

Chapter Three

'We burnt our feet for that land' (Topsy Secretary 1995)

Perhaps other groups, particularly in Queensland and Western Australia can learn from our [Gwalwa Daraniki Association] past experience. Presuming that the local non-Aborigines see the blacks as a demoralised broken group who have abandoned their old laws and are prone to drinking and fighting amongst themselves, then you can start your campaign catching the opposition completely by surprise by holding a few secret meetings followed by a sudden demonstration that will serve two purposes. Firstly it will shock the local population and start them wondering how little they really do understand their black neighbours. Secondly it will break the stereotype image that whites and unfortunately most blacks have of the Aboriginal resolve. The telegrams will fly between departments. So, the more surprise, the better ... The essential basis is that the claim must not be fabricated in any way. No false statements about non-existent 'sacred burial grounds' or lost tribes ... Whatever you say, the old settlers will dispute it, claiming 'I've lived here all my life and never heard of this' ... The reason being, of course, that they never asked (Day 1975a:1).

Discontent with decades of being forced to relocate to different living places in response to ever changing government policies, seeking compensation for the revocation of Bagot and redress for a hundred years of dislocation from their traditional country, a group of Larrakia and their supporters sought legal recourse to claim land at Kulaluk as their official living place. The struggle to have Kulaluk recognised as traditional Larrakia land occurred against the backdrop of the emergence of a powerful political lobby from Aborigines in Darwin during the 1950s and 1960s; the 1966 Gurindji walk off from Wave Hill Station to press for better working conditions which evolved into a land rights struggle; the presentation of a bark petition to parliament by Yolngu from Yirrkala and the resultant 1971 decision by Mr Justice Blackburn which rejected the Yolngu claim to their traditional lands; the 1967 National Referendum which resolved to give the Commonwealth power to legislate in respect of Aborigines over any State or Territory power; and the 1972 Federal election which saw the coming to power of a Labour Party under Gough Whitlam on a platform of broad social reform which included a commitment to a policy of Aboriginal self-determination and the funding of an Aboriginal Land Rights Commission of Inquiry. At the local level, the push for urban development and expansion in Darwin, the 1974 cyclone and the granting of self-government to the Northern Territory were all to impact on the final granting of the Kulaluk Special Purpose Lease.

The Proclamation of a Claim

In May 1971 a local newspaper alerted readers to an impending Aboriginal land claim in Darwin but described the claim by 'the twenty or so remaining Larrakias' as 'low key'. Larrakia elder, Bobby Secretary, expressed his concerns for the land:

It has been a special place for our people for all time ... We want to keep what is left and we want to live there ... We don't like Bagot. There are too many people, and too much trouble with fights that get the place a bad name ... Bagot should be kept for Aborigines, but the Larrakia should be given the rest of Kulaluk ... We do have other special places. One is the frog cave at Casuarina, where water from a frog drips all the time ... People who put their hands in the water can injure their lives ... There is also Morramajuk at Shoal Bay, where our people caught crabs ... At Parap we had a spring of fresh water we called Bilaworro ... Now it is completely covered, and underneath a big water tank ... All our places are gone or in danger of disappearing ... We want to tell Mr Giese about Kulaluk, and ask him to save it for us ... although there are not many Larrakia left, there are a fair

number of part-Larrakia people living in Darwin (*NT News*, 27 May 1971 in Cooper 1985b).

The Larrakia and their supporters then approached the Welfare Division of the Northern Territory Administration seeking assistance to gain legal recourse to their traditional lands at Kulaluk as they were concerned that town development would 'encroach upon and eventually obliterate' their traditional camping site. The Northern Territory Administration reacted by launching an investigation into the claim which sought information concerning the numbers and names of Aborigines who used the site as a traditional camping area or who had other traditional affiliations with the area, the extent of the area claimed, whether the waterhole and its surrounds formed any part of a 'known Aboriginal myth, story or song and the cohesiveness of the group and their degree of their attachment to the site' (*NT News*, 17 July 1971). The investigation, conducted by Welfare Officer Gray, found that Kulaluk was traditionally a site of significance to the Larrakia, taking its name from the running freshwater spring found there. Ceremonies, which excluded women and uninitiated males, had previously been performed at the site but as these restrictions had been violated the site was no longer of ceremonial importance. Gray, 'summarising the situation', reported that:

it would appear to me that we have a group of people with many tribal affiliations squatting near a small waterhole which at one time or another had certain significance to members of the Larrakeyah tribe. The importance of the area diminished along with the decrease in numbers of that particular tribe and with the advent of various people, both male and female camping in that area (in Cooper 1985b)¹.

To educate the public about the claim, Bill Day edited and published a news sheet called *Bunji*, with the first edition to appear on the Darwin streets declaring:

This is your paper. *Bunji* is written in easy English for all the Tribes to understand. But English is not the language our mothers taught us. We are proud of our language! Read *Bunji* and shout, We are proud of our colour! REMEMBER THE LARRAKIAS. Darwin is Larrakia country. Bobby Secretary is fighting for his tribe. They want part of their land, a place called KULALUK (*Bunji*, August 1971).

