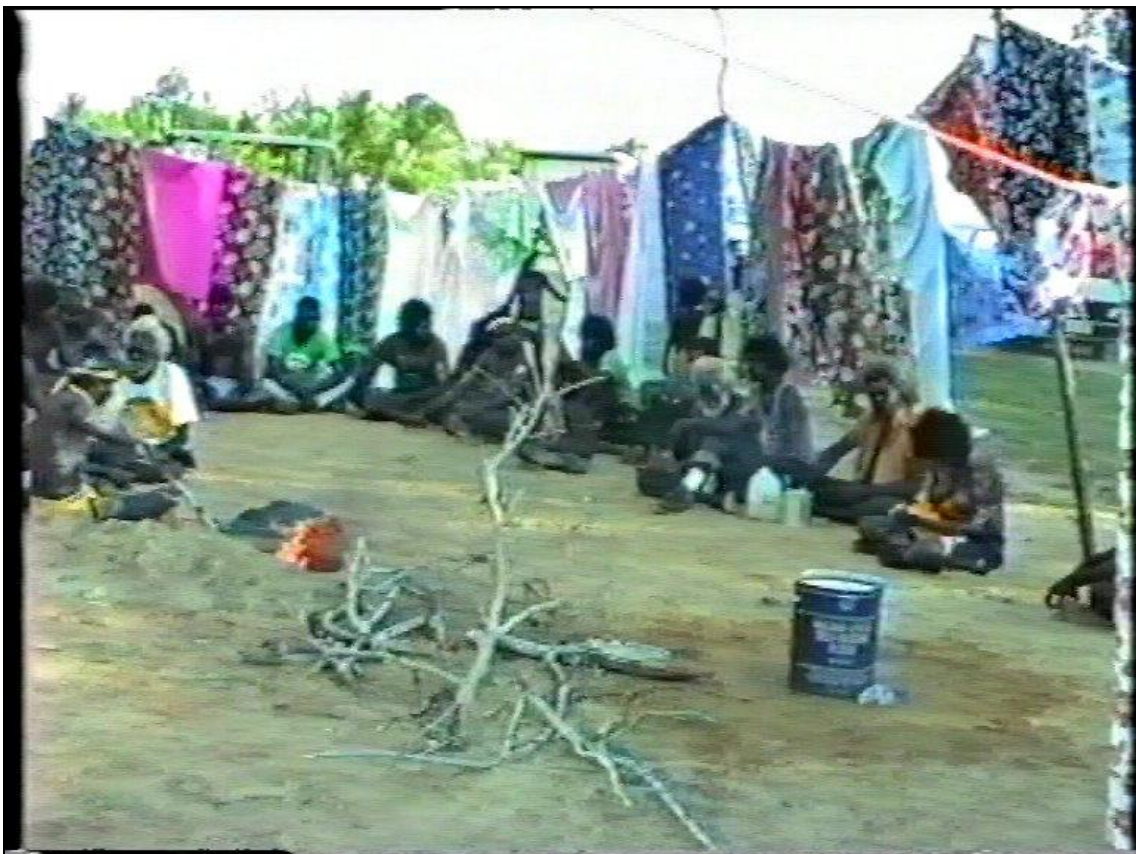


**A REPORT ON A NATIVE TITLE  
CLAIM BY KEVIN LANCE (TIBBY)  
QUALL ON BEHALF OF THE  
DANGGALABA CLAN**



***Above: Gapuk (smoking/burning rag/cleansing) ceremony for the late Nipper Rankin held at Kulaluk in Darwin on May 6, 1989 (see McConvell 1989; Tennant 1983).***

Report by  
William Bartlett Day PhD  
Consulting Anthropologist

Darwin  
Northern Territory  
November 2010

### **Author's experience**

I graduated from The University of Western Australia in 2001 with a Doctorate of Philosophy (PhD) in anthropology. Previously, I was a resident in Darwin from May 1969 to June 1985 during which time I assisted the Larrakia people and others in researching and publicising their land claims. From August 1996 to February 1998 I conducted field work in Darwin for my PhD thesis, *Fringe dwellers in Darwin: cultural persistence or a culture of resistance?* From 2001 to 2003 I was employed by the Pilbara Native Title Service in Tom Price, Western Australia, preparing connection reports and genealogies for various Pilbara native title claimant groups and from 2003 to 2006 I was employed by Gumala Aboriginal Corporation in Tom Price as an anthropologist preparing genealogies, writing family histories and making documentary videos of ceremonies (see Day 1993, 1994, 2001, 2002, 2003, 2004a, 2005).

From 2006 to the present I have participated in heritage surveys in the Pilbara with native title claimants and mining companies as a consulting anthropologist and have written reports of those surveys according to the guidelines of the Western Australian *Aboriginal Heritage Act, 1972* (see Day 2004b, c, d, 2007a, b, 2008a, b, c, d, e, f, g; Day and Farnham 2010). During May 2009 I have been employed 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.

Before my university studies, from 1971 to 1979 I conducted research with Larrakia-speaking traditional owners to prepare Larrakia claims to land rights. My research was later submitted to the Aboriginal Land Rights Commissioner Mr Justice Woodward in 1973 (see Woodward 1973, 1974) and the Interim Aboriginal Land Commissioner Mr Justice Ward in 1975 (see Ward 1975a, 1975b). Both Commissioners found in favour of the Larrakia claims. I also published an Aboriginal rights newsletter called 'Bunji' between 1971 and 1985 to publicise the Larrakia claims (see Day 1993). In addition, I am the author of the book, 'Bunji: a story of the Gwalwa Daraniki Movement', published by Aboriginal Studies Press (Day 1994). This book was drawn from primary sources and details a history of the struggle of the Larrakia people and others in the Darwin area from 1971 to 1985.

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## **Executive summary**

During the Kenbi land claim the Northern Land Council proposed a language group model as a principle of descent for the Larrakia claimants. The language group model increased the number of claimants to approximately over one thousand members. Originally the claim had been confined to the members of the Danggalaba clan who were recognised by Belyuen residents as the traditional owners of the Cox Peninsula (Brandl et al 1979). The Danggalaba clan was defined as descendants of four classificatory brothers, King George, Frank Secretary, Crab Billy Belyuen and Tommy Lyons. Their first generation descendants were Prince of Wales, Bobby Secretary, Topsy Secretary, Gabriel Secretary, Kathleen Minyinma, Paula Thompson and Olga Singh. Tibby Quall spoke for others who claimed to belong to the Danggalaba clan as the descendants of Dedja Batcho (Graham 1997).

Since the Kenbi decision by Mr Justice Gray in 2000, my research has revealed a family tree submitted in 1973 as evidence to the Aboriginal Land Rights Commissioner, Mr Justice Woodward by the Larrakia elder, Topsy Secretary (Appendix 4). The genealogy appears to confirm not only the four classificatory brothers, but also Mr Quall's assertion that the descendants of Dedja Batcho are members of the Danggalaba clan (see Avery 1997:). I suggest that the family tree is evidence that the 'part-Aboriginal' descendants of Dedja Batcho, were accepted by Topsy Secretary and others as Danggalaba members. Indeed, in 1973, from my knowledge, Topsy Secretary would not deny this, considering that Dedja Batcho's sister, Dolly Gurinyi, who I knew personally, was at the time a highly respected Larrakia elder, ceremonial leader<sup>1</sup> and speaker of the Larrakia language. Unfortunately, Dolly Gurinyi died in late 1973 (Plate 6) leaving no known descendants.

During the prolonged Kenbi claim, the Larrakia split into three groups - the Larrakia, the Tommy Lyons group and the Danggalaba group. Meanwhile, the Tommy Lyons group sought separate representation. However, the senior surviving member of the Tommy Lyons group, his granddaughter Raelene Singh, admitted during the hearings that other descendants of the four classificatory brothers also had rights to the land in question. As well, the descendants of Topsy Secretary, who mostly live at Kulaluk, continue to identify as Danggalaba despite the fact that they were included in the wider Larrakia group in the later Kenbi claim and in the native title claim to land in Darwin.

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<sup>1</sup> Pers. Comm. Tibby Quall.

However, throughout the Kenbi claim and the native title claim Mr Quall continued to assert the identity of his group as Danggalaba (see Mansfield 2006: Para 4).

Eventually, Mr Justice Gray found in favour of the Tommy Lyons group as the traditional owners of the claim area, but made allowances for the interests of the wider Larrakia group. While there may be good reason why the members of the Tommy Lyons group sought separate representation in the Kenbi claim, they could not and did not deny that the rightful claimants for Kenbi were the Danggalaba clan.

In light of the above, this report suggests that the land claim process drove a wedge between members of the Danggalaba clan. In addition, land claim precedents and the 1973 genealogy suggest that the emphasis on patrilineal descent was not in keeping with Larrakia adapted laws and customs, and as such was unnecessary, divisive and contradictory. However, despite the confusion perhaps caused in part by the handling of the land claim by the Northern Land Council, this report suggests that the principle of descent for the 'true Danggalaba' group continued to exist as cognative descent from the four classificatory brothers and the sister, Blanchie.

In the native title claim to land in Darwin before Mr Justice Mansfield, the Batcho family's claim to be descendants of the Danggalaba clan was not accepted. However, the wider Larrakia group included many families not shown on the 1973 genealogy. In addition, the Thompson family who live in Darwin and are descendants of Tommy Lyons do not appear to have been involved as witnesses. Instead, the court heard evidence from many of the Larrakia group who had only relatively recently discovered their Larrakia ancestry and in several cases appear to have lost their connection, as defined by the requirements of the Native Title Act, by being removed, fostered or otherwise being displaced. I suggest that if the 1973 genealogy had been available to define the Danggalaba group more inclusively, then a picture of Larrakia connection to land more favourable to the Danggalaba claimants may have emerged.

## **Introduction**

The anthropologist was asked to give an expert opinion on:

- a) the significance of a Larrakia genealogy prepared by Topsy Secretary and Bill Day in 1973 for the Aboriginal Land Rights Commission and apparently not previously used as evidence in Larrakia land claims made under the *Aboriginal Land Rights (Northern Territory) Act, 1976* or the *Native Title Act, 1993*.
- b) The relevance of the 1973 genealogy in relationship to the claim by Mr Kevin (Tibby) Quall and others that the Danggalaba Clan was the holder of native title rights and interests in the Darwin area.

In 2006, Mr Justice Mansfield (Para 3) stated:

There were three different claimant groups within the consolidated proceedings: the Larrakia applicants; the Quall applicants; and the Roman applicants. The Roman applicants discontinued their claim during the course of the hearing. That left the Larrakia applications on behalf of the ‘Larrakia People’ and the Quall applications on behalf of the Danggalaba Clan, and the Kulumbiringin Clan. Mr Quall claimed that the Danggalaba Clan was the holder of native title rights and interests over the claim area, rather than the larger Larrakia claim group, because that clan alone had continued to observe the traditional laws and customs of the Aboriginal society which existed at sovereignty.

This report discusses the ‘Danggalaba Clan’<sup>2</sup> and the ‘Larrakia People’, in relation to evidence from the 1973 genealogy, more recent evidence and by re-examining evidence presented by the Northern Land Council and others to Mr Justices Olney (1991), Gray (2000) and Mansfield (2006). However, in the time and resources available, this report does not comment in depth on the continued observation of laws and customs, beyond the apparent continuing existence of a land owning group known as the Danggalaba Clan with rights and interests in the claim area. A copy of the 1973 genealogy and other documents on which these conclusions were based are included at the end of this report as Appendices 1 – 4.

