apparent that the process is enriching the lives of the Larrakia people, and of the Darwin community. That, however, is not a sufficient factual foundation for making a determination of native title rights and interests in this proceeding.

Removal of children

According to Barbara Cummings (1990:9), under the Aboriginals Ordinance of 1911, Aborigines and part-Aborigines were grouped together for administrative and legal purposes and the Chief Protector was made legal guardian of every Aboriginal person regardless of age and of all part-Aboriginal children until they were eighteen. The ordinance added 'notwithstanding that any such child has a parent or other relative living' (Mansfield 2006:Para 241).

Wells (2001:22) describes how police and were empowered to remove Aboriginal people found within town boundaries. Mansfield (2006:Para 259) adds that a policy of containment led to the establishment of the Kahlin Compound in 1912, including a 'Half-caste Home' [sic] where pursuant to the Aborigines Act, Aboriginal children of mixed descent were removed from their mothers and separated from other residents by a fence. By 1917, the 'whole of the town and neighbourhood of Darwin', except for the compound, was declared a 'prohibited area' under the Aborigines Act, making it an offence for an Aboriginal or mixed descent person to be anywhere but in the compound between sunset and sunrise without a permit (Mansfield 2006:Para 260; Cummings 1990:19; Wells 2001:22-23).

The removal of children continued apace. Barbara Cummings (1990:17) cites a 1912 Administrator's Report which states: 'In some cases, when the child is very young, it must of necessity be accompanied by its mother, but in other cases, even though it may seem cruel to separate the mother and child, it is better to do so, when the mother is living, as is usually the case, in a native camp.' Spencer's policy was consolidated when Dr C Cook was appointed Chief Protector in 1927. Cook's 'Half-caste Policy' was one of assimilation, whereby it was intended 'to elevate the half-caste's standard of living to that of the white' (Mansfield 2006:Para 272).

In 1928 an inquiry by J W Bleakley emphasised the rescuing of 'half-caste' children from the influence of the 'native camps', noting that it was essential that the former group be kept separate from 'full-blood' Aboriginal people (Wells 2001:13). Bleakley also suggested the handing over of 'the half-caste problem' to the missions for training and care (Cummings 1990:14). Cummings notes that in 1928 the Half-Caste Home had 76 inmates, including 64 children (Cummings 1990:20).

The 'Half Caste Association'

According to Cummings (1990:27), in early 1936 an organisation named the 'Northern Territory Half-Caste Association' with William Ah Mat as secretary began to lobby governments to 'secure full citizenship rights for the half-castes of the Northern Territory'. Following this agitation, amendments the Aborigines Act were gazetted in March 1936, exempting 'certain part-Aborigines' from the provisions of the Ordinance (Cummings 1990:27). However, European men who married 'half-caste' women had to request permission to marry (*ibid*).

Mansfield (2006:Para 355) notes that the 'Half-caste Association' was formed in Darwin in 1935 'by people of mixed descent'. Mansfield adds:

Dr Wells gave evidence that it was an association to promote the interests of people of mixed descent, rather than of Aboriginal people of full descent. Mr Hughston SC suggested in cross-examination, and Dr Wells agreed, that the members of this association wished to be treated differently from Aboriginal people of full-descent. As Dr Wells wrote in her report, they were

‘seeking freedom from the Aborigines Act which would give them such rights as being able to control their own affairs and destinies.’

A ‘New Deal’ for Aborigines was begun in 1939, abandoning the policy of protection in favour of assimilation (Cummings 1990:39). Under the New Deal, Aboriginal people remained categorised as ‘fully detribalised’, ‘semi-detribalised’, Aborigines in their native state, and ‘half-castes’ (Cummings 1990:40). The policy also distinguished ‘two classes of half-caste in the Northern Territory’ – those born in wedlock of half-caste parents, and those born of an Aboriginal mother and non-Aboriginal father’. The policy allowed the former usually to be cared for by their parents and the latter were the responsibility of the Administration (Cummings 1990:42).

Joe McGinness (1991:24) tells how he took part with ‘other coloureds in demonstrations and marches to highlight our plight’. One member of a delegation with McGinness was Robert Shepherd, a Larrakia war veteran. As a result of their activism, on 3 April 1936 the Aboriginal Ordinance was amended to grant exemptions to the restrictions on ‘half-castes’ (McGinness 1991:25). Aboriginal people desiring exemptions from the act were now required to file an application with the Chief Protector, Dr Cecil E A Cook. This certificate of exemption had to be produced upon request from the police and those who were refused an exemption were unable to get child endowment or baby bonus (Toulson 1995:npg). Sheila Clarke also notes, ‘A lot of people got out of it by saying they were other nationalities such as Filipino or Malaysian.’ Similarly, Scambary (2007:153) writes, ‘Stigmatised by their Aboriginality in the white town of Darwin, many Larrakia came to expediently identify as being of Asian descent, and to deny publicly their indigeneity.’

During World War II, the majority of Larrakia people of mixed descent who were evacuated to southern states just prior to the air raids on Darwin remained away from Darwin for several years, mainly in South Australian and New South Wales (Wells 2001:31). It was not until 1946 that Aboriginal people of mixed descent were able to return to Darwin (*ibid*). After some exemptions were granted the society lapsed but reformed after the war, ‘with the attainment of full citizenship rights as our main objective’ (McGinness 1991:63).

In a review of Sheila Clarke’s book of short stories (Clarke 1991), Toulson (1995) describes how Sheila was a founding committee member of the Half-caste Progress Association which was formed with the purpose of pursuing full citizenship rights for people of mixed descent (Muir 2004:95). Mansfield (2006:Para 356) notes: ‘In 1951, a second association, the “Half-caste Progressive Association” [sic], was formed with the purpose of pursuing full citizenship rights for people of mixed descent.’ The efforts of the Progress Association were finally rewarded when ‘half-castes’ were awarded full citizenship and associated rights by changes to the definition of ‘Aboriginal’ and ‘part-Aboriginal’ people in the new Welfare Ordinance 1953 (NT). By publishing her book of short stories,

Sheila says she is determined Australians ‘should not forget the injustices imposed on Territory Aborigines in those shameful years after the war’ (Toulson 1995:npn).

In his autobiography, Joe McGinness (1991:59-60) lists the six points that were used by authorities to define an Aboriginal, including ‘a half-caste who lives with an Aboriginal native as wife or husband’, and ‘a half-caste who, otherwise than as the wife or husband of such an Aboriginal native, habitually lives or associates with such Aboriginal natives’.

As a member of the ‘Half-Castes’ Association in Darwin, Joe McGinness’s brother, Jack McGinness, addressed the All Australian Trade Union Congress in Melbourne in September, 1951. A transcript of his historic speech is reproduced below (McGinness 1991:61-64):

Mr President, Fellow Delegates –

I propose to divide my address on the Aboriginal question into two portions;

- (1) The demand for full citizenship rights for part Aborigines.
- (2) The Aborigines, their right to survival as a race, their right to be treated as human beings and not as outcasts from the human family.

I will deal with the question of full citizenship rights apart from the Aborigines, because the approach and the solution to full citizenship rights is different to the full-blooded Aborigines as a whole. We, the part-Aborigines, have an unjust ordinance imposed on us that is against the wishes of the people living in the Territory. These changes meant that people of mixed descent were able to obtain citizenship, whilst Aboriginal people of full descent became Wards of the State. People of mixed descent had to abide by regulations in the Aboriginal Ordinance which meant that they were unable to legally mix with Aboriginal people of full descent, including their relatives [end of quote].

The path to equality

After the passing of the NT Welfare Ordinance, 1953, to be identified as an Aborigine meant becoming a Ward of the State and placed under the paternal rule of the Director of Welfare, Harry Giese. In May 1957, an extensive census of the Aboriginal people of full descent in the Northern Territory was published, known as the ‘Register of Wards’ with 1354 Aboriginal people of full descent recorded as residing in the Darwin region. Of this number, 38 people were recorded as being members of the Larrakia tribe (Mansfield 2006:Para 359).

While ‘half-castes’ were to experience assimilation with a semblance of equality or to be raised in mission homes well away from their parents (Day 1994a:3; Cummings 1991:93), by dividing Northern Territory Aborigines into Wards and citizens under the Welfare Ordinance the government succeeded in slowing political activism in Darwin. It was not until 1961 that the protest movement was resurrected by the NT Council for Aboriginal Rights (NTCAR), a Darwin-based group which led a

campaign for citizenship and equality (Bandler 1989:16). Noticeably, NTCAR was composed almost exclusively of those Aboriginal men and women defined as Wards.

Changes came in 1964 with the repeal of the 1953 Welfare Act and the passing of the Social Welfare Ordinance, abolishing the concept of protective wardship for the majority of the Territory's 18,000 'full-blood' Aborigines (Cummings 1991:129). As Cummings points out, it was not until the Whitlam Government in 1974 that bureaucracy was deprived of its power to define Aboriginality (Cummings 1991:130).

Sam Wells (2001:26) makes the point, 'One striking thing about the stories in the [*Saltwater People*] book is the number of Larrakia people and their ancestors who were affected by the child removal policies of the time'. However, there were exceptions. Wells (2001:172) notes that at a time when many Aboriginal women were having their mixed descent children removed from them and placed in the Kahlin Compound or Half-caste Home, Dedja Batcho was fortunate to keep her children with her. Wells (2001:131) also tells of other parents like Ruby Ababa who kept in contact with their children in the compound until they were removed to island missions (see Bowditch 1986:4).

The late Vi Stanton told Kevin Gilbert (1977:11):

My mother was in the compound, huge wire fence, concentration camp fence and the tribal people, old tribal women would come up to the fence and call the little children over. When the children came over they would hold their little hands through the wire and tell them who they were, who their mothers were, where they'd come from, what their skin was, what their totem and dreaming was.

Although children of Larrakia parents were better able than many to keep in contact because Darwin was their country, others like Ash Dargan (Jansen 2000:15) completely lost touch with family. Dargan recalls, 'The first thing my mother said to me when I called her was "Do you know you are Aboriginal?" My adoptive parents had told me about my Chinese blood but not that. It blew my whole world. I sold everything I had and moved to Darwin and went to see my grandmother, who is a full-blooded elder with the Larrakia. That's where my attraction to the real world began' (Jansen 2000:15).

Conclusion

Most modern histories relate the child removal policy as being the most destructive influence on Aboriginal society. Less debated is the gulf that grew between traditional or 'tribal' people classed as Wards, and those of mixed race who were granted citizenship in the Northern Territory after 1936. The divided histories in the NT lasted until the passing of the Social Welfare Ordinance in 1964. It was during the intervening years that legislation and policies discouraged those with citizenship rights from identifying as Aboriginal, and this situation changed little until 1974. Meanwhile a unique 'coloured' culture and lifestyle developed in communities like the 'Police Paddock' in Darwin,

described in Clarke (1991), Cubillo-Carter (2000), Wells (2001:116), Muir (2004:90-96); Corfield (2010:13), Scambary (2007:154), Bauman (2006:28-31) and on the Darwin sports fields (Roberts and Raymond 1997), whose video, 'Buffalo Legends', eloquently discusses many of the above issues.

The division between Wards and citizens is noticeable in counts given of the Larrakia population in the early 1970s, when the Aboriginal Land Rights Commissioner reported, 'I was told that there are some 18 members of the [Larrakia] tribe now left. Later information suggests that fewer than this number can trace paternal descent from the Larrakia, but there are more who identify themselves as Larrakia because of maternal links' (Woodward 1973:26). Ten years later the number identifying as Larrakia had risen to over 1,500.

As someone who has witnessed the dramatic revival of the Larrakia, the writer observed the divisions discussed in this chapter, which to a certain extent still remain (see Day 1972:9, reprinted in Day 2007: Appendix 2). For example, family groups identifying as Larrakia still live in the semi-segregated communities of Kulaluk, Knuckeyes Lagoon and Bagot. However, the division today is not one of 'colour'. Even in 1973, Topsy Secretary made it clear that Larrakia living in camps accepted their children of mixed race as 'full blood Larrakia' (Brandl *et al* 1983). Instead, the evidence shows that in 2012 there remain families of 'traditional' people in Darwin who have little or no connection to 'urban Larrakia' families and Larrakia representative organisations.

Aboriginal people of Darwin: Kulaluk

Introduction

Apart from the traditional owners, the second Aboriginal group in Darwin to be affected by the Inpex project are the residents of Aboriginal town camps and communities of Bagot, Kulaluk, One Mile Dam, Knuckeyes Lagoon and the Palmerston Indigenous Village (15 Mile). Each community has taken its own direction: Bagot has a long history with an emphasis on housing, Kulaluk has taken the private enterprise route, One Mile Dam is surviving in a virtual state of siege, Knuckeyes Lagoon is stagnating in a mire of funding dependency and government bureaucracy and the 15 Mile Community continues to fulfil its role as an Aboriginal village in association with the satellite town of Palmerston. Of the five communities in Darwin listed above, the Kulaluk lease is perhaps most relevant to this report because of its connection to the traditional owners and the leaseholders' recent history of negotiation with developers which reveal a surprising readiness to alienate Aboriginal land for financial gain.

The Kulaluk village is located on the foreshore in the suburb of Coconut Grove in Darwin, crammed behind a shopping centre, high-rise apartment blocks and a narrow mangrove-lined beach at the northern end of a lease granted in 1979, consisting of 301 hectares of urban bushland, mangrove forest and tidal flats. The village is home of the Secretary family, who could claim by descent to be the primary Larrakia traditional owners of the Darwin area. Since its foundation in 1971, the village has grown to accommodate other Aboriginal people from many language groups, but remained under the control of the Gwalwa Daraniki Association and its long-term President, Helen Secretary, granddaughter of the late respected Larrakia elder, Topsy Secretary.

Since 1979, the Secretary family have backed radical proposals for the development of the Kulaluk bushland and mangroves in partnership with Darwin businesses. The most verbal opposition to these proposals has come from non-Aboriginal residents of Darwin, although undoubtedly many Aboriginal residents would also prefer to see the land kept in its natural state, as was originally intended (see Day 2008b, 2009a, 2010a, 2010b, 2011a, 2011f, Henderson 1983; Cooper 1985; Thompson 1981, 1983). Throughout the controversies surrounding the development proposals for the Kulaluk lease, Larrakia representative bodies have remained largely silent, reflecting firstly a recognition of the authority held by the Secretary family, and secondly, a possible widespread pro-development acceptance by most Larrakia members.

The philosophy of the Larrakia leaseholders was best expressed in a development brief issued in 1997 (GDA and Vysrose 1997:1) which stated:

The Gwalwa Daraniki Association (GDA) has had the intention of achieving success in the economic development of their land, with various development proposals submitted to government over a period of the last ten years. In 1985, the consulting firm Hollingsworth Dames and Moore (HDM) [Hollingsworth Consultants (1985)] undertook a conceptual pre-feasibility study, funded by the Aboriginal Development Corporation, to assess areas that the community could develop in order to strive for economic self-determination.

At the time of the above consultancy, the community land holding was changed from a Special Purpose Lease to a Crown Lease in Perpetuity and rezoned to R6, allowing for the community to develop their land in a commercial manner. Since the HDM consultancy was completed in 1985, there have been several initiatives by the GDA to undertake the commercial development of their land.

The path taken by the Kulaluk leaseholders since the land was granted to the Gwalwa Daraniki Association is well-documented and provides a relevant case-study of Aboriginal attitudes to land management. Admittedly, the granting of a 301-hectare area of undeveloped urban bushland to an Association with a limited membership was ill-conceived and left the destitute leaseholders with few options apart from making deals with property developers who approached them with dubious schemes (see Henderson 1984; Day 1994a; Wells 1995). However, alternative proposals have been available that preserve the integrity of the environment, while providing educational, cultural, recreational and heritage opportunities in keeping with the original intentions of the land grant (GDA 1997; Day 2008b).

Kulaluk and land rights

The Larrakia land rights campaign of the 1970s was focussed on an area of vacant crown land extending from Nightcliff to Ludmilla Creek, bounded by Bagot Road and later dissected by Dickward Drive (see Buchanan 1974). The following eight years of struggle for Larrakia land rights has been ably described by Henderson (1984), Day (1994a) and Wells (1995) and summarised by Mansfield (2006: Para 375-403). Eventually the title to the coastal area of monsoon forest, mangroves, tidal wetlands and savannah bushland was granted to the Gwalwa Daraniki Association by the NT Chief Minister, Paul Everingham, in a ceremony at Kulaluk on August 25, 1979. In his speech to invited guests the Chief Minister stated: 'The land on which Darwin is situated belonged to the Larrakia before the white man first came to the Northern Territory, now Mr Bobby Secretary is to receive the title to part of this land' (see Day 1994a:101; Wells 1995:61).

Prior to the hand-back, the Gwalwa Daraniki Association had been asked to submit concept plans for the land. The historian, Krimhilde Henderson (1984:26), quotes correspondence between the Darwin and Canberra offices of DAA:

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 (T. C. Lovegrove to J. P. M. Long, 25 October 1974)'.

Point 7 of a background briefing tabled at a 1977 Federal Cabinet meeting (NAA 1977) is further evidence that the preservation of the environment was a factor in the decision to grant the Kulaluk lease:

7. The Larrakia people have prepared plans to develop parts for habitation, recreational and community purposes, and to retain wilderness areas. A substantial part of the area is unsuitable for development because it lies in the flight path of the Darwin aerodrome and is low-lying and swampy. It includes burial grounds which would be preserved.

To the surprise of many, once the Kulaluk land was granted to an Aboriginal incorporated organisation, a succession of development deals have threatened the environment that the lease was created to preserve. Firstly, in 1980 a deal had been signed with a construction company for the sale of earth-fill from the lease to be excavated to build Dickward Drive (Plater 1980a:5; Wells 1995:62). Secondly, in 1981 the Kulaluk families entered into an agreement with a Darwin Real Estate company which proposed to build a canal housing estate in the mangroves of Ludmilla Creek (Clark 1981; Day 1994a:107-8; Wells 1995:65-7). Both plans were halted by public and Aboriginal opposition.

Since the return of the Kulaluk lease to Aboriginal people in 1979 the relentless pressure to develop the bushland and tidal swamps has continued. The leaseholders' complicity in these schemes contradicts Sue Jackson's view that recognition of Aboriginal relationships to town country will result in 'land use outcomes which place a higher value on the protection of the environment, and respect for the richness of different cultural relationships to landscapes and places' (Jackson 1996:101).

In his final report the Aboriginal Land Rights Commissioner, Mr Justice Woodward (1974:53) recognised the well-publicised land rights campaign in Darwin when he noted:

I have no doubt that the Larrakia people were the traditional owners of what is now the whole Darwin area. Some of the survivors, together with a few other Aborigines have formed an organization calling itself Gwalwa Daraniki [Our Land]... In the result, Kulaluk has become something of a symbol of the stand which Aborigines, with help and guidance from many

sources, are now making against the past tendency to put their interests last in any consideration of land usage.

Woodward added that the return of the Kulaluk land would ‘demonstrate clearly the Government’s willingness to give effect to reasonable Aboriginal aspirations for land’ (Woodward 1974:53).

Recommending in his final report that the title should be held by trustees nominated by the Northern Land Council, Woodward (1974:53) commented: ‘No doubt the special interests of the Larrakia people would be remembered when such trustees were appointed.’ He envisaged that with the development of the area and a greater number of Aboriginal residents, the title could be transferred to the local community.

In Darwin, the Department of Aboriginal Affairs (DAA) contended that ‘the spirit of the Woodward Report on urban areas needs to be borne in mind’. Bureaucrats reported that if only the two small pieces of land near the Kulaluk waterhole were to be granted, then there was a danger that ‘the area of town land in the Darwin area including Bagot [Reserve] for Aboriginal use will be quite small’ (T. C. Lovegrove to J. P. M. Long, 25 October 1974).

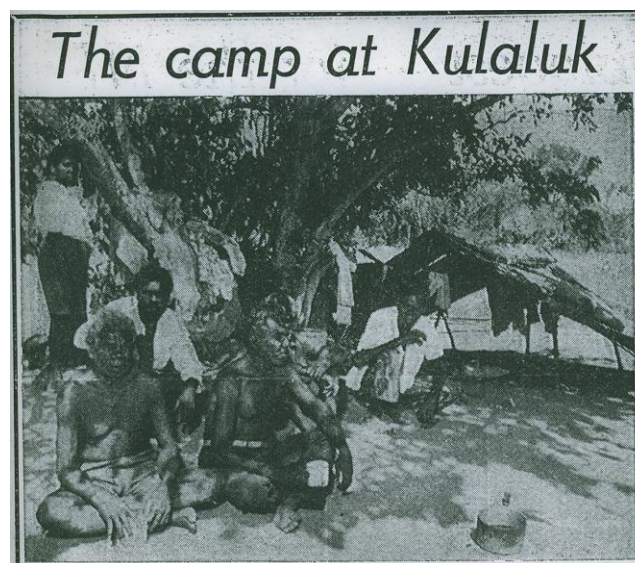


Figure 1: The beginning of the Larrakia claim to Kulaluk. Left to right: Topsy Secretary, Norman Barral, Gabriel Secretary, Bobby Secretary (with mug) and unknown others at their camp (NT News, June 15, 1971, p.5).