The Larrakia and their supporters - who were mainly Aborigines from other camps in the Darwin area, as well as a handful of non-Aborigines including Bill Day, Rob Wesley-Smith and Jack Phillips - also staged a number of protests in order to increase the public awareness of their campaign. A number of sit down protests on a busy Darwin road were conducted:

Leader of the Larrakias, Mr Bobby Secretary, called the small band of 15 together and walked towards the crossing, closely followed by police ... Carrying placards saying, 'Our Children are Dying', 'March for Justice' and 'Bobby Secretary says Kulaluk belongs to Aborigines', they stopped across the three city bound lanes ... Before police could move them off the crossing traffic had banked up for more than 300 yards ... While officers took their names, the Aborigines stood beside the road pointing their placards towards the slow moving stream of traffic (*NT News*, 23 November 1971 in Cooper 1985b).

¹ Bill Day, in an attempt to unearth material about the Larrakia in Department of Social Welfare files, wrote to the Director of Aboriginal Affairs in January 1973, claiming that if the information was released 'it may help jolt the City and citizens of Darwin into making some gesture of official recognition of the tribe whose land and people were plundered to create a new settlement in the north'. The Larrakia are 'as much, and more, a part of Darwin's history as Goyder, the Overland Telegraph and Ross Smith' (NTRS 75 (1)).



June 1973
Photograph Five: Sit down protest on Bagot road, ~~November 1971~~
(Photograph supplied by Jack Phillips)

*(There were 3 similar actions in 1971)
12/50*



June 1973
Photograph Six: Sit down protest on Bagot road, ~~November 1971~~
(Photograph supplied by Jack Phillips)

People subsequently interviewed at Bagot by Welfare Officer Jack Doolan, said that a mixture of Larrakia, Brinkin, Malak Malak, Wagait, Marananggu and Hooker Creek people had taken part in the protest. Several hypotheses were given for the protest including that it was 'union business' or that it had something to do with the number of pedestrians being run over on Bagot Road or that it was to 'draw attention to the Larrakia people claiming land rights'. Doolan also visited the 'Larrakia camp behind the Drive-In' and found that Bobby Secretary as spokesperson was 'merely mouthing ideas which had been implanted from outside influence (non-Aboriginal)'. Comments from Secretary such as 'my people are not dogs' and 'we are not Myalls' show his resentment of the earlier government imposed restrictions on Aborigines in the Darwin area as well as his desire for recognition of Larrakia traditional ownership of the Darwin area. Doolan reported that 'Bobby [soon] simmered down and became more reasonable' and invited the Welfare Officers back for discussions at any time. Doolan established that, 'as far as the Larrakia group were concerned, the only reason behind the protest was to draw the attention of the public to the Larrakia's claim for land'. They were determined not to go back to Bagot and Doolan acknowledged the protesters concern for the land on which they were camping because 'much of the quite attractive jungle country' had been 'laid to waste by bulldozers, and many of the trees which afforded good possum hunting' were gone (in Cooper 1985b).

Attention was again focussed on the Larrakia claim when Bobby Secretary led a group in raising a flag outside the Darwin Supreme Court declaring, '[i]f it was good enough for Captain Cook to put up a flag and claim all Australia for the crown then it is good enough for us to raise a flag and claim Darwin back'. The flag was described as 'brown, with a red band at each end. In the centre was a green tipped representation of the Kulaluk Tree over a jungle fowl's nesting mound'. The red at one side represented 'the blood of the old people who have died for their land and the red at the other end was for the blood which might yet be shed' (*Canberra Times*, 8 November 1971 in Henderson 1984).

The Larrakia fight for land was a 'fight not only for land, but for pride and self-identity' (Freney 1971) but as the land claim gained notoriety some criticism was expressed of the Larrakia claim. Years of legally distinguishing between Aborigines and elevating one group above another meant that in the early days there was not much support of the claim from Aborigines of mixed descent in the Darwin area (pers. comm. Jack Phillips 1994; pers. comm. Topsy Secretary 1995).

We stopped here, that's the old Kulaluk, this is new we joined it together and we only had just an old humpy, you know old rusty iron, put grass and bark, bark first, and we put sticks so you know the rain won't come through. That's all we [had] so we marched from here right down in town, you seen it in Bunji book? This other people here they called themselves Larrakia, never in it to help us ... they was like a you, you know white class, they standing and staring at us marching, burning my feet in bitumen road try and get Kulaluk. So we came back. There was no coloured people help us (pers. comm. Topsy Secretary 1995).

In response to criticisms of the protesters demands *Bunji* asked:

WHO DO YOU BELIEVE?

Did someone tell you that *Bunji* is bad? That black power is bad? That the GWALWA DARANIKI is bad? That Bobby Secretary is doing the wrong thing?

Did someone tell you that the Government is good? That the Welfare will look after us?

Did someone tell you that it is bad to make trouble, like blocking the cars? Did they call people COMMUNISTS?

DID YOU BELIEVE THEM BROTHER?

YOU ARE A TRAITOR TO YOUR PEOPLE AND YOUR CHILDREN IF YOU BELIEVE THESE STORIES.

There are many people going around the town trying to split us up. Open your eyes and you will see why these people want to keep us split up.

Maybe they are after black women. Maybe they are after our land. Maybe they want black men to work for them and call them 'boss'. Maybe they want us to fill up the empty churches. Maybe they want our money or to take away our children.

HAVE A GOOD LOOK BUNJI. THINK HARD BEFORE YOU BELIEVE
(*Bunji*, March 1972).

