



Minister for Aboriginal and Torres Strait Islander Affairs

PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600

Mr Norman Fry
Chief Executive Officer
Northern Land Council
PO Box 42921
CASUARINA NT 0811

5 JUL 2000

Dear Mr Fry

I refer to your letter of 23 June 1999 concerning the grant of Area 4 of the Mataranka Land Claim (Urapunga Stock Route) ('Area 4') and have noted the submission of the Northern Land Council. I also refer to my letter in reply of 30 August 1999.

After carefully considering your letter and submissions from the Attorney-General for the Northern Territory and from Mr Joe Tapp, the leaseholder of one of the adjoining properties, I propose the following procedure for concluding the matter:

- (a) that the NLC, in consultation with the affected parties including the traditional Aboriginal owners and the adjoining pastoral lease owners, prepare a draft lease or licence agreement including the terms and conditions on which the traditional Aboriginal owners are prepared to allow the adjoining property owners continuing access to the land;
- (b) that if it was not possible for the representatives of the pastoral lease owners and the NLC to meet, consultation would be taken to have occurred if the NLC:
 - (i) provides the pastoral lease holders with a written copy of a draft lease or licence or any agreed changes to such a document;
 - (ii) allows the pastoral lease holders 21 days to comment on the document or agreed or proposed changes; and
 - (iii) genuinely considers the suggestions of the pastoral lease holders.

It is anticipated that this process would involve exchanges of correspondence until the NLC and pastoralists had reached a final position.

- (c) that the NLC enter into a section 11A agreement or agreements with any of the pastoral lessees who are able to agree on the terms and conditions for their continuing access to the land and that the subject land be granted;
- (d) in relation to land where there is no agreement, that:
 - (i) if I am of the view that the agreement offered by the NLC is unreasonable, that I will make a decision not to grant the relevant land;

- (ii) if I am of the view that the failure of the holder of the adjoining pastoral lease to accept the agreement is unreasonable, that I will recommend the grant of the land.

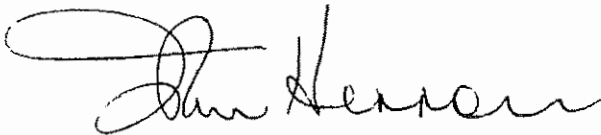
I would be grateful if you would attend to the process of negotiation of the relevant lease or licence soon as possible and if you would forward to me a copy of the instrument once drafted. I would also appreciate you keeping me informed of progress in relation to negotiations between the traditional Aboriginal owners and the pastoralists.

I note that the map at Attachment "A", which was supplied by the NT Government, indicates a gap in the claim area identified as NT Portion 1718, as well as another gap immediately to the south of NTP 1718, identified as NTP 3278. I am advised that the latter comprises an Aboriginal community living area known as Bringung, which is not a part of the claim area. NTP 1718, however, was included in the application in respect of Area 4, as amended by way of the third amendment to the Mataranka Area Land Claim, lodged in April 1986.

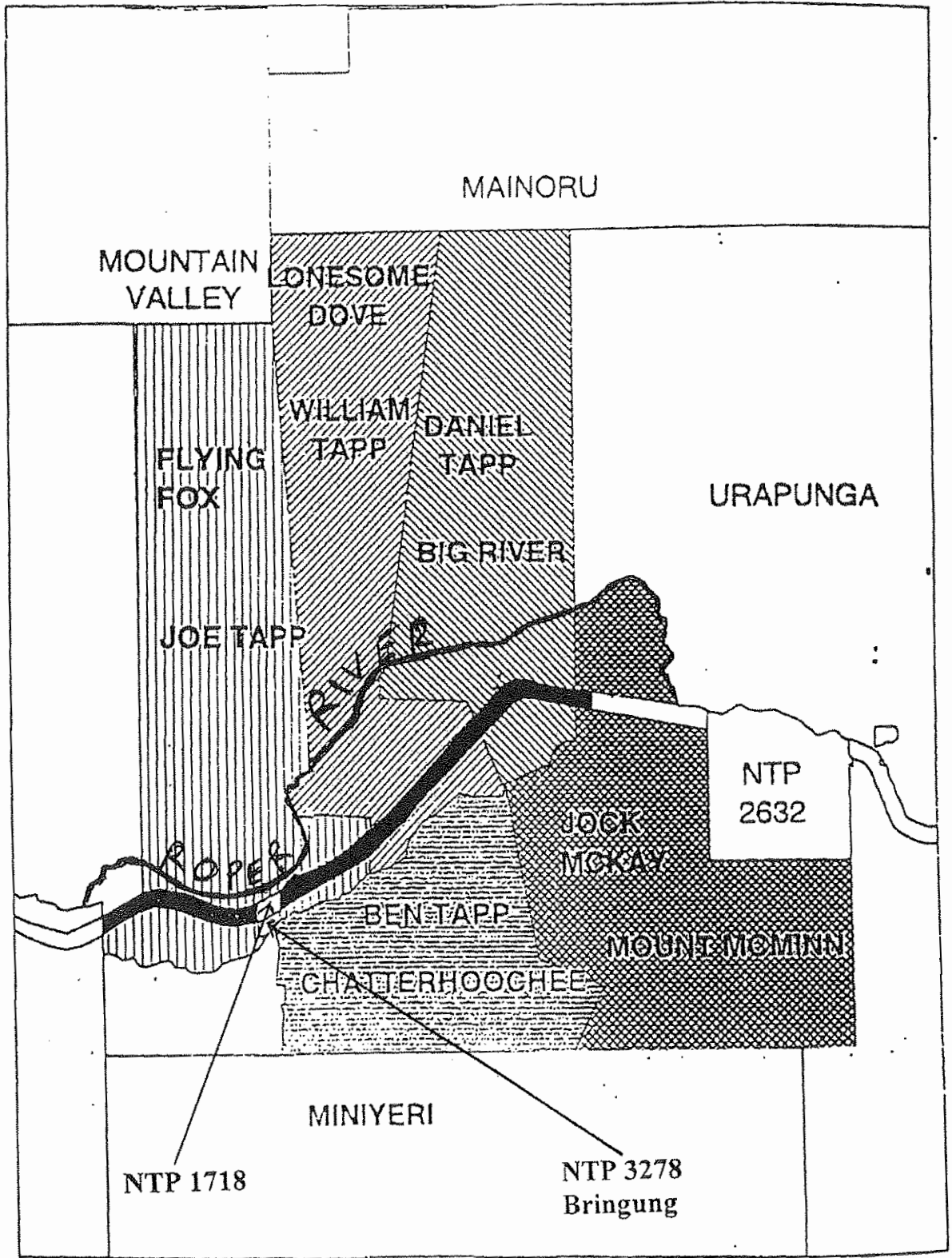
Advice received from the Territory's Department of Lands, Planning and the Environment indicates that NTP 1718 was initially created to give effect to an application for a proposed subdivision and amalgamation, but the application was cancelled upon the granting of land in the area to Aboriginal people. The Aboriginal Land Commissioner noted at page 13 of his report that: "Area 4 is described in the consolidated application as [including] all that parcel of land being Northern Territory Portion 1718...". Therefore I am of the view that it was intended to include it, notwithstanding the indication to the contrary on the map at Attachment "A".