The Kulaluk claim had been partly justified because the land had been part of the Bagot Aboriginal Reserve in Darwin from 1938 to 1965 (see Woodward 1974:55-63). A confidential submission to Federal Cabinet (NAA 1977) made the connection clear:

The immediate group of Larrakia people and their close relatives is small, numbering only some 20 people, but Aboriginal visitors to Darwin camp in the area. In 1962 [sic] the then

Government reduced the only Aboriginal reserve in Darwin – Bagot – from 640 to 57 acres to provide for urban development. The Aboriginal Land Rights Commissioner noted that the Kulaluk claim would partly compensate for this. It would also relieve some of the increasing pressure on Bagot from Aboriginals drawn to Darwin.

In 1975 the Whitlam-appointed Interim Aboriginal Land Commissioner, Mr Justice Ward conducted hearings in Darwin for the Kulaluk claim and recommended that the land be granted to Aboriginals:

...for the purpose of establishing, developing and maintaining a communal settlement for the use of Larrakia and other associated Aboriginal people and ancillary purposes. The Larrakia themselves have indicated their agreement with other compatible people having use of the land, which, in area (some 847 acres) would appear to require a use more extensive than that of the Larrakia alone (Ward 1975a:15).

Kulaluk and land title

Eventually the *Land Rights (Northern Territory) Act, 1976* excluded land claims in towns, and the Kulaluk land was treated as a needs claim under the NT Special Purposes Lease Act. As Henderson (1984:48) records, the proposed lease was to be classified as Special Community Development and ‘zoning was to be for open space (01) and special uses (S2)’. Henderson adds that the Director noted: ‘The purpose of the proposed lease is Special Community Development, principally for the Larrakia People’ (T R Lawler to Secretary, Aboriginal Development Foundation, 8 February 1979).

According to NT Government records, the defunct Gwalwa Daraniki Association formed by the protesters in 1971 was revived to temporarily hold the title ‘until a Larrakia Association could be formed’. In her ‘History of the Kulaluk Lease’ Henderson (1984:49) cites official correspondence: ‘The people desire that the title in the first instance be given to the Gwalwa Daraniki Association, an incorporated body, and later handed over to the Larrakeah Lands Association once it is officially incorporated. The group were still adamant that the ADF should not be involved with the handling of the land title issue’ (G K Castine to J L Wauchope, 23 March 1979).

If the title had been similar to Aboriginal title in the *Aboriginal Land Rights (Northern Territory) Act, 1976*, as demanded by the Kulaluk residents in 1979, the lease would have safeguards protecting the interests of Aboriginal people who by tradition have an interest in the land. For example, according to Section 19A(2) of the Act, Aboriginal land cannot be leased out unless:

- (b) any Aboriginal community or group that may be affected by the proposed lease has been consulted and has had adequate opportunity to express its view to the Land Council.

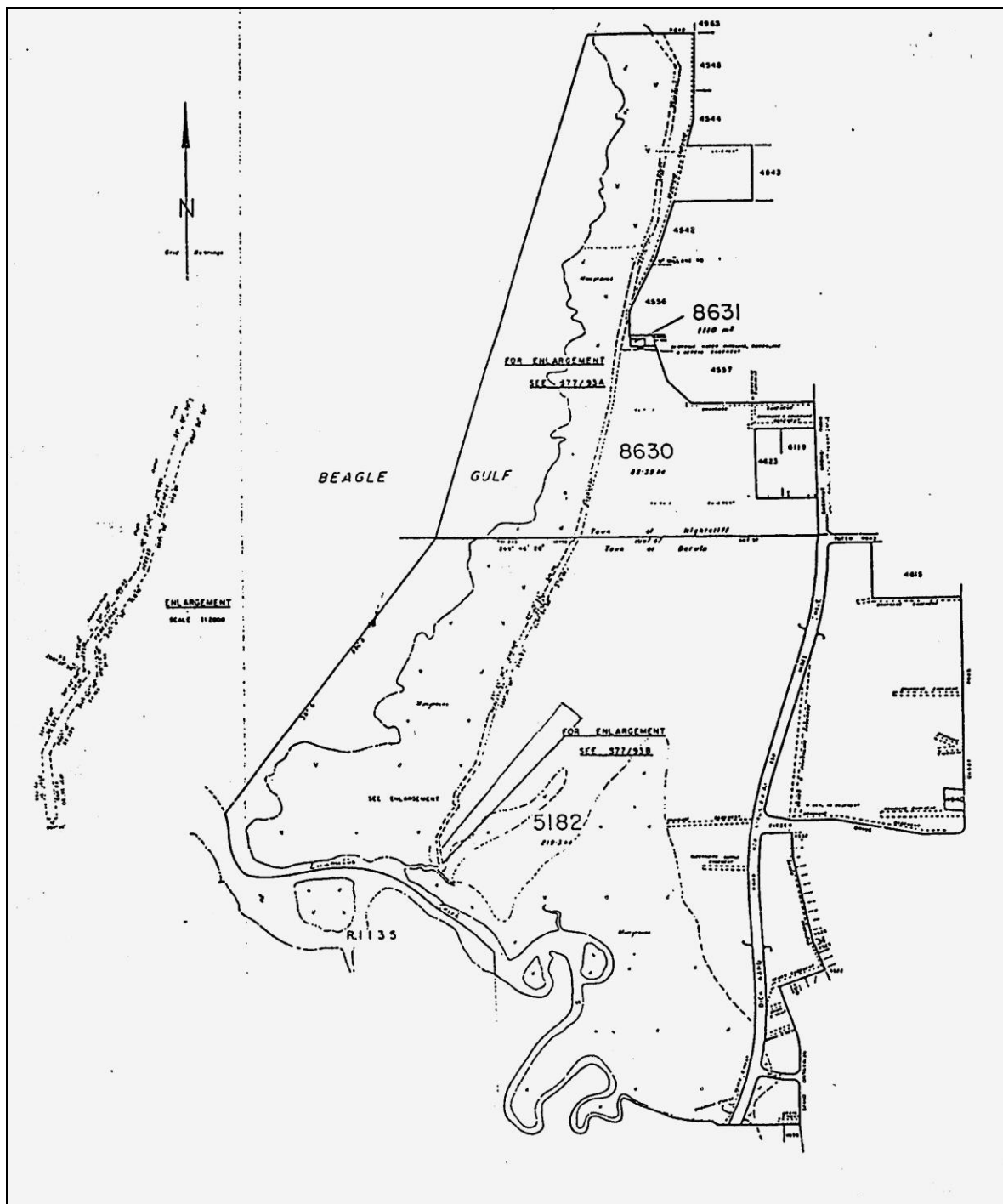


Figure 2: Boundaries of the Kulaluk lease. The narrow beach is a public right-of-way.

As history has proved, the eventual Kulaluk title subverted the safeguards of the *Aboriginal Land Rights (Northern Territory) Act, 1976*, to the benefit of future developers and the detriment of Larrakia people and other Aboriginal and non-Aboriginal community groups with a historical and cultural interest in the land. As noted in the introduction to this chapter, by 1987 the original concept of ‘community use’ was removed and the purpose of the lease was briefly defined as ‘for purposes consistent with the zoning of the land’ (Search certificate 11/07/2008: Crown Lease in Perpetuity 00671, Volume 727, Folio 022).



Plate 2: Signs on the Kulaluk lease. (Photos: Bill Day [left] and Robert Wesley-Smith [right]).

Commercial proposals

In 1995 a plan for the Kulaluk lease (GDA 1995), included Sections 2.2 to 2.3 that state:

2.2 We are seeking to establish a small-scale, community controlled eco-cultural tourism project which would be located along the coastline to utilise the marine and estuarine environments sustainably. Between low and high water mark, there is a rich diversity of eco-systems: mangroves, beaches, monsoon vine forests, grasslands and open woodlands, salt flats and intertidal mud flats.

2.3 We want to share our small beautiful homeland with visitors. Guided by Larrakia people, visitors would see and learn about our eco-systems, land and sea scape and their cultural and environmental values through direct experience and interpretation of our culture and customs, history and heritage, and our relationship with our natural environment.

In a turn-around from the 1981 proposal for a canal housing estate on the Ludmilla Creek section of their lease, as well as the eco-tourism proposal the leaseholders proposed 'to undertake a comprehensive land management plan for Ludmilla Creek region...' (GDA 1995). However, according to sections 4.1-3 of the report, under the heading 'Section 4. Proposed Commercial and Economic Plans', other parts of the lease were to be extensively developed (see Loizou 1993). The proposal was lodged following the signing by Vysrose 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 (see Day 2009a; GDA and Vysrose 1997; Secretary and Shields 1996; Shields and Secretary 1996a, 1996b). The plans for the Kulaluk lease were set out in the report, 'Our future at Kulaluk and

Minmarama Park: facts about the threats to our social and economic development' (Gwalwa Daraniki Association 1995: npn).

The GDA (1995) report continues:

4.1 We have planned for our economic future to ensure the well being and stability of our community. Our community development plan includes other commercial proposals to guarantee out participation in the Darwin economy.

4.2 Since 1993, we have had a successful lease agreement with the McDonald's restaurant on Bagot Road in the eastern part our lease (part lot 5182) This development forms the anchor tenancy for future planned developments.

4.3 This part of the lease is comprised of open savannah grassland and woodland on which we propose to develop a range of tourist accommodation facilities, such as a motel, holiday apartments, a restaurant and tourist village. A water theme park, a par three, nine hole golf course and golf driving range are also proposed for the site (GDA 1995).

However, only the application for a McDonalds Restaurant had been approved. Significantly, according to newspaper reports the GDA President, Helen Secretary, said 'the approval of McDonalds should set a precedent for the development of Kulaluk' (*NT News* 12 December 1993, npn). MLA for Millner, Mr Ken Parish had welcomed the proposals. 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, npn).

Aquaculture projects

The year after the GDA proposed an eco-tourism venture to share 'our culture and customs, history and heritage, and our relationship with our natural environment' using the 'rich diversity of eco-systems' of the lease, excavation began for five aquaculture ponds varying from 9000 square metres to 1300 square metres, bordered by levee banks gouged from tidal flats on the lease to create a three-hectare 'prawn farm'. When asked why this was necessary, the Larrakia matriarch at the Kulaluk camp answered, 'We need the money' (Day 2001:205, 2009c).

Within four years the \$150,000 prawn farm lay as an abandoned mosquito-breeding haven. There was no evidence of restoration as stated under Schedule 10 of the Development Permit DP97/0077 that states, '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' (Northern Territory Development Authority 1997).

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'.¹² The SRA provided \$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 was to be coordinated through Community Development Employment Projects (CDEP) and Structured Training and Employment Projects (STEP) for six aquaculture trainees and two administration trainees. A steering committee made up of representatives from the Gwalwa Daraniki Association, Northern Territory and Federal Government agencies and the Charles Darwin University were said to oversee operation of the new development.

An NT Government publication, *Common Ground* (July 2005, No.5, p.11), 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 *Common Ground*, fifteen tons of mud crabs a year would generate around \$235,000 in the first three years before expanding in future years.



Plate 3:Kulaluk Crab farm (Photo: B Day)



Plate 4: Aerial view of abandoned Kulaluk prawn farm

Hewitt (2006:10) writes, 'the current members of the [GDA] are the descendants of the family of Bobby Secretary, his sisters and his brothers who were identified as the traditional owners at the time the Special Purpose lease was granted.' Hewitt continues:

This organisation represents a small family group of the larger local Aboriginal Larrakia clan of the Darwin area ... Due to a lot of decision and tension within the large local Aboriginal Larrakia clan, this small family group have very little ties or connection with them and any assistance sought through government funding bodies is done independently through the Gwalwa Daraniki Association with no affiliation to the Larrakia Nation (Hewitt 2006:10).

According to the report commissioned by the leaseholders, '*Our Vision of Economic Independence*', the one 'valuable asset' the leaseholders have is 'their land as a bargaining tool to build economic

¹² www.indigenous.gov.au/sra/nt/fact_sheets/nt06.pdf Gwalwa Daraniki Association incorporated 6 June 1973.

independence'. Helen Secretary is quoted as saying: 'We want to create a viable business so we don't have to rely on government money' (Hewitt 2006:8). Hewitt's report claims that money-making opportunities are 'somewhat limited due to some parts of the area being mainly mangrove swamp lands and also being in the flight path of the Darwin International Airport'. However, the report adds that today Kulaluk is 'seen as prime real estate by the wider Darwin community for commercial ventures and is very much sought after which may result in further economic independence for the community in the near future' (Hewitt 2006:11; Day 2011f).

Earlier reports by Krimhilde Henderson (1983) and David Cooper (1985) gave very different assessments of the potential uses of the Kulaluk lease. Henderson's 'Land use Field Study of the Kulaluk Area' documented Aboriginal recreational use of the lease over a four week period, in particular swimming, fishing, gathering shellfish and bush foods and occasional camping. Henderson (1983:15) reported:

Apart from the obvious economic benefits of being able to supplement family diets with the variety of protein sources found at Kulaluk, the psychological benefits of shared family activity and the relief of social stress by being able to go to the creek and become involved in relaxing, absorbing and familiar activities are equally significant.

Ignoring Henderson's research, the Hollingsworth report (1985) makes two points. Firstly, doubts were raised about allowing commercial developments on an Aboriginal town lease. However, these qualifications were not because development was contrary to Aboriginal community use, but because of the 'unfair advantage' such uses would give the leaseholders in the commercial sector to which the GDA was seen to be affiliated. Secondly, concern was expressed by an officer of the Department of Lands that if commercial development was to proceed, then the Department could expect to receive applications for commercial development from other Aboriginal communities on other lands leased for community or living purposes throughout the Territory. This was seen as being undesirable as it may, in turn, create a demand for further living areas in Darwin (Hollingsworth 1985).

When the Larrakia people placed a native title claim over Darwin in December, 1996, the Kulaluk lease was excluded (see Mansfield 2006:Para 875-882). In addition, the Kulaluk controlling body, the Gwalwa Daraniki Association, has no affiliation with other Larrakia representative organisations. An explanation for the exclusion of the Kulaluk land from the Larrakia native title claim was later given by Dr Chris Burns, the Minister for Planning and Lands. Dr Burns wrote: 'With regard to the lease being excluded from the Larrakia Native Title claim, the issue of Crown Lease Perpetual No.671 predates the application for a determination of native title. As such it is considered a previous exclusive possession act which has extinguished native title' (Burns 2005).

Arafura Harbour Marina

On April 1, 2009, the *Northern Territory News* reported on page one that an agreement had been made between the Gwalwa Daraniki Association as leaseholders of the Kulaluk land and Gwelo Investments Pty Ltd who proposed to excavate a one-billion-dollar canal housing estate and marina to be called 'Arafura Harbour' and encompassing much of the lease, including all the Ludmilla Creek mangrove system (see Adlam 2009b). The *NT News* (April 6, 2009, npn) later reported under the heading, 'Landowners already cashing in on marina', that the GDA was already receiving payments for the Arafura Harbour proposal (see Day 2009d). It was later revealed that a caveat over the land had been granted to Gwelo developer Even Lynne (NTG 2009). 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, npn).

The GDA and Gwelo Investments Pty Ltd signed a 'non lapsing caveat' over the majority of the lease in March, 2009 (NTG 2009). The document states:

The caveator claims the estate or interest specified in the land described on the grounds set out and forbids the registration of any dealing affecting that estate or interest to the extent of the prohibition as specified during the period in which the caveat remains in force.¹³

The leaseholders

From the above, it appears that Mansfield (2006:Para 880) was correct when he stated, 'The fact that, at the time of the [Kulaluk] grant, its objects and composition may enable a finding to be made that its purposes (even its then express purposes) were for the benefit of Aboriginal peoples does not mean that purpose will be ongoing.' In the same year, an amended constitution of the GDA was lodged in September 2006 by Michael Chin, Barrister and Solicitor for the Kulaluk leaseholders, severely restricting membership of the land-holding body.

The new membership criteria ensured that decisions on the future of the Kulaluk 'Crown Lease in Perpetuity 671' will be made by people who have lived in the Kulaluk Community on 'Lot 5182 Town of Darwin or Lot 8630 Town of Nightcliff ... for a continuous period of at least twelve months'. In addition, the constitution states that the members should be descendants of the Danggalaba Clan of the Larrakia People or their spouses, provided at least half of the members (out of a minimum membership of 5) are 'Aboriginal persons' (GDA 2006).

¹³ The caveat was signed on March 9, 2009, by Even Lynne of Gwelo Investments Pty Ltd, PO Box 2816, Darwin, NT 0801, 'as the grantee of exclusive rights pursuant to an agreement between the Caveator [Gwelo] and the Registered Proprietor [Gwalwa Daraniki Association Inc, PO Box 746, Nightcliff, NT 0814] dated 15 December 2008.

A letter signed by the Senior Advisor of the Office of Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs expressed strong support for the leaseholders. Ms Macklin wrote (Dillon 2005):

[The Department] has a strong relationship with the Kulaluk community and it has provided significant support to the community around securing more jobs and better transport. The Minister wants that relationship to continue and to also make sure that any further developments on the Kulaluk lease occur after proper consultation with the residents and on the basis that they benefit.

Similarly, in December, 2009, the NT Minister for Lands and Planning wrote (McCarthy 2009):

The Government is generally supportive of community based organisations being able to realise the economic value of their land to the best advantage of their members. To this end the Department of Lands and Planning is working with the Gwalwa Daraniki association to review the land uses that could be undertaken within the Kulaluk lease. However, as you would be aware the lease is significantly constrained by tidal inundation and its proximity to the Darwin International Airport limits the area available and the types of activities that could be undertaken on the land. I am cognizant of the need to balance development with the ongoing enhancement of the beauty of our tropical city and thank you for your remarks.



Plate 5: Arafura Harbour proposal.

Plate 6: Fishing in Ludmilla Creek at low tide (Photo: B Day).

Conclusions

The above case study of the Kulaluk lease since the land was returned to Larrakia and associated Aborigines reveals a strong 'pro-development' philosophy by the prominent Larrakia family who controls the lease (see Langford 2010a). The lack of organised opposition from Larrakia representative bodies to destruction of mangroves and bushland previously used for traditional purposes and granted as compensation for the loss of land from Bagot Aboriginal Reserve, indicates both recognition of the

authority of the leaseholders as traditional owners and a similarly pragmatic attitude to development that provides opportunities for income and employment.

Admittedly, having few resources, the Aboriginal leaseholders have felt they had no option but to engage in sometimes dubious enterprises to exploit their land. Unfortunately, the resultant activities, such as aquaculture, marina and light industry will alienate the land from use by the majority of Larrakia people and other urban Aboriginal groups. In addition, many of the proposals have not eventuated or have been a financial disaster. However, alternative practical plans have always existed, similar to the GDA eco-tourism proposal that would provide educational, recreational cultural and environmental opportunities for the leaseholders, other Aborigines and the general public (see Day 2008b). These alternative plans view the urban bushland and open space that the Kulaluk lease provides as a priceless asset that cannot be replaced once alienated.

As well, Aboriginal people in Darwin need space for their religious and cultural practices just as other city dwellers are provided land for churches, mosques and similar places of worship. As noted, areas of bushland on the Kulaluk lease that are reasonably private have proved ideal for the conduct of ceremonies (see McConvell and McConvell 1989; Day 2012a, 2012b). Such activities, and others described in the Henderson field land use study (Henderson 1983) contribute to Aboriginal mental health and cross-cultural awareness, if a properly managed appropriate space is provided. The use of the land by school children with Aboriginal guides could similarly contribute to understanding and employment (see Plater 1980b; Day 2008d, 2009d).