Seeking national attention for their claim the Larrakia sent a petition to Prime Minister William McMahon, demanding Aboriginal land rights and proposing that a 'treaty' be negotiated with each 'tribe'. The petition, signed by five Larrakia, read:

When the first settlers came to the Northern Territory, the tribes fought them with wooden and stone weapons.

Hundreds of our people were shot.

The Gwalwa Daraniki is a group of proud blacks who will keep fighting for the land (as our grandparents did) until:

- The government appoints a Commission to go around to every tribe and work out a treaty to suit each tribe.
- Each tribe will have legal assistance, and help from anyone else they wish.
- All members of the tribes shall come together to vote and decide if the finished treaty is fair.
- If the treaty is accepted, then all the tribes will sign it and make it good for all time.
- The treaties will also be signed by the Prime Minister, his Cabinet, and the Governor-General.

We invite all people of Aboriginal descent to join the tribe of their ancestors.

These are the demands of the Gwalwa Daraniki, and we shall not stop until the treaties are signed (Wright 1985:14-15).

In reply, McMahon stated that 'the Government understands the deep affinity of Aboriginal people for the land with which they have been associated' but claimed that the 'nature of Aboriginal social and local organisations had made it impossible to identify with whom to negotiate' (in Henderson 1984; see Wright 1985; Day 1994).

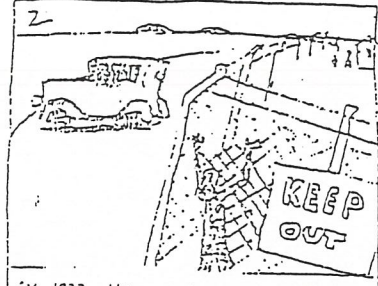
In July 1972 advice was received from the Lands and Survey Branch of the Northern Territory Administration that an application had been lodged by the Aboriginal Development Foundation on behalf of Larrakia Aborigines for a lease of land surrounding the Kulaluk waterhole on Lot No. 4543, Town of Nightcliff. The Welfare Division found that the Aborigines had 'staked out the corners of the area they wanted to claim with star pickets so that an accurate survey could be made', the area being 140 meters by 122 meters approximately south-west of the drive-in theatre, with 'Kulaluk Soak ... in the North Eastern corner'. It was reported that the group wanted to utilise the area for houses and gardens (Henderson 1984). The Lands Branch offered several reasons for refuting the application such as the land under claim, although vacant, had been acquired by the Commonwealth for a primary school. Other reasons included the lack of an incorporated body to hold title to the land and limited funds available for developing the land. According to Henderson's report, Vern O'Brien, recognised the 'sensitivity' of the application and advised 'we obviously need to know a little more before we can reject the grant of a lease proposal' (O'Brien 1972). Hand written on this memorandum by the NT Administrator, knowing that a Federal election was near, was 'it would seem desirable to withhold action until we know which way the winds are blowing in the near future' (Henderson 1984).

A TRUE STORY of GWALWA DARANIKI

1
BEFORE THE WHITE SETTLERS CAME, THE LARRAKIAS HUNTED AND CAMPED ANYWHERE THEY CHOSE - FROM LAMEROO TO GINDJARA...



2
BY 1923 ALL BLACKS WERE CROWDED INTO KAMLIN COMPOUND (WHERE THE HOSPITAL IS TODAY). BLACKS WERE NOT ALLOWED OUT AFTER DARK!



3
WHEN THE GOVERNMENT WANTED THE KAMLIN LAND IN 1939, THE TRIBES WERE MOVED OUT TO A NEW RESERVE CALLED 'BAGOT.'

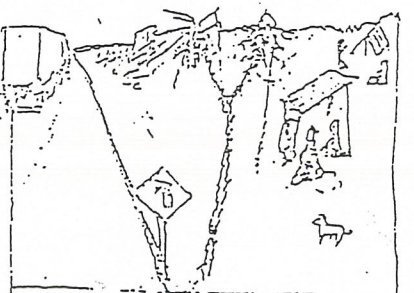


4
AT LEAST THERE WAS MORE ROOM! 743 ACRES

TOTEM RD.
LUMILLA CREEK
OLD BAGOT 1939
BAGOT TODAY

ROADS

BUT DARWIN KEPT GROWING. THE GOVERNMENT TOOK BACK MOST OF BAGOT TO BUILD HOUSES AT LUMILLA. BY 1965 ONLY A SMALL PEICE OF THE RESERVE WAS LEFT. THERE IS ONLY 57 ACRES NOW.