## **Background history of Larrakia claims, 1969 - 1979**

A detailed summary of ethnographic and historical studies of 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 Wells 1997; Povinelli 1993). Robert Graham (1997)

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<sup>2</sup> In 1971 the *Bunji* newsletter cited information from Bobby Secretary that ‘Larrakia is Koolamirikin’ (*Bunji* September 1971).

also 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 findings (Mansfield 2006). In the limited times available to prepare this report it is not possible or necessary to discuss the contact history of the Larrakia people as recorded in the above reports. Instead, this report is primarily based on the contact between the author and the surviving Larrakia people from 1970 to the present.

In 1969 when I moved to Darwin, Aboriginal people were experiencing new freedom since the revoking of the NT Social Welfare Ordinance in 1964. Many Aborigines had moved off the reserves which were still operated by the Welfare Department and had established camps in vacant bushland around Darwin. At one such camp I first met Bobby Secretary, and later his brother Gabriel and his sister Topsy, as well as the Larrakia elders, Norman Harris, Dolly Gurinyi, Topsy Garamanak and Captain Bishop (see Plate 1). In May 1971 it was reported that Bobby Secretary wished to make a land claim to the area where he was camped, known as Kulaluk<sup>3</sup>

Douglas Lockwood mentions Bob Secretary in the book, *The Front Door: Darwin, 1869-1969* (Lockwood 1968:102):

If finders were keepers, Darwin would belong to Gwila-marinya, known as Bob Secretary, of the Larrakia tribe of Australian Aborigines. His tribesman, George Mungalo, says:

Bob Secretary is the big boss of all Darwin. This is his country. It belonged to his father before, and that one's father before him ... before the white man came.

Bobby Secretary independently told me that his Aboriginal name was 'Koolamurinee' and that his tribe was 'Koolamirikin' as I later reported in my newsletter, *Bunji*, (September 1971) which I published from 1971 to 1985. At the time I had not read the Lockwood book.

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<sup>3</sup> *NT News* May 30, 1971, p.1



15 June 1971

# The camp at Kulaluk



Members of the Larrakia tribe are setting up a permanent camp at Coconut Grove to strengthen their claim for land there.

Their leader, Mr Bobby Secretary, said yesterday he hope all surviving members of the tribe would go to live there.

Nine people are already camped behind the drive-in around a water-hole which the Aborigines claim is rightfully theirs.

They say it is the only place left in Darwin which has any significance to the tribe.

The Administration's Welfare Branch is considering their claim.

Mr Secretary and his wife have lived for seven months on the site which the tribe calls Kulaluk.

Since the others joined them last week they have built two sleeping shelters and a toilet.

Mr Secretary said other buildings would be erected as more people arrived.

He said there were probably about 25 to 30 Larrakias left.

"I hope the Administration gives us this land so we can set up a proper village," he said.

"If they don't give it to us then we'll still stay here."

Picture shows some of the Larrakias at Kulaluk yesterday.

## 'Threats'

Firemen employed by the Administration are still working to regulations despite reported threats of prosecutions against seven firemen.



Mr Ritchie

The secretary of the Firefighters' Association, Mr Dennis Ritchie, claims that the seven men have been told they will be charged under public service regulations with failing to obey orders.

But an Administration spokesman said he had no knowledge of the men being warned.

He said no charges had been preferred.

# DEP

Plate 1: A newspaper report of the Larrakia land claim at Kulaluk (NT News June 15, 1971). Front: Norman Barral Harris, Bobby Secretary. Behind; Topsy Secretary, Gabriel Secretary, plus two unknown others. (Note: Quotes in newspapers from Aboriginal people are not necessarily verbatim. Bobby Secretary is quoted as saying, '[Kulaluk] is the only place left in Darwin that has any significance to the tribe'; however, I suggest that he was referring to significant camping places remaining on vacant Crown land).



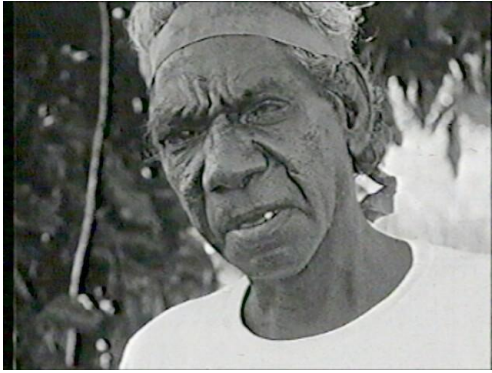


Plate 2: Bobby Secretary 1973



Plate 3: Dolly Gurinyi 1973



Plate 4: The protest march from Kulaluk to the CBD, July 9, 1971. Left to right: Albert Marego, Josephine Rankin, Topsy Secretary, Gabriel Secretary, Rankin boy, Billy Munji, Bobby Secretary, Norman Harris, Harold Woodie (Photo NT News).

In the coming years I was impressed by the readiness of the Larrakia people to demonstrate for what they considered their land rights. I recorded their struggle in the newsletter, *Bunji*, which was distributed around Darwin and to a growing list of subscribers. Both the Gray and Mansfield reports refer to many of these Larrakia protests (see also Day 1994). 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. Placards included, ‘I am Larrakia and proud of it’ and, ‘We love our land’ (Plate 3).<sup>4</sup>

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<sup>4</sup>A co-authored (unpublished) biography of Topsy Secretary by Sean Heffernan (1994) is titled ‘Gweylgwa ngayuboenoe gwoyalwa nganigi: “I burnt my feet for this country, this is my country.”’

Amongst the concerns expressed was the protection of the burial ground down from Totem Road in Darwin, on the old Bagot Reserve that had been revoked in 1965 (see Woodward 1974). Following a request from Canberra, a Senior Welfare Officer named Jack Doolan was asked to locate the boundaries of the burial ground which was by then covered with thick scrub. Doolan asked for advice from Victor Williams who assisted to identify the boundary of the graveyard. On 8<sup>th</sup> October 1973, Jack Doolan wrote to the Director of DAA (73/6578):

Mr Victor Williams accompanied me and pointed out the area which has been drawn on the attached map. Mr Williams believes that there could be as many as two hundred people buried there. He also advised that there may be as many as ten or a dozen other graves between the area shown on the map and Bagot Reserve.

On a hut at Kulaluk I painted a list of known Larrakia people (on advice from the Secretary family) which included Victor Williams's name.<sup>5</sup>

As noted in the land claim hearings, the Larrakia protests received extensive publicity from 1971 to 1975. Amongst the earliest reports was an article, 'A Call Out for all Larrakia' (Plate 2. *NT News* May 29, 1971):.

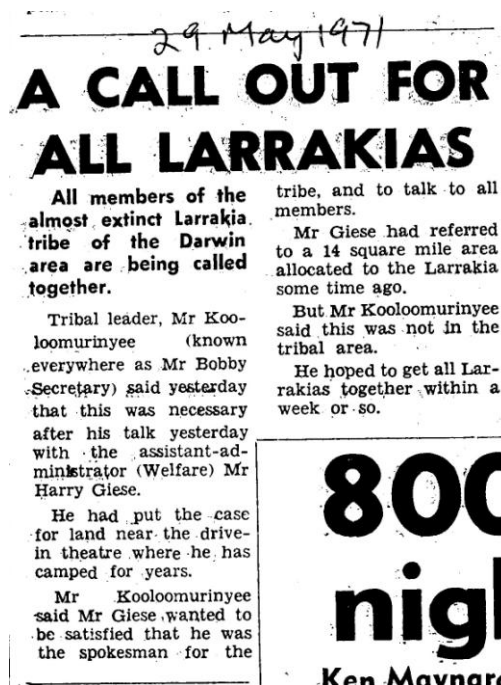
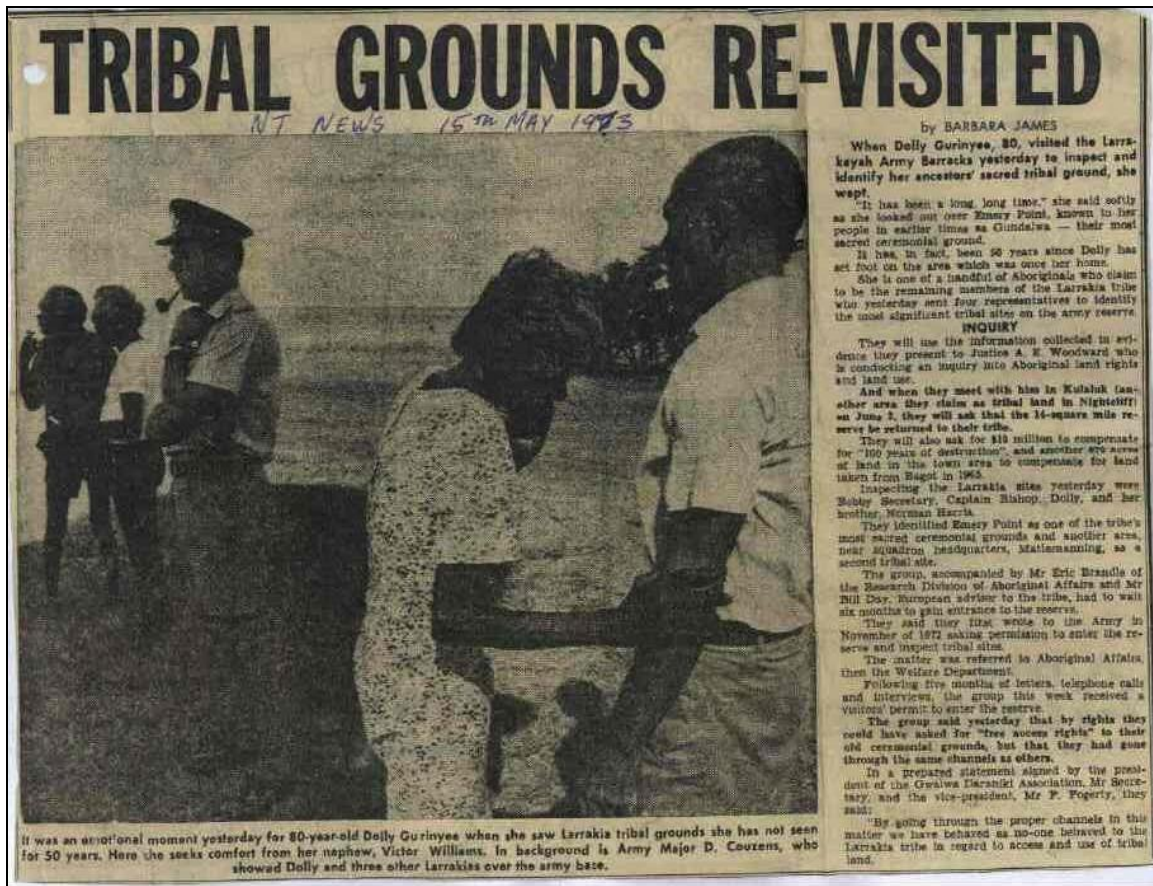


Plate 5: A newspaper report on Bobby Secretary's call out to all Larrakia (*NT News* May 29, 1971).

<sup>5</sup> From this list of names, Doolan reported that 7 were 'full Larrakia', 3 others from maternal descent and 4 from paternal descent, a total of 14 (National Archives of Australia). A photograph of the hut and names appears in 'We have bugged all: the Kulaluk story' by Cheryl Buchanan (1974).



