



Northern Land Council

MEDIA RELEASE

Kenbi Land Claim Victory

14th December 2000

NLC Chief Executive Officer, Mr Norman Fry, today welcomed the announcement that the Larrakia people of Darwin have finally had their land rights recognised over Cox Peninsula.

“It has taken 23 years, but finally common sense and justice has prevailed,” Mr Fry said.

“Larrakia people in the Darwin area actually laid claim to the Cox Peninsula and the islands to the west of it, even before the Land Rights Act came into force on Australia Day 1977.

“Since they lodged the formal claim in 1979, it has been forced through a protracted legal process which meant that the claim was delayed over and over again. On three separate occasions the High Court dismissed the NT Government’s repeated attempts to thwart the Larrakia peoples’ rights and subvert the legitimate processes of the courts for political reasons.”

Mr Fry said that the NT Government’s actions in attempting to stop land claims is contrary to the interests of all Territorians. “The amount of taxpayers’ money spent in trying to stop this claim is estimated at more than \$20 million.

“Think of all the other things that could have been done with that money. It’s time the Territory stopped taking such an adversarial approach to the Land Rights Act and accepted it as a unique and valuable part of our shared Territory heritage.”

“I’d like to see the NT Government welcoming the Larrakia victory and starting a new era of co-operation and co-existence. It’s futile to keep trying to defeat the Act through the courts or through amendments. All Territorians would benefit from a new approach based on mutual respect and recognition.

“More important than the waste of money, many Larrakia people have missed the chance to celebrate this victory because of the extensive litigation. As a result of the delays many Larrakia people have passed away before their rights were formally recognised.”

Mr Fry said it is particularly sad that a long-time NLC staff member and Larrakia man passed away only yesterday.

Land Commissioner Justice Gray has recommended that the land under claim, apart from a portion in the south east of the area, be handed back to the traditional owners. In his recommendation, Justice Gray said that all 1600 claimants would benefit from the grant of land under the Aboriginal Land Rights (NT) Act 1976.

LARRAKIA NATION

ABORIGINAL CORPORATION

MEDIA RELEASE

Bittersweet victory for Darwin's traditional owners

The Larrakia people have finally been formally recognised by the Aboriginal Land Commissioner as the traditional owners of the Cox Peninsula opposite Darwin.

“After more than 20 years of struggle our rights have finally been recognised. Aboriginal people have always known that our law still exists in the Darwin region. We have never left here, our culture is still alive and now that has been confirmed in non-Aboriginal law,” said Larrakia Nation spokesperson Bill Risk today.

“This win brings justice to the Larrakia after a long fight. Our claim was fought tooth and nail by the Northern Territory Government who simply did not want to acknowledge our existence for many years. At one stage they attempted to expand Darwin's town boundaries to the size of Greater London just to wipe out our claim.”

“Our victory is good news for all the claimants. The Land Commissioner made it clear that all 1600 people in the claim will be beneficiaries of the grant of land.”

“The Larrakia people have always looked after our country, and we will continue to do so. The decision today will give us greater authority in non-Aboriginal law to exercise our own laws and rights on our country,” said Mr Risk.

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

“The Kenbi Land Claim has run for so long that many of our old people have passed away waiting for the result. Another member of our families passed away only yesterday – only twenty four hours before the Land Commissioner's report was published – so our joy is tinged with sadness as we remember all of those people who fought for our rights but died before the final victory. At least today we know that their efforts were not in vain.”

14 December 2000

Kenbi Land Claim Background

History

The Larrakia peoples are the traditional owners of the Darwin region. The claim has resulted in a barrage of litigation and counter-litigation between the NTG and the NLC.

The Larrakia first lodged a claim to their traditional lands with Justice Woodward when he commenced his inquiry which resulted in the Land Rights Act.

A formal claim under the Land Rights Act was subsequently lodged by the NLC on behalf of the Larrakia on 20 March 1979.

In 1978 the NTG promulgated the Town Planning Regulations which stated that large areas of land (including submerged lands in Darwin Harbour) surrounding Darwin, Katherine, Tennant Creek and Alice Springs were to be treated as if part of a town.

This ploy, designed to stop claims to crown land near the towns, was recognised as such by the High Court in 1981.

The issue went back to the High Court in 1985 over access to NT Government documents which showed how the NTG planned to prevent land claims. In 1989, the High Court refused the NTG leave to appeal a further decision by a Land Commissioner to hear the claim. Finally, in 1992 a further appeal about the definition of traditional owners was upheld which allowed the claim to start all over again.

In summary, since 1978 the case has involved three hearings before the High Court, three hearings before the Full Bench of the Federal Court, and two hearings before the Land Commissioner.

Land Commissioner's recommendation

The Land Commissioner has found that six claimants satisfy the stringent statutory test of "traditional Aboriginal owners" under the *Aboriginal Land Rights (NT) Act 1976*, however he said that all 1600 claimants will benefit from the claim because they also have strong traditional interests to the land claimed. All Aboriginal people with rights under Aboriginal law to use or occupy the area will have their rights recognised by a grant of Aboriginal land.

Process from here

The Land Commissioner's recommendation will go to the Minister for Aboriginal and Torres Strait Islander Affairs who, under the Land Rights Act, makes the decision to grant the land or not. It is unprecedented for a Minister not to follow the recommendations of a Land Commissioner, however in some cases considerable time has elapsed between the publication of the report and the Minister's decision to grant the land.