In the meantime, could you please confirm that the name of the Trust is to be the Kewulyi Aboriginal Land Trust and advise of the names of proposed members and chairperson (if applicable).

Yours sincerely



SENATOR JOHN HERRON





Minister for Aboriginal and Torres Strait Islander Affairs

PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600

MC 19990727

Mr Galarrwuy Yunupingu AM
Chairman
Northern Land Council
PO Box 42921
CASUARINA NT 0811

30 AUG 1999

Dear Mr Yunupingu

I refer to the letter from Mr Norman Fry of 23 June 1999 concerning the grant of Area 4 of the Mataranka Land Claim (Urapunga Stock Route) and have noted the submission of the Northern Land Council.

I advise that I have also received submissions from the Attorney-General for the Northern Territory and from Mr Joe Tapp, the leaseholder of one of the adjoining properties.

In view of the lengthy passage of time, I wish to now make a decision in relation to this matter and I will advise you further as soon as possible.

Yours sincerely

SENATOR JOHN HERRON



Northern Land Council

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6 January 1997

Our Ref: 85/404

The Honourable John Herron, MP
Minister for Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600

COPY

COMMERCIAL - IN-CONFIDENCE

Dear Minister,

MATARANKA AREA LAND CLAIM (AREA 4)

I refer to your correspondence dated 18th October 1996 and note that considerable correspondence has been forwarded to your predecessor regarding this issue. If necessary I will arrange for a comprehensive brief to be prepared for your information.

With respect to your enquiry, the process which the Northern Land Council has followed and is following with regard to resolving access issues is:

- (1) The survey of the area by ATSIC to the satisfaction of Mr Joe Tapp has just recently been finalised or will be finalised very shortly. The NLC is awaiting ATSIC's advice.
- (2) Consideration by the traditional Aboriginal owners of proposals put by the lessees on the 22 October 1996 took place on the 18 November 1996. Note that until the 22 October 1996, the lessees had refused to discuss any proposal with regard to a settlement of the stock route land claim as they have repeatedly asserted their opposition to the land claim process itself. They have also advised that no negotiations could proceed until the finalisation of the survey referred to above. It is only since they received your recent correspondence, of which we have not seen a copy, that they have agreed to consider any settlement involving an offer of alternative land by them.
- (3) The response of the traditional Aboriginal owners, including a counter-proposal, has been delivered to each of the affected lessees.
- (4) In the event that there is no settlement, the NLC will immediately seek to commence negotiations pursuant to section 70(4) of the *Aboriginal Land Rights (Northern Territory) Act 1976* in anticipation of the creation of, and a grant of the land to, an Aboriginal Land Trust.
- (5) The NLC has also requested the Northern Territory Minister for Lands, Planning and Environment to review whether the recent subdivisions of the interest of the lessees was validly approved. This needs to be determined before access routes can be negotiated with the lessees.

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I note that you wish to be satisfied that every effort has been made to resolve this matter. I am concerned, however, at the prospect of further delay of a grant on the basis of representations made to you by the lessees.