Over the following years I attended Larrakia *gapuk*, or smoking, ceremonies at Kulaluk, and listened to many hours of singing accompanied to the ‘bambu’ or didgeridoo. I discovered that many of the landmarks around Darwin were better known by their Larrakia names, some of which I recorded in the newsletter, *Bunji*. When the Aboriginal Land Rights Commission was announced, I began to assist the Larrakia people to research their land claims, particularly to a place that held great significance to them known as Gundal at Emery Point (see Ward 1975b). The claim to Gundal has been commented on by both Gray (2000) and Mansfield (2006).



**Plate 5: Dolly Gurinyi and Victor Williams at Emery point on May 14, 1973 (NT News)**

On June 2<sup>nd</sup>, 1973, the Aboriginal Land Rights Commissioner Mr Justice Woodward visited Kulaluk to talk to the Larrakia.<sup>6</sup> A week previously 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). Following these discussions (see Plate 8) a letter was received from the

<sup>6</sup> See ‘Transcript of Notes of Discussion, Kulaluk, Darwin, Northern Territory, 02 June 1973’, National Archives of Australia, Series A4257, 2 PART 8, previously marked ‘not yet examined’ and as a result of my payment and request now digitalised and marked ‘Open, date of decision 14 May 2009’.

Commissioner requesting further information. As a result, I prepared a Larrakia genealogy with Topsy Secretary and mailed this to the Aboriginal Land Rights Commission with a covering letter. The genealogy and correspondence is recorded in a file held by the National Archives of Australia in Canberra, Series Number A4252, control symbol 33, item 'Gwalwa Daraniki, Series of correspondence' (see Appendix 4).<sup>7</sup>

To my knowledge, no additional people who identify as Larrakia had answered our calls for claimants.<sup>8</sup> Prior to 1973, numbers of Larrakia had ranged from fourteen<sup>9</sup> to eighteen.<sup>10</sup> In 1977, Federal Cabinet papers noted: 'The immediate group of Larrakia people and their close relations is small, numbering only some 20 people...' <sup>11</sup> Woodward (1973:49) in his first report states:

When I first met them 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...'

However, the Topsy Secretary genealogy of 1973 submitted to Woodward includes many more people who identified as Larrakia, plus more unnamed children. The genealogy has a dot marked beside some names. A note says that '[dot] indicates these people speak the [Larrakia] language'. There are fifteen dots. Beside the genealogy is a note: 'Names underlined in red would consider themselves eligible for land rights'.<sup>12</sup> There are eighty-two names underlined. Unfortunately I did not keep a copy of the genealogy before posting it to the Aboriginal Land Rights Commission (see Appendix 4).

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<sup>7</sup> See Appendix 1. Letter from the National Archives of Australia, Canberra, to W B Day, 23 June 2004

<sup>8</sup> The newsletter *Bunji* (May 973) announced: 'Judge Woodward will meet the Larrakias and members of the Gwalwa Daraniki at Kulaluk...all these people must be at Kulaluk on that day...be there!'

<sup>9</sup> Report by Jack Doolan mentioned in Mansfield (2006: Para 402)

<sup>10</sup> Woodward (1973).

<sup>11</sup> National Archives of Australia, Submission No. 1828: Kulaluk Land Claim, Darwin – Decision 4367 (GA) and 4367 (GA) Amended, Series A12909, Control symbol 1828, Barcode 8911869, page 7.

<sup>12</sup> 'Gwalwa Daraniki, Series of correspondence', Series Number A4252, control symbol 33, National Archives of Australia, Canberra.



My covering letter expresses my surprise at the number of people who were identified by Topsy Secretary as Larrakia.<sup>13</sup> I knew the older members but had not met most of their children, some of whom Topsy was able to name for me.<sup>14</sup> Although she did not give much detail of the upper generations, the genealogy provided a conceptual framework of how the various families were related. In particular the genealogy shows a distinct ‘clan’ of four classificatory brothers and a Larrakia ‘sister’ (Appendix 4). Dolly Gurinyi and Dedja Batcho are shown as sibling descendants of the Larrakia ‘sister’ and her Larrakia spouse. On the genealogy, Dolly Gurinyi and Dedja Batcho are shown as members of the same ‘clan’ as Bobby Secretary, Topsy Secretary, Gabriel Secretary, Prince of Wales, Kathleen Minyinma, Olga Lyons and their children.

I do not recall the word ‘Danggalaba’ being used to describe this family group, although it could have been. However, Cheryl Buchanan (1974:iii) records in her introduction, ‘now Bobby Secretary is Larrakia and the Larrakia inhabited Darwin for some 50,000 years... The Larrakia people are salt water people; **their totem is the crocodile** and they would be lost living inland.’ In addition, later research by the Northern Land Council (NLC) identifies the Danggalaba clan as the same four classificatory brothers as shown on the Topsy Secretary. That is, Tommy Lyons, Crab Billy Belyuen, King George and Frank Secretary (Brandl et al 1979).

At least six years before the Kenbi land claim, the genealogy by Topsy Secretary appears to confirm that the Larrakia accepted cognitive descent. The note on the genealogy states: ‘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.’<sup>15</sup>

Apparently, on the genealogy by Topsy Secretary the descendants of Dolly Gurinyi and Dedja Batcho were situated equally as descendants of the same group as the descendants of Tommy Lyons, Crab Billy Belyuen, King George and Frank Secretary.

Topsy Secretary’s grandchildren were listed as ‘people eligible for land rights’ as were Dolly Gurinyi and Victor Williams and his six named children plus five other children

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<sup>13</sup> *ibid*

<sup>14</sup> Not all names are correct and in order of birth. The children’s names are from Topsy knowledge only.

<sup>15</sup> ‘Gwalwa Daraniki, Series of correspondence’, Series Number A4252, control symbol 33, National Archives of Australia, Canberra.

of Dedja Batcho (and presumably their descendants). The fact that that these named descendants and their unnamed children may be second, third or fourth generation matrifiates does not appear to be a deterrent to their inclusion by Topsy Secretary as people ‘eligible for land rights’.

In her lifetime, Dolly Gurinyi (Plates 3 and 5) was a ceremonial leader amongst women in the Larrakia and neighbouring language groups.<sup>16</sup> The linguist Mark Harvey has acknowledged his debt to Dolly Gurinyi in his recordings of the Larrakia language held by the Australian Institute of Aboriginal and Torres Strait Islander Studies. Dolly was closely involved with the Kulaluk land claim and the land claim to Emery Point (Wells 2001:181). Tibby Quall has consistently reminded the courts of the central role his great Aunty Dolly played in maintaining Larrakia laws, customs and language.

The Kenbi Land Claim Book (Brandl et al 1979) is dedicated to ‘a number of knowledgeable traditional owners and others’ who died before the claim book was published. The names and dates cited include: ‘Dolly Garinyee and Topsy Karamana [sic] died in 1973, Victor Williams in 1977, Tommy Lyons, or Imabulg, in 1978, and, most recently, Johnny Fejo, in November, 1979.’ At least the first two of these Larrakia elders died before research on Kenbi began; however, all were alive in 1973 when Topsy Secretary prepared the genealogy for Mr Justice Woodward (see Plate 6 next page, ‘Songs of death to lament lost link’, *NT News*, December 28, 1973).

Before the passing of the Aboriginal Land Rights Act, an Interim Aboriginal Land Commissioner was appointed, Mr Justice Ward, who began hearings for the Larrakia claims to Kulaluk, Goondal and Old Man Rock (see Ward 1975a, 1975b).<sup>17</sup> Following the final Woodward Report (1974) the fledgling Northern Land Council had begun to take a role in preparing evidence for the Larrakia claims. For example in three cases cited by Mr Justice Mansfield (2006) the interview and inspection were both conducted by Mr Wilders of the Northern Land Council, and not myself as stated. (Mansfield [2006: Paras 407, 408] refers to ‘an interview transcript between Bill Day and George Munggalu, taken on 1 July 1975’ and ‘another interview between Bill Day, Tommy Imabul and Sam Fejo’ and also notes that ‘Tommy Imabul then showed Bill Day where “men’s business” had taken place’).

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<sup>16</sup> Pers comm. Tibby Quall.

<sup>17</sup> Victor Williams was amongst those who gave evidence regarding the site at Emery Point.

From 1975 onwards I was not directly involved in preparing the Larrakia claims, although I continued to publish the newsletter, *Bunji*, until 1985, when I left Darwin. Neither was I asked to give evidence in any of the Larrakia cases (Olney, Maurice, Gray, Mansfield) although my writings or media references to the texts were used in evidence. To my knowledge, the genealogy prepared by Topsy Secretary and myself in 1973 was not used as a resource or produced as evidence in either of the Kenbi land claims (Olney 1991; Gray 2000) or the Larrakia native title claim (Mansfield 2006).

20<sup>th</sup> December 1973

# SONGS OF DEATH TO LAMENT A LOST LINK

**Dolly Gurinyee and Kurramunuk are dead — and the dwindling Larrakia tribe is in mourning.**

The two old women were among the last of the tribe members, whose personal history ran parallel to the 20th century development of Darwin.

Dolly and Kurramunuk, her sister, who was known as old Topsy Secretary died in the weeks before Christmas.

Because of their deaths the Kululuk area, now famous in Australia for its land rights claim and an alleged fire bombing will relive some of its history early next year.

Larrakia, Waungite, and Brinkin Aboriginals and people from Snake Bay, Croker Island and other centres are expected to attend the mortuary rites for the sisters at the start of the dry season.

The man who will organise the ritual is Johny Fejo, grandson of Dolly and Kurramunuk and now the second most important man in the tribe.

Although the old women will be buried in the Darwin cemetery, the Aboriginals intend for their spirit to remain at Kululuk.

Their clothes will be buried there, and special corroborees will be sung and danced.

Johny Fejo has a photograph of Kurramunuk. He showed it yesterday while people at Kululuk who knew the Larrakia language chanted a burial song.

But he held the picture away from himself, say-

ing it made him too sad to look at it.

Younger Topsy Secretary, a cousin of the dead women, said the young people were being taught the sacred dances and songs.

"They understand some of what we say, but they cannot talk in the language," she said.

"There used to be a frog dance which was very important, but now only old Norman Barral at Japanese Beach knows it properly," she added.

Only about 16 of the Larrakia are left, and many are married to Aboriginals from other tribes.

Tophy was married to Doug Gutchen from Thursday Island.

Earlier this year, after months of negotiations with the army, the Larrakia people visited the Larrakeyah army barracks for the first time since they were opened.

Dolly wept when she saw sacred sites she was never allowed to see as a child.

Johny Fejo and other Aboriginals at Kululuk are hoping that the old women's attachment to Darwin can be preserved there by the land claim.

Plate 6: 'Songs of death to lament lost link', *NT News*, December 28, 1973.

### **The 1973 genealogy**

If read in conjunction with the Northern Land Council genealogies and research prepared for the Kenbi Claim, the 1973 Topsy Secretary genealogy provides evidence of a connection from 1973 to an ancestor living before sovereignty (see Appendix 5).

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.' Heffernam (1996, 1997:1) 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.'

The 1973 genealogy was prepared before the passing of the *Aboriginal Land Rights (NT) Act, 1976*. In addition:

- a) the genealogy was prepared during the lifetime of elders named above who did not give evidence in either Kenbi or the native title claim;
- b) the genealogy was prepared before the so-called 'revival' of the Larrakia language group;<sup>18</sup>
- c) Larrakia identity was less politicised. For example, in 1983 the Larrakia Association was formed and in August 1983 a group of urban Larrakia wrote to the NLC seeking to be added to the list of claimants (Olney 1991: Para 7.2.4).