Aboriginal People of Darwin: the Bagot Community

Introduction

The Bagot Community is situated on 23 hectares of suburban land on Bagot Road, surrounded on three sides by the suburb of Ludmilla. The community was founded in 1938 as an Aboriginal Reserve established to control and manage the increasing drift of Aboriginal people to Darwin from remote settlements, and to provide training in accordance with the prevailing policy of assimilation. Following a sudden turnaround in policy in the early 1970s, the reserve lost its direction and 'purpose for being' as an institution of control but remained as a segregated community reliant on government funding and living in an increasingly tense relationship with its suburban neighbours.

A brief history of the Bagot Community

After the Kahlin Aboriginal Compound was closed in 1937, the Assistant Chief Protector of Aborigines had recommended a property of 369 acres known as the 'Eight Mile' or 'Wilson's' next to the Ludmilla Creek that would make a suitable site for a new Aboriginal compound because it was beside the sea where Aborigines could fish or travel by canoe and also 'close to centres of totemic and ceremonial significance'. However, the Larrakia people expressed concern because they had heard that they were to be moved a long distance from the sea and away from their places of work (Wells 1995:26). With the Crown Land at Ludmilla Creek added to the newly created reserve it had an area of 743 acres [300 hectares] (Henderson 1984:6; Wells 1995a:27).

Dr Cook, the Chief Protector of Aborigines and Chief Medical Officer in Darwin believed the new reserve would help control the spread of unauthorised Aboriginal camps around Darwin. He claimed, 'With the stricter supervision which must follow [the creation of Bagot Reserve] these camps will disappear and aboriginals now in the vicinity of Darwin will be concentrated under supervision.' Cook also maintained that without control, the scattered camps 'would be a menace to troops resident on the proposed aerodrome' (Henderson 1984:7; C. E. Cook to Administrator, 29 February 1937).

A fence was erected to separate the Compound from the 'Half-caste' Children's Home (Wells 1990:80) because it was the government policy to keep the children away from other Aboriginal people (Cummings 1990:38). Samantha Wells (1995:27) quotes a visiting missionary who wrote:

Our house was situated between the half-caste community on one side and the native quarter on the other...They were packed into these huts like sardines. You would be surprised at the number these of people these huts could hold. Most of the huts have a door but no window...There were two separate schools at the compound, one for the half-caste children and the other for the native children (Rotuman nd 7-8).

During World War II Aboriginal people on the reserve were evacuated until 1946 when the old RAAF camp at Berrimah, although ‘in a state of disrepair,’ was chosen as the most suitable location for the Aboriginal people returning to town (Berndt and Berndt 1987; Wells 1995:280). Until 1948, Bagot was occupied by ‘half-castes’ until ‘full-bloods’ were moved back from Berrimah that year. By that time the Retta Dixon Home for children had been gazetted on a new site at the corner of the reserve.

According to Barbara Cummings (1990:84) the missionaries had indoctrinated the children with a fear of Aboriginal people on the reserve. She writes: ‘Many of these people were our countrymen, our grandmothers, cousins, brothers and sisters, some of whom came into the Home to work in the laundry or to chop wood. They were our kin and yet we were prevented from even talking to them’ (*ibid*). The separation worsened in 1953 after the passing of the NT Welfare Ordinance. Under the new law, ‘full-blood’ Aboriginal people were declared to be Wards of the State with the Director of Welfare as their guardian. In Darwin they were expected to live at Bagot to be trained according to the new assimilation policy. The federal government wrote, ‘As they progress towards assimilation, it is our intention that they should live in and with the rest of the community and that there should be no “native” quarter in Darwin’ (cited in Woodward 1974:36).



Plate 7: Nipper and Josephine Rankin at home at Bagot. Plate 8 (Right): Bagot Superintendent Les Wilson discusses plans with Bagot residents (Photos: National Archives of Australia).

During the 1950s and for much of the 1960s approximately 250 people lived at Bagot until the population stabilised to between 300 and 350, although the numbers rose to as many as 400 when visitors were in town (Woodward 1974:56; Bauman 2006:131-2). Some families whose fathers worked outside the reserve lived in ‘model homes’ and were photographed dining around their neatly set kitchen table to demonstrate their progress from ‘transitional housing’ to an ability to live as a suburban nuclear family. Other men and women lived in the single quarters, receiving a small ‘training allowance’ and eating in the communal dining room. Children attended school on the reserve and participated in interschool activities and eisteddfods. A preschool and health clinic was also

established. Sports teams represented the reserve in basketball, football and many other sports. Open days were held annually, with traditional dancing, spear throwing and the like (see Day 2008a:5).

The reserve is revoked

Meanwhile, after Darwin was declared a town in 1959 there was increasing pressure from politicians to move the Bagot Reserve. In that year the Mayor of Darwin, Mr J. Lyons, was quoted as saying, 'The way Darwin is growing leaving Bagot where it is would be like putting it in Smith Street. What a furore that would cause. It is high time Bagot was moved' (*NT News*, 2 January 1959, cited in *Bunji* October 1972 in Day 1993). Another prominent local politician stated in the NT Legislative Council, 'to put the natives further into the bush would be in their own interests,' adding, 'The town of Darwin is extending and we do require places within easy access to the city where people can live' (Hansard, 13 January 1959, cited in *Bunji* October 1972 in Day 1993).

In 1961 the Administrator, Roger Nott, wrote to Canberra suggesting that most of Bagot Reserve should be revoked to provide land for a suburban subdivision. His letter set out his reasons:

Because the Government has a considerable capital investment at Bagot and having regard to the fact that a large group of people now regard this area as home, many of whom will not move from the settlement into the normal community, I do not think that we could justify movement of the settlement to an area outside the Darwin town area even if a suitable place could be found. Moreover large numbers of the natives from Bagot now undertake employment in the Darwin area and with the Settlement situated as it is, these persons can travel to and from their jobs by normal transport.

In these circumstances I think we should consider retaining the present built up area of the settlement, including the garden area, and should provide a small green belt around this area to give opportunity for possible future development and to provide some insulation from the proposed housing sub-divisions. If this were done, the area of the Reserve would then be approximately 84 acres [34 hectares] which, in my view, would be sufficient for the immediate and future needs of this settlement (cited in Woodward 1974:56).

A report by the Aboriginal Land Rights Commissioner (Woodward 1974:55-64) documented the debate over the future of Bagot as recorded in internal government correspondence from the 1960s. Woodward (1974:55) believed 'it is worth setting out the history [of Bagot] in some detail, since it illustrates the way in which Aboriginal interests can be lost sight of when other requirements become pressing'. Woodward (1974:62) noted that the alienation of the Bagot land 'highlights the strength of the Aboriginal case for more land in the township of Darwin'.

The Minister for the Interior, Mr C E Barnes, issued a statement (cited in Woodward 1974:62). Barnes wrote:

Since its establishment, Bagot had served a very useful purpose, providing a home for Aborigines working in Darwin, and acting as a transit centre for those coming to the city for medical attention or special occasions. There was currently a programme for improvement of the buildings and facilities, and for the construction of individual homes where Aboriginal people could gain experience of normal home life under some guidance and be fitted to become fully responsible tenants in the general community...For this reason, and in keeping with its overall assimilation policy, the government had arranged with the Northern Territory Housing Commission that houses for Aborigines should be dispersed throughout new Darwin suburbs and that at least one house for each three blocks in the Bagot subdivision will be made available for Aborigines.

As Judge Woodward (1974:62) continued, '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.' Woodward (1974:62) concluded, 'It also shows that the general Darwin community owes some land to Aborigines on the basis of past understandings' (*ibid*).

On June 9, the *NT News* (June 9, 1964, npn) reported:

The residential subdivision to be created around and to include most of Bagot Welfare Reserve will contain 367 residential sites. The breaking up of Bagot Reserve – a major bone of contention in the NT Legislative Council and elsewhere for a number of years – was announced by the Minister for Territories, Mr Barnes, last week...the new subdivision will probably be called Ludmilla after the nearby creek.

After the passing of the Social Welfare Ordinance in 1964, instead of a small 'training allowance' residents were now entitled to Social Security payments. The dining rooms were closed and alcohol became more freely available on the reserve. Children were sent to a special class at Ludmilla Primary School.

Future plans

In June 1973, the Aboriginal Land Rights Commissioner reported on the Bagot submission:

The regular residents at the Bagot Reserve at Darwin have made it plain to me that their only concern is to obtain title to the Reserve so that they can develop it as an attractive and useful community living area. They foresee a mixture of houses and flats, including high-rise flats,

with special provision for old-age pensioners. In due time they would expect to see the surrounding fence come down and all residents making use of outside schools, hospitals and other public facilities (Woodward 1973:25-30).



Plate 9: Signs at the entrance to the Bagot Community, 2011 (NT News).

Surprisingly, the Bagot Council had made no claim for the large part of their reserve that had been resumed in 1965. As a result, the Gwalwa Daraniki Association at Kulaluk included in their land claim the area still lying vacant bounded by Fitzner Drive, Bagot Road, Totem Road to the sea, and Ludmilla Creek, including the old Bagot cemetery (*Bunji* October 1972, November 1973, May 1974, in Day 1993). Eventually, the vacant area revoked from the Bagot Reserve in 1965 was granted to the GDA as part of the Kulaluk Special Purpose Lease in August, 1979 (Day 1994a:101; Wells 1995:61).

New homes were built as Bagot was re-established after Cyclone Tracy, until in the late 1970s the reserve was vested to an incorporated Aboriginal community council to become a self-governing community for permanent residents and visitors to Darwin. By 1978, vacation activities were being held for Bagot children as part of the Vacation Care program with a children's activity area and campsite on 'Bagot Beach' (Plater 1980b; Day 1994a:117).

In 2007, the Federal Government Emergency Response, known as 'the Intervention' again introduced uncertainty and change through an imposed government policy. When the federal Indigenous Affairs Minister Mal Brough visited Bagot in October 2007 he condemned the NT Government for tolerating the conditions at Bagot. Mr Brough told the media, 'There is no street lighting, substandard and overcrowded housing and residents are left to cope with problems of blow-ins.' Speaking about the boundary fence reminiscent of Northern Ireland or apartheid South Africa, Brough said: 'It's an

appalling circumstance when a government of any persuasion puts a fence up between one part of the community and the other and lets what goes on behind it hide behind it' (Ravens 2007:5). At a meeting in the community hall, he informed residents that if re-elected the Howard government would convert the 23-hectare community into a 'normal suburb' (*ibid*).

Under the federal government proposal, a private developer would build 150 houses, a medical centre, shops and other facilities. Some areas would be set aside for Aboriginal people. Present tenants would have the opportunity to buy their own houses, provided they could finance a debt of up to \$50,000 for improvements (Day 2007:16). Tenants who continued renting would make their payments to Northern Territory Housing instead of the Aboriginal controlled housing corporation, guaranteeing that their rents would rise substantially. Not surprisingly, Brough was heckled by shocked and angry residents (Murdoch 2007b:6, 2007c:npn).

After a change of government in late 2007 the uncertainty remained. A huge sign at the Bagot front gate warned visitors of heavy penalties for bringing alcohol or pornography into the community. The sign added that enquiries are to be directed to 'The Australian Government's Emergence Response Hotline'. No assistance has been offered to enforce these regulations. The newspaper reported that Bagot had been labelled a 'town camp', subject to alcohol and pornography restrictions. The same paper announced that more than \$200 million had been cut from the NT Intervention program. The newspaper added that 500 residents shared 41 functioning houses. (*The Australian*, 14 May, 2005).

The controversy was reignited when the local member of the Legislative Assembly, Dave Tollner, introduced a motion into the NT Parliament proposing to convert Bagot into a 'normal suburb' (Rawlinson 2011; Calacouras 2009). Tollner suggested 'gifting' community houses to long-term residents who would then own their own homes. He added, 'Some of these people have lived there a long, long time. They are wonderful citizens of Darwin and there should be some recognition of their life there. People are saying, look we want to live a normal life, the days of town camps are over.' Tollner also quoted neighbours in adjoining streets who complained of 'late night music, swearing and yelling...' (Rawlinson 2011:npn).

In response to Tollner's proposal, the NT Minister for Public Housing, Dr Chris Burns, noted, 'there is no simple way to make Bagot a 'normal suburb'. Taking a cautious approach, Burns said, 'Further major developments would require extensive changes to land tenure, funding arrangements, and must be supported by the community, the Australian Government and other important stakeholders' (Betts 2011). However, others suggested means to use the Bagot land as a showcase multiracial housing suburb with a central community centre, facilities, open spaces and a community council to serve all who will be living on the estate (Day 2009e, 2011i).

According to the alternative plan (Day 2009e, 2011i), the vacant land covering two thirds of the lease could be subdivided into 80 or more blocks to be sold with a row of investment apartments along the Bagot Road frontage. The sale and/or rental of investment properties managed by an Aboriginal Corporation would facilitate:

- An ‘all purpose’ community centre and sports field’ to be an example of multiracial sharing, controlled by a council representing all residents of ‘Old Bagot’ and a new multi-racial Bagot.
- Bagot could retain its own council and medical service which would be represented on the ‘umbrella’ elected committee of stakeholders for the whole area.
- The money from the sale of the blocks would provide funding for housing for present-day Bagot residents and also a Trust Fund for the benefit of all Aboriginal people.
- Old and New Bagot would be integrated into the Kulaluk lease which would provide open space for sports fields (*ibid*).

Rather than a bold new approach, the Northern Territory Government (NTG) committed \$4 million to upgrade services and infrastructure in Bagot Community ‘to the same standard as any other Darwin suburb’. The NTG stated that the upgrade will be completed over three financial years (2009/10, 2010/11 and 2011/12), with initial works commencing in August 2009, including the fencing of 36 residential houses, installing water meters on 56 residential houses and providing numbered letterboxes to houses (NTG 2008:1).

Yilli-Rreung Housing Aboriginal Corporation (‘Yilli-Rreung’) managed the first stage of works and Ironbark Employment and Training (‘Ironbark’) supplied labour and organised training. Meetings were to be held regularly between Bagot Council, the NT Government, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Government Business Manager, Yilli-Rreung and Ironbark to share ideas and provide feedback (NTG 2008:2). Items put forward at the meetings ranged from improved street lighting for community safety, building cement pathways throughout the community and installing speed bumps on internal roads. In addition, the Department of Construction and Infrastructure will prepare a report and develop a master plan, in consultation with Bagot Community residents and key stakeholders that identifies the long-term infrastructure priorities for Bagot Community (*ibid*).

Conclusion

Whether footpaths, numbered housing and extra street lighting will solve the problems of the Bagot Community, time will tell. The difficulties of administering an urban population from many different language groups across the Northern Territory are immense. Although the Bagot Community is located in the heart of Darwin, in many ways the people who live there have more in common with Indigenous people in remote areas than with other residents of the Territory’s capital. This is a gap that remains to be crossed.

Larrakia representative organisations would agree that they do not speak for the Bagot Community, which has earned its own right to a place in the Darwin landscape. For many years, the Larrakia were the predominant group at Bagot but today only two Larrakia extended families remain in permanent residence – the Thompsons and the Rankins. However, whatever direction the Bagot Community takes in the future, its 400 residents will remain a significant and influential section of the Darwin Aboriginal population who cannot be ignored.

Unlike One Mile Dam, the Bagot community has too much political influence and their sorry history is too well-recorded for them to be threatened with eviction.¹⁴ And unlike Knuckeys Lagoon, Bagot is not strangled by bureaucratic inertia. However, unlike the Kulaluk lease, Bagot is restrained from considering commercial development and is mired in the tradition of its institutional past.

The mostly ‘traditionally orientated’ residents of Bagot live largely segregated lives but continue to exploit the natural resources of the Darwin harbour for bush foods. Therefore, they will inevitably be affected by the Inpex development at Blaydin Point and Howard Springs. Also if Darwin is to develop as projected, the poverty and social problems of the gated Bagot Community will be increasingly contrasted negatively with the outside world. As people with a long historical connection to the Darwin scene and, as a result, with some political influence, the Bagot people have more right than most representative groups to be involved in consultations over Darwin futures.

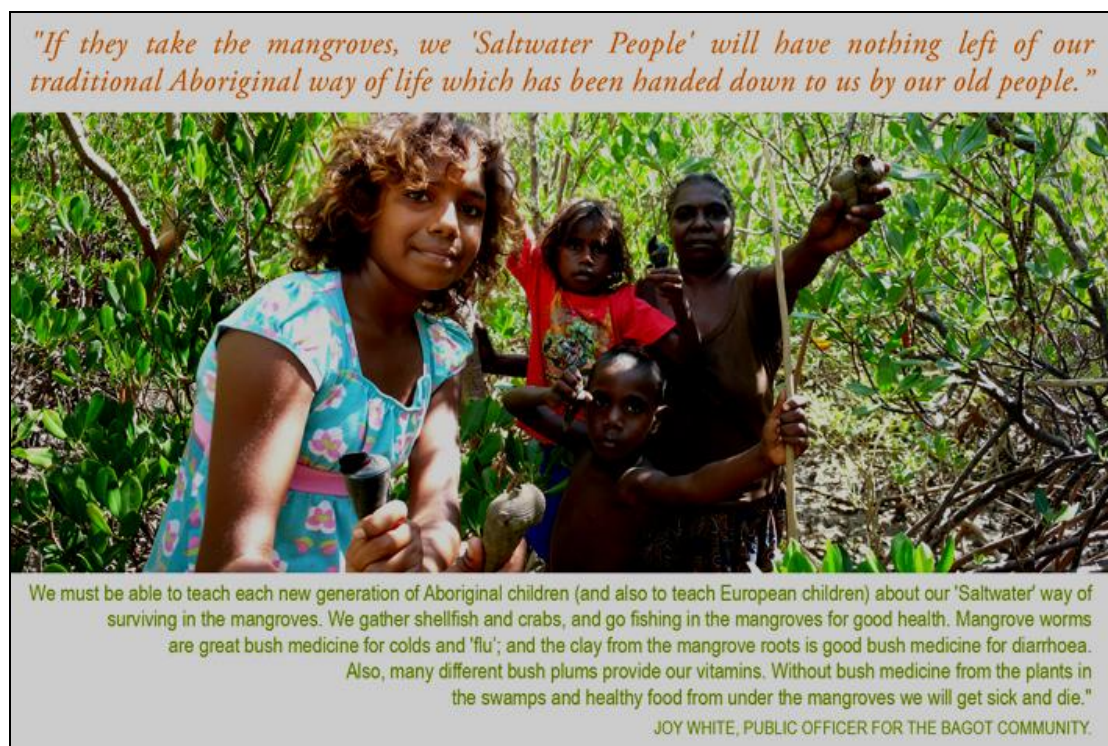


Figure 3: A postcard by Darwin artist, Therese Ritchie, with a statement by Joy White, a long-term Bagot resident, emphasising the importance of urban mangrove habitats for Darwin Aboriginal people.

¹⁴ See Davidson (1974) ‘The white man giveth and the white man taketh away’. *Canberra Times*, May 10, 1974.

Aboriginal people of Darwin: One Mile Dam

Introduction

‘One Mile Dam’ is an Aboriginal village on a 3.2 hectare lease granted to Aborigines in 1979. The area has been registered as Site 5073-115 by the Aboriginal Areas Protection Authority, who describe the site as ‘a spring area close to the Darwin CBD, off Dinah Beach Road, that was dug out and dammed in 1897 to create One Mile (or Railway) Dam’ (see Welke and Wislon 1992:262; Raethel 1999:79-81). As a case study, the experience of the One Mile Dam community reveals that so-called Aboriginal representative bodies may not represent all those that they profess to represent, or may even be in active or passive opposition to different sections of the ‘Aboriginal community’ who may be left without a recognised voice. Therefore companies purporting to be acting for the good of one section may in fact be assisting to suppress another.

The needs of the Aboriginal people who camped near the dam first came to the public’s attention in a newspaper report headed, ‘Dinah Beach campers complain of neglect.’ The article continued, ‘For 15 years they have camped on an area behind Dinah Beach which they call Japanee Beach. The camp has no shelter, no toilet facilities and no water supply. They said they prefer to stay at the camp rather than at Bagot Reserve or even their home country at Delissaville because there was ‘too much trouble there’ (*NT News*, July 13, 1972, p.6). The group were mainly Wadjiginy people from the Cox Peninsula, but with strong ties to the Larrakia people at Kulaluk, with whom they had joined in a coalition of fringe dwellers pursuing land rights in Darwin (see Day 1994a; 1997b).