Further delay is undeserved in the light of the difficulties which the claimants have experienced in their dealings with the lessees who, despite the time and opportunities which have been available to them, have repeatedly refused to take a reasonable approach to the issues requiring resolution. I refer specifically to the following matters:

- (i) The lessees purchased the property some two years *after* a widely publicised land claim inquiry in December 1986. The purchase price reflected the fact that there was a land claim adjacent to the property and was reduced accordingly.
- (ii) A further hearing of issues of detriment took place some five months after the lessees purchased the property before the Aboriginal Land Commissioner who heard the evidence of the lessee at the relevant time. The Aboriginal Land Commissioner nonetheless proceeded to recommend a grant of the land to an Aboriginal Land Trust. At no time since the hearing of the detriment issue has the lessee seriously considered the likely prospect of having to negotiate access routes across the area to be owned by the Land Trust.
- (iii) The usual manager of the station, Mr Ben Tapp, was convicted of desecrating a sacred site on the property which was of enormous significance to the claimants. This occurred despite Mr Tapp having known the claimants and having known of the site for a considerable length of time. As yet, an apology has not been made to the custodians of the site and Mr Tapp continues to publicly criticise the legislation which protects sacred sites on pastoral leases.
- (iv) When negotiations were attempted to settle access questions, Mr Joe Tapp refused to discuss the location of the stock route. Rather than attempting agreement as to its location, which is the usual practice in the Northern Territory, Mr Tapp effectively forced the Surveyor General to conduct a full survey at considerable cost to the Aboriginal and Torres Strait Islander Commission. This refusal also thwarted any possibility of meaningful negotiations with regard to settlement of the claim. Mr William Tapp also repeatedly refused to discuss any settlement of the land claim. His position was that he would only consider a lease back of the land the subject of the grant on the same terms as a perpetual pastoral lease. In the event that no lease back was offered to him, it was his stated intention to oppose the grant in its totality.
- (v) The lessees have applied for subdivision of the pastoral lease surrounding the land claim area either two or three times in the last twelve to eighteen months. None of the subdivision plans took into account the location and existence of the land claim. Neither the Northern Territory Pastoral Land Board, or the relevant Northern Territory Minister, nor the pastoral lessees themselves contacted the Northern Land Council nor the claimants at any time with regard to the very relevant consideration as to how each of the new land divisions would be accessed given the land claim area's location. It appears that at the same time the lessees claimed that they were unable to negotiate with the NLC because the area had not been surveyed, they made representations to the Pastoral Land Board as to the boundaries of the subdivided parts of the pastoral lease and those boundaries adjoin the land claim area. The subdivisions assume that there will be no grant of the land under claim. They were made with no information as to the exact location of the land claim area and with no indication of where an access route might be provided. Furthermore, no account was taken by the lessees of the request by the Minister for Aboriginal Affairs to resolve the land claim by negotiation. Such negotiation would have been very relevant to the consideration of the subdivision of the pastoral lease as it would have determined the boundaries of the interest of the claimants. As a result, the original detriment to the lessees has been *exacerbated* by the lessee's own

3.

subdivision applications. This has shown a lack of bona fides on the part of these lessees. If they had seriously wanted to negotiate with the traditional Aboriginal owners of the land under claim, they would have brought their subdivision plans before them for a logical accommodation of all legitimate interests.

- (vi) A small allotment which includes the sacred site previously desecrated was sold to a corporation controlled by the traditional Aboriginal owners for a considerable amount of money. In addition to the purchase price, the traditional Aboriginal owners afforded the lessees six months' rent-free possession of the block after completion. Difficulty was experienced with the lessees complying with their obligation to deliver possession of the property at the expiration of that period. There are also outstanding claims for fixtures removed by the lessees.
- (vii) Mr Joe Tapp has commenced building a homestead for himself on land that is physically separated from the major portion of his holding which is now, as a result of his own subdivision, completely bisected by the land claim area. It can be expected that Mr Tapp will require consideration of the inconvenience of this, which is his own chosen location for the homestead.
- (viii) The lessees have repeatedly made public statements in the media about the injustice of the situation which has largely been of their own making. The most recent of these was published on 18 December 1996.

The traditional Aboriginal owners are at present wondering whether their legitimate land claim under a valid Commonwealth law will be further delayed by the ideological opposition of these well known lessees. I have assured the traditional Aboriginal owners that regardless of the political and ideological views of the lessees, respect for legitimate legal rights will prevail.

I will contact you in the near future to advise the response of the lessees to the proposal put to them on behalf of the claimants. In the event that the lessees reject the proposal and refuse to negotiate, it would be appreciated if grant of title could be effected as a matter of priority. The important issue of an access route for the lessees will then be negotiated.

You are most welcome to attend a meeting with the claimants at any time should you wish to do so.

Yours sincerely,



Norman Fry
CHIEF EXECUTIVE OFFICER

Mr William Tapp & Daniel Tapp
c/- Lonesome Dove
PO Box 654
KATHERINE NT 0851

Mr Joe Tapp
Flying Fox Station
PMB 1
via KATHERINE NT 0851

Attachments (*):

- Letter from NLC to William Tapp, Roper Valley Station dated 21/6/95.
- Letter from NLC to Honourable Robert Tickner, Minister for Aboriginal and Torres Strait Islanders Affairs dated 10/8/95.
- Letter from NLC to Honourable Robert Tickner, Minister for Aboriginal and Torres Strait Islanders Affairs dated 2/8/94.