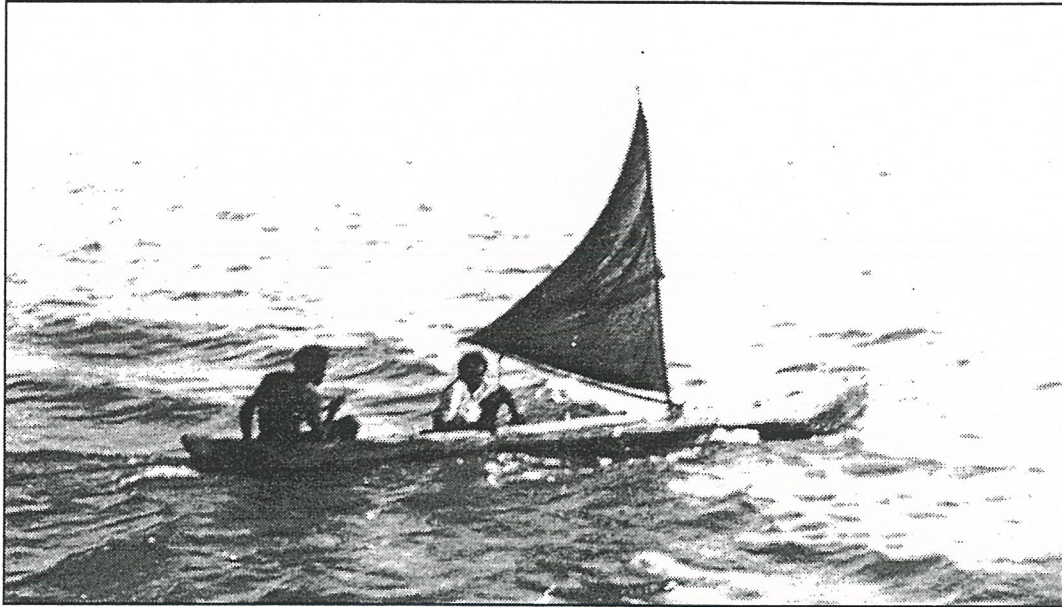
5
SOME OF THE TRIBES DID NOT LIKE TO LIVE IN A CONCENTRATION CAMP RUN BY WELFARE. THEY MADE CAMPS IN THE BUSH; LARRAKIA AT KULALUK, WAGAIT AT JAPANESE BEACH, AND BRINKIN AT BERRIMAH.

6
ALL TRIBES CAN LEARN FROM WHAT HAPPENED IN DARWIN. WHEN THE WHITE MAN GETS HUNGRY FOR LAND THEN A RESERVE MEANS NOTHING. HOLD ON TO EVERY BIT OF OUR LAND! DO NOT BELIEVE ALL TALK.

NS

BUNJI IS EDITED AND PRINTED BY WILLIAM GORTLETT DAY 79 MITCHELL STREET DARWIN NT

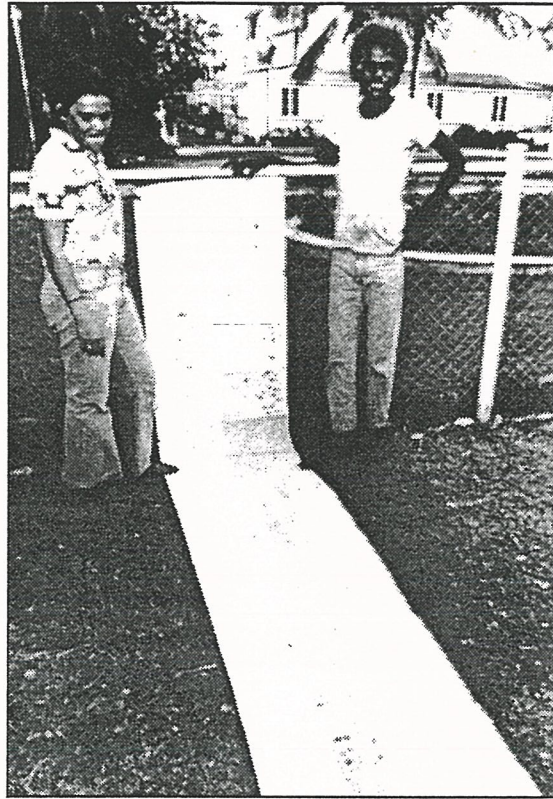
5. 'A true story of the Gwalwa Daraniki' Bunji, October 1972.



Photograph Seven: 'Native Dugout Canoe off Emery Point 1939'
(Northern Territory Library, Purdon Collection PH0082/0060)



Photograph Eight: Gwalwa Daraniki protest march to top of iron ore pile,
Stokes Hill, August 1972
(Northern Territory Library, WB Day collection PH0052/0002)



Photograph Nine: Land rights petition to be presented to Princess Margaret outside Government house, October 1972. ~~Cheryl Buchanan is on the right~~
(Northern Territory Archives, WB Day Collection NTRS 75 [7])



Photograph Ten: 'Hands off Ludmilla Creek' – Bagot and Kulaluk children at May Day march
(Northern Territory Archives, WB Day Collection NTRS 75 Photo 68)

Justice Woodward and the Aboriginal Land Rights Commission

The subsequent election of a Federal Labour Government under Gough Whitlam and the announcement of an impending Commission of Inquiry into Aboriginal Land Rights was to provide increased momentum to the Larrakia claim. An angry protest group outside the NT Administrator's residence endeavoured to present a lengthy petition to Princess Margaret on the Darwin leg of her national tour in October 1972. Over 1000 signatures 'begged the Queen to bestow land rights to her faithful subjects', however, the petition was unable to be presented to Princess Margaret and was later posted (Day 1993:37). According to Day, 'arrests doubled over the period of the visit as the town was cleansed of litter and homeless blacks' (Day 1993:37). In another bid to highlight the claim, air passengers arriving in Darwin were presented with an 'application for entry to the Northern Territory' which asked whether the recipient recognised Aboriginal land claims (Buchanan 1974).

The need for a legal negotiating body for their claim resulted in the Gwalwa Daraniki Association (meaning 'our land' in Larrakia) being incorporated under the Associations Incorporation Ordinance in June 1973². The object of the Gwalwa Daraniki Association according to their constitution was:

1. To foster social, cultural, educational and recreational activities for members.
2. To improve the living conditions of members.
3. To foster better understanding between Aboriginal and non-Aboriginal people.
4. To acquire by purchase, lease, sublease, hiring or otherwise lands and buildings and to change, vary and improve the same (NTRS 75 (1)).