As a result of their campaign for land rights, the claim for One Mile Dam was considered by the Aboriginal Land Rights Commissioner, Mr Justice Woodward, who discussed the claim in his final report: (Woodward 1974:54-55):

The second case I want to refer to is that of the area known as One-Mile Dam or Railway Dam. This is a place at which a number of Aborigines have been camped over a period of years. They have recently formed themselves into the Raknurara Bootong Association Incorporated and submissions have been made to me by counsel [John Waters] on behalf of that Association. They have obtained the services of an architect to show how this area could be developed as a semi-permanent Aboriginal campsite. They put the case to the Darwin Town Planning Board at the same time that a case was being put that some part of the land should be made available as a campsite for transients other than Aborigines. The Town Planning board approved the use of the area as a campsite for Aborigines and others but the Administrator’s Council rejected both the recommendations in favour, as I understand it of the use of the land for purpose of a public park. It seems that the proponents of the use of part of the land for non-Aborigines have accepted the defeat of their proposals and are now looking elsewhere. However the Raknurara Bootong Association is pressing its claims on behalf of Aborigines. I

can only say that, in pursuance of the principles outlined above, this seems to be a case where Aboriginal wishes should be met. Where else is it suggested that they should camp? Why should they not have reserved for their use the area which they have used for a number of years? There may be answers to these questions but, on the face of it, it seems to me that this claim on behalf of Aborigines is well founded and should receive sympathetic consideration from the relevant authorities – particularly in view of the support of the Town Planning Board.

The Special Purpose Lease

In 1975 the Aboriginal claim to the site was heard by the Interim Aboriginal Land Commissioner, Dick Ward (1975c) whose recommendations came into effect on March 26, 1979, when the title to the land was handed to a representative of the community by the Minister for Lands and Housing Marshall Perron. In an on-site ceremony, Mr Perron said, 'It will provide a permanent place for Aboriginal people to stay when they come to Darwin. It is best for all concerned if land is allocated and used to meet the needs of Aborigines who wish to live as a community in the urban environs. The people can now move to make improvements to their surroundings confident they have secure title to the area' (NT News, March 26, 1979; NLC 1997).

As it turned out, Special Purpose Lease 454 is held by the Aboriginal Development Foundation (ADF), an 'umbrella' group which also holds the lease for the Knuckey's Lagoon town camp, on the outskirts of Darwin. Although improvements were originally made, the relationship between the ADF and the community residents worsened and the infrastructure fell into a state of neglect. An observer wrote: 'The lack of services here was very apparent when I visited in July 2004. The camp was set up for indigenous people in the 1970s and has received little help or improvement since then. This camp can swell to accommodate nearly 200 people and has only 2 toilets, piles of refuse fester in the heat and recent reports have cited faulty wiring exposing residents to danger of electrocution' (see Spencer 2005, 2006).

Central Darwin Land Use Objectives

By 1996, the media reported that plans were being made by the NT Government to remove the surrounding oil tanks and rezone the hillsides for prestige housing overlooking the One Mile Dam which was shown on maps as 'public open space'. Warwick Stanley (1996) wrote: 'The NT Government is set to order the closure of a well-established and well-maintained Aboriginal town camp in the heart of Darwin. The Railway Dam camp site houses up to 12 Aboriginal families and also hosts remote community visitors.' As the NT Minister for Lands, Planning and Environment, Mike Reed, stated in a television interview: '[The tank farm] will be a class residential development close to the Central Business District of Darwin, very convenient for people, offering great opportunities for development and a good place to live, and it will include large areas of open space' (Day 1997c, 2010; ABC 7.30 Report, September 28, 1997b).

The OMD community's fears were confirmed in February 1997 when the following public notice appeared in the *Northern Territory News* (NTG 1997):

THE NORTHERN TERRITORY PLANNING ACT

Proposed Land Use Objectives for the Railway Dam locality

Due to public interest generated by the inclusion of the objective to relocate the Railway Dam Aboriginal Living Area as part of the recently declared "Central Darwin Land Use Objectives", land use objectives relevant to the Railway Dam locality are now being exhibited for public comment.

Proposed Land Use Objectives for the Railway Dam locality will be on public exhibition from 28 February to 31 March 1997. The proposed objectives can be viewed during business hours at the Department of Lands, Planning and Environment



Plate 10: Community Logo.

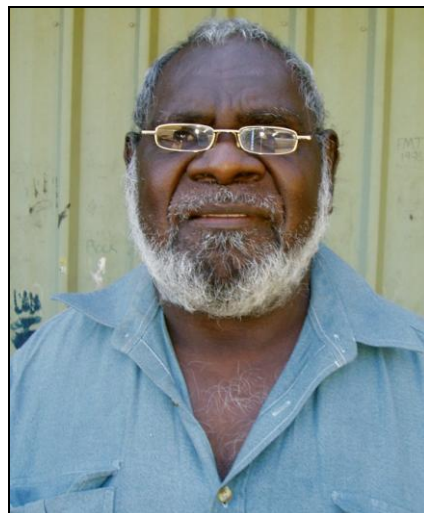


Plate 11: David Timber (Photo: B Day).

In response to the public notice, a pamphlet prepared by the Northern Land Council and the ADF was distributed, headed 'Railway Dam: how Aboriginal people are being thrown out of their home in Darwin city' (NLC 1997). As well as quoting Marshall Perron's promise of permanency, the pamphlet noted:

Housing at the dam is home to more than 30 permanent residents. It also provides accommodation to people visiting Darwin from remote areas... The Government plans to relocate the tank farm as part of its Land Use Objectives. The region will then be redeveloped as a high-density residential precinct. Railway Dam would be part of the public park planned for the area.

Under the heading, 'Larrakia people support the residents of Railway Dam', the pamphlet announced that 'Darwin's traditional owners have thrown their support behind the bid to save the Aboriginal lease to Railway Dam (also known as One Mile Dam)' (*ibid*). According to the pamphlet, Larrakia elders explained that the dam was a site of an important dreaming story. The dam was also the site of a spring that Larrakia people had pointed out to Goyder when he first came to Darwin [in 1869]. It had been an important meeting and camping place since before living memory. Larrakia spokesperson,

Bill Risk, said, 'We did not and do not approve of any development in this area which requires the eviction of long-term Aboriginal residents from important Larrakia country ... This kind of action can only add to the distrust of NT authorities felt by Aboriginal people' (NLC 1997). Larrakia support was confirmed in an article in *Land Rights News*, headed 'No Eviction!' and picturing 'Larrakia spokesman Bill Risk' with OMD President David Timber (*Land Rights News*, June 1997, npn).

For the next seven years, under the leadership of David Timber, the community held on in a virtual state of siege. Their determination was encapsulated in a report headed, "'We will not be moved". City tank farms to go, but campers fight to stay put' (Loizou 2004:1-2). According to the report, the ADF President, Mr Valadian, as leaseholder 'conceded that he was working with Government planners to incorporate the campsite into a "precinct for the entire area" and that this could include "public parkland", to compliment new residential housing'. Mr Valadian also hinted that the residents could be relocated. He explained that the ADF had not spent money on improvements at OMD in recent years because the residents would not pay rent. In response, David Timber argued that he will pay the rent when the improvements are made (Loizou 2004:2).

Since 2001 the community had been writing to Territory and Federal Governments complaining that they had no say in the running of One Mile Dam (Smith 2006:16). In 2004, the residents had formed the Kumbutjil Association and asked the NT Government to deal with them directly instead of the ADF. A community spokesperson said, 'Our experience with ADF has been one of paternalism. People have tried to participate in the ADF to provide a voice for residents but their voices have not been heard' (Smith 2006:16).

The stand-off continued, with MLA Gerry Wood summing up the situation at Question Time in the NT legislative Assembly. His question to the Minister for Planning and Lands, Delia Lawrie, is quoted here in full (Northern Territory Legislative Assembly, Hansard, 29 November 2007). Wood asked:

In the Northern Territory News on 28 October it was stated that the people of One Mile Dam had vowed to stand their ground in the face of the Territory government to redevelop the site. The Northern Territory News went on to say the Chief Minister Clare Martin refused to say whether the residents would be moved against their wishes. Are you going to move these people against their wishes? Why cannot Aboriginal people live on their own land near the CBD or is this the case that the One Mile Dam will not look good amongst the new up market development proposed next door?

Ms Delia Lawrie replied (Northern Territory Legislative Assembly, Hansard, 29 November 2007):

The area in which One Mile Dam is located is around the tank farms. As members can appreciate, those tank farms have been relocated out of the Stuart Park area. As part of creating Darwin's future, the Northern Territory Government through the Chief Minister went out on a very extensive public consultation asking people did they want to see vast park land there in what we refer to as the old Stuart Park tank farm area ... We are at the start of the next transit of consultation and it is very important to sit down with the people who live in that area and find out exactly what their housing needs are if they were to move. It is very early days at the start of a consultation with the residents of One Mile Dam to find out what their personal circumstances are and what they would require if they were to move.

Other threats

Nothing much changed at One Mile Dam until the passing of the NT Emergency Response Act in 2007. Residents complained that a sign erected at the entrance to the community under the Act unnecessarily distinguished them from the surrounding community of Stuart Park. In a letter to the Federal Minister, Mal Brough, the residents wrote (Timber 2007):

We have become no more than tenants on land being held by an absentee landlord who does nothing for us. This is not what we fought for in the 1970s. The same would apply at Knuckeyes Lagoon, an urban community with a similar history to our own. For this reason we are asking for a full and open enquiry into the finances and affairs of the ADF.

Apart from a breakdown in relations with the ADF, the relationship with the Larrakia representative bodies has been a fluctuating one. Certainly when the claim was made for a living area, the campers at One Mile Dam had family connections to the Larrakia people at Kulaluk and they campaigned side-by-side with Larrakia for land rights (see Day 1994a). However, by 2006 there was a new generation of Larrakia and the OMD leader, David Timber, expressed suspicion of their motives (Smith 2006:15). Timber was reported as saying, 'I believe the Northern Territory Government is talking it up with Larrakia Nation ... to have us moved out of here ... Just by looking at the place you can see it's prime land and very valuable to the Government to develop this area.'

In 2004 David Timber told film-maker Stella Simmering (2004; see also Smith 2006:16):

People might say it's development and you can't stand in the way of development but you can't just go kicking blackfellas around all over the place. We've been dispossessed already, we're still being dispossessed now – being told to move out from here. And you've got people who have come to the Northern Territory just recently, get into politics up here in Darwin, and then they think they own the place already and they'll kick out whoever they want to and most of those people are Aboriginal people.

This brief summary of the recent history of the One Mile Dam community could well have begun with the introduction to the ABC's 'Message Stick' program in 2005 (ABC 2005). In a report on One Mile Dam, the program began: 'In the heart of Darwin's newly developed area of inner city apartment living lies a small Aboriginal community, neglected, and fighting for its rights of ownership. This is the story of another Aboriginal unsung hero, David Timber and his fight for basic human rights.' The truth in this statement is that if it were not for the courage of David Timber, it is doubtful that the community would have survived. Not only has he resisted efforts to rezone the area, he has opened his community as a refuge to the homeless. At the 31st anniversary commemoration of the lease, it was announced that despite their meager resources, David Timber and his community at OMD had accommodated a total over 7,000 homeless people since the NT Emergency Intervention Response was announced.¹⁵ Today, the residents of One Mile Dam belong to many language groups, as well as the core population of Wadjiginy people (see Murphy 2001; Murdoch 2007c).

Conclusions

In the 1970s Larrakia people acknowledged the right of neighbouring language groups to be living on Larrakia land at One Mile Dam and Knuckeyes Lagoon. The campaign for land at these two sites was supported by Larrakia elders who were lifetime consociates and moved freely between camps (see Sansom 1980, 1982). One Mile Dam and Knuckeyes Lagoon share a similar history to Kulaluk, whereby landless fringe dwellers joined in a campaign to assert their rights in a rapidly growing city where bush camps were threatened by development. In the case of One Mile Dam, the threat has remained as the surrounding oil tanks are removed to be replaced by prestige housing with views of the harbour. In the words of the Aboriginal Land Rights Commissioner (Woodward 1974:55), 'it illustrates the way in which Aboriginal interests can be lost sight of when other requirements become pressing'.

As more and more homeless Aboriginal people crowd into the lease in tents and overcrowded inadequate housing, One Mile Dam also has become something of a symbol of the failure of the NT Emergency Response to lift Aboriginal living standards and 'close the gap'. Also the tourist-orientated wharf precinct and convention centre nearby stand in stark contrast to the dilapidated iron sheds of OMD that appear to reflect the spending priorities of the NT Government (see Hall 2009:9). Finally, as stated, the case of One Mile Dam community suggests that so-called Aboriginal representative groups may not only fail to serve their clients, but may also become an agency for oppression of their interest. Similarly, the promises by Project developers to bring improvements to the lives of Aboriginal people in Darwin will inevitably be compared in the media to the unchanging situation in communities like One Mile Dam.

¹⁵ More information can be found in Youtube videos *Railway Dam Aboriginal Community* (Day 2010f) and *Support One Mile Dam Community* (Day 2012d) and on web sites www.onemiledam.tripod.com and www.longgrass.tripod.com

Aboriginal people of Darwin: the Longgrass People

Introduction

Although the Larrakia people are recognised as the traditional owners of the Darwin region, they are no longer the majority Aboriginal population of what is now a thriving and modern capital city of the Northern Territory of Australia. From the earliest times, Aboriginal people from the hinterland have chosen to migrate to the growing settlement. As the anthropologist, W. E. Stanner (1979:48) wrote, 'For every Aborigine who had Europeans thrust upon them, at least one other had sought them out.' Having migrated to Darwin, Aboriginal people from many language groups have lived side by side with the Larrakia people as Wards of the State on Government Reserves, combining in ceremonies and sharing the resources of the land and sea.

As a result of this shared history, the Larrakia people cannot be viewed in isolation. Instead, the immigrant Aboriginal population must be accommodated in any study of the Inpex project at Blaydin Point and Howard Springs and its impact on the lifestyle of Aboriginal and Torres Strait Islander people. Certainly in recent years the Larrakia have attempted to reassert their authority as traditional owners, as this chapter will discuss. However, as Brandl (1983:1) points out: '[Since 1869 Port Darwin has] been an assembly point for Aboriginal people of different linguistic groupings who have come there for a number of reasons. Such people have never disputed Larrakia ownership over the generations, but both they and the Larrakia would agree that their access to areas of Darwin is now based substantially on well-established rights.'

'Long grass' is a regional term, referring to the speargrass that grows more than two metres tall on vacant land around Darwin in the monsoon months from October to April. Cleared patches in the grass could be used for hidden or illegal drinking sessions or as places to sleep for people threatened by race or vagrancy laws. Since drinking rights were granted to NT Aboriginal people, drunkenness decriminalised and vagrancy laws abolished, the 'long grassers' have moved into the parks, beaches, scrub thickets and neglected buildings around the town (Day 2007:14). Langton *et al* (1998:24) suggest another level of meaning: 'The so-called "long grass" people, resident along the beaches and on the edges of the town in Darwin [are] a reminder of Australia's hidden "black" history.'

The presence of the 'longgrass' people in Darwin has been the subject of continuing debate by civic authorities, politicians and the media (see Betts 2010a, 2010b; Calacouras 2010b; Day 1983, 1997a, 1997c, 1998, 1999, 2000, 2001, 2005, 2007, 2008a; Goldie 2003, 2004, 2008, Holmes 2007, Holmes *et al* 2007; Howse 2001; Langton *et al* 1998; Rothwell 2003; Scambarry 2007; Shulz 1996; Tamiano 2003; Ween 1997). In the media, the homeless are more usually referred to as 'itinerants' or 'transients', although many have lived in Darwin longer than those settlers who label them.¹⁶ Rothwell

¹⁶ Betts (2010a:7) writes of: 'The Territory's highest profile long-grasser – David Gulpilil'

(2003:3) argues, 'The itinerants are not merely homeless, they are displaced...' Or, as Paul Toohey (1999:npn) writes: 'They are homeless only in the sense that they do not have roofs over their heads. Many of them have lived outside for years and consider themselves residents of Darwin, not vagrants.'

As Spencer (2006:154) suggests, the word 'itinerant ... clearly reflects judgements about lifestyle as well as origins and length of habitation'. One man described as an 'itinerant' in the media recorded a long and detailed Darwin work history in his life story (Day 2008c). In the booklet and on film he expressed his relationship to the place where he camped (Day 2008c:v, 2011e):

This is not for a White man country, because this is the country for the Blackfella country. They born here and I born here - true story. My son, my brother, my cousin, they born here ... I don't like that Balanda [White] way, no. I want to look after myself Blackfella way, that's the really one. Most of my life I have lived in Darwin, this is my home. I have lived all over Darwin in many different camps.

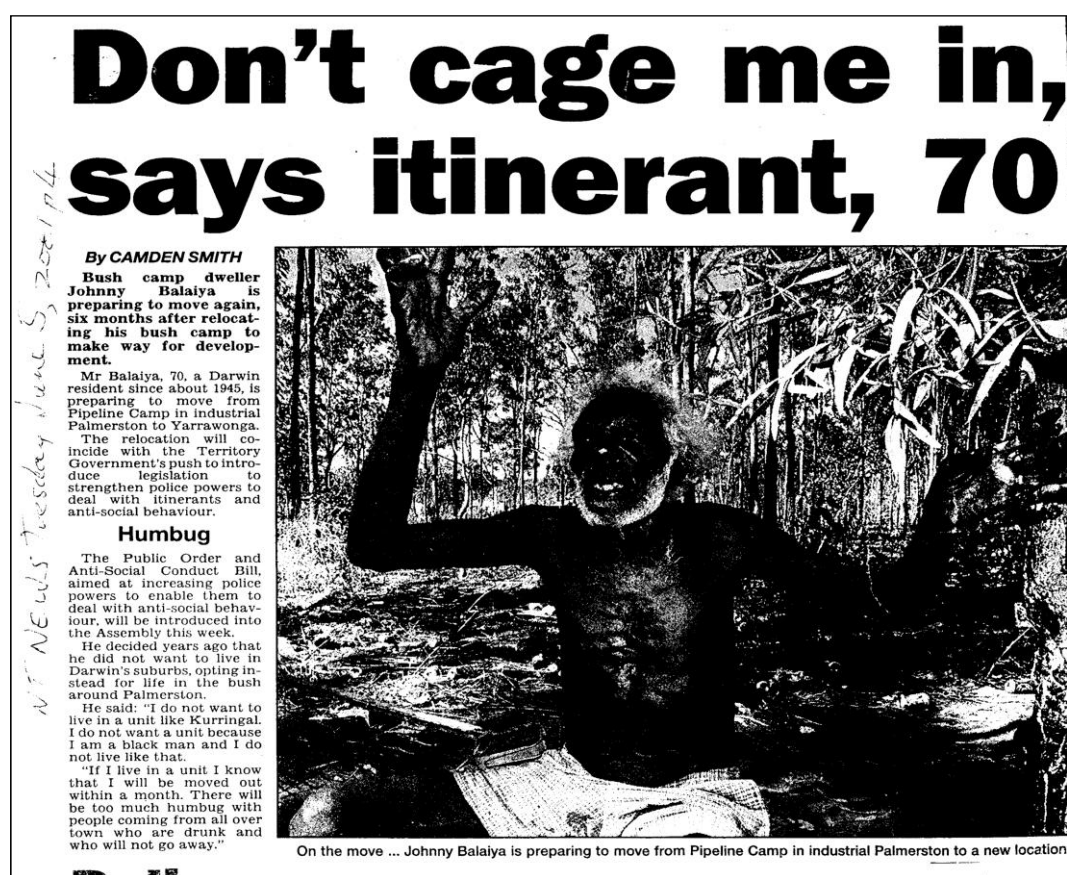


Figure 5: Article referring to a homeless man as an 'itinerant' (NT News, June 5th, 2001, p.4).

The 'longgrassers' value their closeness to the soil, on which most of them sleep, as confirmation of their Aboriginality. Their lifestyle demonstrates that they belong to the land. As one man told me, 'My mother put me on the ground. My mattress [was] paperbark - not bed like Whiteman' (Day 2001:11). In response to authorities that claim that the campers do not belong in the city, the campers assert their

identity as indigenous people. Others spoke of how they enjoyed sleeping in the fresh air, under the stars, as being part of a truly Yolngu way of life (Maypilama *et al* 2004). However, being harassed from place to place ‘like dingo, like wallaby’, as they say, suggests to fringe dwellers that they are not regarded as human. On the other hand, it is the ‘anti-social’ lifestyle of ‘bush people’, as fringe dwellers sometimes call themselves, that is used by opponents as a reason for excluding them from the town.