COPY

Our Ref: 85/404
Your Ref:

21st June 1995
Mr William Tapp
Roper Valley Station

Facsimile : 754 834

Dear William,

RE : Resolution of land interests at Roper Valley

Thank you for attending the meeting of senior custodians at Ngukurr on the 20th June 1995.

I confirm that the instructions given to me later on that day were that the preferred solution of the problems being experienced with regard to site protection and the limited land successfully claimed under the *Land Rights Act*, is for an offer to be made to you for all of your interests at Roper Valley.

The meeting advised me that your interests were of a higher priority for acquisition than those held by Mr Ben Tapp.

They further advised me that should they be unable to persuade you to accept an offer for all of your interests, then their second option is that an offer be made to purchase the area of highest priority to them, being the land on which the homestead is built to the Elsey boundary in the West, to the Hodgson Downs boundary in the South, to the Hodgson Downs road in the East and to the Souther edge of the present stock route in the North. They further instructed that the land claim over the stock route is not to be withdrawn and that the offer is to be made on the basis that the stock route will be Aboriginal land.

In addition to the above instructions, I was instructed that a valuation would be sought of the interests held by Mr Ben Tapp and that an offer be made to acquire that land.

I understand that the instructions given above are not an acceptance of the main proposal put by you in the terms that you required. I am hopeful however that you will continue to negotiate with regard to achieving some result that acknowledges the legitimate rights of all parties involved in this situation.

With regard to the negotiations for valuations and possible purchases, I will be passing these instructions on to Mr David Kimpton of the Darwin office who will be giving the matter his prompt attention.

Yours sincerely,



SSSAN GILMOUR
Legal Advisor.



Northern Land Council

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10th August 1995

Our Ref: LO5 : 85/404
Your Ref:

The Honourable Robert Tickner MP
Minister for Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600.

Dear Minister,

MATARANKA AREA LAND CLAIM

I refer to your letter of the 25th May 1995. Both myself and the claimants for the abovenamed land claim were very pleased to hear that a decision has been made to grant Area 4. This is especially pleasing in light of the long wait and the unfortunate events of the last few years at Roper Valley.

I note that you had allowed three months from the date of your letter for the parties to discuss the location of the stock route, possible lease back and possible purchase of the station.

With regard to the location of the stock route, Susan Gilmour of the Katherine office, discussed the possibility of the survey being conducted in accordance with usual practice on the basis of agreement between the neighbouring owners. Mr Joe Tapp did not appreciate that the location of the stock route is a matter that could, within obvious parameters, be agreed between neighbouring owners. Therefore, it appears that Mr Tapp would prefer to have a full survey in this case. He has said that he believes that this is the only way he will know where his boundary is.

Mr William Tapp also has an interest in the location of the stock route. However, there has been no discussion of an agreed location with Mr William Tapp as Mr Joe Tapp wishes to insist on a full survey in any case. Consequently, it appears that the expensive survey will be required.

With regard to a possible lease back, my instructions have been that no lease is to be offered. However, as those instructions were given when emotions were high regarding the desecration of the sacred site, I intend to seek further instructions once the grant has been finalised.

The negotiations for purchase are under way with the first matter being relevant valuations. As you know, there are still changes taking place with regard to the ownership of the station as amongst the Tapp family. It is anticipated that these changes will not prevent the negotiations continuing with all of the relevant parties once the valuations are available. The instructions from the relevant Aboriginals remain unchanged.

As you know, these negotiations have only been possible since the beginning of the new financial year. Prior to that time, no funds could be identified from any source for a possible purchase of the whole station, which has always been the priority of the traditional Aboriginal owners.

I cannot advise, at this stage, that there is a strong prospect of the station being purchased, although there is a prospect that it may be purchased. There is also a prospect that a lesser part of the station may be purchased.

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My instructions however have been that the claim to the stock route would not be dropped in favour of purchase of either the homestead block in the corner of the property or in favour of the purchase of the land south of the Roper highway. A purchase that includes land north of the highway may result in some part of the stock route land claim being withdrawn. I must advise, however, that I do not have instructions to withdraw any part of the land claim at this stage.

Consequently, I would be reluctant to agree to any further deferral of the grant of title to the stock route. Whilst there is some chance that some part of the land claim may be withdrawn in favour of a substantial purchase, I am not sufficiently confident that the vendors in this case will negotiate their position swiftly. In the meantime, I would strongly endorse a grant of title to an Aboriginal Land Trust. In this way, the traditional Aboriginal owners, will at least preserve their limited rights enjoyed pursuant to the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Yours sincerely,


DARRYL PEARCE
Director.

COPY.

2nd August 1994

Our Ref: LO5 : 85/404
Your Ref:

The Honourable Robert Tickner MP
Minister for Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600.

Dear Minister,

MATARANKA AREA LAND CLAIM

I refer to your letter of the 7th July 1994.

The resolution of the above outstanding land claim, particularly with regard to the Roper Valley portion of the Urapunga Stock Route, has become a matter of some urgency. The resolution of the land claim however is closely linked to other recent events which I believe should be taken into account at the time a final decision is made regarding the grant to an Aboriginal Land Trust.

This letter addresses the relevance of those other events and is not the submission on the detriment issues requested by you. Such submission has been prepared separately and is attached.

As you would be aware from the Land Commissioner's report, the land concerned (referred to as Country 11 and Country 12 in the report) is only a small portion of a large and important region which has many sites of "profound and continuing totemic significance". One of the more important of such sites which is not on the claim area is Gewulyi which is located around the Roper Valley homestead.