All Aborigines residing in the Northern Territory and any non-Aboriginal the Executive decided to admit - providing that total membership remain not less than ninety percent Aboriginal - were to be eligible for membership. Bobby Secretary was President, Fred Fogarty (an Aboriginal from Queensland) was Secretary and Albert (Alan) Treves (a local Aboriginal man married to a Larrakia woman) was the Treasurer (NTRS 75 (1)).

In February 1973 the Federal government formally announced the Woodward Royal Commission into Aboriginal land rights and froze the leasing of land in the Northern Territory pending the outcome (Henderson 1984). The persistent protests of the Gwalwa Daraniki Association and the widespread distribution of the publication, *Bunji*, saw the appointed Aboriginal Land Commissioner, Justice Woodward, resolve to personally visit Kulaluk so he could gain an understanding of the Larrakia claim for land. In a letter to Woodward, Bill Day, offered his opinion:

There is a lot of opposition to giving land rights in the city area from whites. Our policy has been TREATIES which are not exclusively land. The Larrakia treaty, dealing with only a small number of people would be easy to negotiate, and would settle the ill-feeling from the tribe. The treaty could be along these lines:

- 1a. CASH SETTLEMENT
- 1b. Larrakia place names to be used eg. Lee Point to incorporate Binburra, Rapid Creek to incorporate Koorimby.
2. A monument to the Larrakia Tribe at Kulaluk.
3. A museum to the Larrakia tribe at Kulaluk.
4. Tribe members to have proper respect in the city - free bus pass etc.

² The incorporation of the Gwalwa Daraniki Association meant that they could apply for direct government funding. In 1973 the Aboriginal Benefits Trust Fund granted the Gwalwa Daraniki Association \$10,350 for the purchase of a vehicle and to assist the Association's Emergency Housing Project (*NT News*, 30 October 1973).

5. Homes for each member on their own land at a place of their choice eg Bagot, Delissaville, Kulaluk.
6. True history of the tribe taught at schools - booklet produced for libraries.
7. The Larrakeyah Reserve kept in trust (Day 1973a:3).

This treaty was revised slightly when presented to Justice Woodward and the Land Rights Commission when they visited Kulaluk on 2 June 1973. It asked for:

1. The return of Goondal, Kulaluk, Dariba Noongalinya, Balyun and Manabur.
2. \$15,000,000 for one hundred years of destruction.
3. Six hundred and seventy acres of town land to replace land taken from Bagot in 1965.
4. Ownership of the Larrakia Reserve.
5. Land for all tribes camped around Darwin eg Railway Dam.
6. A museum and monument to the land rights struggle (*Bunji*, July 1973).

Although rejecting the draft Larrakia Treaty, Woodward accepted that the Larrakia group were 'entitled to consideration as a group wanting to live as a small community and to do so on some part of the traditional lands of their tribe' (Woodward 1973:paragraph 157-159). As seen in the introduction Woodward questioned whether the Larrakia 'should be free to choose the particular site in a developing city such as Darwin'. Reporting on Woodward's findings for the *National Times*, Glennys Bell stated that the Larrakia claim and the 'counter-claim of the developer who has brought the land in good faith, pose problems that are in no way as clear cut as claims by Aborigines on tribal reserves where there is no conflict of interest'. Bell's article raised the issue of the national implications of the claim stating that it was the 'claim of a group, in essence the relics of a tribe destroyed by the white man, living in an urban area where there is conflict between their past rights and the present rights of white Australians'. Bell described the significance of the Larrakia claim as going 'well beyond the isolated case of a decimated tribe demanding rights in suburban Darwin. It could be the forerunner of similar situations arising in other cities in Australia'. The article concluded that an 'equitable decision for both Aborigines and the developer' might be impossible to reach (Bell 1973).

More Protest Action

The protests escalated again with a land rights conference at Bagot in June 1973 being interrupted by Fred Fogarty, Secretary of the Gwalwa Daraniki Association, striding into the hall 'carrying the battered Coconut Grove claim sign' which informed prospective buyers that the land was under an Aboriginal land claim. Angry subdividers had torn the sign from the tree to which it was nailed and told those at Kulaluk '[p]ut that notice up again on my land and I will shoot you' (Day 1994:45). This resulted in the conference delegates enacting a sit down protest on Bagot road chanting 'Land Rights Now'. About fifty of these protesters then moved from Bagot to Kulaluk where they re-nailed the land claim sign to the tree (*NT News*, 15 June 1973 in Cooper 1985b). Cheryl Buchanan, one of the conference participants, remained in Darwin and helped publicise the Larrakia case locally and nationally by her publication, *We Have Bugger All*, and her affiliation with the Race Relations Department in the Australian Union of Students.