The term ‘itinerant’ to describe unhoused Aboriginal people in Darwin may originate from a parliamentary report on Aboriginal homelessness in towns, describing Aboriginal itinerancy as a natural condition of people who were ‘itinerant in this country prior to British colonisation’ (HRSCATSIA 1992:151-2). The report referred to anthropological descriptions of Aboriginal mobility patterns as a ‘complex and purposeful’ itinerancy that fulfils obligations and maintains links between people along a ‘beat’ (HRSCATSIA 1992:153; Beckett 1965; Sansom 1982). Kerin Coulehan (1995) also documents how Aboriginal systems of governance that extend from Arnhem Land to women and children who live in Darwin.

Contrary to the good intentions of the Parliamentary inquiry, describing homeless Aboriginal people in towns as ‘itinerant’ could imply a pathological condition of individuals rather than a result of a structural problem within society (Mackie and Johnson 1998:17). In many cases ‘itinerant’ people are living in unsanitary sites not of their choosing, are constantly threatened with eviction and are not free to select better sites with access to water and services since the establishment of the town. However, in the Darwin media, the term ‘itinerant’ avoids an association with dispossession or the specific needs of homeless Aboriginal people and is justified by a supposed desire not to appear to single out any particular racial group (Day 1997a).

More recently, Memmot and Fantin (2001:73) recommend against a ‘blaming the victim’ ideology that can ‘constitute a formidable barrier to the instigation of social change, in that those people who are considered “deficient” than become the focus of change, rather than the focus being on the systems that perpetuate power inequalities and discrimination’. Similarly, reports by Catherine Holmes and Larrakia Nation Aboriginal Corporation have advanced the cause of the homeless (Holmes 2006, 2007; Holmes *et al* 2007; Holmes and Eldridge 2008; Holmes and McRae-Williams 2008) as this chapter discusses.

According to Catherine Holmes (2006:45) homelessness rates in the Northern Territory remain the highest in Australia with more than 5000 people in a total population of 200,000. Media reports cite LNAC estimates of up to 2000 longgrassers looking for a place to sleep each night (Hainke 2008). Holmes (2006:45) reports:

In Darwin, more than 2000 homeless people were counted in a total population of 100,000, with more than 1000 experiencing primary homelessness. Indigenous Australians accounted for half of the primary homeless, that is, 500 people (Australian Bureau of Statistics [ABS] 2005).¹⁷

Holmes (2006:67) adds that a significant proportion had entered into a condition of ‘chronic homelessness’, whereby individuals had taken on a homeless identity, often described in Darwin as ‘living in the long grass’ (see Langton *et al* 1998; Day 1999, 2007, 2008c; Kowal 2006; Scambarry 2007; Holmes 2006, 2007; Holmes *et al* 2007; Holmes and Eldridge 2008; Holmes and McRae-Williams 2008).

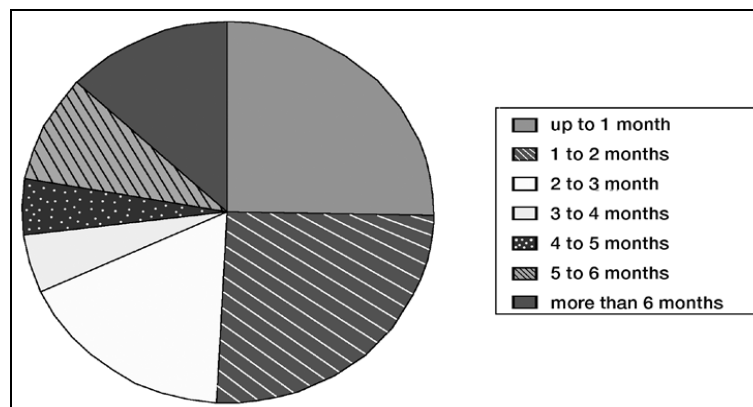


Figure 6: Length of stay in the Long Grass in Darwin (from Holmes and McRae-Williams 2008:28).

Aboriginal migration to Darwin

Brandl (1983:15) cites a report by Baldwin Spencer in 1912: ‘The natives have for many years past, been divided into various camps located in and about the township. These camps are occupied by natives of different tribes, the larger number belonging to the “Larrakia” which is the local tribe, others to the Alligator River, Daly River, Borroloola tribes, Worgait, etc.’ As Brandl emphasises, the non-Aboriginal presence had brought Aboriginal groups in the Darwin area into close contact with one another. Brandl (1983:16) adds: ‘This fact obscures another, equally important fact only recently established and that is that these groups have many ties and interconnections which the non-Aboriginal presence has only intensified.’

In the camps Harney (1957:17-20) observed the adaptation of Aboriginal traditions to the urban landscape, where localities had become the domain of distinct language groups. Despite the need for Aboriginal labour, Harney (1957:70) recounts an early morning ‘muster’ of the camps to remove the ‘down and outs’ to a waiting ship where their names were recorded ‘so that the Director of Native Affairs could commit them to an Aboriginal reserve.’

¹⁷ Paul Memmott suggests a much lower figure of ‘150-200 itinerants who were sleeping out overnight’ in 2001 (Memmott 2003:19).

The movement into Darwin seemed unstoppable. As Schulz (1996:28) notes, 'It is a problem as old as Darwin itself.' An old man living in a camp on vacant crown land in Darwin related how he walked from Arnhem Land in the 1950s. He said:

When I was at Maningrida, one of our family came around and told me about Darwin. He told me that he had just been to Darwin and that there was a big mob of tucker there, and shelter. A lot of people had been taken from all over Arnhem Land to Darwin by the Army for shelter. I took five or six family. We were all from different clan and we walked from Maningrida to Darwin where many of my relatives were already. We swam across the East Alligator River. We walked all day for about a month to get to Darwin (Day 2008c:1).

In 1951 a southern newspaper carried a series of reports on strikes by Aboriginal workers in Darwin. The articles described Darwin's Aboriginal population as 'hewers and drawers'. In the first of four reports from Darwin, headed 'Darwin's dark harvest', Gordon Williams (1951) interviewed 'natives living in conditions of such squalor, filth and abasement as defy open description.' After meeting 'the irreclaimable, the illiterate, and the hopeless' amongst 'Darwin's lost generation of aborigines', [sic] the reporter wrote (*The Argus*, March 13, 1951, npn):

[Employers] would resent any suggestion that all Darwin's town natives should be sent to bush settlements away from the doubtful benefits of white civilization. 'I can imagine the shriek that would go up from senior public servants and business men if that became policy,' one Territorian said.

Although Aborigines came from many parts of the Territory, those living in Darwin were generally referred to simply as 'town natives'. Until the 1970s, their urban Aboriginal camps were tolerated as part of the Darwin scene (see NTG 1981). Day (1994a) describes visits to camps on vacant Crown land around the city in the early 1970s. In the same decade, the anthropologist, Basil Sansom, conducted fieldwork amongst laid off stockmen and their families at their large camp on the fringes of Darwin at Berrimah (Sansom 1980). Rather than the stereotype of a broken people who had 'lost their culture', Sansom described a rule-governed community at 'Wallaby Cross', or Knuckeyes Lagoon.

The rapid spread of the Darwin suburbs in the 1970s economic boom, coincided with an increasing assertiveness by homeless Aborigines in Darwin, in conjunction with Larrakia who shared the urban bushland camps. In 1971, on three occasions, protestors from the camps held a series of well-publicised demonstrations, including 'sit-downs' across arterial Bagot Road to stop peak hour traffic and culminating in the raising of a flag outside the Darwin Supreme Court to 'claim back Darwin' (Day 1994a:25). The following year, on Australia Day, 1972, the Aboriginal Embassy was erected outside federal Parliament in Canberra. By making their Embassy an impoverished, self-built structure

on disputed land, the activists also projected the fringe camp into a symbol of national Aboriginal resistance to dispossession. As Rowley later commented:

When they looked at the Embassy, some of our legislators were stirred with that same indignation that has moved generations of country town councillors, contemplating Aboriginal shanties unlawfully built from materials acquired from the town tip, and unlawfully placed on the town common (Rowley 1978:1).



Plate 12: Aboriginal camp on Darwin's Mindil Beach in 1904 (NT Library Service).

Relationship with the Larrakia

During the early years of the struggle for land in Darwin, the Larrakia people who claimed the area 'stood together' with people from other Aboriginal language groups with which they had traditional and historical association (see Povinelli 1995c:327). In the camps and on reserves, the Larrakia shared ceremonies and life in the 'illegal' camps with groups who had moved onto vacant land on the Cox Peninsula and in Darwin (Brandl *et al* 1979:187). With the passing of the generation who had known each other in the cattle and army camps, workplaces, ceremony grounds and on tightly controlled Aboriginal Reserves, there has been a lessening of personal contacts between previously close Aboriginal groups, and in particular between Larrakia and those now referred to by the derogatory 'longgrass' and 'itinerant' labels.

In the past, Larrakia people also recruited men and women from other language groups to ensure continuity as their own elders passed away (Brandl *et al* 1979:194). Similarly, Walsh (1989b:3) documents instances where 'the transfer of knowledge across generations is going from non-Larrakia to Larrakia'. These processes were aided by the socio-cultural links which facilitate 'mixing' amongst Aboriginal campers in Darwin (see Brandl *et al* 1979:32; Brandl 1983; Brandl and Walsh 1983:154). As a result until recent times Aboriginal campers in Darwin believed they maintained an Aboriginal presence on vacant urban land by agreement with Larrakia elders.

In Darwin, the campers daily assert the Aboriginal entitlement to forage and move across the land. Although they do not claim ownership in Aboriginal law, campers and others explicitly connect their use of the landscape and closeness to the soil to their special relationship with the land as indigenous people. Similarly, Povinelli (1991, 1993a, 1993b, 1995a, 1995b) illustrates how Aborigines on the Cox Peninsula 'use hunting, fishing, collecting, and just plain sitting in the countryside as methods to position their rights *vis-a-vis* sites' (Povinelli 1993a:31).

Aboriginal campers in the Darwin area regularly supplement their diet by line, set-net and cast-net fishing, crabbing, spearing stingrays, gathering many varieties of shellfish, digging yams, gathering grubs, mangrove worms and wild honey, picking bush berries, killing and eating various reptiles and digging turtle eggs from the beach. Other bush foods, like kangaroo tails, geese, and fresh and saltwater turtles are purchased from shops or traders who visit the camps. All are usually cooked on open fires at the camp or on hunting and gathering excursions.

Coulehan (1995:193) also notes how North East Arnhem Land Yolngu groups regularly hunt and fish in the Darwin environs, to the extent that Coulehan (1990:7) suggests: 'Traditional Aboriginal usage ought to be a major consideration in foreshore and parkland management and in Darwin urban and immediate rural-area planning.' She adds that the urban Yolngu 'have cultural-specific needs in relation to economic and recreational use of foreshore and parkland and of mangroves and bushland in Darwin's environs' (Coulehan 1990:7).

Layton (1986:30) states: 'In contrast to Alice Springs, Darwin [fringe camps have] almost no resident Aborigines with traditional rights to the land.' Indeed, by the 1990s perhaps because of the apparent absence of traditional owners, campers from Arnhem Land who had committed themselves to the Darwin region for much of their lives often claimed that they were Larrakia (Day 2001:207). Although they may not know the Larrakia dreaming stories or use the Larrakia language to the same extent as the people of the Cox Peninsula described by Povinelli (1991, 1993a, 1993b), the 'long grass' people often call themselves 'Larrakia' to emphasise their claim to close historical ties to Darwin and knowledge of the land. Maypilama *et al* (2004) quote a camper from NE Arnhem Land as saying, 'I'm staying back in Darwin because my relatives are not generous, they don't help me, but the Malakmalak, Larrakia and Brinkin people help me. I'm not Yolngu any more, I'm Larrakia now.' In the 1990s, several of the older people in the camps told me that they could speak some Larrakia, including expressions they translated as, 'We all one family' and 'You mob all welcome' (Day 2001:207).

In 1997, one man from Arnhem Land was quoted as saying (Day 2001:208)

My ancestors they were here, there were a lot of tribes ... all this area of Darwin was roamed, including my tribe was here too. Now we [are] in Fish Camp. This used to be a sacred ceremony area before, but I don't know, maybe the Larrakia don't use it this time. And we had songs, also concerns for Darwin. This has been going on for ages and ages, from ancestor to ancestor. This is Darwin, we can sing [to] every coastal areas, every beaches.

It is true, as Layton (1986:30) suggests, that the fringe dwellers do not have the same attachment to Darwin places as the 'localised, enduring clans' of the homelands, but the ties which they have constructed serve to make them feel at home on Larrakia land. Aboriginal visitors to Darwin also continue to compose songs in their own languages that tell of their experiences and their place in the society and landscape. One woman sang to the accompaniment of a guitar, of a frightening night with her sister in an urban bush camp as a cyclone passed near Darwin. Her nephew sang a more traditional song about gathering shellfish at Lee Point, while dancers enacted the scene, in memory of the singer's wife who died at their Lee Point camp (Day 2001:208).

Images of turtles and water lilies in paintings by the fringe dwellers at Knuckeyes Lagoon are glossed over by Sansom (1995:295) as 'cheeky ... snatching and grabbing appropriation of the lagoon by ... fringe dwellers who have now used the lagoon for decades. As things used to be, native title in the lagoon is vested in the Larrakiiya, Darwin's original inhabitants'. However, the group's long attachment to the nearby lagoon cannot be dismissed as 'cheeky appropriation'. Layton (1986:24) says that Sansom told him there is evidence of the fringe dwellers claiming secondary rights to local [Larrakia] sites on the grounds that these had links to sites in the Daly River area. Layton (1986:25) also reports that Sansom said: 'In one instance men claimed legitimately to have succeeded to custodianship of a local [Larrakia] dreaming.'

During my fieldwork, several of the campers told me they wanted to be buried in Darwin (Day 2001:208). One woman and her husband said they would request this in their wills. As she stated in a television report: 'I grew up here and I will die here' (ABC TV *Stateline* 24 May 1997a). However, due to the influence of relatives in the homelands, the lack of land tenure in Darwin and the regulations for burials in towns, the wishes of the deceased are rarely enacted.

Aboriginal camps around Darwin remain a valuable repository of Aboriginal cultural values and centres of Aboriginal resistance. For example, smoking ceremonies conducted by campers are frequently held by request after the death of people in town camps and suburban homes in Darwin. Dance groups have also been organised from amongst the 'longgrass people'. Day (2001:209) describes how campers were asked to perform as the 'Larrakeyah Dancers', on stage at a multicultural dance festival. On another occasion a newspaper reported that 'elders of the Larrakia people danced in NT Parliament House for the first time as a welcome gesture for a group of federal politicians'

(English 1993). The accompanying photograph suggests that the dancers were recruited from another language group for the event.

Changing relationships

Urban Larrakia people began to reclaim their heritage in the 1980s; however, unlike earlier generations, unhoused fringe dwellers and the urbanised Larrakia people are ‘on different sides of the fence’, or as Merlan (1998:140) documents in Katherine, Aboriginal identity is being shaped by ‘the nature of differentiated relationship to the town’. Merlan (1998:147) also notes: ‘Reified understandings of Aboriginal organization also now enter into the way socio-territorial designations are used among Aboriginal people.’ Although no Aboriginal people in Darwin dispute the Larrakia as traditional owners, customary law amongst fringe dwellers now conflicts sharply with the claims of the ‘neo-classic’ Larrakia ‘new tribe’ as defined by Sutton (1998). In addition, the process of ‘mixing’ and cultural sharing noted by Walsh (1989b:3) and (Brandl *et al* 1979; Brandl and Walsh 1983:) in the camps of the 1970s and 1980s has been severely limited by the differing life styles and aspirations of the urban Larrakia people and ‘bush people’ or ‘longgrass’ Aboriginal campers.¹⁸

As suggested above, the growing recognition of the Darwin traditional owners, supported by anthropological literature, has contributed to the marginalisation of fringe dwellers in Darwin. In 2003, Kelvin Costello, CEO of the Larrakia nation, told *Koori Mail*, ‘There is an assumption that all itinerants are Larrakia – this is a real issue for us’ (Moncrieff 2003; Memmott and Fantin 2001:63). As Rowley (1978:77) has written, ‘There is urgent need for support of Aboriginal movement into towns. This [Land Rights] Act leaves them on the fringe where their attempts at urbanisation have been frustrated for generations.’ Young (1981:14) suggests one reason why traditional Aboriginal people may be marginalised:

[M]ost Aborigines in urban and metropolitan communities aspire closely to equality of living standards and employment opportunities with non-Aborigines while those in rural areas, particularly where the tribal background remains strong, do not necessarily value these material needs as highly.

In addition, Spencer (2006:159) notes that in Darwin: ‘There are effectively two competing groups: one defined by homelessness, poverty, dispossession and anti-social behaviour, the other [the Larrakia] with official approval and recognition, that has bargaining power, a successful land claim and relative affluence, but a less traditional lifestyle.’ Or, as Langton *et al* (1998:24) express it, ‘While the greater proportion of the indigenous population in Darwin live in circumstances comparable with

¹⁸ In 2010 a spokesperson for Mission Australia NT gave an explanation for changes in attitude towards Aboriginal campers. He said, ‘Darwin has changed over the years with the increasing influx of people from the south’ (Betts 2010b:12). Rothwell (2003:3) makes a similar observation (see also Adlam 2011a).

their non-indigenous neighbours, there is a proportion who are permanently resident in the long grass and in the beach camps in Darwin.’

Spencer (2006:163), who was critical of the role of Larrakia Nation, contrasts their aspirations with the disadvantage of the long grassers. Spencer described one group as forging allegiances with the state government, while the other group [the long grassers] ‘has a relationship to the state characterised by purposeful resistance’. Spencer describes the first group [Larrakia Nation] as having ‘aspirations to some of the material rewards of white Australian culture and hence having to relinquish or modify practices’. He claims the past Larrakia Nation CEO, Kelvin Costello, informed him that the Larrakia are only a tiny minority in town camps - ‘instead they have been dispersed into public housing’ (Spencer 2006:154). Spencer concludes (2006:154) that the long grassers ‘appear to maintain some vestiges of traditional lifestyle resistant to the model of citizenship offered by the representatives of the Larrakia Nation’.

In the 1970s, NT fringe dweller protests were endorsed by the traditional owners - the Arrernte in Alice Springs (see Eames 1983; Layton 1986; Rubuntja 1998), and the Larrakia in Darwin. Since the 1990s, the Larrakia Nation in Darwin has been reluctant to support fringe dwellers’ claims. According to Ben Scambary (2007:158):

[T]he Larrakia through their involvement in the native title process were increasingly gaining legitimacy through the advocacy of the NLC, but more critically through the corporatisation of the Larrakia polity in the form of the Larrakia Nation. The fringe dwellers, however, were excluded from the consideration of native title, and as they came under increasing pressure from the Northern Territory government and the media, they were not supported by the NLC, ATSIC, North Australian Aboriginal Legal Aid Service, or the Larrakia Nation Aboriginal Corporation.

The Community Harmony Strategy

In 2003 the Northern Territory Government launched the 5.25 million dollar Community Harmony Strategy in partnership with Larrakia Nation (Spencer 2006:159), succinctly described by Emma Kowal (2006:15) in her doctoral thesis:

The Larrakia Nation was funded to employ teams of ‘Larrakia Hosts’ in Community Harmony Project T-shirts who would operate in the city and suburban markets popular with tourists, negotiating with longgrassers to cease their anti-social behaviour and access services or return to their home communities (with the cost of their flight deducted from future welfare payments), and providing information to tourists, perhaps explaining that the display before them was merely corrupted Aboriginal culture on show.

Similarly, commenting on the ‘Community Harmony Project’, Scambary (2007:162) writes: ‘Despite opposing prior Larrakia claims to the Darwin area the Northern Territory Government utilised opportunistically the corporate identity of Larrakia as the “traditional owners” of Darwin as a way of ridding the city of homeless Indigenous people.’

As a result, there was a reaction from some Larrakia. Tamiano (2003:6) describes how a Larrakia woman, June Mills, formed the Longgrass Association (see Spencer 2006:158; Scambary 2007:158). June Mills is a musician, songwriter, poet, actor, graphic artist, aspiring politician and a past president of the Larrakia Association (Mills 1995:45). Tamiano (2003:6) quotes June: ‘At that time it was a direct response from myself and my family (who are Larrakia) to the statement issued on 8th February (2001) by the Larrakia Nation’s office saying that “Larrakia are sick and tired of long-grass”. As Larrakia people we felt very ashamed and offended by that statement...’



Figure 7: Excerpt of poster - 10 protocols for Larrakia country (LNAC 2003).