This particular site and its protection has become a priority issue for the traditional Aboriginal owners of both the land under claim and the surrounding land which is subject to the Roper Valley pastoral lease. Consequently, I draw your attention to

the following comments which were made by the Commissioner in his report about this particular site notwithstanding that it is outside the claim area :

Para 6.12.5 Records show that in the past, George Jawurduku, who is considerably senior to Sammy and Victor Sandy, made efforts to try to acquire secure title to the area around Roper Valley Station. When secure tenure to the Station area could not be obtained, and the Roper Valley Aboriginal community began to consider moving to Duck Ponds or Bringung, George was hesitant. This was on account of their responsibilities to this ceremonial tradition, which as mentioned, is linked to specific sites, of which Gewulyi is one. When, however, the community finally moved, George and some others began to seriously consider a return to Arnhem Land. Nonetheless those who have gone make it perfectly clear that they still intend to fulfil their ceremonial obligations. Victor Sandy, his sister Eileen, and Sammy Borloborl, remain at Bringung. It cannot be emphasised enough how serious a matter this is to all concerned: to these men, and to both Elsey Station and Roper Valley Aboriginal communities, and members of other Roper-area communities who join together in this ritual performance.

As you know, the Land Commissioner's recommendation to you is that having regard to the strength of traditional attachment by the claimants to the land claimed, that the claim area be granted to a Land Trust. In commenting on the advantages of a grant, the Commissioner recognised that notwithstanding that the stock routes are long thin strips of land, they tend "to follow and traverse watercourses and billabongs which are the rich heartland of the claimants' country".

He further commented :

10.2.9 The whole claim area and land immediately adjacent, including Roper Creek and the Roper River, is dotted with sites of profound and continuing totemic significance. Control of these sites and the country adjoining them will better enable the custodians to protect them and to carry out ritual and other duties in connection with them. Dr. Merlan notes that sites of ceremonial importance are of significance not only to the land-holding groups and closest communities, but to all those communities which participate in the site-based ceremonies of the region: Mataranka, Barunga, Bardawurrka, Hodgson Downs, Urapunga, Ngukurr - as well as individuals further afield, e.g. Katherine.

Since making these comments, the Gewulyi site has become the focus of the attention of both the claimants and of the non-Aboriginal residents of Roper Valley station.

George Jawurduku has since passed away, however Sammy Borloborl and his family continue to reside at Bringung with a view to protecting the sites on Roper Valley.

In 1992, the ceremony with which the site is connected was performed. A large number of Aboriginal people from the Roper River basin and beyond were involved in the performance of the ceremony. Some detail on this ceremony is provided in the Mataranka Area Land Claim report.

The ceremony is site specific and was therefore necessarily held in the immediate vicinity of the Roper Valley homestead. The site complex is registered with the Aboriginal Areas Protection Authority as a sacred site. The area that has been registered is quite extensive and surrounds the homestead and associated buildings and yards.

Shortly after the completion of the ceremony, the sacred site was desecrated. A bulldozer entered the site and disturbed ground which the custodians believe must not be disturbed in any way.

That desecration is the subject of a prosecution by the Aboriginal Areas Protection Authority which is set down for hearing on the 22nd September 1994. The person charged with desecrating the site is Mr. Ben Tapp who was then the manager of Roper Valley station and remains a part-owner of the pastoral lease.

The desecration of the site is a matter of great importance to the claimants and has understandably influenced their views on whether this particular lessee should be encouraged to have access to any sites of significance either on the claim area or on the pastoral lease generally.

As you know, there have been negotiations with the lessee to settle this outstanding land claim. From the point of view of the claimants, the desecration of the site has unfortunately diminished trust and goodwill that may have previously existed between the parties.

On 17th June 1994, an urgent meeting was called at Bringung by the claimants. A representative of the Aboriginal Areas Protection Authority attended as well as staff and members of the Northern Land Council.

The meeting was attended by Aboriginal men from throughout the region. They attended the meeting to illustrate the nature of Aboriginal authority with regard to sites in this region. In other words, one of the main objectives of the meeting was to impress on all parties that Mr. Borloborl alone could not be expected to either make decisions or represent the views of the traditional Aboriginal owners as a group. This objective was in response to frequent approaches being made by Mr. Ben Tapp to Mr. Borloborl to discuss and attempt to settle the pending prosecution and the negotiations over the land claim.

Mr. Tapp attended the meeting and a full and frank discussion took place between the claimants, other Aboriginal men who have responsibility for sites in the area including Gewulyi and Mr. Tapp representing the owners of the station.

This meeting produced consensus on one important point. Both the lessees and the claimants and the other Aboriginal men agreed that the lessees must move.

From the lessees point of view, the proximity and extent of the registered sacred site, and the nature of the restrictions that apply to such a site is such that the homestead complex cannot be developed and cannot be used to run a full-scale operation. The lessee is of the view that, if they are going to continue to occupy that location, the registration of the sacred site must be challenged. However, at the meeting, Mr. Ben Tapp conceded that even if the registration was successfully challenged, the location really should be vacated and is not suitable for occupation because of its sensitivity.