Mr Justice Mansfield (2006: Para 839) refers to this 'revival' when he stated: '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.' However, prior to 1985 when the writer of this report left Darwin, the numbers of people identifying as Larrakia to my knowledge remained relatively stable as were identified on the 1973 genealogy.

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<sup>18</sup> See Walsh (1995:97-124) 'Tainted evidence: literacy and traditional knowledge in an Aboriginal land claim'



I believe the significant points of the rediscovered 1973 genealogy are:

- a) the genealogy supports the claims of the Batcho family that there were mistakes in the genealogies prepared by the Northern Land Council (NLC);
- b) the genealogy is evidence that cognative descent was a recognised principle of descent;
- c) the genealogy confirms the membership of the Danggalaba clan;
- d) the genealogy shows the names of those who Topsy Secretary identified as Larrakia before the so called revival of the Larrakia people in the late 1970s and 1980s;

For the above reasons I regard the 1973 genealogy as a definitive record of the Danggalaba clan.

The inclusion of many families (over 1,000 people) in the Larrakia native title claim who are not shown on the 1973 genealogy had several negative effects on the native title claim:

- a) Diluted the evidence by accepting people who had no continuing connection;
- b) Gave the impression that the Danggalaba clan had ceased to exist as a separated group;
- c) Gave the impression that there had been a break in Larrakia connection to country;
- d) Gave the impression that there had been a revival of Larrakia laws, customs and beliefs in after the 1970s, rather than a continuous connection to land through laws and customs.

Referring to the Larrakia land rights protests of the 1970s, Mr Justice Mansfield (2006: Para 388) 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, the 1973 genealogy and other indicators suggest that 'people of mixed descent', including Topsy Secretary's grandchildren and the descendants of Dedja Batcho, were equally recognised as members of the Danggalaba clan. 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. As stated, amongst those whose names appeared on the 1973 genealogy, Victor Williams otherwise participated from the early 1970s.

After 1989, witnesses from the wider Larrakia group of over 1000 members were drawn from families not included on the 1973 genealogy. Some stated that they had only become involved in the late 1980s (see Day 2009). For example, in 1989 Richard Barnes said he became involved in the Kenbi Land Claim in about 1981-2. The transcript below cites his explanation (Avery 1997:135-136):<sup>19</sup>

Mr Parsons: ... Perhaps we can first of all ask you about your involvement in the land claim.

Richard Barnes: Yes.

Mr Parsons: And I guess in matters on behalf of Larrakia. When did you become involved and why?

Richard Barnes: I got involved about eight years ago. The reason I got involved is I got into conversation with my Uncle Delfin, and I had not heard a lot about the land claim at the time and he told me something about it because he had been involved with it earlier, a number of years earlier. And he explained what he had done about it and asked if I would be interested in helping, and once I knew what it was about I agreed to help.

Mr Parsons: Prior to then, had you been involved with any Larrakia issues that - or anything to do with Larrakia land?

Richard Barnes: No. I have not been involved with any – anything to do with Larrakia business as such. I - - -

Mr Parsons: Why was that do you think?

Richard Barnes; I did not – I do not think there was anything going on. I did not know about anything that was happening. The – before the land rights came into being there was not really much that Aboriginal people could do to acquire land or look after land or anything like that. It just was not much said about it. There did not seem to be any process for doing it.

Further background to the involvement of Richard Barnes is given by Avery (1997:137):<sup>20</sup>

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19 According to a full page notice in the Northern Territory News (June 5, 2008, p.4), ‘Chairman of the Larrakia Development Corporation, Koolpinyah Richard Barnes, is regularly consulted by the Aboriginal Areas Protection Authority regarding sacred sites in Larrakia country, knowing he has been asked to do this by the most senior Larrakia Ceremony man and that this cultural authority was confirmed in writing by Senior Larrakia Elders.’

<sup>20</sup> See also Walsh (1995) regarding use by witnesses of anthropologists’ reports and other research in Kenbi evidence.

Before 1982 then, it is unlikely that Richard Barnes had any significant knowledge of Larrakia traditions or other Aboriginal matters. Although his uncle Delphin Cubillo had been involved in the Darwin Aboriginal movement to protect Gundal at Emery Point and to obtain land in Darwin, Richard Barnes said he had no knowledge of this activity at the time. He first became aware of it in about 1982 (4741-3, see also 4745).

Referring to the Quall claimants, Mr Justice Mansfield (2006: Para 800) wrote: ‘...I am not satisfied that there is a separate more confined society of Aboriginal persons comprising the second applicants who, alone among those who comprise what Mr Quall called the wider “Larrakia language group”, possess rights and interests under “traditional” laws and customs by which they have a connection to the land and waters of the claim area.’ However, the 1973 genealogy supports Tibby Quall’s assertion that there is a separate more confined society than the NLC model of the wider ‘Larrakia language group’. . If read in conjunction with the Kenbi claim, the 1973 genealogy is appears to be evidence that a ‘more confined’ society existed, namely a cognitive descent Danggalaba clan consisting of the descendants of Tommy Lyons, Crab Billy Belyuen, King George and Frank Secretary and Blanchie, and as such is a corrective to the wider Larrakia group advocated before Mr Justice Mansfield

### **The principal of descent**

The Kenbi Land Claim book (Brandl et al 1979:155) used the model of a patrilineal descent group as defined by Professor Stanner during the Walpiri land claim, ‘through the paternal and grand-paternal line from a common ancestor or founder’ (Toohey 1978:24). Mr Justice Olney (1991: Para 7.1.8) comments: ‘The authors say that this conforms to the way in which the living members of the Danggalaba clan see themselves and the way in which they are publicly identified.’

By 1989, precedents in land claims allowed patrilineal and matrilineal descent (Toohey 1981, 1982; Kearney 1984, 1988). These precedents would have allowed for a more inclusive Danggalaba clan as confirmed by the 1973 genealogy. However, instead of widening the patrilineal clan to include matrifiliates the NLC changed the Larrakia model from the restricted patrilineal Danggalaba clan to all-inclusive ‘Larrakia language group’ (see Sutton 1998). Commenting on ‘Ten Years On’ (Walsh 1989a), Mr Justice Gray (2000: Para 2.18.2) wrote: ‘The Danggalaba clan therefore consisted of only four

patrilineal descendants'<sup>21</sup> and that the NLC proposed 'an alternative model of the appropriate claimant group the Larrakia language group. At the time, in excess of 700 people had been identified as members of the Larrakia language group through matrification, patrification or both.' The effects of this change are discussed in a following paragraph.

In a 1989 report entitled, 'Ten Years On', the linguist, Michael Walsh, (1989a:24) on behalf of the Northern Land Council proposed 'the Larrakia language group' as an alternative model of a local descent group.<sup>22</sup> Mr Justice Olney (1991: Para 7.2.2) comments: 'Whatever the situation in 1979, 10 years later the primary basis for constituting a local descent group in the claim area is said to be affiliation through the language label, Larrakia.' In my experience prior to 1985, such a broad definition of a descent group was not necessary because at least at Kulaluk there was agreement on Larrakia relationships as expressed in the 1973 genealogy.

'Ten Years On' (Walsh 1989a:24) states: 'The mode of recruitment to the local descent group is filiation. This principle may be matrification, patrification or both ... The Finniss (Toohey 1981) and Malak Malak (Toohey 1982) claims have perhaps excited more interest than any other for Larrakia.... The outcome of these two claims appears to have led the Larrakia to a reassessment of the term "traditional" with respect to land claims...' However, the 1973 genealogy suggests that consanguinal (bloodline) descent had been the principle of descent at least since 1973, and much earlier in the case of the children of Dedja Batcho and others who Topsy Secretary identified as Larrakia.

Mr Justice Olney was not persuaded by the change of approach by the Northern Land Council and dismissed the Kenbi claim in 1991, finding only one person who fitted the requirements of the Land Rights Act survived and that therefore the Danggalaba clan was doomed to extinction.

In 1992, in an appeal before Northrop Hill and O'Loughlin JJ, in the Full Court of the Federal Court of Australia held that "local descent group" in the definition of "traditional Aboriginal owners" in the Land Rights Act was not to be confined to a

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<sup>21</sup> As stated earlier in this report, the 1973 genealogy included a classificatory 'sister' of the four 'brothers'.

<sup>22</sup> The report 'Ten years On' (Walsh 1989) recorded that the Danggalaba clan had been depleted by the deaths of Bobby Secretary [1984] and Paula Thompson. In a foreword to the report, the authors said that Olga Singh had also died on April 28<sup>th</sup>, 1989, after the report was prepared.



patrilineal group ... the underlying principle of recruitment to a group must be some form of descent, that need not be seen in a biological sense, and persons not claiming biological affiliation may be adopted into and become part of the group...' (see Blowes 1992:15).

Northrop Hill and O'Loughlin JJ (at p.553) 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...' (cited in Blowes 1992:15).

If it is accepted that the 1973 genealogy is evidence that cognative descent was a principle of descent for the Danggalaba clan, the statement by Mr Justice Gray (2000: Para 13.4.3) (below) concerning descent may be irrelevant. However, the statement does acknowledge a process that had already occurred according to the 1973 genealogy.

Mr Justice Grey (2000: Para 13.4.3) stated: 'There is a range of possible courses by which the Tommy Lyons group may become strengthened and ensure its continued existence. A process which is known to have occurred among Aboriginal groups elsewhere in the Northern Territory, whose patriline has died out, is that a male matriline begins a new patriline. Jason Singh and Kathleen Minyinma's son, Desmond, are the current first generation matriline males of the group. It is possible that one or both of them will have his or their children recognised as members of the group. It is possible that the group will expand its membership by recognising second, and perhaps subsequent, generation matrilineals.'

### **The Danggalaba clan**

The genealogy prepared by Topsy Secretary in 1973 shows Frank Secretary, King George, Billy Balyun [sic], Tommy Lyons and a Larrakia female (the mother of Dolly Gurinyee and Didja Batcho) as siblings. The four men and their descendants also comprise the Danggalaba clan in the Kenbi Land Claim (Brandl et al 1979). Mr Justice Gray (2000: Para 4.21) cites the 'Descent criterion of the Danggalaba group: The principle of descent on which the group is said to have been formed is descent from an ancestor recognised to have been a member of the Danggalaba clan.' In the 1973 Topsy Secretary genealogy, the descendants of Dolly Gurinyee and Dedja Batcho are situated

equally as descendants of the same group as the descendants of Tommy Lyons, Crab Billy Belyuen, King George and Frank Secretary.

In 2000, Mr Justice Gray cited the Kenbi Land Claim book (Brandl et al 1979) which listed seven 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’. In the Kenbi Land Claim, Brandl et al (1979:172) say they asked the question: “‘Who owns the claim area?’” and were told that ‘the *Danggalaba* clan owns it’. However, the 1973 genealogy supports the statement by Nelson Blake: ‘Auntie Topsy [Secretary] all this mobs [descendants of Dedja Batcho] family, belong to Auntie Topsy family. That old lady, Topsy Secretary, old Frank Secretary, family for all this mob [descendants of Dedja Batcho]. Secretary and George King – that’s his brother (Graham 1997:13).’

