

SUBMISSION TO:

HIS HONOUR MR. JUSTICE WARD, INTERIM ABORIGINAL
LAND COMMISSIONER.

G.E. TAMBUNG, M.L.A., EXECUTIVE MEMBER FOR
COMMUNITY DEVELOPMENT, N.T. LEGISLATIVE ASSEMBLY.

BY:

RE:

KULALUK LAND CLAIM.

E171/1
75/704

Your Honour, my full name is Grant Ernest John Tambung. My address is 5 Kirkland Crescent, Darwin. I am appearing before the Interim Commission as a representative of the Majority Party in the N.T. Legislative Assembly. I would ask that you consider this submission as preliminary evidence. I will indicate a number of areas requiring further detail by other parties and would appreciate the opportunity of appearing before you again after subsequent presentations.

I am pleased to indicate that my party advocates, inter alia,

- "1. Support in principle for the recommendations of the Woodward Commission of Inquiry into land rights.
2. Protection and surveillance by Aborigines of sacred sites and areas of special significance to Aborigines.
3. Continuing inquiry among Aboriginal people into the most effective and acceptable forms of administration of Aboriginal affairs.
4. Education of the community to generate a better understanding and respect for Aboriginal people, their problems and their culture.
5. The involvement of Aboriginal people (at local community level) in the formulation, development and implementation of legislation affecting Aboriginal communities."

I recognise that the claim presently under consideration by Your Honour is fraught with peculiar difficulty. It appears the claimant group is comprised of limited "membership" whilst the actual land area is of considerable size and situated within a metropolitan context Mr. Justice Woodward's description of "an area of waterfront land between Bagot and Nightcliff... (290)" is I believe appropriate and would meet with general endorsement. However, I have read the transcripts of your hearings (15th & 22nd May, 1975) and I consider the material submitted to date to be very limited, and certainly not sufficient to enable an accurate determination of boundaries for a lease. I would hope that Your Honour will call for specific proposals from the claimant group and the Northern Land Council, and then technical assessments by Town Planning, Social Welfare,

Fisheries, Forestry & Wildlife, Port Authority, and the Environment Council. Contributions by all these groups have important bearings on the lease boundaries and land use limitations. I am sure they will be sympathetic to Aboriginal aspirations.

The Department of Aboriginal Affairs, as the appropriate policy department for the Australian Government, should be asked by the Interim Commission to state its view specifically on matters such as:-

the now requested extension of claim;
the question of acquisition of buildings and assets;
the subsequent use of property (with particular regard to tidal surge);
and any proposals for exclusive use of open space for Aboriginal uses.

The Kulaluk recommendation will create a precedent for land grants in urban areas and I am concerned therefore that full consideration of all community interests and implications are accounted for, and at the same time Aboriginal needs adequately established. Clause 296 of the Woodward Report also reflects this point.

It is important to reconcile the relationship and legal implications between "Kulaluk" and "Bagot". From an observer's viewpoint there do not appear to be close constitutional or personal links identifying the two groups, and yet the land under consideration will have vital importance to both communities. I would expect the Bagot Council to represent their interests to you, particularly if there are any likely conflicts. In the interests of administrative requirements, and more particularly, calls on public expenditure for recreational, housing and land service needs of other metropolitan Aboriginal groups it is also important to consider their bearings on Kulaluk.

The immediate "neighbourhoods" to Kulaluk have already made representation to you. I have discussed the land claims with my colleagues the Member for Ludmilla (Mr. Roger Steele, M.L.A.) and the Member for Millner (Mr. Roger Ryan, M.L.A.). Both members feel that the prime community concern is, as I have indicated previously, defined management responsibility and appropriate land use limitations. Other issues arising from electoral representations are

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1. Concern by Ludmilla residents who generally wish to retain occupancy of their homes.
2. The desire of commercial undertakings to continue operation on present sites.
3. A genuine feeling by leaseholders in the Sabrina Estate that standard land acquisition compensation will not be fair, in view of the abnormal land, building, and re-establishment costs now inherent in the Darwin situation as a result of Cyclone Tracy.
4. Concern by residents east of Coconut Grove Drive that Town Planning proposals do not take cognisance of the need for pedestrian traffic through to Bagot Road and the Dolphin Hotel.

There is also a very strong community reaction to the possible grant of exclusive rights to the beach and foreshore as part of the land claim. To my knowledge no other lease in the metropolitan area gives this right and any such grant would be inconsistent with Mr. Justice Woodward's statement "The title in this, as in all other cases of urban landholding should be the same as applies to other members of the urban community.... (296)". This same principle should also be applied to areas specifically established or planned for active recreation purposes (SPL's have been granted in Darwin for social and sport purposes and in each case it is interesting to note the constitutional and land area limitations.)

The geographic location of Kulaluk and the native vegetation of the area create the need for careful consideration of environmental issues. I would draw to Your Honour's attention a recent study document of the Australian Conservation Foundation entitled "Residential Conservation". Many of the issues of community concern in this instance are also given critical appraisal in the paper.

In conclusion, I would like to reiterate that my Executive supports a land grant for Kulaluk. The necessary controls for conservation, Management, Finance and Planning could be best accommodated by protective clauses attaching to a Special Purpose Lease. I will be pleased to discuss this matter further with the Interim Commission, officers of the Australian Government, or representatives of Aboriginal communities as required.