The Gwalwa Daraniki claim to land continued to antagonise the relationship between people living at Kulaluk and those keen on subdividing the adjoining agricultural lease held by Sabrina Holdings - part of which was included in the Kulaluk claim. Knowing that the land was the subject of an impending Aboriginal land claim and although vocal protests were made by the Kulaluk people Sabrina Holdings continued to clear the land of mangroves and remove sand from their land and the area under claim with the intention of pursuing plans to subdivide the land. The surveyors complained to the local police that Aborigines were removing surveying pegs and in July 1973 surveying work was halted by a direct action protest which involved the fire bombing of the surveyors' trucks and 'an attack on a worker and a policeman with a dog chain' (*NT News*, 7 July

1973 in Henderson 1984). In a telegram to the Prime Minister and the Minister for Aboriginal Affairs, the Member for the Territory, Sam Calder demanded that the situation which led to the fire bombing incident be 'treated as a matter of urgency' for if this organised action continues it could result in a black-white confrontation heralding the commencement of a blood bath which would set back European-Aboriginal relations 100 years if not forever' (*NT News*, 14 July 1973 in Cooper 1985b). Three people from Kulaluk were arrested over the incident. David Daniels and Bobby Secretary were charged with disorderly behaviour while Fred Fogarty's case was moved to the Supreme Court. Against noisy protest from Fogarty supporters outside the courtroom, Fogarty was later sentenced to 12 months hard labour in Fannie Bay Gaol with a non-parole period of six months and a \$300 bond. Taking into account that Fogarty thought he 'was acting in ... the best interests of the Larrakia people' the Judge stressed that:

Although you are not one of them by birth and, indeed, may not even be an Aboriginal at all³, they appear to have accepted you, and for a time, at least, you were their leader in land rights claims and other matters ... [However] the burning of the truck was a serious, premeditated act completely unjustified by any standard at all, and it is the sort of act which can do nothing but harm to legitimate and proper claims of Aboriginal people ... But you and people like you - and such people as may be in the background supporting and advising you - must realise that behaviour such as yours cannot be justified under law and can only do harm to the cause you purport to espouse ... I say again that you are to be punished for serious breaches of the ordinary law; you are not to be punished for asserting Aboriginal land rights (*NT News*, 4 September 1974).

While awaiting his trial Fogarty had flown to Queensland and presented the Kulaluk case to the Minister for Aboriginal Affairs, Gordon Bryant, the Minister for the Northern Territory, Kep Enderby and the Attorney General, Lionel Murphy, who were attending an Australian Labour Party Executive meeting at Surfer's Paradise. Enderby later visited Kulaluk unannounced on a Sunday morning - complete with television cameras, journalists and government officials. He apologised sincerely for 'any offence my visit may have given' (Enderby 1973).

While the legal battle for Kulaluk continued the people at Kulaluk faced threats to their land. In mid 1973 it was proposed that a sewerage line be constructed through Kulaluk as part of the overall Darwin sewerage system. The development of suburbs in this area placed increased pressure on the storm water and sewerage systems with the Central Zone Sewerage system in particular suffering from 'chronic storm water infiltration' and being 'plagued by overflows and blockages' (Cooper 1985a:5). Bill Day wrote to the Secretary of the Department of the Northern Territory, EF Dwyer, on 19 July 1973 stating that he could not agree to the construction of a sewerage line through Kulaluk as he feared that work of this sort would damage the environment. Unwilling to negotiate, Dwyer responded:

I have been asked to inform you that the Minister for Aboriginal Affairs has agreed that the work on this project should proceed. Could you please convey this decision to the Kulaluk people ... You may be assured that following construction of the sewerage line, every effort will be made so that the area is restored to its natural state. Also if it is found necessary to pass the line through one of the existing buildings, arrangements will be made for that building to be re-erected at no cost to the Kulaluk people ... Instructions are about to be given to the contractor to proceed with the excavation of the trench for the sewerage line through the camp area. It will be necessary for the contractor to have unimpeded access to the site. I sincerely trust that the members of your Association appreciate the benefits that this new sewerage line will provide to the people in the Kulaluk area and to other

³ An inquiry was made in the NT Parliament as to Fogarty's identity and it was subsequently recorded that he was Aboriginal.

residents of Darwin. Your co-operation in this matter is therefore requested (Dwyer 1973).

A technique 'not previously used in the Darwin area' was subsequently employed to cope with excess ground water on the Ludmilla-Nightcliff line. This 'technique' consisted of the excavation of a 'wide chasm' through regenerating rainforest for a sewerage easement to the pumping station at Coconut Grove (Cooper 1985a:5). The Northern Land Council later claimed that the work carried out on Kulaluk was 'done with unnecessary and unrestricted destruction of the environment and could certainly have been done in a way which would have been more appreciated by the land holders' (in Cooper 1985b)⁴.

The land at Kulaluk continued to be threatened by illegal sand and shell grit mining which had been occurring for years. In one incident it was estimated that 1000 yards of sand and shellgrit had been moved from the foreshore at Coconut Grove and it was claimed that '[s]oil conservation experts are appalled at the action, which has left the area very vulnerable to severe erosion and complete destruction of its large number of mangroves through the strangulation effect of sand being washed back onto their roots ... Already the mangroves are dying, and, unless remedial action is taken, and quickly, the situation will soon deteriorate to the point of no - or very difficult - return' (King 1974)⁵. Day, fearful for the country, advised the Commission that 'Aborigines were in a cautious mood with little trust of any proposals' and stressed that it was 'urgent that you finalise these boundaries wholly or in part so that the Aborigines can protect the area from misuse which is destroying its character rapidly' (Day 1974a).