In 1991, Mr Justice Olney (1991: Para 9.21) cites page 428 of the Kenbi hearing transcript:

MR PARSONS: Prince, what is that dreaming belong you? What is that dreaming for you?

PRINCE: Danggalaba.

MR PARSONS: And what that mean in English?

PRINCE: 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.’

In 1997 ‘the Danggalaba claimant group’ was separate to the ‘Tommy Lyons group’ and the ‘Larrakia group’. In the Kenbi claim before Mr Justice Gray, the consulting anthropologist, Dr John Avery (1997:57), comments:

The Danggalaba group consists of seventeen claimants who had been among the Larrakia claimants but who saw their claims arising on a different basis to that of the other Larrakia. Their principle [sic] contention is that mistakes were made in the genealogies that have made it appear that they are separate to the Tommy Lyon's [sic] group. They say they (and the Tommy Lyons group) are Danggalaba and that the Danggalaba are the traditional Aboriginal owners of the land. Consequently, the Danggalaba claimants are the traditional owners of the land.<sup>23</sup>

Had it been available, the 1973 genealogy could have suggested confirmation of the above claims of the Danggalaba group in the Kenbi claim.

The report by Mr Justice Gray (2000: Para 4.5.3) notes that 'Tommy Lyons, Crab Billy Belyuen, King George and Frank Secretary are described in the evidence as "brothers"'. Evidence of their respective lineages is sketchy and inconsistent. Dr Walsh's genealogy shows them as being of the same generation but not having common parents or grandparents .... That is to say, they saw themselves as brothers, even if they did not have the biological relationship of brothers. This acknowledgement of classificatory relationships has carried forward to the next generation.' This suggests that Blanchie would have full rights as a classificatory 'sister' as shown on the 1973 genealogy.

The 1973 genealogy shows that the mother of Dedja and Dolly was a Larrakia woman who was the 'sister' of the above males. The genealogy shows that the spouse of the mother of Dedja and Dolly was a Larrakia man who was the uncle of 'Peter Mundine'. Later research by the Northern Land Council names the mother of Dedja and Dolly as Blanchie. The Topsy Secretary genealogy suggests that the descendants (i.e. Dolly and Dedja) of the classificatory 'sister' of the four 'brothers' was accepted by Topsy Secretary and others as members of the same clan as Bobby Secretary, Topsy Secretary, Gabriel Secretary, Prince of Wales, Kathleen Minyinma, Olga Lyons and their children.

Mr Justice Gray (Para 4.5.15) commented: 'In para. 4.22, I deal with the suggestions that the descendants of Didja Batcho are descended from [a] deceased sister of King George. Again, if that were proved to be the case, there is no evidence that any of the descendants of Didja Batcho has been accepted by other members of the Tommy Lyons

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<sup>23</sup> Note: By 1997, the NLC was representing the wider Larrakia group in the Kenbi land claim, rather than the Danggalaba clan as proposed in the Kenbi Land Claim Book (Brandl et al 1979). The 'Tommy Lyons group' was represented separately.

group as members of that group...’ However, the 1973 genealogy by Topsy Secretary provides evidence that seems to contradict the above statement by Mr Justice Gray (2000: Para 4.5.15), because the genealogy is evidence that suggests Topsy Secretary included the descendants of Dedja Batcho as members of her family group by cognitive descent. Certainly this was my understanding at the time.

In addition, Mr Justice Gray (2000: Para 4.22.3) stated: ‘The earliest suggestion that the descendants of Blanchie could claim descent from Pat Lawrie, by reason of his adoption of Didja Batcho, did not come until 1996. Prior to that, Yula Williams and Rona Ally, both daughters of Didja Batcho, had given evidence as to the identity of their grandparents. Both had said that Blanchie was their grandmother and Batcho their grandfather, making no mention of any adoptive grandfather.’ The 1973 Topsy Secretary genealogy suggests that Yula Williams was correct to claim Danggalaba descent through a female ancestor, Blanchie.

According to the anthropologist Robert Graham (1997:8), the children of Dedja Batcho told him: ‘Their identity is Larrakiya and Danggalaba. This was strongly asserted by people of Yula William’s [sic] generation who say that their close ties, and membership of the Danggalaba was accepted by all in the homes where they grew up. They were always taught that men like Crab Billy and King George were their countrymen. They grew up with them.

‘My family should go one way, Danggalaba. From my mum. The Williams’s. I know who I am and where my blood line flows.’ (Yula Williams, 13/2/97)<sup>24</sup>

### **The Tommy Lyons group**

In the Kenbi Land Claim, Mr Justice Gray (2000) recognised Raelene Singh and her siblings in the Tommy Lyons group as traditional Aboriginal owners. Mr Justice Gray (Para 28) found that ‘the only claimants who fell within the definition of “traditional Aboriginal owners” in the Land Rights Act, with respect to the Cox Peninsula, are the members of the Tommy Lyons group. However, there is no suggestion in the 1973 genealogy that a separate group known as ‘the Tommy Lyons group’ was recognised by Topsy Secretary.

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<sup>24</sup> Quoted in Robert Graham (1997:8).



In 1971, Bobby Secretary sought to consult with Tommy Lyons as his elder,<sup>25</sup> not as the leader of a separate group. Both Tommy Lyons and Bobby Secretary attended the meeting with Mr Justice Woodward at Kulaluk in 1973 (Plate 8).<sup>26</sup> That the members of ‘the Tommy Lyons group’ were regarded as members of the Danggalaba clan is suggested by the 1973 genealogy. The consanguineal and filial connections of Raelene Singh suggest that she is heavily influenced by her Wadjigiyn-Kiyuk ancestry and place of abode (see following paragraphs).

Avery (1997:37) states: ‘[Raelene Singh] said consistently that she has learned about [dreamings] from her mother, [and] her grandfather. However, although she must be believed that she leaned a great deal from Maudie Bennett and her mother [Olga Singh], there is some evidence that she has learnt most recently from her father, Johnny Singh (Avery 1997:37).’ Avery (p.37) then quotes from the transcript:

Mr Howie: Did you ever talk to you grandfather [Tommy Lyons] about this country?

Raelene Singh: No, I was told.

Mr Justice Gray (2000: Para 2.21.1) states the Tommy Lyons group was named ‘for convenience sake’. He states: ‘When the inquiry resumed before me on 16 October 1995, two groups of claimants were represented separately by counsel. For convenience in identifying it, this group was named the Tommy Lyons group...’ The separate representation suggests the formation of the Tommy Lyons group is an example of the damaging effects to social structure that can be caused by a land claim (see Reeves 1998). However, it is also possible that the ‘Tommy Lyons group’ separated from the Larrakia claimants because the wider language group included many people who were not known to the descendants of Tommy Lyons.

Mr Justice Gray (2000: Para 4.3.2) stated: ‘The members of the Tommy Lyons group identify four deceased men as their relevant ancestors. They are Tommy Lyons, Crab Billy Belyuen, King George (also known as George King) and Frank Secretary. They are regarded as having been brothers, and are acknowledged to have had close connections with, and major ceremonial and other responsibilities for, the land

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<sup>25</sup> *NT News*, 28 June 1971.

<sup>26</sup>Plate 8. See ‘Transcript of Notes of Discussion, Kulaluk, Darwin, Northern Territory, 02 June 1973’, National Archives of Australia, Series A4257, 2 PART 8.

claimed.’ ‘The ‘Tommy Lyons group’ therefore recognises the ancestors shown on the Topsy Secretary genealogy, except for the exclusion of the Larrakia woman who was the ancestor of Dolly and Dedja Batcho. However Tibby Quall and the Danggalaba group maintained, as claimants in the Kenbi land claim, ‘they (and the Tommy Lyons group) are the Danggalaba and that the Danggalaba claimants are the traditional Aboriginal owners of the land (Avery 1997:57)’.

Tommy Lyons married a Wadjigiyn-Kiyuk woman, Maudie Bennett, who passed on her knowledge to her children and grandchildren (Brandl et al 1979). Mr Justice Olney (Para 7.3.5) described how leading members of the Tommy Lyons group/Danggalaba clan were taught by Wadjigiyn-Kiyuk people: ‘Knowledge of their country is now being passed on to this group by very knowledgeable non-claimants such as their mother's mother, Maudie Bennett and their father, John Singh [Wadjigiyn-Kiyuk]. The eldest, Raelene, was only born in 1970 but could be expected to become a senior traditional owner as she acquires the appropriate level of knowledge. In this case the transfer of knowledge across generations is going from non-Larrakia to Larrakia (Olney 1991: Para 7.3.5).’

Mr Justice Mansfield (2006: Para 728) makes a similar point. He wrote: ‘In my judgment, there was no sustained positive attempt to maintain at Belyuen the integrity of the knowledge and customs of the Larrakia people as distinct from those of the Belyuen community.’ However, Mr Justice Mansfield (2006: Para 715) also wrote: ‘There was primary evidence in these proceedings and during the Kenbi Claim hearing which indicated the opinion of various members of the Larrakia community ... that the ‘Belyuen people’ possessed a great deal of knowledge about Larrakia laws and customs.’

The 1973 genealogy suggests that through Tommy Lyons the Larrakia knowledge held by ‘the Tommy Lyons group’ belongs to the Danggalaba clan as shown on the 1973 genealogy. In the Kenbi claim there was a reliance on laws and customs of the Wadjigiyn-Kiyuk affiliates associated with the ‘Tommy Lyons group’ whereas the 1973 the genealogy suggests that the members of the ‘Tommy Lyons group’ were in fact members of the Larrakia Danggalaba clan. In fact, in a letter dated 31 August 2009, signed by ‘Raylene Singh’, the granddaughter of Tommy Lyons describes herself as the ‘most senior Larrakia traditional owner for Kenbi’. The letter to the Wagait Shire

Council seeking a meeting with them is written under the letterhead of 'Kenbi Danggalaba Association Incorporated' (Appendix 3), suggesting that Raelene Singh identifies as Danggalaba.

Raelene Singh has also welcomed people to Larrakia Country in the introduction to the Darwin Festival 2010 program. In the welcome she describes herself as 'the Elder, named most senior Larrakia Traditional Owner and authority for Larrakia Country here in Darwin, the surrounding region and across the Cox Peninsula to Kenbi...' Raylene Singh also states in the Darwin Festival 2010 Program introduction, 'Welcome to Larrakia Country. We are the true Danggalaba' (Plate 7).

Once the wider group was established, it may have been difficult for the Danggalaba group shown in the 1973 genealogy to assert their rights. Not without reason, 'the Tommy Lyons group' was represented separately, while others like the descendants of Topsy Secretary joined the Larrakia group. However, there is evidence that the basic structure of the Danggalaba clan shown on the 1973 genealogy remained and remains to the present and that these diverse branches of the Danggalaba clan can be viewed as a society sharing laws and customs and spiritual affinity to land.

Mr Justice Gray (2000: Para 22) commented that the Tommy Lyons group's 'core members' are Raelene, Jason and Zoe Singh. He states: 'They engage in ceremonial activity which sustains the land claimed and, in turn, the land sustains them, physically and spiritually ... The other members of the Tommy Lyons group have entitlements to share the spiritual affiliations....' Presumably this includes descendants of Frank Secretary, Crab Billy, King George and, according to Topsy Secretary, the Larrakia woman known as Blanchie.

