



Working for ALL LARRAKIA

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## MEDIA RELEASE

### OFFICIAL STATEMENT – KENBI LAND CLAIM SETTLEMENT

**11 APRIL 2016**

The Larrakia led board and management of the Larrakia Development Corporation (LDC) welcome the announcement of the final settlement of the Kenbi Land claim, made on 6 April 2016.

The Kenbi Land Claim is the most complex, hard-fought and longest running land claim in the history of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*. The claim was made in 1979, and has involved hearings before the High Court, Federal Court and two hearings before the Aboriginal Land Commissioner.

“The LDC will finally be able to start the task it was set at incorporation and that is to create greater economic and employment opportunities for all Larrakia families through its commercial activities,” LDC Chair Mark Motlop said.

“As lead developer on the Cox Peninsula, this settlement will allow the Larrakia Development Trust to grow and provide even greater benefit and employment opportunities for all Larrakia,” Mr Motlop said.

As a result, Mr Motlop said, the LDC Board is considering the reintroduction of previously discontinued distribution policy payments including scholarships, first home buyer grants, small business grants, headstone grants and an increase to existing over 60s and funeral payments.

“As the commercial success of the LDC grows, so too will the benefits and opportunities to Larrakia families,” he said.

Mr Motlop said that 37 years was a long time to wait for the resolution of any land claim.

“In this time many Larrakia have passed away, not having the opportunity to witness the hand back of the Cox Peninsula. When the formal hand back occurs it is hoped that other Larrakia will be invited to attend, to represent their families and in particular those who fought and died during this long struggle for land rights on Larrakia Country,” Mr Motlop said.

Mr Motlop said the LDC recognises the history and significance of the previous Retta Dixon House site now known as Karu Park for all people associated with the site.

“We will maintain this important site as a public park,” Mr Motlop said. “The LDC has the manpower and machinery to ensure the park is preserved into the future.”

Chief Executive Officer of the LDC Nigel Browne said the manner in which the Kenbi land claim has been settled was a “truly innovative” mix of Aboriginal and Territory Freehold.

“Additionally, to allow the grant of the claim area back to Larrakia, while ensuring the public can continue to use and enjoy access to the intertidal zone, speaks volumes of the inclusive nature of negotiations between all parties.”

Mr Browne said the announcement that the LDC’s shares, currently held by the NLC in trust, will transfer back to Larrakia is welcome news.

“To this end the LDC will look to other Indigenous-owned and operated trusts nationally and internationally seeking examples of governance structures that have stood the test of time and protect the interests of all for the benefit of all,” Mr Browne said.

### **Media contact**

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## LDC MEDIA RELEASE – 11 APRIL 2016

### BACKGROUND

#### Who does the settlement benefit?

In December 2000, the Aboriginal Land Commissioner published his report in relation to the Kenbi Land Claim, recommending that:

*“...the whole of the land claimed, with the exception of the south-eastern part of the Cox Peninsula be granted to a land trust, for the benefit of all Aboriginal people entitled by Aboriginal tradition to the use or occupation of that area of land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission.”*

Further, the Commissioner noted that his recommendation would:

*“...benefit many more than the traditional Aboriginal owners. To characterise such a recommendation as being in respect of large tracts of land for the benefit of only six people would be misleading. Under the Land Rights Act, a land trust holds land for a class of people much broader than those who fit within the definition of ‘traditional Aboriginal owners’. Those on whose behalf a land trust holds are Aboriginal people entitled by Aboriginal tradition to the use or occupation of that area of land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission. **This class plainly includes all of the claimants...**” (emphasis added).*

#### What is included in the settlement?

The recommendations of the Commissioner have formed the basis of the settlement process over the past 16 years. That process has now been completed, with the informed consent of the Traditional Owners and consultations held with all claimant groups between 2006 and 2016.

Settlement negotiations concerning the “fishing access” component of the claim were held between the NLC and Northern Territory Government between 2013 and 2016, supported by a majority of Larrakia families, consisting of the following package:

- The grant of Karu Park, the previous site of Retta Dixon House, as a Crown Lease in perpetuity to the LDC;
- The grant of a development lot in the East Arm Darwin Business Park to the LDC;
- Procurement provisions that incentivise and develop partnerships with Larrakia business in future land subdivisions on Crown land, to be further developed and implemented through consultation with the LDC; and

- First right of refusal in the development of Farrar West, a future residential sub-division in the Darwin region by the LDC.

The LDC will also acquire section 32 on the Cox Peninsula, currently occupied by the Australian Communications and Media Authority, for future development. This site was selected because of its proximity to Wagait Beach, existing roads and utilities, and existing surveyed boundaries.

### **Who is the Larrakia Development Corporation?**

The LDC was incorporated in 2002 to create a commercial engine for, and provide economic opportunities to, all Larrakia families.

Since its inception in 2002 the LDC has held firm to its mantra of “Working for all Larrakia”. The ASIC registered company is the main driving force behind Larrakia commercial interests in the greater Darwin area, operating pursuant to the Larrakia Development Trust, a Trust inclusive of all Larrakia descended from the nine major family groups.

Some of the notable achievements of the LDC include:

- Development of the 350 lot sub-division of *Darla* in the suburb of Rosebery,
- 2009 MOU with INPEX Corporation,
- HIA award winning home builder,
- Commercial landscaping, including the Michael Long Leadership and Learning Centre and the new Henbury special school,
- Commercial building, most recently the ‘Stage 6’ Jape Centre development,
- ESS Larrakia JV with Compass Group for the INPEX Maningurr-ma Village, Howard Springs,
- Larrakia Heritage monitoring for the entire Ichthys Project,
- One Key Larrakia JV with One Key Resources, providing labour hire solutions,
- Implementation of the Larrakia Unit Trust, creating hundreds of bona fide Larrakia shareholders of LDC businesses,
- Maintaining the LDC Distribution policy since 2006, distributing over \$1 million in funds to all Larrakia families to date, derived purely from commercial profits.

The LDC looks forward to the exciting challenge of ensuring all Larrakia families benefit from, and are engaged in, the opportunities that the Kenbi settlement has to offer.

The LDC continues “working for all Larrakia”.

### **FACT CHECK**

Contrary to recent media reports:

1. The LDC has never been investigated for corruption. In 2012 a former LDC employee was referred to the NT Police on suspicion of fraudulent activity. The complaint was made by LDC management at the direction of the LDC Board. The complaint was eventually discontinued due to lack of available evidence attributed to poor financial record keeping under previous management.
2. The LDC has never been insolvent, nor placed under administration. The LDC faced some solvency issues several years ago, a common problem for all modern businesses having to balance commercial interests with market forces outside its control. The LDC Board at the time did all the right things to address this issue. Its management team has since changed and the LDC has a well-qualified Board to provide governance oversight, particularly benefiting from the expertise of its two non-Larrakia board members, former partners of KPMG and Deloitte respectively.

“I have overseen no less than six separate unqualified KPMG special purpose audits since assuming the role of CEO in 2013. With ongoing financial management support from Deloitte Connect and local accounting firm TDH, the LDC’s financial performance and reporting remain a primary focus as the company transitions through this exciting phase,” CEO Nigel Browne said.

3. The LDC is not an “arm” of the NLC and has operated independently since incorporation at a board, management and financial level. A previous attempt by NLC senior management to intervene in the business of the LDC resulted in the resignation of the former NLC CEO and other senior management. The LDC works with the NLC. The LDC works for all Larrakia.

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