The Gwalwa Daraniki Association continued to keep their campaign in the public eye. In August 1973, after thirty years of inaccessibility, members of the Association illegally entered the Larrakeyah Army Barracks in an attempt to visit the Larrakia ceremonial site, Gundal, located there. Although challenged by military police the Aborigines, leaving their non-Aboriginal supporters behind, reached the site and remained there for half an hour watched closely by five police wagons. 'After demanding free access at any time the demonstrators left peacefully' (Day 1973b).

Frustration over months of negotiating and under increasing pressure from developers, the Gwalwa Daraniki Association sent the Aboriginal Land Commission a clear message:

⁴ The NLC also wrote to the Secretary of Public Utilities and Housing requesting that the contractor resume work immediately to finalise the contract around Bakhita Village; that the damaged area be restored before the onset of the wet season; and that an investigation into the contract be conducted. The NLC stressed that permission from the traditional owners be sought via the Land Council to ensure that the 'contractors agreed to carry out their contracts in the shortest possible time and with a minimum of destruction' and 'to instruct the contractors that no underhand deals can be made with the traditional owners unless permission is given by this office' (in Cooper 1985b).

The sewerage problem was not, however, solved. In 1977, despite local opposition, the Darwin Waste Water Treatment Plant was built and used a lime-precipitation method to treat the sewage. This plant was to prove expensive and inefficient and its operation resulted in odour problems. It was also unable to handle wet season sewage flows which resulted in the discharging of partly treated or untreated sewage into Ludmilla Creek and Ludmilla Bay (Cooper 1985:5). By 1980 the Department of Transport and Works recommended the construction of open-unlined drains to conduct overflows into Ludmilla creek; the re-usage of effluent for irrigation at East Point and on sporting ovals; and the major rehabilitation of sewerage lines to limit stormwater infiltration. According to Cooper, although all of the above recommendations were adopted the only one carried out by 1985 was the provision of unlined drains to accept sewage overflows which were actually built under the Darwin City Council Mosquito Eradication Program (1985a:5).

⁵ Mangroves are responsible for maintaining the food supply of a huge number of edible fish and creating an effective barrier against erosion, the ravages of storm surges on the coastline and loss of trees (King 1974).

A Waste of Time

We are sad to say, the Land Rights Commission is no good. The Gwalwa Daraniki took five months to find out. We started talking face to face and ended up on our knees begging. This is no good at all. Judge Woodward said that the tribes must get lawyers. We tried to get a lawyer. No lawyer was interested. They do not understand our law. The Larrakias told the lawyer 'this is our land'. The lawyer said, 'No this is crown land or that is Army Barracks. There is no Aboriginal Land Rights in Australian Law. Sorry I can not help you'. We will not waste any more time with the Woodward Commission. They have no power. They have not asked the Government to change the law. The Gwalwa Daraniki will not talk with Judge Woodward until Canberra changes the law. We will never give up (*Bunji*, November 1973).

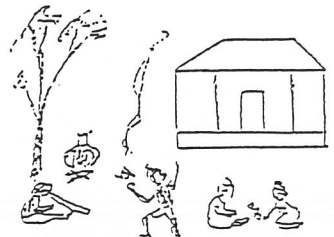
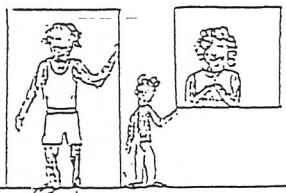
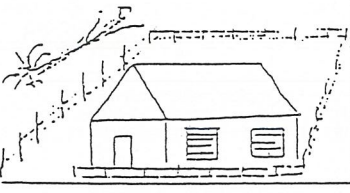
Unbeknownst to the Gwalwa Daraniki, the Minister for Aboriginal Affairs, Gordon Bryant, had been examining the Kulaluk issue and together with his land rights and legal adviser, Gareth Evans, devised a plan for the Larrakia which would complement the soon to be released final report of the Woodward Commission. Part of this plan endorsed a joint proposal to acquire the privately owned Sabrina Holdings land for \$105,000. Confidentially reporting on his findings after a trip to the Northern Territory, Evans stressed that the Government 'could do much to defuse the whole land rights issue in Darwin' by 'taking the initiative ... rather than by merely waiting for events to take over'. Waiting for Woodward's recommendations would only 'postpone and make more difficult' the resolution of 'problems of this kind'. Claimants would have to prove Larrakia descent and 'by insisting on Larrakia-status as a criterion for the vesting of such land, no politically embarrassing precedent would be set for the resolution of land claims by fringe-dwellers in the southern states' (Evans 1973)⁶. The Government, rather than acting on this advice chose to wait for the release of the Aboriginal Land Commissioner's final report although they did begin some negotiations with Sabrina Holdings to try and gain a deferment of their activities. Negotiations were successful and Sabrina Holdings was paid \$52,886.28 compensation to defer development of their land to enable the Kulaluk claim to be considered in the light of the final recommendations of the Aboriginal Land Rights Commission (Ward 1975a; Henderson 1984)⁷.

The Gwalwa Daraniki Association again gained widespread media attention and parliamentary mention when, during the 1974 election campaign, *Bunji* published the instructions of how to make a petrol bomb - 'if the Liberal-Country Party wins the next election on May 18 it will be no good throwing stones ... This little bomb does not cost much but it can do a lot of damage'. The action was justified - '[w]e hope you never have to use it. But we want land rights and there can be no turning back to the old days now' (*Bunji*, March/April 1974).