In his consultant anthropologist's report on the Kenbi land claim, Avery (1997:37) cites a page from the transcript that illustrates the entitlements that appear to be held by right, through a genealogical connection. Avery states: '[Raelene Singh] did not know about whether the Thompson children (of Rachel/Paula Thompson) also got the baler shell dreaming but changed her story after further cross-examination.' The transcript continues:

Raelene Singh: Well, when my mum was alive, I wasn't told about them. I was only told about me, Jason, Zoe, Kathleen, Prince and Topsy when I was young.

Mr Maurice: But you know now that they have the same connection to Tommy Lyons as you do.

Raelene Singh: Yes, yes I know that.

Mr Maurice: Well, with that knowledge, can you think of any reason why they wouldn't have that baler shell dreaming just like you?

Raelene Singh: The baler shell dreaming, it's for women's ceremony.

Mr Maurice: Yes? Well do you know Stephanie Thompson?

Raelene Singh: Yes.

Mr Maurice: And Sharon Thompson?

Raelene Singh: Yes.

Mr Maurice: What do you call them?

Raelene Singh: Sister.

Mr Maurice: Don't they have that baler shell dreaming?

Raelene Singh: Yes, they have that dreaming too.

Mr Maurice: Don't they get this country in the same way that you do?

Raelene Singh: Yes.

Mr Maurice: From Tommy Lyons?

Raelene Singh: Yes. (4561-2)

### **The Thompson family**

One other family is listed as having rights in the Tommy Lyons group. Mr Justice Gray (2000: Para 4.5.2) briefly mentions the Thompson family: 'As well as his marriage to Maudie Bennett, Tommy Lyons married a woman called Margaret Moy, whose language was Gunwinygu. They had one daughter, Rachel (also known as Paula) Thompson. Margaret Moy seems to have remarried and to have settled in Darwin. There is evidence that Rachel/Paula Thompson declined to be involved in this land claim in the early stages of its preparation [also see Brandl et al 1979:29-30]. She is now deceased, but is survived by five children and seven grandchildren. There is little or no evidence about them, although Raelene Singh did acknowledge Rachel/Paula Thompson's children as her sisters and brothers.'<sup>27</sup>

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<sup>27</sup> Denise Goodfellow describes her family's close relationship with the Thompson family in her autobiography, *Quiet Snake Dreaming* (Goodfellow 2007).

Mr Justice Gray (2000: Para 4.5.2) says ‘Raelene Singh did acknowledge Rachel/Paula Thompson’s children as her sisters and brothers... They must be regarded as people who have rights to be members of the group. If those rights were ever activated, the ultimate entitlement to membership of the group would depend upon acceptance by the existing members.’

Paula had five children, Eddie, Stephanie, Una, Sharon and Andrew Thompson. Eddie had four children, Shane, Owen, Mark and Tama Thompson. Stephanie has two children, Victoria and Jethro Thompson. Una has one daughter, Andrea Thompson. Stephanie Thompson lives in Darwin’s Bagot Community where she is recognised as Larrakia by other residents. For unknown reasons, the Thompsons are not shown on the 1973 genealogy.<sup>28</sup>

In 2010, some of the Thompson family who identify as Larrakia have expressed an interest in being included in the native title claim. They have no explanation as to why they were not consulted in Kenbi or the native later title claim. Their mother died before 1989 and they may have shared Kathleen Minyinmar’s fear of involvement ‘in the context of the controversies generated by this land claim’ (see following section). Their friend Denise Goodfellow suggests an element of ‘intimidation’ in an email to me dated 7 October 2010 (see also Goodfellow 2007). Similarly, Adrienne McConvell (nee Haritos), a co-author of the Kenbi Land Claim (Brandl et al 1979) described in an email how there were ‘a number of people known to be Larrakia descendants who were not wanting to be involved as claimants. Maybe people were very insecure about how they might be targeted in the Darwin community if they were involved.’<sup>29</sup>

### **Kathleen Minyinma**


Kathleen Minyinma is shown on the Topsy Secretary genealogy as a descendant of Billy Balyun (sic). Her name is underlined as one who would be ‘eligible for land rights’. The example of Kathleen Minyinma is an example that warrants discussing in more detail because in her case Mr Justice Gray (2000: Para 4.6) describes how people could ‘activate’ their membership of the Danggalaba clan.

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<sup>28</sup> Stephanie Thompson has a degenerative disease and her friend Denise Goodfellow is very anxious that she give preservation evidence of her rights and interests as descendant of Tommy Lyons.

<sup>29</sup> Email from Adrienne McConvell to William B Day, October 6, 2010.

**raylene  
singh**  
Larrakia Traditional Owner



My name is Raylene Singh, I am the Elder, named most senior Larrakia Traditional Owner and authority for Larrakia Country here in Darwin, the surrounding region and across the Cox Peninsula to Kenbi where I lives with the Traditional Owners and Custodians of the land - in my community Belyuen.

Welcome to Larrakia Country. We are the true Dangalabba, the Larrakia Traditional Owners of this Country where we have struggled for our land rights for many generations. We hope you enjoy your experience on Larrakia Country and celebrate our cultures and our people and everything on our beautiful land.

Welcome to Larrakia Country here in Darwin. This is our country given to us by our ancestors to look after and enjoy for future generations. Long may we celebrate our cultures, languages through art, song and dance and follow the path of our ancestors wherever we go.

When you leave Larrakia Country always remember the Larrakia and that you have travelled the sacred lands of our ancestors.



**Plate 7: Raylene Singh’s welcome in the introduction to the Program for the Darwin Festival 2010.  
Plate 8: (Right) Tommy Lyons (glasses) and Bobby Secretary (T shirt) listen to Mr Justice Woodward at Kulaluk in 1973 (Day 1996).**

In 1991 Mr Justice Olney (Para 7.1.5) wrote: ‘Kathleen (or Dolphin) Minyinma (also sometimes referred to as Kathleen Presley) is the daughter of the late Billy Minyinma whose father was Crab Billy Belyuen. The latter’s father is said to have been an adopted or putative son of Tommy Lyons’ grandfather. She has grown up away from the claim area with a foster family.’

Later in his report, Mr Justice Olney (1991: Para 9.22.5) expands on Kathleen’s position:

I have no doubt as to the sincerity of Kathleen Minyinma's desire to become more knowledgeable concerning the traditions of her forebears. It is no fault of hers that she has been denied, until recently, access to that knowledge. She strikes me as a quiet but impressive person who may one day take up the mantle of her grandfather and be a leader among the Larrakia, but however generous a view one takes of her



evidence, there is nothing upon which I can base a finding that she has any spiritual affiliation to any relevant site in common with any other member of the Danggalaba clan.

Nine years later Mr Justice Gray (2000: Para 4.6) commented:

[Kathleen] lives in Darwin. She has spent time staying with the Singh family at Belyuen and has been introduced to sites and dreamings to a significant extent, in recognition of her entitlement to knowledge of the country ... Dr Rose explained that Kathleen herself has a health problem and cares for an ailing mother and a sickly child. She is also afraid of involvement with the group in the context of the controversies generated by this land claim. It is clear that the lack of continuous involvement of Prince of Wales and Kathleen Minyinma has not negated the fact that they are regarded as members of the Tommy Lyons group. Kathleen's son [Desmond], although young, is similarly accepted. Zoe Singh's two daughters, being second generation matrilineates, are perhaps not yet clearly members of the group. It may be in due course the accepted descent criteria will be broadened, at least so as to include them.

Later in his report, Mr Justice Gray (2000: Para 5.8.2) states: 'Kathleen Minyinma has been introduced to the land claimed. She has been welcomed to it by her classificatory sisters, Raelene and Zoe, and her classificatory brother, Jason. She has **activated her entitlements** as a member of the Tommy Lyons group (my emphasis).'

### **The descendants of Frank Secretary**

When the NT Chief Minister, Paul Everingham personally presented the title to Bobby Secretary at Kulaluk, he said, '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.'<sup>30</sup>

In his final report Mr Justice Woodward (1974:53) wrote: '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

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<sup>30</sup> *NT News*, 27 August 1979. As the *Land Rights (Northern Territory) Act 1976* was not applicable in towns, the Kulaluk land was treated as a needs claim under the NT Special Purposes Lease Act.

organization calling itself Gwalwa Daraniki...’ As members of the Gwalwa Daraniki Association Inc in 2010, the Secretary family are the leaseholders of the Kulaluk Crown lease in perpetuity.<sup>31</sup>

In November, 2005, Dr Chris Burns, the NT Minister for Planning and Lands, gave an explanation for the exclusion of the 301 hectare Kulaluk lease from the Larrakia native title claim. 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.<sup>32</sup>

The amended constitution of the Gwalwa Daraniki Association Incorporated (GDA) was lodged in September 2006 by Michael Chin, Barrister and Solicitor and signed by Helen Secretary as Public Officer. The GDA constitution recognises that the descendants of Topsy Secretary identify as Danggalaba in stating: ‘Kulaluk Community means the community comprising persons who are:

- a) descendants of the Danggalaba Clan of the Larrakia people; or
- b) married to, or in a long-term de facto relationship with, a descendant of the Danggalaba Clan of the Larrakia people.’

Mr Justice Gray (2000: Para 4.4.4) notes that Topsy Secretary gave evidence in 1990 and 1995 but died prior to the end of his Kenbi inquiry. Gray (2000: Para 4.4.4) notes that all the descendants of Topsy Secretary were listed in the Larrakia group in the Kenbi claim. He adds that, ‘There is no evidence that these third and fourth generation matrifiates have activated any entitlements to membership of the Tommy Lyons group, or have been accepted as members of the group.’ The Topsy Secretary genealogy would appear to contradict the statement that there is ‘no evidence’ because the descendants of Topsy Secretary are shown in genealogy as being in the same family group (Danggalaba) as the descendants of Tommy Lyons. When questioned in the

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<sup>31</sup> ‘Gwalwa Daraniki’ was suggested to me by Bobby Secretary as a name for the association. The words, variously spelled, mean ‘Our land’ in Larrakia (see Mansfield 2006: Para 383).

<sup>32</sup> Letter from NT Minister for Planning and Lands, Chris Burns to Bill Day, 15 November 2005. See Day (2010).

Kenbi claim, Raelene Singh admitted that a family connection gives people rights (Avery 1997:37).

Mr Justice Gray (2000: Para 4.10.3) lists the surviving descendants of Frank Secretary.<sup>33</sup> Topsy's daughter, Kathleen Secretary, died in 1986. Kathleen's son, Christopher Shields, is also deceased. Five of Kathleen's six children survive. According to Gray (2000) the surviving children are 'Lynette Shields, Helen Secretary, Anna Secretary, Jacqueline Treeves and Kathleen Tina Secretary.'<sup>34</sup> Lynette has three children, David, Martina and Setiona Shields. Chris Shields is survived by three daughters, Helen, Nicole and Gabriella Shields. Helen Secretary has six children, Michele, Raylene, Lynette, Leeanne, Anthony and Christopher Secretary. Jacqueline Treeves has a son, Lawrence Secretary.'<sup>35</sup>

### **The Larrakia language group**

The 1973 genealogy does indicate a wider Larrakia group of at least eighty-two persons, including the Roman, Shepherd/Risk, Rankin, Browne, Baban, Reid, Campbell, Bishop, Talbot and Kenyon families and their descendants. A group described as the 'Woolner side' includes the Fejo family, while others are named in a separate group labelled the 'Minija side'. On the genealogy I wrote a note that states:

Selma says: 'When the Woolner, Minija and Larrakia tribes were almost gone, Fred Waters (an elder d) said we would be together.' This is emphasised – Woolner, Minija, Larrakia –one people.