In an attempt to control the behaviour of homeless people from the remote areas, a confronting list of cultural protocols was issued by Larrakia Nation in pamphlet form and on notices through Darwin LNAC 2003). The ten rules of behaviour included:

1. The Larrakia people are the Aboriginal traditional owners of all land and waters of the greater Darwin area including identified Aboriginal living areas.
2. Aboriginal law requires respect for the cultural authority of the traditional owners.

The final point states:

10. Inappropriate behaviour reflects badly on Larrakia people and we do not accept it.

Homeless People fight back

June Mills made the point, ‘living out in the open, in country, is a cultural right for our people’ (Tamiano 2003:6). To assert this perceived right, from 1997 to 2003 there were petitions, sit-ins and protest marches by homeless Aboriginal people. Supporters launched two magazines, *Longgrass* and *Kujuk*, a website defending ‘longgrass’ rights and a CD, ‘Longgrass Live!’ containing songs by longgrass people and supporters (see Day 2001:192, 2011d, 2011e, 2012d, 2012e; Courtenay and Fellows 2001; Longgrass Association 2003).

Meanwhile, other homeless Aboriginal people in Darwin were defending their rights through legal processes (see Day 2001; Simmering 2003; Day 2008c). In 2002 a formal complaint of race discrimination was made to the Human Rights and Equal Opportunity Commission (HEROC) on the grounds that the Darwin City Council By-laws disproportionately abused the human rights of indigenous people (Goldie 2004 <http://www.austlii.edu.au/au/journals/AltLawJl/2002/98.html>). The complaint stated: 'public housing models in Darwin do not accommodate the special needs of indigenous people to live in the ways of their culture' (Day 2008c:15). Examples given were: to live outside; to make fires and cook bush tucker; to welcome extended family and have family stay for shorter and longer periods as required.

On 12th March, 2003, after extensive investigation and attempts to conciliate, HREOC terminated the complaint under s 46P(1)(i) of the Human Rights and Equal Opportunity Act 1986 so that the case could proceed to the Federal Court. Unfortunately, a lack of funds meant that the complaint in the Federal Court was discontinued by order on 6th May 2003 (*ibid*). Day (2001) relates two similar cases (see Day 1997c, 1997d, 1998; 2000; 2001).

Johnny Balaiya was forced from his bush camp near Palmerston by bush clearing for a forty-three lot subdivision. Stella Simmering (Day2008c:11) recorded his version of the events (see also: Ritchie 2004:34-39; Kleinert 2005:30-35):

One afternoon as Johnny was walking back from the shops he saw his bush land was on fire. Subcontractors had lit the dry long grass without notifying Johnny or helping him protect his camp. Johnny spent all night with a rake defending his camp from the bush fire. Following the fire the bulldozer started work near Johnny's camp.

While Johnny and his family group watched and waited as the bulldozer cleared the trees around their camp, nobody came to talk to Johnny about what was going to happen. Family and friends helped to move the caravan, water-tank, two old vans used for sleeping, cooking gear and mattresses. This is the second time in six months Johnny and his family group has been forced to move further away from water, shops and the medical clinic. Johnny says, 'I am an old man. I am tired of being moved by Balanda from place to place like the kangaroo, hiding in the bushes, being hunted from place to place. I am tired of being told by Balanda that they will give me a house or a place where me and my family can stay, when nothing happens.'

As Johnny's story suggests, an analysis by Heppell and Wigley (1981:11) remains applicable to many campers:

Many of the older people in the camps have watched the town grow and found themselves inexorably pushed from campsite to campsite, each time further away from the centre. Moreover, there have been many occasions when camps have been dismantled by the authorities and their members forcibly evicted. These movements might have given the camps an air of impermanence, but it needs emphasising that the core populations of town camps do not consist of itinerants; only, until very recently, of landless and dispossessed people.

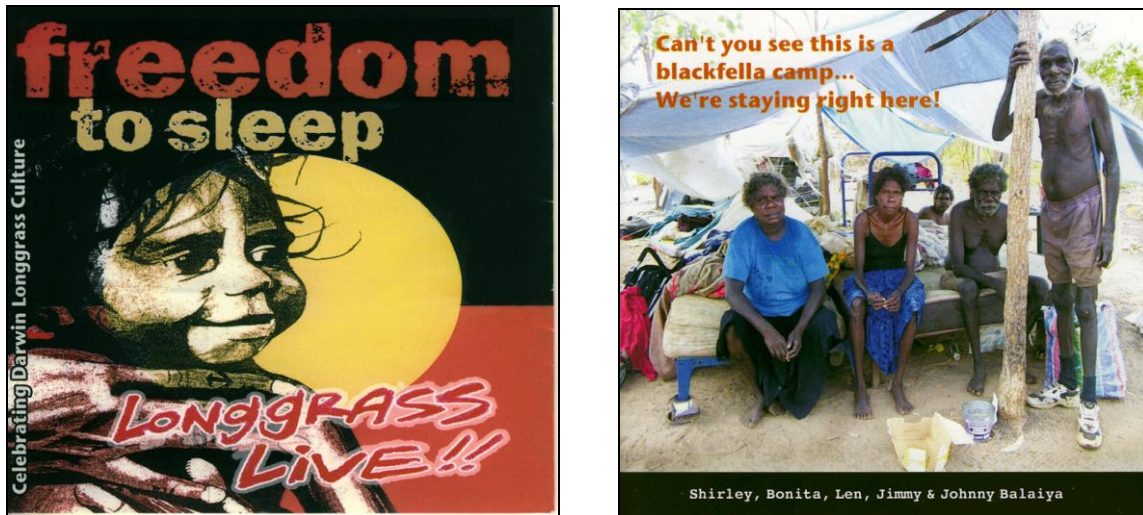


Plate 13: Cover of CD issued in support of homeless Aboriginal people in Darwin (Longgrass Association 2003).

In an extensive study of Darwin Aboriginal homelessness, Catherine Holmes and Eva McCrea-Williams (2008) found the activities of the police and council were a key factor in ‘the forced localised mobility of study participants’. The study added:

...data gathered during the second stage of fieldwork identified the Territory Government’s First Response Patrol as an additional cause of mobility. The government’s First Response Patrol operates in partnership with the NT Police and others to patrol anti-social behaviour hot-spots during the day. The government purports that this patrol will tackle anti-social behaviour through the gathering of intelligence, early intervention and referrals to other services and, at the same time, through the building of relationships with those deemed to be anti-social (Holmes and McRea 2008:31).

Calacouras (2008b) adds, ‘The \$2.2 million First Response Patrol members will operate from 7am until 3pm in long-grass camps and public parks.’

A new approach

The study by Paul Memmott and Shaneen Fantin (2001:73), “‘The Longgrassers’: a strategic report on Indigenous “Itinerants” in the Darwin and Palmerston area’, was a turning point in attitudes to the

homeless. The report suggested seven principles for a self-determination approach to community development for itinerants:

- Assist groups to clearly identify their problems and needs.
- Inform groups about the relevant resources available to them.
- Encourage groups to draw on their collective resources.
- Create an environment where groups can work out what to do about their problems.
- Encourage groups to take their own initiatives.
- Assist groups to have a 'voice' eg through incorporations, meetings, workshops, representation on agency committee for itinerants.
- Recognise the citizen entitlements (public space access) of long-term itinerants.

Regarding the conduct of 'Night Patrol' in Darwin, Memmott *et al* (2001:74) recommend:

- The resolution of behavioural problems through the use of culturally appropriate procedures;
- The assertion of a community-based authority which is not the product of an external agenda (such as police or Government);
- The observation of cultural protocols when deciding who talks to whom in terms of status and position in Aboriginal structure.

Subsequently the Larrakia Nation-sponsored study by Holmes and McCrea (2008:19) described advances in attitudes to homelessness. For example, Holmes lists the Larrakia Intervention Transport Service (LITS) as an outreach program focussing on identified needs of homeless families and offering practical social and other supports such as assistance with Centrelink, housing agencies and transport to medical appointments and the airport. In addition, by August, 2008, the LNAC had commenced a new program called Healthy Engagement and Assistance in the Long Grass (HEAL) (Holmes and McCrea 2008:20).

As well, the 'Return to Country' (RTC) program provides travel assistance to individuals who want to return to their homelands (Holmes and McCrea 2008:21). In an address to the Australian Institute of Criminology (AIC 2011), Larrakia Nation CEO, Ilana Eldridge, summarised the social benefits of the HEAL program tackling poverty and social exclusion and the Larrakia Ranger Program helping Aboriginal people to re-enter the work force (see FaHCSIA 2011:6-7). Other services are the provision of Proof of Identification (POI) cards to Aboriginal visitors to Darwin through the LNAC (Holmes and McCrea 2008:17) and the distribution of light-weight portable swags by HEAL and

several Darwin-based organisations (Mission Australia, St Vincent de Paul Society and LNAC) to people staying in the long grass.¹⁹

In February 2008, Larrakia Nation CEO Ilana Eldridge welcomed the NT Government's announcement of a \$10 million three-year plan to tackle anti-social behaviour (Calacouras 2008a). However, despite this more sympathetic approach towards the problems of homelessness in Darwin, the perceived problem of Aboriginal campers in Darwin remains a contentious issue in the media and for politicians and councillors. Although the camps have been broken up and the campers scattered they continue to assert their right to live in Darwin, where they can be seen hunting stingray in the shallow waters of Darwin beaches or fishing in the tidal creeks as their ancestors have done for centuries.

Conclusion

The protests by Aboriginal people camping on vacant Crown land in the 1970s were spurred on by a rising awareness of Aboriginal rights and the rapid spread of the city suburbs, threatening the bushland retreats where fringe camps had been tolerated. These protests were led by Larrakia elders who shared the same fate as those with whom they shared the camps (see Day 1994a).

In the late 1990s up to 2003, the protests by an increasing number of homeless Aboriginal people were in response to harassment campaigns by the Darwin City Council. By this time the Larrakia elders had passed away or were living in Aboriginal communities at Kulaluk and at Bagot in Darwin, while the Larrakia incorporated bodies were cooperating with government agencies to return homeless people to their country. However, all efforts have failed to reduce the number of Aboriginal people from remote communities migrating to Darwin where they continue to live as 'longgrassers' in urban bushland settings and public places. Once in Darwin, they claim that they are not 'itinerants' but are asserting a traditional right to camp and use the natural resources as their ancestors have always done.

Any development, such as the Inpex project, that further reduces the areas of mangroves and bushland around Darwin will undoubtedly worsen the situation for longgrass people who will not be able to accept the compensation of job opportunities available to Larrakia and urban Aboriginal people. As well, the highly visible lifestyle and poverty of the homeless campers in Darwin will be a contradiction to the supposed benefits that industry will bring.

19. 150 swags came from national charity, Street Swags (Hainke 2008). Calacouras (2010b:5) writes that MLA Dave Tollner accused the Labor government in the NT of treating the symptoms, not the cause by handing out swags and distributing meals on wheels.

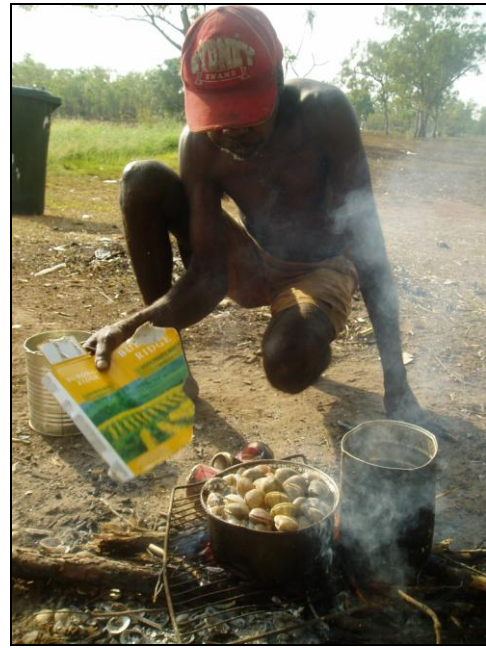


Plate 14: Itinerants told to go home (NT News). Plate 15: Meal time in a longgrass camp (Bill Day).

Research sponsored by Larrakia Nation has led to changes in policy towards homelessness amongst Aboriginal people but has not lessened the situation. Continued research is needed to propose positive outcomes for the longgrass people and their relationship to the Darwin community. This can partly be achieved through Inpex's inclusive approach applied to the recommendations in studies by Paul Memmott, Catherine Holmes and others, along with recognition of the 'citizen entitlements to public space access of long-term itinerants'.

Rather than contrasting longgrass people with the Larrakia traditional owners, the homeless should be understood in a traditional framework of exchange and reciprocity. This has been the case in the past, prior to the deaths of an older generation of Larrakia leaders. Hunting and gathering rights of all Aboriginal people in Darwin, not only the Larrakia people, should also be accommodated by developers and others.

Larrakia people themselves should also work to build a ceremonial relationship constructed on a traditional basis of reciprocity with Aboriginal visitors from remote regions living in Darwin. Aid to Larrakia organisation could incorporate this principle. The success of Inpex's cultural and social programs will inevitably be assessed by the effect on the highly visible and increasingly militant longgrass people camping in Darwin's suburbs – the very people who will most feel the impact of the vast changes the project will bring to the city. As Hayward-Ryan (1980:22) comments, it is only through tackling these issues that 'Darwin's claim to be a truly pluralistic community will be legitimised'.

Aboriginal people of Darwin: ‘The Dreaming’

Introduction

On 17 May 2006 after hearing 68 days of evidence and submissions from Larrakia witnesses, experts and interested parties in the Federal Court (Mansfield 2006:Para 31-44), Mr Justice Mansfield determined that native title does not exist in relation to the claimed areas of land and waters that were the subject of the Darwin Part A Consolidated Proceeding. As stated, appeals from Justice Mansfield’s decision by the Quall Applicants and the Risk Applicants were unanimously dismissed by the Full Federal Court on 5 April 2007 (French *et al* 2007). Mr Justice Mansfield (2006:Para 673) wrote in his final decision:

I was unable to draw from that evidence any indication of a normative society holding information about sites of spiritual significance in the Darwin area, including the claim area, and involving an appreciation of, and a responsibility for conveying the spiritual significance of those sites. Whilst there has clearly been some passage of knowledge from one generation to another, the evidence points to it having been at a personal level rather than in accordance with some normative system involving commonality of traditional laws and customs for the passing of such knowledge.

According to Ben Scambary (2007:152), the decision demonstrates ‘the narrow focus of the [*Native Title Act, 1993*] in accounting for the impacts of the colonial process on Indigenous rights and interests, and its limited ability to recognise the dynamics of change that are encompassed by the term tradition’. Likewise, although the Larrakia witnesses may have failed to satisfy the court that they belonged to a society with an uninterrupted system of laws and customs, the transcripts reveal the survival of individual beliefs in the spiritual power of sites and associated Dreaming stories.

It is not the intention of this chapter to question Larrakia religious beliefs, which have been proven with regard to one ‘descent group’ on Cox Peninsula in the Kenbi land claim (Gray 2000). Obviously, in the Darwin area since 1869 many significant sites have been destroyed and others alienated from Aboriginal customary use (see O’Brien 1985); however, many other sites have belatedly been registered with the Aboriginal Areas Protection Authority. In addition, from an ethnographic point of view, sites are not necessarily isolated pockets to be protected, but may belong to a network of beliefs.

A ‘Dreaming’, or *durlg*, site may not necessarily be a fixed feature of the landscape, but may wander over a distance on land or sea. It may be a story place or a place associated with the propagation of a particular species, or a Dreaming place for one species alone (Brandl *et al* 1979:159). The term is also used for a powerful being or spirit. According to Brandl *et al* (1979:164) there are also ‘*durlg* groups’, such as the *danggalaba* clan, who hold a primary spiritual responsibility to the territory in which their *durlg*, or common spirit, is located, elsewhere described as their totem..

Kenbikenbi

In the Kenbi Land Claim book, the anthropologists describe an underground path linking the two sides of the harbour, after which the Kenbi claim was named:

[The crocodile *durlg*] is also called kenbikenbi, after which this land claim is named. Kenbi also means ‘didgeridu’ and bamboo’, and is the underground tunnel linking the islands to the west of the claim area with Indian Island and the Cox Peninsula. From Belyuen it crosses to Kalalak in the Darwin area, where the traditional owners, the Secretary family now live (Brandl *et al* 1979:165).

Gray (2000:Para 5.4.4) adds: ‘The Kenbi dreaming is also connected with *Kalalak* (site 110) and *Nanggalinya* (site 111). The former is within the urban area of Darwin, in or near a community in which a number of Aboriginal people, including some of the Larrakia group claimants, live.’ In the next paragraph Gray (2000:Para 5.4.5) notes ‘a strong belief that the *Kenbi* dreaming connects the various sources of freshwater, so that the water which comes from the springs to which I have referred [eg *Kalalak*] is the same water as that which lies in the *Belyuen* (site 95) waterhole’.²⁰

Although ‘rites of passage’ ceremonies like initiation and mortuary rites, or *kapuk*, may be held at particular places the ceremonies are not primarily oriented to celebrating the powers of particular sites (see Tennant 1983; McConvell and McConvell 1989; AAPA 1996).²¹ However to conduct these ceremonies in an urban area, suitable land needs to be set aside. In past decades, ceremonies have been held on Aboriginal leases at Knuckeyes Lagoon and Kulaluk, but these leases and other bushland sites are becoming increasingly alienated by development (see Day 2012a, 2012b). An example is the attempt to rezone a *Kunapipi* ceremony site documented by James Gaykamangu (2010) on the Kulaluk lease.²²

‘Yirra’ and other dreaming sites

The Larrakia Development Corporation newsletter (LNAC 2003) describes the travels of ‘a large dreaming Kangaroo’ over country in the Middle Arm, Wickham Point, and East Arm area. The newsletter states that ‘a crucial and important part of this kangaroo’s travels is Yirra Island, lying in East Arm, [approximately 2.4 kilometres north-west of Blaydin Point] and potentially harmful to people if they approach it incorrectly’. During the native title case, Bill Risk also described Yirra island as being associated with Kangaroo Dreaming (Mansfield 2006:Para 790). According to Mansfield, Yirra is a small island near the East Arm boat ramp recorded on the Site Register as of mythological significance. It is also called Catalina Island (Map1).

20 Walsh (1989a:10) mentions ‘a water snake dreaming’ at Kalalak that was damaged by road works in 1983. In Aboriginal Australia, springs are often said to be created by the Rainbow Serpent in various manifestations.

²¹ Marrett *et al* (2001) describe *kapuk* as a ceremony to remove the spirit of a deceased person from human society by burning belongings in which the ghost resides’. See also Tennant (1983).

²² See Gaykamangu and Day (2010). According to James Gaykamangu, Larrakia elders concerned about loss of land sent message sticks to Arnhem Land groups and elsewhere, calling them to come to Darwin for a combined *Kunapipi* ceremony on land behind the old Bagot Reserve that is now part of the Kulaluk lease.

The environmental impact study by INPEX-Browse (2009:127-128) also mention ‘Yirra’ and repeats the story of the creator Kangaroo as recorded by Dames and Moore (1998) for the Phillips Oil Company. According to this story, the area of water around the island is believed to be dangerous; ‘people approaching should do so in a certain way...’ (INPEX-Browse 2009:128). The story extends to sand bars extending from the island which are said to represent the tail of the kangaroo (see Danes and Moore 1998). However, as stated in the Executive Summary of this report, the Aboriginal Areas Protection authority (AAPA) has issued Authority Certificates for sites directly affected by the Inpex onshore and nearshore project (see Table 4 below).

AAPA Authority Certificate	Subject area
C2008/041	Middle Arm peninsula and nearshore waters
C2008/042	Middle Arm Peninsula and nearshore waters
C2008/191	Marine area between Cox Peninsula and Shoal Bay Peninsula, Darwin Harbour
C2009/011	Subsea pipeline corridor within Darwin Harbour in the Beagle Gulf
C2011/164	Blaydin Point and Darwin Harbour
C2011/166.	Blaydin Point and Darwin Harbour
C2011/161	Accommodation village
C2011/171	Accommodation village
C2011/241	Accommodation village

Table 4: Authority Certificates provided by AAPA for the onshore and nearshore development areas (INPEX Browse 2009:457).