From the point of view of the claimants and custodians of the site, the nature and extent of activity and disturbance caused by the operation of a homestead complex is completely incompatible with the sensitivity of the site. If the lessees of Roper Valley were given permission to fully develop their homestead complex as they have indicated they wish to, the site must necessarily be seriously disturbed, regularly.

Consequently, the parties find themselves in direct conflict. It is to the credit of all the parties that the meeting of the 17th June 1994 was conducted in a reasonable manner albeit with considerable frustration on both sides.

The protection of sites on Roper Valley station has become the priority issue for the claimants. The Northern Territory Aboriginal Sacred Sites Act cannot provide sufficient protection of the particular site at the homestead without seriously limiting the use that the pastoral lessee can make of that homestead complex.

The lessees are willing to move away from the site without being required to do so, however do not want to relocate at substantial cost to themselves.

We have been instructed to make you aware of these events and to seek your assistance to access funds from either federal or Northern Territory government sources that may be available to a satisfactory settlement of this currently untenable situation.

It is understood that your direct and immediate responsibility is to determine the land claim, which we believe should be determined by a grant of the land. However it is quite clear that there is a larger problem which will remain unaddressed and will necessarily deteriorate notwithstanding the grant of the land to an Aboriginal Land Trust.

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This problem is geographic and presents a conflict of land usage which will only become worse over time.

You are once again invited to meet directly with the parties involved in order for their views to be communicated to you more meaningfully. The matter is on the agenda for the Northern Land Council Full Council meeting at Ngukurr on the 8th to the 12th August 1994 as the ceremony connected to the site at the homestead affects Aboriginal people from across the region. I am advised that you are planning to visit the Northern Territory in the following week and would be pleased to facilitate a meeting if it is possible.

I would appreciate it if you could advise me whether you will be able to discuss these matters with Aboriginal people concerned so that I can advise the meeting at Ngukurr of your response. I apologise for the short notice and hope to discuss this matter with you in the near future.

Yours sincerely,



DARRYL PEARCE
Director.



Northern Land Council

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COPY

28th November 1996

Our Ref: 85/404

Mr Joe Tapp
Flying Fox Station
PMB 1
via Katherine NT 0851

Dear Joe,

RE : Mataranka Area Land Claim (Area No. 4)

I advise that a meeting of senior representatives of the claimants and traditional Aboriginal owners of the remaining portion of the Mataranka Area Land Claim was held on Wednesday, 20th November 1996.

I note that the Survey Plan of the land claim area has yet to be finally approved but that approval is expected shortly. The level of survey of the area required has held up negotiation towards locating alternative areas that would be suitable to both the claimants and the lessee.

An increased sensitivity about the protection of sacred sites has also made it difficult for the Land Council to obtain instructions about any compromise of the land claim area. There has been a perception that withdrawal of the claim would mean a relaxation of protection of the sites on the present claim area. It needs to be clarified that regardless of the location of the land claim area, sacred sites are protected by the provisions of the *Northern Territory Sacred Sites Act*, something of which you are probably already aware.

The claimants and traditional Aboriginal owners of the land under claim considered the alternative area discussed by you with Mr David Kimpton and Mr Tom Kerwin on the 22nd October 1996. During the discussion it was apparent that the main concern of the claimants and traditional Aboriginal owners is again sacred site protection. This concern prevailed over concern for access to the river which, I admit, I had expected would have been the primary consideration.

In exchange for the land presently under claim which has a contiguous boundary with land in which you hold an interest, the claimants and traditional Aboriginal owners identified an area referred to as "Mudbugga" which is located near sites of significance. I have approximated the location on the map attached. The area marked does not represent the

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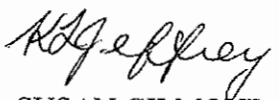
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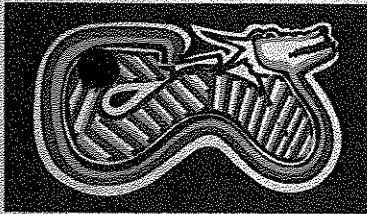
Yours sincerely,



for

SUSAN GILMOUR
Legal Advisor.

cc. Minister for Lands Planning and Environment
cc. Minister for Aboriginal Affairs



Northern Land Council

Address all correspondence to:
CHAIRMAN
PO Box 42921
CASUARINA NT 0811

9 Rowling Street, Casuarina NT 0810
Phone: (089) 205 100
Fax: (089) 452 633
Free Call: 1800 645 299

COPY

28th November 1996

Our Ref: 85/404

Your Ref:

Mr William Tapp
Lonesome Dove
PO Box 654
Katherine NT 0851

Dear William,

RE : Mataranka Area Land Claim (Area No. 4)

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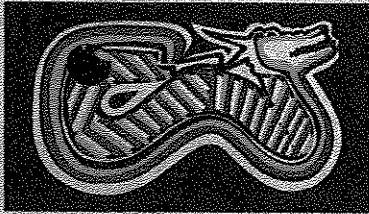
for
SUSAN GILMOUR

Legal Advisor.

cc. Minister for Lands Planning and Environment

cc. Minister for Aboriginal Affairs

669



Northern Land Council

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28th November 1996

Our Ref: 85/404

Your Ref:

Mr Daniel Tapp
C/- PO Box 654
Katherine NT 0851

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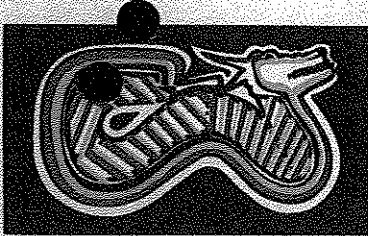
for

SUSAN GILMOUR

Legal Advisor.

cc. Minister for Lands Planning and Environment

cc. Minister for Aboriginal Affairs



Northern Land Council

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 Free Call: 1800 645 299

COPY

28th November 1996

Our Ref: 85/404

Mr Joe Tapp
 Flying Fox Station
 PMB 1
 via Katherine NT 0851

Dear Joe,

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In exchange for the land presently under claim which has a contiguous boundary with land in which you hold an interest, the claimants and traditional Aboriginal owners identified an area referred to as "Mudbugga" which is located near sites of significance. I have approximated the location on the map attached. The area marked does not represent the

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SUSAN GILMOUR
Legal Advisor.

cc. Minister for Lands Planning and Environment
cc. Minister for Aboriginal Affairs



Northern Land Council ¹⁶⁵

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28th November 1996

Our Ref: 85/404
 Your Ref:

Mr William Tapp
 Lonesome Dove
 PO Box 654
 Katherine NT 0851

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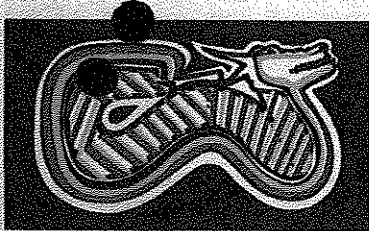
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Legal Advisor.

cc. Minister for Lands Planning and Environment

cc. Minister for Aboriginal Affairs

per



Northern Land Council

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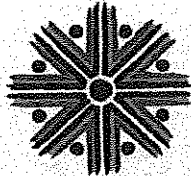
Legal Advisor.

cc. Minister for Lands Planning and Environment

cc. Minister for Aboriginal Affairs

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FORWARD TO *AOI*

DSOT

.....

.....

DIRECTOR

DATE *7.3.96*

Mr Darryl Pearce
Northern Land Council
9 Rowling Street
CASUARINA NT 0810

Dear Mr Pearce

You wrote to the Minister for Aboriginal and Torres Strait Islander Affairs, the Hon Robert Tickner MP, on 10 August 1995 regarding the Mataranka Area Land Claim.

As you will be aware, the Prime Minister announced on 27 January that a Federal election will be held on Saturday 2 March 1996. During this election period the Government is refraining from making any decisions except those which cannot be deferred or postponed.

In keeping with the established conventions during the period of a caretaker government the Minister does not propose to respond in detail to your correspondence. I suggest that you take up the matter again with the in-coming government.

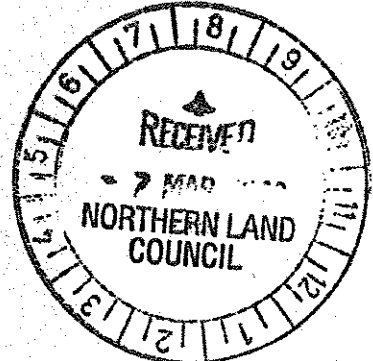
Yours sincerely

John Eldridge
General Manager
Social and Cultural Division
21 February, 1996

Susan/LOS
Could you please draft a letter (for the Director) to the new Minister - keep it reasonably short / perhaps an attached background document for his advisers?
Thank

*Brett M.
LOI
11/3/96*

FAXED
11/3/96
To LOS





MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

THE HON ROBERT TICKNER MP

Parliament House
Canberra ACT 2600
Telephone (06) 277 7620
Facsimile (06) 273 4142

Mr Darryl Pearce
Director
Northern Land Council
PO Box 42921
CASUARINA NT 0811

Dear Mr Pearce

I am pleased to inform you that I have decided to accede to the recommendation of the Aboriginal Land Commissioner that Area 4 in the Mataranka Area land claim be granted to an Aboriginal Land Trust. The land comprises a section of the Urapunga Stock Route, stretching from the most western boundary of Roper Valley station easterly to longitude 134 degrees 18 minutes east.

I am writing also to the lessees of Roper Valley station informing them of my decision and that I will defer the grant of land for three months to allow them a further opportunity to discuss with the Northern Land Council issues such as the exact location of the stock route and a possible lease of part of the stock route land, with a view to minimising any detriment which might otherwise result from the grant.

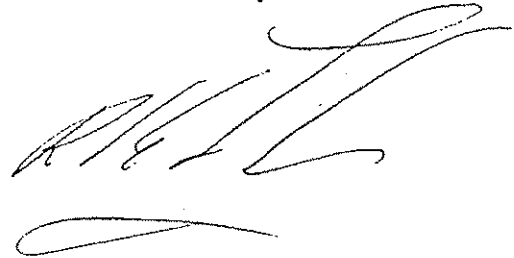
I am advised that the Northern and Central Land Councils have agreed that the purchase of all or part of Roper Valley station be accorded very high priority, subject to the lessees being willing to sell and to agreement as regards price.

...2/

2.

I would be grateful for your confirmation of this and for your early advice as to progress, as it would not, of course, be necessary to proceed with an expensive survey of the stock route if there is a strong prospect of either the station being purchased or the lessees being offered a lease over all or part of the stock route.