The informant, 'Selma', is listed in a family tree not connected to any other on the genealogy as 'Minija side'. I consider this combining of similar groups as a survival tactic that would be unlikely to pass the requirements of the Native Title Act of continuous connection. In addition, I believe those listed on the 'Woolner and Minija side' are affiliated in land claims with other groups.<sup>36</sup> More research would be needed to

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<sup>33</sup> Note: Bobby Secretary and Gabriel Secretary had no children.

<sup>34</sup> Lynette Shield's uncle, Richard Shields, was involved in the Larrakia land rights campaign in 1971 (see Day 1994).

<sup>35</sup> According to a 1996 Supreme Court trial transcript, Helen Secretary had six children to a non-Aboriginal man, Darren Nelson. In 2009 Michelle signed the Gwelo caveat over Kulaluk land as 'Michelle Nelson', secretary of GDA.

<sup>36</sup> Pers. Comm. Tibby Quall.

confirm this point, which is also applicable to others in the wider group shown on the genealogy, unlike those who identify as Danggalaba.

During my involvement with the Larrakia, members of the families shown on the 1973 genealogy recognised the surviving Danggalaba members as the rightful claimants to the Darwin and Cox Peninsular areas. On the genealogy, Topsy Secretary defined those members. However, she did not define the boundary that existed between Danggalaba country and the other (though inter-related) Larrakia, apart to say that Tommy Lyons 'looks after' the Cox Peninsula.

Just as a member of the Campbell clan is a Campbell and a Scot, so are members of the Danggalaba clan Danggalaba and Larrakia. For the purpose of this report, I am not able to further expand on the rights and interests of the wider Larrakia group of those who Topsy Secretary recognised as Larrakia. Presumably they would have rights and interests if a Danggalaba claim was successful, just as it has been recognised in the Kenbi decision that the wider Larrakia language group have rights and interests. However, I believe that the core group of those who could claim that they have not lost connection remains the Danggalaba clan.

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 20<sup>th</sup> 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.'

There are marked differences between the wider Larrakia group on the 1973 genealogy and the wider Larrakia group presented by the NLC in Kenbi and the native title claim. The Larrakia Nation representing the wider Larrakia claimant group is made up of representatives of eight families (Mansfield 2006: Para 695). That structure is as a result of the land claim process and is not traditional. The eight families include many who are not listed on the 1973 genealogy, while *excluding* several notable families who *are* on

the genealogy, including the Bishops and the Thompsons. These are families who are not represented in the Larrakia Nation at all.

The remarks above 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 by accepting people who were not recognised as Larrakia in the 1970s. As the numbers of Larrakia grew, the inclusion of additional families would be likely to create dissention so that it is not surprising that members of the Danggalaba clan have withdrawn to their own small groups, including the Secretary family at Kulaluk, as identified in the Gwalwa Daraniki Association Incorporated constitution (Appendix. 3). Other groups who identify as Larrakia/Danggalaba are the Singhs at Belyuen (Appendix 2), the Thompsons at Bagot (see Goodfellow 2007) and the Batcho family in Darwin (see Graham 1997).

The 1973 genealogy suggests that there exists a distinct family group which elsewhere described itself as the Danggalaba Clan (Brandl et al 1979; Graham 1997; Appendix 2 and 3). Since 1973 those family members who are descendants from the Kenbi Danggalaba clan genealogy have continued to identify as Danggalaba (Appendix2 and 3) although in the second Kenbi Land Claim they identified as belonging either to a separate ‘Tommy Lyons Group’ or as ‘Larrakia’. However, this report suggests that the Singh, Secretary, Batcho, Minyinma and Thompson families also remained ‘Danggalaba’.

As stated previously, many people not identified as Larrakia on the 1973 genealogy gave evidence to Mr Justice Mansfield (see Day 2009) and Mr Justice Gray (2000). 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.

I suggest that the process of succession laid out in the 1973 genealogy by cognitive descent was interrupted by the longest running land claim in Australia - from 1979 to 2006, if the native title claim is included. The effects on Aboriginal society from land claims are discussed by Reeves (1998). As a result of strategies by the NLC the Larrakia land claims shifted from a patrilineal clan to a wider language group, then as the claims progressed, into separate groups – ‘the Tommy Lyons group’ the Danggalaba group, the Larrakia group and the Belyuen group.

Once the wider group was established, in my opinion it could have become difficult for the Danggalaba group, as shown in the 1973 genealogy, to assert their perceived rights, particularly in a decision-making process that was foreign to them. The atmosphere in the wider Darwin community could also have been intimidating. For these reasons, I suggest that ‘the Tommy Lyons group’ chose to be represented separately, while others in Tibby Quall’s 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 Wadjigiyn-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. 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 identified as Larrakia and interfered with the order of succession outlined in the 1973 genealogy, not submitted in land claim hearings prior to 2010.

## **Conclusion**

I suggest that these apparent separations did not exist in Larrakia society in 1973 and were exacerbated by the land claims process from 1979 to 2006, as outlined above, and as noted by John Reeves in his ‘Report to ATSIC’ (1998:166). A clan by definition cannot exist in three or more manifestations under the same name. The 1973 genealogy suggests that these apparent separate groups belong to one and the same Danggalaba

Clan who, in the words of Raelene Singh, are ‘Larrakia Traditional Owner(s) and authority for Larrakia Country here in Darwin.’

The 1973 genealogy was drawn by Topsy Secretary before land rights became a reality and while Dolly Gurinyi and other Larrakia elders were still alive. The genealogy was not used in previous Larrakia land claim cases and the native title claim to land in Darwin. The significant points of the rediscovered 1973 genealogy are:

- a) the genealogy supports the claims of the Batcho family that there were mistakes in the genealogies prepared by the Northern Land Council (NLC);
- b) the genealogy is evidence that cognative descent was a recognised principle of descent;
- c) the genealogy confirms the membership of the Danggalaba clan;
- d) the genealogy shows the names of those who Topsy Secretary identified as Larrakia before the so called revival of the Larrakia people in the late 1970s and 1980s.

By switching to a language group model, the NLC introduced families who, it could be said, had lost connection and were not identified by the 1973 genealogy as Larrakia. The continued emphasis on patrilineal descent also marginalised the Batcho family in a manner that would have been unlikely if Dolly Gurinyi had survived. The effect was to divide the Danggalaba clan; however, the clan continued to exist and hold rights and interests in land as has been consistently asserted by Mr Tibby Quall and claimants over many years (Graham 1997). However, Mr Quall was lacking the one piece in the puzzle that could have supported support his claim. The genealogy is that missing piece that causes the whole to fit into place.

Within the constraints of time and resources, I, William Bartlett Day, have made all the inquiries that I believe are desirable and appropriate to the matters expanded upon in this report and no matters of significance that I regard as relevant have, to my knowledge, been withheld from the Court.

Signed: William B Day

5 November 2010



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## Appendix 1: Letter to Bill Day from National Archives of Australia, June 23, 2004.



**Australian Government**  
**National Archives of Australia**

Mr Bill Day  
Gumala Aboriginal Corporation  
PO Box 419  
Tom Price WA 6751

Dear Mr Day,

Your further inquiry relating to your search for the records containing the submission made to the Aboriginal Land Rights Commission in Darwin on the 2nd June 1973, and obtaining a transcript of the hearing and a copy of the Larrakia Genealogy, and the Larrakia "Treaty" document, has been forwarded to the Darwin office for response.

I have checked our Recordsearch database, and located the following record items which you may be interested in obtaining access to. Please note that any records that have an access status of *Not yet examined* will need to be examined before they can be publicly released. Also please note that any records that are less than 30 years old (ie, currently any records from 1st January 1974-Present fall into this period) cannot be publicly released except with the permission of the controlling agency.

If you are able to access the Internet and the NAA website you will be able to conduct your own searches at the following website address:  
[http://naa.gov.au/the\\_collection/recordsearch.html](http://naa.gov.au/the_collection/recordsearch.html).

I have attached some lists from our database of possible Agencies, series and items that may be of interest to you. If you would like to lodge an access application for any of the records that are on the attached lists, or any that you are able to identify on recordsearch please contact me to advise.

If you have any further queries about the information I have sent you or would like to discuss your research further please contact me on phone (08) 8985 0327, fax (08) 8985 0399, or by e-mail at [kathg@naa.gov.au](mailto:kathg@naa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kathy'.

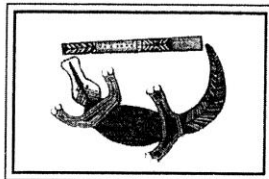
Katherine Goodwin  
Reference Officer  
NAA Darwin

23 June 2004

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Kelsey Crescent, Millner NT 0810 • PO Box 24, Nightcliff NT 0814  
tel (08) 8985 0300 fax (08) 8985 0399 email [archives@naa.gov.au](mailto:archives@naa.gov.au) website [naa.gov.au](http://naa.gov.au)

**Appendix 2: Letter from Raylene Singh, 'Traditional Owner and Chairperson', Kenbi Danggalaba Association, to President, Wagait Shire Council. 31 August 2009.**



**K**ENBI DANGGALABA ASSOC. INC.  
RAYLENE SINGH, CHAIRPERSON  
BELYUEN COMMUNITY  
GPO BOX 4111 DARWIN 0801

**RAYLENE SINGH**  
Traditional Owner Chairperson

**RECEIVED**  
14 SEP 2009

BY: .....

**Kenbi Danggalaba Association Inc.**  
Belyuen Aboriginal Community Cox Peninsula NT  
GPO BOX 4111 DARWIN 0801  
Telephone 08 89482711

Mr Peter Clee  
President  
WAGAIT SHIRE COUNCIL

31 AUGUST 2009

**RE: KENBI MEETING WITH LARRAKIA TRADITIONAL OWNERS**

**Dear Sir**

I write to the Wagait Shire Council as the named, most senior Larrakia Traditional Owner for Kenbi and as a member of the Belyuen Community to request a meeting with your council to formally introduce myself as the authority for all matters on Kenbi, Cox Peninsula. This includes future development on my land Kenbi.

There seems to be some confusion created by parties that wish to develop my land without my consent, I wish to inform you that all future discussions concerning Kenbi will be managed personally by me.

The Northern Land Council is the representative body for traditional owners under the *Aboriginal Land Rights Act NT 1976* and they take all direction from me regarding the protection of Kenbi for the Larrakia Traditional Owners and the future development of Kenbi and this includes the Larrakia Development Corporation, owned by the Northern Land Council.

The aim of the Kenbi Danggalaba Association and the Kenbi Rangers, Belyuen Kenbi Dancers and Kenbi Tourism is to protect and preserve the cultural heritage of Kenbi including the Belyuen Community to provide cultural, social and economic benefits to the Traditional Owners, Custodians, Larrakia Families and the Darwin NT Community.

1

I have given no permission for development on Kenbi at this stage and are currently going through the negotiation process with the Federal Government and the Federal Minister.

The Wagait Shire Council CEO Wally Lenzerheide was approached on my behalf to arrange a meeting with the Council and I was informed that the President of the Wagait Shire Council, Mr Peter Clee did not want to have a meeting with the Traditional Owners of Kenbi.

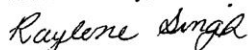
I now wish approach the entire council of the Wagait Council as a matter of courtesy for a meeting with respect to the Traditional Owners of Kenbi and to formulate a future relationship with the full council not an individual.