There is also a well-documented frog dreaming on Cox Peninsula which Topsy Secretary told the anthropologists is linked with Dariba Nunggalinya at Casuarina (Brandl *et al* 1979:196); however, Mansfield (2006:Para 376-380) discusses conflicting witness statements regarding the frog dreaming at Casuarina. In a lengthy discussion of the frog dreaming, Graham (1997:22) refers to a song with the nickname ‘*brak-brak*’ and ‘said to be a *wangga*’.²³

Bauman (2006:129) names the Frog Dreaming site as ‘Ngartba-ngartba’ and comments: ‘Other significant sites in Larrakia country are associated with Ngartba-Ngartba frogs, including sites across the harbour on the Cox Peninsula.’ Graham (1997:23) cites evidence given by Larrakia woman, Sue Roman: ‘That same frog dreaming there at Wutut, Wutut [on Cox Peninsula], was told to me by my mother and Aunty Maudie and Olga and quite a few people ... every time we go camping there, how it was a dreaming from my grandmother, yes. And it sort of like comes right across to Yirra (Island).’

Mansfield (2006: Para 751) also heard evidence of a Bailer Shell Dreaming near Wickham Point. Mansfield was dismissive about the connection to a Cox Peninsula Dreaming of the same name:

²³ Marrett al (2001) describe *wangga* as ‘songs normally received in a dream by songmen, or *medjakkarr* in Batjamalh, the language of the Wadjiginy people... [The singing of] *wangga* facilitates the opening of channels between humans and other orders of beings.’

There was some evidence of a Bailer Shell Dreaming near Wickham Point. Keith Risk, who principally spoke about it, was quite uncertain as to its origins and as to its details. He accepted that he may have assumed the existence of the dreaming himself, as he did not remember having learned of it. Tibby Quall described it in a little detail, but was the only person to do so. Raylene Singh, during the Kenbi Claim hearing, referred to the same dreaming track as Mr Quall (Ngayin. Gilmak) but did not say that it extended to the Darwin side of Darwin Harbour.

Mansfield (2006:Para 764) also notes that several witnesses referred to a Mermaid Dreaming at the sandbar off Cullen Bay, although there was no detail of it. He added that Susan Roman in the Kenbi Claim hearing said that the Mermaid Dreaming does not exist anymore, following the development of Cullen Bay. Topsy Secretary made a similar observation to Sean Heffernan (1996:14-15, 1997:171). She told Heffernan, 'there used to be a mermaid that use [sic] to swim and play in the ocean close to Cullen Beach but that it was no longer able to do this due to the changes to country there'. Topsy said, 'I don't think it'll be back because the house is still going on and on and on, noise. See, in those days wasn't a noise.'

East-west connection

Felix Holmes, a Limilngan man, told Walsh (1981:7) that to the east of Darwin there were two Larrakia ceremonial sites: Bilurrgwa on Shoal Bay and Mayilmilma near Blankey's Jungle where people from all groups in the area participated. So strong are the connections to the east that Holmes claimed to the Kenbi researchers (Brandl *et al* 1979:182):

'If you had put a tape [recorder] on the ceremony ground at Oenpelli and you had taken another tape at Daramanggamaning [Two Fella Creek] (a ceremonial site on the north coast of the Cox Peninsula), it would have been the same.' Holmes also stated that the ceremonies shifted to Darwin, presumably meaning Gundal, and then to Daramanggamaning after the site became unsuitable through the presence of the army barracks.

Felix Holmes told the Aboriginal Land Commissioner (see Brandl *et al* 1979:182; see Davis 1994:34-41): 'Daramanamandji came from Oenpelli, to the Kulida ground, on to Lalikili, Bilyingki jungle, Shoal Bay, Larrakia barracks, and Daramanamandji (Daramangkamaning) at Delissaville [Belyuen]. He finished at Twofella Creek...' That is, from the east to the west. However, Graham comments: 'The path from west to east, as per the Kenbi book [Brandl *et al* 1979] I would suggest is an essentially western view, the east to west, a western Arnhem Land view.'

The Tiwi, Wagaidj, Larrakia, Maung and Gunwinggu have a myth concerning the Rainbow moving from west to the east. In the Wagaidj, Larrakia, Tiwi and Gunwinggu cases it is often accompanied by a Whale, described by Brandl *et al* (1979:69) as 'a large sea creature, sometimes translated as sea monster or whale. The travels of this Dreaming being, or *Durlg*, are described as:

[F]rom as far south as Badjalarr (or Peron Island as non Aborigines call it) stopping at places such as Djirrbul (on Finnis River) and many other named localities which have no European name before reaching the island chain in the claim area and then via the island chain to Daramanggamaning [Two Fella Creek] on the north coast of the Cox Peninsula and across the harbour to Old Man Rock off Casuarina Beach and beyond at least as far east as Shoal Bay.

Confirming a connection, in 1975 The Arnhem Land leader, Silas Roberts, stated publicly that the Larrakia were not the only ones with an interest in Old Man Rock. He was quoted as saying, 'Mr Joshua says the Daribah Nunggalinya [Old Man Rock] is also a dreaming place for the Oenpelli people' (*Bunji*, September 1975 in Day 1993). The Kenbi Claim Book adds that Silas Roberts's statement is 'undoubtedly a reference to *Lumaluma*, the Whale' which is said to have instituted sacred ritual, 'just as he did in the claim area' (Brandl *et al* 1979:71).²⁴

Old Man Rock

Dariba Nunggalinya is a sacred rock better known as 'Old Man Rock' that is covered by the sea at high tide near Darwin's Casuarina Beach. It is an example which illustrates the power of Dreaming sites, and as such the site's place in Aboriginal mythology is discussed here in some detail. The beliefs also illustrate how unusual events can be attributed to the Dreaming, and confirm the dangers of disturbing the powers that the sites represent (see Bauman 2006:128).

Mansfield (2006:Para 760) confirms that the evidence suggests that Old Man Rock is part of the Kenbi Dreaming track from Belyuen to particular areas around the Darwin Peninsula. He noted: 'Morris Fejo described the story at some length, and said that there are dances and ceremonies that are done for Old Man Rock, but he does not know what they are called and does not know them.' However, although no witnesses were familiar with the rituals associated with the site, Mansfield agreed that Dariba Nunggalinya is 'clearly an important Larrakia site, if not the most important Larrakia site.'

Mansfield (2006:Para 424) cites an earlier submission by the late Bobby Secretary:

In 1975 Bobby Secretary made a submission to Interim Commissioner Ward which stated 'Dariba Noongalinya, he is the dreaming place long long time ago may be a thousand years. Travelling around the country, came to here and turned to rock. If the white man put something there, something bad happen to this place Darwin ... We want this place, nobody can touch it. ... It is our job to look after it ... Daribah Noongalinya belongs to Larrakia.'²⁵

Ken White writes in, 'Old Man Rock and a Buddhist legend' (White 2005:176-178):

²⁴ Brandl *et al* (1979:71) notes, 'Details of this are still secret-sacred and will not be reproduced here.'

²⁵ In 1982 the Aboriginal Sacred Sites Authority approved the registration of Old Man Rock as a sacred site. Access is now restricted without the permission of the Aboriginal Areas Protection Authority.

Old Man Rock is located off the Casuarina Coastal Reserve and is believed to be the final resting place of the first Larrakeyah man. According to the Larrakeyah people, Nunggalinya is responsible for earthquakes, storms and cyclones, including, of course, Cyclone Tracy. Such events, they believe, do not occur simply because of natural forces; they are provoked by human actions or failures. The legend of Old Man Rock was recounted by Andrew Henda, who lived at Bagot Reserve in Darwin, during the hearing of the Interim Aboriginal Land Commission on the Larrakeyah and associated Aboriginals' claim for the rock. And Andrew didn't mince his words.

Andrew Henda is quoted as saying, in part that Old Man Rock started off somewhere near Koolpinya and he started to travel 'until he where he sits down now'. When he was travelling he made a creek, 'the one out Koolpinya way, Black Jungle. When he sat down the tide came up and covered him'. Andrew said that his father told him the story and also told him, 'that rock [is] part of the Larrakeyah dreaming' (White 2005:178).

The Queensland Aboriginal activist, Cheryl Buchanan, claims that Bobby Secretary, told 'quite a few people' in Melbourne in September 1974 that 'the spirit who watched over their land, had said that a very big cyclone was to come [to Darwin]' (Marginson 1975:8). Bobby's sister Topsy Secretary also told Heffernan (Secretary and Heffernan 1996:12) that 'one important reason for Cyclone Tracy coming to Darwin in 1974 was because her brother [Bobby Secretary] asked [Old Man Rock] to bring a big wind because the Government would not give the *Larrikiya* the Kulaluk land' (See also: Chandler 1994:16-17; *NT News* July 11, 1975; *Bunji* March 1982 in Day 1993).

In his interview with Topsy Secretary, Heffernan transcribed Topsy's explanation for Cyclone Tracy which destroyed Darwin in December 1974. Partly in Larrakia language, she told Heffernan: 'My brother went over there and they talked to him. Well *Gunyaw Borda-an-gwa!* That mean "you kill Darwin!" Lucky the sea was long way. *Gweyla gulu nganyuk gweyla gulagwa* mean "he'll have to kill Darwin!" And he did, Cyclone Tracy' (Secretary and Heffernan 1996:12)

Keith Cole (1977:183-4) also refers to Larrakia beliefs in the power of Old Man Rock:

Very seriously, the Larrakeyah said that we at Nunggalinya College were responsible for the cyclone. They thought that we had gone out to 'Old Man Rock' and taken from it the sixteen-ton granite boulder which stands as our symbol in front of our College. Apparently old Nunggalinya was so enraged by this act of desecration that he sent the cyclone.²⁶

²⁶ The rock in question is a large egg-shaped boulder from the Mount Bundy area.

Mansfield (2006:Para 421-2) notes that the Larrakia people lodged a land claim over Dariba Nungalinya, known as 'Old Man Rock' around the same time as the Kulaluk and Gundal land claims were lodged. He then cites historical references to Old Man Rock (Paragraphs 421-426):

Previously, in 1931 the Northern Territory Times had reported on an earth tremor in Darwin, recording that a 'Larrakeeyah native' insisted that the tremor occurred 'because a certain King God turned over in his sleep. According to this informant there is a large stone or rock situated close to Casuarina Beach and reached by the tides at certain times. This rock is or was the First Aboriginal and the maker or beginner of the aboriginals of Australia. This king god sleeps near Casuarina Beach and occasionally when disturbed turns over in his sleep causing the whole earth to shake with his movements.' *The Adelaide Advertiser* had published a similar article in 1931 referring to 'a large stone close to the sea' at Casuarina, believed to be 'the King God, the first aborigine and creator of all others'.

Quail Island (Duwun)

Protests over the bombing of a sacred site on Quail Island, or Duwun, illustrate the offence over many years felt by Aboriginal custodians, in this case the Wadjiginy people of Cox Peninsula. In 1964 Keith Willey wrote: 'For years the Waugaits, a "saltwater" tribe who live on the coast between Darwin and the mouth of the Daly, had muttered about the use of Quail Island by the RAAF as a bombing range.' (Willey 1964:167, 1980; Brandl et al 1979:105; Day 2009b:8).

Ward McNally (1974:53-56) reports on a protest by four Aboriginal men: '...in mid-November four members of the Wagait tribe went to Quail Island, a hip of land about forty miles down the coastline and to the left of Darwin, and took up residence in an effort to stop the bombing of sacred tribal land by Australian and British air force planes' (see Day 1994a:94). Under the headline, 'Island squatters defy RAF bombers' the *Northern Territory News* reported:

The battle lines have been drawn on Quail Island ... 'We want to make a protest,' their leader, Roy Mudpool explained ... We don't want any more bombing here. We hope that the protest might do something. Of course the air force might not take any notice of us. We will just have to wait and see' (*NT News*, November 13, p.1, November 14, 1973, p.3).

In fact, the air force delayed the bombing until the four men had left the island – meanwhile the protesters had successfully publicised the issue nationally and caused Senators to ask questions in Canberra.

Emery Point

Apart from Old Man Rock, the best documented site in the Darwin area is the Larrakia initiation ground at Emery Point, known as Gundal (see Mansfield 2006:Para 404-420).²⁷ After extensive hearings by the Interim Aboriginal Land Commissioner in 1975, it was recommended that this site be returned to the Larrakia people (Ward 1975b). Eventually, the site was registered by the Aboriginal Areas Protection Authority.

Walsh (1981:3) locates the Gundal site on a dreaming track linking many other sites along the coast of Cox Peninsula and south to at least the Peron Islands and east to [Shoal] Bay and beyond. Walsh (1981:3) continues:

The dreaming is for a creature called Nanggilmak described by George Munggalu who has it as one of his dreamings as a man with no mother and father, short and nuggetty with bony legs curved 'like a boomerang'. He is regarded as dangerous and to be wary of especially at night. Apart from being on this dreaming track Gundal has special significance as a ceremony site.

In the Kenbi claim, Mr Justice Gray (2000:5.4.31) referred to the link between sites in the Darwin area and well-documented Dreaming tracks on the Cox Peninsula. He wrote:

There are few sites outside the [Kenbi] land claimed which are said to relate to it. I have mentioned *Nanggalinya* (site 111) and *Kalalak* (site 110) as being associated with the *Kenbi* dreaming track (see para. 5.4.4). The only other site which needs to be mentioned on the Darwin side of Darwin Harbour is *Gundal* (site 109), at the point near Cullen Bay, within the area occupied by the Commonwealth of Australia as the Larrakeyah Barracks. Information relating to this site is secret to men; even its name is regarded by some as secret and should not be spoken in public.

Gray describes many important sites along the Cox Peninsula side of the harbour (Gray 2000:99-106), including further information on the Two Fella Creek site (Daramanggamanin), which Tibby Quall claims is the key Larrakia dreaming site linked to west Arnhem Land. Gray (2000: Para 5.4.15) repeats the information that this initiation site is linked by a Dreaming track with sites to the east, as far as Wulna country and Western Arnhem Land, but adds 'it is not completely clear with what, if any, other sites on the land claimed it is connected ... No detailed evidence was given about it.' However, he notes 'the dreaming for this track is secret to men'.

²⁷ In more recent times, the name of this secret-sacred site is not spoken by some Larrakia women.

Other Dreaming sites

In Aboriginal beliefs significant sites require rituals to be activated or placated. The land claim process also revealed many examples of rituals associated with sites in Larrakia country, such as when passing *Wariyn* by boat, Larrakia people regard it as proper to make an offering to the site by throwing a small amount of food or tobacco into the sea close to the rock (Gray 2000). Mansfield (2006:Para 633) also mentions ‘calling out’ when approaching sites. Johnny Singh emphasised that people passing the rock ‘should talk proper Larrakia’ and tells of a family in a canoe who did not do this ‘so Wariyn came out and drowned them’ (Walsh 1989a:19). Raylene Singh also said that her grandmother ‘has to speak Larrakia to [Wariyn] because it is a Larrakia dreaming’ (*ibid*).

Regarding ceremony as ‘encompassing large group gatherings and initiation rites’, Mansfield (2006:Para 652) found: ‘It is clear from the primary evidence that there are no longer any ceremonies (in the sense of that word as explained above) which take place on the Darwin side of the harbour, including in the claim area (Mansfield 2006:Para 664). As mentioned, mortuary rituals take place on quite a large scale but these are not traditionally associated with particular places. Walsh (1989a:21) mentions *Nitjukurum* maturation ritual at Belyuen that are similar to Larrakia *maniugu* ceremony. On one occasion in 1990 the writer of this report was asked to leave the Kulaluk community because one such ‘young girl’ ceremony was about to take place where men are forbidden.

Conclusion

Concerning the Dreaming tracks, there is little evidence of a track connecting Larrakia sites, apart from the well-documented Kenbi Dreaming across the harbour to sites at Emery Point, Kulaluk and Casuarina. This is described as an underground ‘pipeline’ or tunnel crossing the harbour. Considering the developmental nature of Dreamings, it could be imagined that the symbolism of a major gas pipeline entering the harbour being construed as in conflict with the similar concept of the ‘Kenbikenbi pipeline’ Dreaming track. Potentially, the image of the dissecting paths symbolising two opposing philosophies - exploiting the earth’s resources and an animistic tradition of respect for natural powers - could generate conflict. This is the nature of Aboriginal Dreamings, as this chapter has discussed. However, it should also be remembered that the Kenbi Dreaming path is deep underground while the gas pipeline is on the seabed.

The continuing and perhaps inevitable change in the landscape threatens the basis of Larrakia religion which is integral with the physical features of the Darwin area, be that it may that the Larrakia knowledge of Dreaming stories is fragmentary. Unfortunately this has been an ongoing process for the Larrakia since 1869, referred to in the following section as ‘the incremental effect of dispossession’. Alternatively, another section of this report also gives examples of the pragmatic Larrakia attitudes to development on their land at Kulaluk and elsewhere. Considering the care which Inpex has shown in identifying and avoiding Larrakia significant sites, there is no reason other than inevitable change to

the landscape to suppose Larrakia religion in some form will not survive the Inpex developments at Blaydin Point and Howard Springs.

Finally, Heffernan (1996:10) has some timely advice: ‘It could be argued that if *Barragut* [whitefellas] wish to identify in some meaningful way to this *Larrikiya* country, to this region, then a recognition of traditional knowledge, culture, and sense of ownership would be a pre-requisite.’ He continues; ‘This shift in recognition of *Larrikiya* culture is vitally important in improving relationship between the *Larrikiya* and the *Barragut* and absolutely essential before any discussion of “shared identity” can be entertained’ (Heffernan 1996:17).

Aboriginal People of Darwin: hunting and gathering

Introduction

Archaeological sites are valued records of Aboriginal occupation and use of the Darwin Harbour. As the researchers comment, during archaeological surveys Larrakia consultants were able to contribute to the interpretation of these sites, through knowledge of present-day hunting and gathering practices. For the Larrakia people, archaeological sites are part of a continuing practice of hunting and gathering, and integral to the connection and ownership of country (see Heritage Conservation Services 2005; Hiscock 1997; Hodgson 1997; Bourke and Mulvaney 2003; Bourke and Guse 2007a, 2007b; Crassweller 2009; LNAC 2005b; Woolfe 2009; Pollard 2010).

In 1998 an earlier Federal Court judgement also made the connection between the archaeological sites and Larrakia food gathering in the present (Williamson [1998] Northern Territory of Australia/Bill Risk on behalf of the Larrakia People [DC 96/7]; Tibby Quall on behalf of the Danggalaba Clan [DC 96/4]/Phillips Oil Company Australia, [\[1998\] NNTTA 11](#) [19 September 1998]. Application No. DF 97/1. National Native Title Tribunal).²⁸

Under ‘Section 39(1)(a)(i): Native title rights and interests’ Douglas Williamson QC (1998) commented that it was difficult to assess the full impact of a proposed acquisition at Wickham Point in the absence of a formal determination of native title; however, he found the evidence of continuing rights and interests to be convincing. For example, after hearing evidence regarding Larrakia use of mangrove areas at Wickham Point, he refers to an affidavit by Bill Risk stating that access to the mangroves is regarded as particularly important. The affidavit described a range of activities such as obtaining fish, crabs, prawns, food and other materials, and hunting and camping (*ibid*).

Because of their relevance to the Inpex Blaydin Point project, the following sections of Williamson’s determination are quoted at some length. Williamson (*ibid*) writes:

The Government party has vigorously sought to minimise the significance of the evidence about the present-day activities and connection of the native title parties with the acquisition area, and the likely effect of the proposed acquisition upon those matters. Nevertheless, on the evidence presently before the Tribunal I am satisfied that significant activities of a traditional nature currently take place, that the present native title parties have a sincere sense of traditional attachment to the area, and that senior people have a sincere sense of traditional responsibility. Accordingly, I am of the view that the proposed acquisition would have a

²⁸ <http://www.austlii.edu.au/au/cases/cth/NNTTA/1998/11.html>

substantial adverse effect upon such native title rights and interests as may exist, particularly if and to the extent that those rights are extinguished by subsequent development.

Under ‘Section 39(1)(a)(ii): Way of life, culture, traditions’, Williamson (1998) comments:

There are sites of significance to Larrakia people in areas near the acquisition area that could be affected by development within the acquisition area. Although the great majority of the acquisition area will not be developed, the requirements of safety and security in the vicinity of possibly hazardous industry may prohibit or restrict access to substantial areas of land and water.

And under ‘Section 39(1)(a)(iii): Development of social, cultural and economic structures of native title parties’, Williamson (1998) notes:

Larrakia submissions refer to the incremental effect of successive dispossessions of native title rights, increasingly affecting the social and cultural value of ‘Larrakia country’. The Government party disputes this view, contending that any loss compared to the totality of land claimed as country by the native title parties is marginal or minor. However, evidence showed that Wickham Point is particularly significant to the native title parties because of the relatively ready access from the metropolitan region of Darwin.

