

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Supplementary Estimates Hearings

Outcome Number:

Question No: 460

Topic: Kenbi Land Claim

Hansard Page: Written

Senator Scullion asked:

What anthropological and other studies have been done to determine the validity of claimants involved in the Kenbi Land Claim?

Please provide a copy of any such study (or studies).

Answer:

The Kenbi Land Claim was lodged on 20 March 1979 to land located on the Cox Peninsula on the western side of Darwin harbour, including various islands to the west.

It is Australia's longest running land claim, with Federal Court and High Court litigation from 1979 to 2002.

On 14 December 2000 the Aboriginal Land Commissioner, Gray J, found that the Tommy Lyons group, comprised by six Larrakia persons, are "traditional Aboriginal owners" in relation to most of the land claimed, and recommended that it be granted as Aboriginal land.

The Commissioner emphasised that, if granted, the land would be for the benefit of all 1,600 Larrakia people who have traditional interests in the land, not only the persons who are traditional Aboriginal owners.

Extensive anthropological research was conducted in relation to the claim, including various confidential anthropological reports which were filed with the Commissioner.

On 30 January 2009 in principle settlement was reached between the traditional owners, the NLC, and the NT Government.

On 30 June 2011 the Prime Minister, Julia Gillard, announced that heads of agreement had been reached between the Commonwealth, the Northern Territory, and the Northern Land Council, which accorded with the 2009 in principle settlement.

The NLC performs its statutory functions in accordance with the Commissioner's findings in 2000 as to traditional ownership.

The anthropological reports filed with the Commissioner are confidential and subject to restriction orders. However the Commissioner's report is a public document which contains detailed information regarding his findings as to the question of traditional ownership.