I am personally developing and supporting significant Aboriginal cultural programs and projects and business that involves Caring for Country including land, coast and sea management ranger program, Kenbi Rangers, to maintain control over Kenbi to increase the numbers of Aboriginal people in employment, training, service delivery, construction and numerous businesses and cultural tourism on Kenbi.

It is now public knowledge of the significant business developments that will happen with my approval after the handover of Kenbi to the Traditional Owners of Kenbi, this was formally announced by the Chief Minister, Paul Henderson in the NT Parliament in January this year and I am now working with the Federal Minister Jenny Macklin to continue the process. I announced with the Chief Minister and the Chairperson of the Northern Land Council Mr Wali Wunungmurra and CEO Kim Hill and we together made the statement in the Parliament that I will ensure that I will make decisions on Kenbi that will benefit the Larrakia Traditional Owners, the Belyuen custodians and all Larrakia families and including the residents of Cox Peninsula and Darwin, this announcement has gained the support of the Federal Minister.

As the most Senior Traditional Owner, I look forward to meeting with your council. I may be contacted to arrange the final details for the important meeting.

Yours sincerely,



**Ms RAYLENE SINGH**  
**Larrakia Traditional Owner**  
**CHAIRPERSON**  
**KENBI DANGGALABA ASSOCIATION**

Cc: Federal Minister Jenny Macklin Chief Minister NTG Paul Henderson, Minister Rob Knight, Minister for Local Government, Minister Karl Hampton Minister for Natural Resources and Environment, Minister Warren Snowdon, Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery  
Chairperson Northern Land Council Wali Wunungmurra, Kim Hill CEO Northern Land Council

*The aim of the Kenbi Danggalaba Association and the Kenbi Rangers, Belyuen Kenbi Dancers and Kenbi Tourism is to protect and preserve the cultural heritage of Kenbi including the Belyuen Community to provide cultural, social and economic benefits to the Traditional Owners, Custodians, Larrakia Families and the Darwin NT Community.*

2

**Appendix 3: Pages from the Constitution of the Gwalwa Daraniki Association Inc.**

40

Assn #: \_\_\_\_\_  
 Doc #: BPFIX  
 R 933956  
 A: \_\_\_\_\_ P: \_\_\_\_\_

Northern Territory of Australia  
 OATHS ACT  
 STATUTORY DECLARATION

Assn #: 02540  
 Doc #: \_\_\_\_\_  
 R 933955  
 A: \_\_\_\_\_ P: \_\_\_\_\_

(1) Insert name & address of person making the declaration

I, (1) HELEN PATRICIA SECRETARY  
 of LOT 8630 DICK WARD DRIVE, NIGHTCLIFF NT 0814

do solemnly and sincerely declare:

(2) Insert name of entity

I am the Public Officer of  
 (2) GWALWA DARANIKI ASSOCIATION INC  
 .....INCORPORATED

(3) Insert date of meeting

The following resolution to amend the association's constitution was passed in accordance with the constitution at a meeting held on (3) 14 / 9 / 2006

RESOLUTION: "that the constitution (a copy of which is attached at annexure "A") be adopted."

I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration and accompanying application to be true in every particular.

Declared at DARWIN on the 14<sup>th</sup> day of SEPTEMBER 2006

4) Signature of the person making the declaration

(4) [Signature]  
HELEN PATRICIA SECRETARY

Before me

(5) Signature of person before whom declaration is made.

(5) [Signature]

(6) Full contact details of person before whom declaration is made legibly written, typed or stamped.

(6) Michael Chin  
Barrister and Solicitor  
G.P.O. Box 738  
Darwin NT 0801  
Ph: (08) 89417311  
Fax: (08) 89412636

NOTE: This declaration may be made before any person who has attained the age of (18) eighteen years.  
 A person willfully making a false statement in a statutory declaration is liable to a penalty of \$2000 or imprisonment for 12 months, or both.





## Associations Act - Amendments to Constitutions

**A current, legible and complete copy of an association's constitution must be lodged with the Commissioner of Consumer Affairs.**

The **STATUTORY DECLARATION** on the following page is to be completed by the associations Public Officer and lodged with a complete copy of the association's amended constitution.

The **ANNEXURE CLAUSE** below is to be written on the front page of the copy of the constitution being lodged. Both documents must be witnessed by the same person, who is over the age of 18 years.

ANNEXURE CLAUSE (THIS MUST BE WRITTEN ON THE FRONT PAGE OF THE CONSTITUTION BEING LODGED)

THIS IS THE ANNEXURE MARKED 'A' REFERRED TO IN THE STATUTORY DECLARATION OF  
HELEN PATRICIA SECRETARY  
(Name of Public Officer)

MADE ON THE 14<sup>th</sup> DAY OF September 2006

BEFORE ME [Signature]  
Michael Chin  
Barrister & Solicitor (signature of witness on statutory declaration)

### FEES & LODGEMENT

- Fee Payable (GST Exempt): \$15 if lodged within one month of being passed or \$35 if lodged thereafter
- Please Note: Documents are not able to be lodged or processed until payment is received. Change of details have no legal effect until they have been lodged.

### Lodgement by Mail

Business Affairs  
GPO Box 1722  
Darwin NT 0801  
Ph: (08) 8935 7722  
Fax: (08) 8935 7726

DARWIN  
Development House  
76 The Esplanade  
Darwin NT 0800  
Ph: (08) 89821700  
Fax: (08) 89821725

KATHERINE  
1 Randazzo Building  
18 Katherine Terrace  
Katherine NT 0850  
Ph: (08) 8973 8180  
Fax: (08) 8973 8188

TENNANT CREEK  
Shop 2, Barkly House  
Cnr Paterson & Davidson St  
Tennant Creek NT 0860  
Ph: 08 8962 4411  
Fax: 08 8962 4413

ALICE SPRINGS  
Peter Sitzler Building  
67 North Stuart Highway  
Alice Springs NT 0870  
Ph: (08) 8951 8524  
Fax: (08) 8951 8533

### PRIVACY STATEMENT

Consumer and Business Affairs complies with the Information Privacy Principles scheduled to the Information Act.  
To view the Consumer and Business Affairs Privacy Statement, please access [www.caba.nt.gov.au](http://www.caba.nt.gov.au) or 08 87935 7720

Business Affairs  
Old Admiralty Towers  
68 The Esplanade DARWIN NT

GPO Box 1722, Darwin NT 0801  
Tel: (08) 8935 7722 Fax: (08) 8935 7726  
email: [businessaffairs@nt.gov.au](mailto:businessaffairs@nt.gov.au)

"Committee" or "Management Committee" means the Management Committee of the Association;

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 44;

"Kulaluk Community" means the community comprising persons who are:

- (a) descendants of the Dungalaba Clan of the Larrakia people; or
- (b) married to, or in a long-term de facto relationship with, a descendant of the Dungalaba Clan of the Larrakia people,

and have lived upon the area of land described as Lot 5182 Town of Darwin and Lot 8630 Town of Nightcliff contained in Crown Lease in Perpetuity 671 and known more particularly as Kulaluk, for a continuous period in excess of twelve months;

"member" means a member of the Kulaluk Community and/or a member of the Association, according to the specific context in which the term "member" is used in this Constitution;

"register of members" means the register of the Association's members established and maintained under section 34 of the Act; and

"special resolution" means a resolution notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

## **PART 2 – CONSTITUTION AND POWERS OF ASSOCIATION**

### **5. Powers of Association**

(1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

(2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –

- (a) acquire, hold and dispose of real or personal property;
- (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;
- (d) raise and borrow money on the terms and in the manner it considers appropriate;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
- (f) appoint agents to transact business on its behalf; and

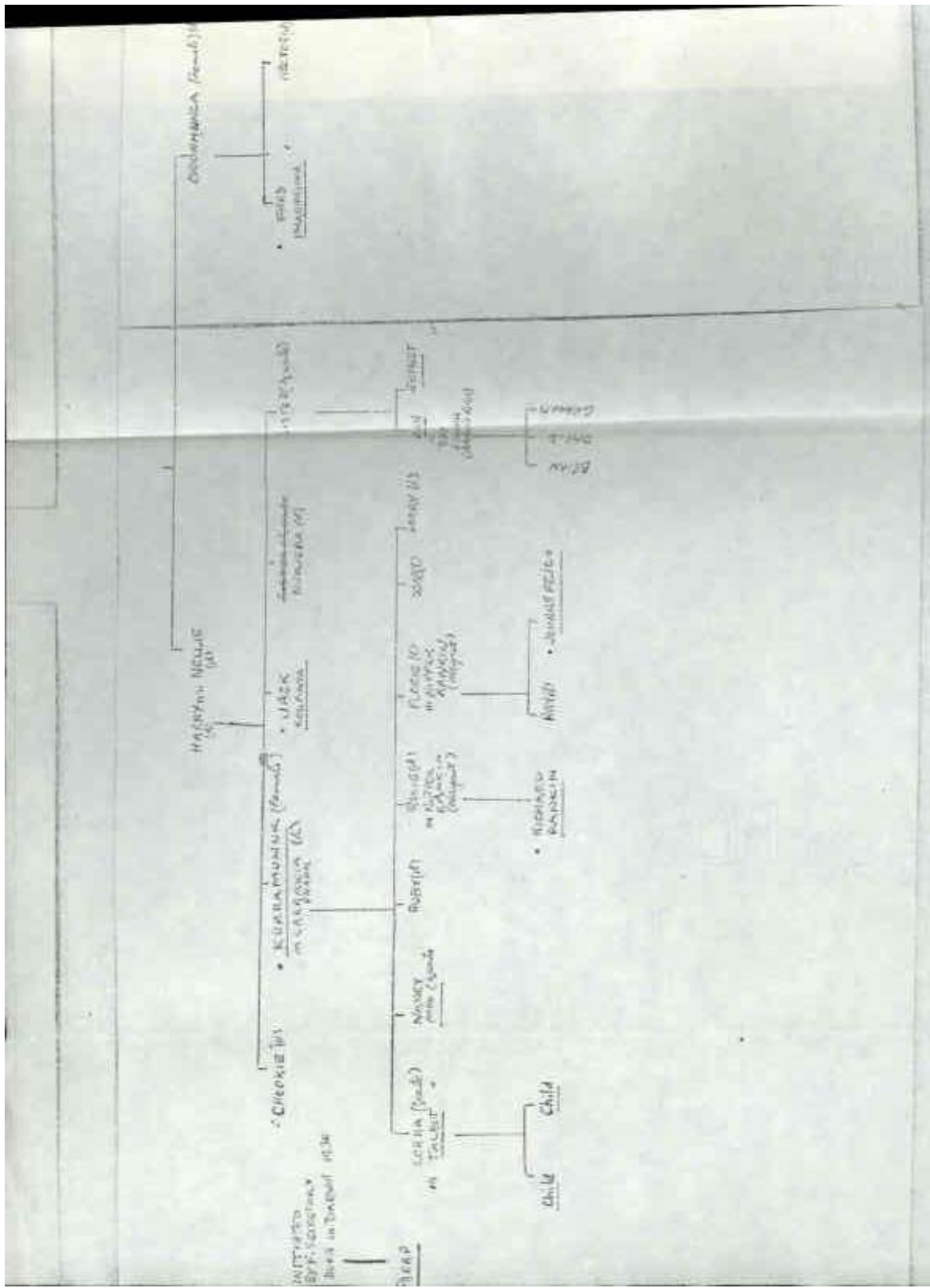












Appendix 5: The Danggalaba clan (Walsh 1981)