As discussed elsewhere in this chapter, Inpex has management practices in place that will ensure the preservation of archaeological sites, the monitoring of works near sites and the establishment of a Larrakia Heritage Management Committee, as well as complying with all statutory obligations. However, it is well to keep in mind the perhaps immeasurable ‘incremental effect of successive dispossessions of native title rights, increasingly affecting the social and cultural value of “Larrakia country”’, as expressed by Douglas Williamson in the preceding quote from his determination.

Bush foods and medicines

In the later Larrakia native title case, Mr Justice Mansfield discussed hunting, fishing and gathering bush foods, as well as the use of plants for medicines and crafts (Mansfield 2006: 571-599). Under the heading ‘Knowledge about Location and use of Bush Foods, Crafts and Medicines’, Mansfield (2006:592-598) discusses evidence of a ‘Larrakia Plant Identikit’ prepared as part of a Parks and Wildlife Commission of the Northern Territory project. The document states that information was ‘collected, collated and edited by Lorraine Williams, Donna Jackson and Glenn Wightman’ (Mansfield 2006:Para 592). Lorraine Williams is from the Batcho family group and Donna Jackson is from the Talbot/Browne/Kenyon group. Their information came from a number of sources, including interviews with Larrakia elders Topsy Secretary, Prince of Wales and Yula Williams, as well as non-

Larrakia people connected to the area, such as Lena Henry and Felix Holmes. The identikit also refers to 'Mark Harvey's Larrakia dictionary'.

Although it was submitted that the Identikit demonstrated 'ongoing Larrakia knowledge and use of resources in the Darwin area', the NT Government contended that there is nothing in the identikit to demonstrate that the information is particularly 'Larrakia knowledge' and the document was not proof of a continuing connection to the past. Rather, the plant identikit only indicated 'a state of knowledge as at the time at which informants provided the information' (Mansfield 2006:Para 593).

Perhaps of more relevance to archaeological sites is the section, 'Methods for hunting and preparation of food' (Mansfield 2006: Para 594-598). Mansfield describes evidence given by Larrakia witnesses on the hunting and preparation of crab, longbum, goose, turtle, turtle eggs, mussels and stingray. However, these practices were also found not to be uniquely Larrakia or evidence of continuing connection, despite the prevalence of archaeological sites containing *telescopium telescopium*, commonly known as 'longbum' that remain a dietary supplement for many Aboriginal people in 2012.



Plate 16: 'Longbums' or *telescopium telescopium* gathered in mangroves of Darwin Harbour (Bill Day).

Various studies have recorded archaeological sites around the Darwin Harbour that reveal information on the use of resources by Aboriginal people. As such, the sites are viewed as valued links to the past by Larrakia people today. In addition there are sites in the harbour associated with Aboriginal people such as the three leprosaria built in the East Arm region at Mud Island (1911), Channel Island (1931) and East Arm (1954). Mansfield (2006:Para 336) states that Aboriginal people formed the majority of patients of these hospitals. Archaeological research indicated that there were approximately 150 gravesites on Channel Island. Williamson (1998) refers to a 1998 report from an archaeologist consultant, Scott Mitchell, who says the Channel Island leprosarium was established in 1885. Originally most lepers were Chinese, but from 1916 all Aboriginal lepers were interned there. The facility was abandoned in 1931.

In an article headed 'Larrakia country: Saltwater people', the magazine *Indigenous Newslines* (January-March 2011: 4-7) begins, 'The mangroves, beaches and bushlands of the Darwin area are home to the Larrakia people.' The article continues (FaHCSIA 2011:5):

And Larrakia cultural, economic and sporting initiatives are thriving. 'In Darwin I like to visit my beaches, go out bush, light a fire, have a billy,' says Larrakia leader Kathy Williams Browne. 'But we're limited in how much we can do that in the Darwin area, because we've got a city built on our land.' Larrakia man Kelvin Costello says: 'The Larrakia have come through a very difficult time. It wasn't of our choosing that Darwin was built on our lands, but the thing that interests me is what the Larrakia have been able to endure and get through.'

Conclusion

Although use of fishing and gathering of shellfish bush foods is not a uniquely Larrakia practise or proven to be evidence of native title rights and interests, the incremental effect of the loss of access to areas within relative easy access to Darwin will be detrimental to Larrakia people and other Aboriginal people of Darwin. However, it is noted that the Blaydin Point infrastructure is set back from the harbour mangrove fringe. Therefore, although access will inevitably be restricted, it is expected that the impact on the tidal environment will be minimal. Other than emphasise the need for bushland areas for Aboriginal hunting and gathering and cultural practices, it is beyond the scope and expertise of this report to comment in depth on environmental issues.

As discussed in other sections of this report, Larrakia people generally take a pragmatic view towards commercial developments on their land and waters. In most cases, they have weighed the loss of land against the employment opportunities and other benefits developers like Inpex will provide. In his affidavit, Bill Risk states with respect to a previous LNG project (Williamson 1998:Section 39(1)(a)(ii): Way of life, culture, traditions):

I have tried to take a fair approach, and so do not object, and to my knowledge most Larrakia people do not object, to Phillips building a natural gas plant at Wickham Point, as long as Larrakia law is acknowledged and Larrakia people are compensated fairly for the use of our land and for the effect of the project on our native title.....

It would help us to meet our responsibilities to the area if Larrakia people can continue to have access to the area and if Larrakia people can get jobs in the project. It would also help if Larrakia people could be involved in making some of the decisions about the project and about preventing pollution and damage to the environment. And it would be fair if the land and waters were returned to the Larrakia people after the end of the project.

This report is satisfied that as far as practicable, the Inpex project fulfils the points made by Mr Risk.

Other stakeholder groups

Amateur Fishermen's Association of the NT (AFANT)

The Environmental Impact Statement (INPEX-Browse 2009:127) describes Darwin Harbour as a 'prime recreational and tourism resource for the region'. The statement continues:

The Northern Territory has the highest rate of fishing-club membership in Australia. The National Recreational Fishing Survey conducted in 2000 suggested that over 540,000 hours were spent fishing in the Darwin region during the survey year, half of these by Darwin residents and half by visitors to the region. Around one third of all fishing effort occurs in the Darwin Harbour (Coleman 2004 cited in AFANT 2010).

The Amateur Fishermen's Association of the NT noted in their annual report (AFANT 2011) that recreational fishing was 'a core consideration in the project's planning'. In addition, AFANT (2011:23) reported that they had prepared a detailed response to the Inpex Environmental Impact Statement, entitled *Submission on the Draft Environmental Impact Statement – Ichthys Gas Field Development Project* (AFANT 2010). While expressing concerns about access, the AFANT submission is generally favourable, stating emphatically, 'We do not want to unduly hinder this development nor are we suggesting that the processing facility and associated service centre be established elsewhere' (AFANT 2010:2). An AFANT spokesperson has also commented elsewhere, 'I am not about to say [Inpex] redesigned a \$12b gas plant for fishermen, but I have no doubt they took our concerns into consideration' (Calacouras 2010a:npn).

The Annual Report (AFANT 2011:15) also outlined a program that was initiated by the Darwin Harbour Advisory Committee, as part of the Darwin Harbour Strategy whereby Governments and research organisations are working together to better understand and monitor the health of Darwin Harbour. The Territory Government has endorsed the concept of the program and is providing support and resources to help get the program up and running. Key industries supporting the Program include INPEX, ConocoPhillips and OZ Minerals. Power and Water Corporation, Darwin Port Corporation, Darwin City Council and the Department of Defence are also lending their support, as are Charles Darwin University and the Australian Institute of Marine Science (Darwin Harbour Advisory Committee 2011:1).

The purpose of the Darwin Harbour Strategy is: '...to provide policy and decision makers within government, industry, commerce and the community, with guidance for the integrated management of the Darwin Harbour region. The Darwin Harbour Strategy encourages stakeholders to work together and adapt their practices to ensure that values of the region are recognised and conserved for current and future generations. It sets out goals, principles and guidelines for all users and stakeholders of

Darwin Harbour and its catchment to imbed in their planning for any action which could have an impact on the region. A key objective is to achieve a balance between environmental, social and economic values and improving coordination and knowledge-sharing amongst stakeholders, and between stakeholders and the communities of the Darwin Harbour region (*Darwin Harbour Advisory Committee Update* DHAC 2011:15).

Finally, the AFANT submission (AFANT 2010:12) expresses a sentiment which may equally represent the views of the Aboriginal people of Darwin:

Darwin is a small tropical city, unique in many ways, and a key consideration for the construction and operation of the project must be to eliminate or minimise as much as possible any adverse impacts on our environment, our people and the activities which maintain our lifestyle. Recreational fishing is one of our more important lifestyle activities – one that must be protected for the long term to allow its enjoyment by future generations. It deserves to be a core consideration in the project's planning, construction and operation and it has been so far. Providing it continues to receive careful consideration by Inpex and government regulators and providing issues we have raised in this submission are addressed, we believe that the project can be developed without unacceptable impacts on recreational fishing in and around Darwin.

The Environment Centre NT

Stuart Blanch, Coordinator of the Environment Centre NT describes Darwin Harbour as 'a glittering 450-square-kilometre jewel, eight times the area of Sydney Harbour' (Blanch 2010a:1). He adds that the harbour is 'the traditional land and sea country of Larrakia people. Many indigenous people rely on the harbour and its bounty for food, culture, incomes, family time and relaxation'. Blanch (2010:1) then lists elements of 'amazing ecosystems teeming [sic] with life' in the harbour; however in its Draft Environmental Impact Statement, INPEX-Browse (2009) appears to have adequately covered all the ecological peculiarities of the harbour listed by Blanch. In an attached brochure, Blanch (2010b) highlights threats to the harbour such as the Kulaluk '\$1bil marina', copper concentrate spills, and sewerage effluent. Under the Inpex logo, Blanch (2010b) writes, 'The Inpex plant would cause up to 40% more Territory greenhouse gas emissions ... 40 years of dredging, clearing hundreds of hectares on Blaydin Point, mangrove destruction, and potential impacts on marine wildlife from ship noise and pollution.'

Stuart Blanch (2011:3) claims that the NT Environment Centre is Inpex's 'number 1 community stakeholder'. The newsletter states that the Environment Centre has been meeting regularly with INPEX staff, the Territory Environment Minister, Territory environment regulators, advisers to the federal Environment Minister and also federal regulators. In addition, in September 2010 the Environment Centre NT worked with other conservation organisations around Australia 'to research a

thorough 33-page submission that identified the problems in INPEX's draft EIS' (Blanch 2011:2). And in a positive note, Blanch (2011:3) writes, 'Darwin Harbour's coastal dolphins are safe for now after we forced INPEX to commit to find alternatives to damaging underwater blasting.'

The main criticism expressed in the Environment centre newsletter is the need for Inpex to offset its 'five million tonnes of carbon pollution it will release every year in the Territory during the 40 year lifespan of the plant' (Blanch 2011:3). According to Blanch (2011:4), 'INPEX would need to buy 200 million tonnes of carbon offsets to make the project carbon neutral, and stop the Territory's greenhouse gas emissions soaring for decades.' Blanch then suggests land management solutions like revegetation and fire management that would provide carbon offsets by 'soaking up more carbon in the landscape' (see also Blanch 2012:9-10).

Although the author of this report is not qualified to comment on the above observations, the carbon offset proposals could be an opportunity for Aboriginal employment. For example, many of the Aboriginal people that could be affected by the Blaydin Point and Howard Springs projects are holders of vast areas of land that could be a source of carbon credits to the company. On a smaller scale, a wilderness, heritage, cultural and education park has been proposed for the Kulaluk 301-hectare lease held by Larrakia families in the Darwin environs, as a later section recounts in detail. Revegetation work would be essential for this degraded urban land to make the parkland a reality (see Day 2008b).

Conclusion and recommendations

This report has interpreted the scope of work provided by Inpex-Browse through the lens of Performance Standard 7 of the 'International Finance Corporation's Performance Standards on Social and Environmental Sustainability' (International Finance Corporation 2006:3) which suggests in part:

...as part of the Assessment, the client will identify individuals and groups that may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where groups are identified as disadvantaged or vulnerable, the client will propose and implement differentiated measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in sharing development benefits and opportunities.

In addition, the 'Ichthys Gas Field Development Project Draft Environmental Impact Statement' (INPEX-Browse 2009) is a document that addresses every aspect of the Inpex project in Darwin in meticulous detail. The report includes assurance that Heritage Management Plans for the Project will be developed by the Larrakia Development Corporation in consultation with the local traditional custodians (2009:458) and a proposed 'Larrakia Heritage Management Committee' (LHMC) which will be composed of representatives of the Larrakia people and Inpex (2009:457). As well, sites will be protected through the usual federal and Northern Territory regulatory and statutory requirements.

While Inpex-Browse have gone to great lengths to consult with traditional owners and have already shown a generous degree of goodwill in assisting to set up the Larrakia Trade Training Centre in Darwin, this report has endeavoured to document a wider Aboriginal public in Darwin who identify with the land and sea, respect its sacred sites and exploit its resources for their supplementary diet, living side-by-side with the Larrakia people as their ancestors have done since the founding of the settlement in 1869 and for generations beforehand.

Firstly, this report suggests the division of the Larrakia traditional owners into fourteen family groups, some of whom appear not to be represented by established organisations. In addition it is proposed that the 14-family-groups model gives a more balanced representation to 'traditional' or 'culture' people in relationship to the more numerous 'urban people' who have up to now dominated consultations with Inpex. Based on the anthropologist's previous experience and other research outlined in this report, the 14-family-group model is also the culturally correct and respectful division of Larrakia families for making decisions regarding future land use and sacred sites.

Although from many language groups, the beliefs and customs of Aboriginal people living in 'the long grass', the Bagot Community or in town camps like One Mile Dam and Knuckeyes Lagoon are linked

to those of the Larrakia through Dreaming tracks, intermarriage and consociate experiences. This intertribal connection is perhaps less strong for the urban people whose history took a different path. However, if not always linked by cultural practises, the urban Larrakia discussed in this report are joined with other Larrakia and language groups through traceable 'bloodlines' (Sutton 1998). The point being that the Aboriginal community of Darwin has many parts, linked as one by culture and history.

Some have come to live in Darwin by choice, others like the Larrakia are at home in their traditional lands. Many express a growing feeling of dispossession and alienation as the city spreads across the landscape. This is the 'incremental effect of dispossession' discussed by Williamson after hearing evidence of the hunting and gathering practices of Aboriginal people in the Darwin Harbour. The psychological effect felt through loss of control of lands, being increasingly outnumbered by settlers and being enclosed in concrete and bitumen is a concern for Aboriginal people. This loss of a sense of place is of greater import than the possible restricted movement over a relatively small and inaccessible section of the harbour and mangroves.

An ethnographic 'desktop' study cannot adequately document the level of use of the Blaydin Point and Howard Springs onshore Inpex developments by Aboriginal and Torres Strait Islander people of Darwin, except to comment that no evidence has been found to contradict the thorough Environmental Impact Statement published by Inpex in 2009. Most Aboriginal people have access to vehicles and are more likely to hunt, fish and gather bush foods in more distant and prolific areas, or more accessible urban habitats as described in the EIS (INPEX-Browse 2009:121&455). However, it is of concern that there appears to have been no comprehensive contemporary ethnographic land use study of the onshore and nearshore development areas that can be used as a reference and that Aboriginal cultural heritage issues are discussed only briefly in the EIS (INPEX-Browse 2009: 127-128; 455-458). Hopefully this report will contribute to a greater understanding of the Aboriginal community in Darwin who will inevitably be affected by the Inpex project.

As indicated, from an ethnographic viewpoint the only glaring flaw in the INPEX-Browse consultation process has been an over-reliance on the Larrakia Development Corporation as custodians for Larrakia lands. As discussed in this report, it is doubtful if any one Larrakia representative group is able to speak for all Larrakia people, some of whom belong to no organisation or have their own incorporated associations (see Day 2009b, 2010c). In addition, this report suggests that there are more Aboriginal people than the Larrakia alone who hold culturally valid rights in the Darwin area. In this regard, the safeguards built into the *Land Rights (Northern Territory) Act, 1976*, cited in this report, (Appendix 1) offer suggestions compliant with customary practises to ensure all parties are consulted.

In regard to AFANT, their membership generally has a financial interest in the future of Darwin and therefore appear willing to make concessions to accommodate the Blaydin Point gas plant onshore development and nearshore gas pipeline works. The AFANT newsletters show a greater concern for issues such as the declaration of marine conservation areas, boat ramps, catch limits and the Blue Mud Bay native title decision over tidal waters (see Robinson and Karvelas 2008:3).

Aboriginal people are survivors. In the City of Darwin they have witnessed many changes, few of which have benefited Aboriginal people in any way. Therefore, the interest in Indigenous affairs that has been demonstrated by Inpex is a welcome change. For example the Ichthys Gas Field Development Draft Environmental Impact Statement (2009:23) expresses Inpex's goal to maintain 'sustainable and mutually advantageous relationships with traditional owners in the Darwin region' by adopting the following measures:

- consulting relevant Aboriginal communities to promote an understanding of each other's concerns and aspirations
- helping relevant Aboriginal communities manage any issues and challenges they might face in relation to INPEX's proposed operations
- consulting with Aboriginal communities and other appropriate organisations to increase the pool of potential employees for the company
- offering a range of school and community level initiatives
- supporting partnerships that make a positive difference to Aboriginal communities.

In combination with the mitigation and heritage management plans outlined in the Inpex EIS, the above aims go a long way to redressing the concerns discussed in this report. Other suggested recommendations are listed in the following section.

In summary, there are other groups, both inside the Larrakia language group and beyond it, for whom it would be culturally appropriate to be brought 'inside the tent' of consultations. Otherwise, the enlightened image constructed by Inpex's concern for Indigenous people in Darwin will crumble before visible contradictions of prosperity and growth alongside signs of Aboriginal dispossession, discontent and despair. More positively, the recommendations of this report together with Inpex's Draft Environmental Impact Statement (INPEX-Browse 2009) suggest ways to minimise, mitigate or compensate where adverse impacts are unavoidable, and in so doing to lay the foundations for an ongoing relationship between the developer and the Indigenous people of the Northern Territory.

Recommendations

- It is recommended that consultations with the Larrakia people as traditional owners be broadened to include representation by Larrakia family groups and organisations.
- It is recommended that Inpex continue their discussions with the LNAC either in combination with LDC or separately, and maintain dialogue between Inpex and the Bagot Community Council, the Gwalwa Daraniki Association and the Kenbi Danggalaba Association as key Aboriginal representative organizations with a stake in Darwin's future.
- It is recommended that the Larrakia family groups be recognised as primary landowners and consulted on culturally sensitive issues with particular regard to sacred sites.
- It is recommended that town camp community residents and homeless Aboriginal groups be recognised as integral members of the Darwin Aboriginal community and that the work already being done with longgrass people by LNAC be supported.
- It is recommended that the safeguards of the *Aboriginal Land Rights (NT) Act, 1976* as cited in this report be used as a guideline in any consultations.
- It is recommended that monitoring of Aboriginal sites be conducted as outlined in the Ichthys Gas Field Development Project Draft Environmental Impact Statement and that the Larrakia Heritage Management Committee (INPEX-Browse 2009:457) be representative of the Larrakia community.
- It is recommended that an explanatory guided tour of the Blaydin Point, Howard Springs and other onshore Inpex Project development sites be conducted by Inpex representatives with selected representative Larrakia elders.

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Appendix 1: Sections of the *Aboriginal Land Rights (NT) Act, 1976*

S. 4(1) The Minister may, by notice published in the *Gazette* , establish Land Trusts to hold title to land in the Northern Territory for the benefit of Aboriginals entitled by Aboriginal tradition to the use or occupation of the land concerned, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission, and, subject to subsections 10(1) and (2), shall so establish Land Trusts to hold the Crown land described in Schedule 1.

S.7(6) All members of a Land Trust shall be Aboriginals living in the area of the Land Council in the area of which the land of the Land Trust is situated or whose names are set out in the register maintained by that Land Council in accordance with section 24.

S.19A(2) A Land Council must not give a direction under subsection (1) for the grant of a lease unless it is satisfied that:

- (a) the traditional Aboriginal owners (if any) of the land understand the nature and purpose of the proposed lease and, as a group, consent to it; and
- (b) any Aboriginal community or group that may be affected by the proposed lease has been consulted and has had adequate opportunity to express its view to the Land Council; and
- (c) the terms and conditions of the proposed lease (except those relating to matters covered by this section) are reasonable.