⁶ Evans also referred to a July 1973 report by JK Doolan about an 'Aboriginal cemetery' near Bagot settlement where it was claimed that there could have been up to 200 people buried and the possible encroachment of the proposed Palmerston Freeway on this land (in Cooper 1985b).

⁷ Throughout 1973 questions were raised in the Northern Territory Legislative Assembly regarding the Larrakia claim to land and the number of 'full-blood members of the Larrakeyah tribe' camping at Kulaluk. At this stage it was stated that there were 'six classified members of the Larrakeyah tribe still existing'. A sign of the success of the Larrakia protest was that Mr Kentish wanted to know 'whether this remnant had increased greatly or whether they had just become more vocal?' By October 1973 the 'number of people of full Aboriginal descent who can be identified as stemming from Laragia language group' had grown to 29 (Northern Territory Legislative Council Debates 11 April 1973, 28 June 1973 and 2-11 October 1973 respectively).

TRANSITIONAL HOUSING

	<p>STAGE ONE : You learn to call a little aluminium box 'a house' (you are demobilized)</p>
	<p>STAGE TWO You learn to sleep in a little aluminium box and call it 'my house' (you are detribalized)</p>
	<p>STAGE THREE You learn that the big brick box with a fence around it is your house and you must work hard to pay the rent (you are civilized)</p>

A WARNING TO THE PEOPLE OF BAGOT :
 Do you know what the housing association is planning to do ? You had better find out quickly before you lose the Reserve and end up 12 miles further out of town, bec ause the bulldozer will be coming through very soon.

NO TURNING BACK

To Alice Springs the tribes have been throwing stones at each other. If the LIBERAL AND COUNTRY PARTY WERE THE NEXT ELECTION ON MAY 18th IT WILL BE NO GOOD THROWING STONES.
 HERE IS HOW TO MAKE A LITTLE PETROL BOMB, just in case --

THIS LITTLE BOMB DOES NOT COST MUCH BUT IT CAN DO A LOT OF DAMAGE. WE HOPE YOU NEVER HAVE TO USE IT. BUT WE WANT LAND RIGHTS AND IF THERE CAN BE NO TURNING BACK TO THE OLD DAYS NOW. YOUR LABEL.

THIS IS WRITTEN AND DRAWN BY WILLIAM JACOBSON FOR THE NATIONAL TRUST.

6. Examples of *Bunji's* political commentary (*Bunji*, October 1973 and March-April 1974 respectively).

This edition of *Bunji* was condemned in the press:

William Bartlett Day has harmed himself and the people he claims to help. He has made a foolish mistake. By using his *Bunji* news sheet to give instructions on making fire bombs he has gone right outside the limits of legitimate social protest. He has discredited his publication and its supporters (*NT News*, 7 May 1974).

The Liberal-Country coalition party capitalised on *Bunji's* support of the Labour Party in an advertisement which read:

Bunji and multi-million dollar problems Vote [1] Sam Calder - *Bunji* and the Labour Party's 'disastrous' policies have not been clarified and most people are wondering what is going on. Everyone should condemn the making of petrol bombs. We are most concerned with our young people who have already worked out how to make 'more effective' petrol bombs. These publications must cease ... You can put a stop to this lawlessness by voting Liberal-Country Party on May 18 (*NT News*, 15 May 1974).

Bill Day, refusing to be defeated, replied:

It would take a psychologist to explain why the NT whites leapt from watching their murder and mayhem on TV to denounce our little newsletter (600 copies printed monthly). Why did they presume that every second Black was about to throw petrol bombs indiscriminately after reading *Bunji*? The attempt to use white fears to win votes failed miserably ... Even if the edition was a mistake, as many people have said, it succeeded in drawing the rats from their holes, squealing (Day 1974b).

The Woodward Report

Gough Whitlam and the Labour party had won the double dissolution and Woodward's final report (see Appendix One) was consequently accepted as the basis for the formation of a Bill on Aboriginal land rights (Day 1994:60). The final report of the Aboriginal Land Rights Commissioner was interpreted as a victory for Kulaluk (Day 1994:60). Woodward was satisfied that the setting aside of land in urban areas for Aboriginal living purposes was necessary and would have two results. Firstly, it would 'compel the specific inclusion of planning for Aborigines amongst other town planning requirements' and secondly, 'the bare Aboriginal lands will draw attention to housing needs whereas makeshift camps on Crown lands could be, and have been, ignored ... I would hope by the end of 1976 there will be no Aboriginal groups in the Northern Territory, except those actually travelling, living on sufferance on Crown lands' (Woodward 1974:paragraph 284-285). Woodward recommended that in setting aside urban land for Aborigines a number of principles needed to be observed. These included that special planning areas for Aborigines be an integral part of all town planning in areas where Aboriginal communities live and that Aborigines be involved at the planning stage, 'their wishes determined and the reasons for those wishes known and properly understood'. Unless there were very strong arguments to the contrary and 'if it is their wish' Woodward recommended that Aborigines be 'provided for in the places where they are used to living, even if no traditional rights are involved, these areas are often important to them from long association'. 'Due respect' was to be given to 'tribal differences in setting aside Aboriginal living areas and, above all, Woodward stressed that 'existing Aboriginal living areas should not be seen as convenient sites for further housing development, or even public parks. It is quite unacceptable that Aborigines should be pushed further and further away from the centre of towns by the apparently inevitable urban sprawl' (Woodward 1974:paragraph 278).