Yours sincerely



ROBERT TICKNER

2 5 MAY 1995

Partners
Nicholas Mitros
Ian Briggs
Judith Kelly

Associates
Guy Riley
Cris Curston
Samantha Miles

Philip & Mitros

Barristers and Solicitors

51-53 Smith Street Darwin
Northern Territory 0800 Australia

GPO Box 612 Darwin
Northern Territory 0801 Australia

Telephone (089) 817339
International +61-89 817333
Facsimile (089) 814675

Your Ref:

Our Ref:

M MICHAELS

Date:

11 November 1994

Australian Surveying & Land
Information Group
Survey House
14 Shepherd Street
DARWIN NT 0800

ATTENTION: ALAN STALKER

Dear Sir

ROPER VALLEY STATION - SURVEY

We act for William Tepp, the registered proprietor of Roper Valley station as administrator of his late father's estate.

We are instructed that you intend to carry out a survey of the stock route on Roper Valley next Monday, 14 November 1994, on behalf of the Northern Territory Government.

Whilst you may be entitled to enter upon the stock route itself, please note that our client does not grant you permission to enter upon the station. Our client will consider you to be trespassing on his property unless you can prove that you have lawful authority to enter upon the station. You will be refused permission to enter unless you can produce that authority.

We request that you respond to this letter today, providing the authority upon which you rely in order to enter onto our client's property. We look forward to hearing from you.

Yours faithfully
PHILIP & MITROS

MARGARET MICHAELS

mfal211a

cc William & Joe Tepp
Facsimile no: 754834/754669



14 April, 1994

Ms Susan Gilmore
Legal Officer
Northern Land Council

Ref 103103 -2

By fax (089) 452 633

Acquisition of Roper Valley Station

I refer to your letter to Minister Tickner, advising him of the results of consultations with the traditional owners of land under Roper Valley Pastoral Lease, the Urapunga Stock Route and Bringung Community Living Area.

I note that your consultations indicate that the traditional landowners believe that the preferred option to protect sacred sites is to acquire the pastoral lease, and that the traditional landowners seek ATSIC support for the acquisition.

In response, I wish to advise the following:

1. The representative of the lessees (Mr Ben Tapp) has unambiguously indicated to me that the property is not on the market at this time, and therefore the lessees will not accept 'fair market value' as a price to sell the lease.

He indicated that any prospective purchaser would need to pay a substantial premium in consideration of their special interest.

2. As an indication of this, Russell Newborn from the Australian Valuation Office gave a very broad estimate that Roper Valley Station could attract around \$1.2m, yet Ben Tapp was seeking \$1.5m to sell just that portion below the Roper River Highway to the traditional landowners.
3. For the Commission to consider an application to purchase the pastoral lease it is first necessary for the prospective purchaser (or their agent) to determine that there is a willing vendor, who will accept a price at or near fair market value.

151

4. In addition, consideration of the application would be within the context of the land acquisition strategy of both the Katherine Regional Council area, and the overall strategy for the Northern Territory. As you are aware, the Northern and Central Land Councils provide on-going and comprehensive information to this office in respect of land acquisition priorities.

Demand for funding under the Land Acquisition Program is always very heavy, and any consideration of Roper Valley would need to be terms of seeking approval from 1994-95 funding. It is also the case that the Commission is currently waiting for government to provide a decision on the administration of the Land Fund which was formed under the Native Title Act 1993. The new Land Fund is planned to commence operation from 1 July 1994.

Therefore I wish to advise that the first stage of land acquisition proposals is to ascertain that the current owners are willing to sell to Aboriginal interests at a price consistent with market value, and then to rank the proposal against other land acquisition expressions of interest.

I trust this is sufficient information at this time, but please do hesitate to call me if you have any further questions.



Ian Williams
Manager
Land Acquisition and Management (NT)

Tel (089) 445 532 Fax (089) 445 539

Page 2 of 2

**ATSIC**

14 April, 1994

FAXED

Tony Roberts
Land Heritage and Environment
Central Office

By fax: (06) 285 2064

Roper Valley Land Claim

I refer to recent negotiations between this office, the Northern Land Council, and the lessees of Roper Valley Station.

In response to your request, this office undertook to arrange the Australian Valuation Office to assess the nett costs of relocating the homestead facilities on Roper Valley Station away from sacred sites, in association with the exchange of titles of various land parcels on the station, and the dropping of the Stock Route land claim.

In addition, the Northern Land Council consulted with the traditional owners of both Brigung Community Living Area, and the Urapunga Stock Route which crosses Roper Valley Station, to determine their wishes in respect of the Living Area and the Stock Route.

I am now able to advise the following:

1. The AVO assessment of the nett cost of the relocation (including consideration of the proposed land exchanges) is of the order of \$250,000 - \$400,000 inclusive, for the purposes of negotiating.
2. The traditional owners have advised NLC that they do not wish to give up title to the Brigung area, nor are they prepared to relinquish their claim to the Urapunga Stock Route in exchange for the homestead block.
3. Representative of the lessees (Ben Tapp) has provided a written rejection of the proposal if the cash settlement is not more than \$400,000, and has indicated verbally that the price sought is in the order of \$800,000 - \$1,000,000.
4. Ben Tapp has agreed that the proposal could be amended (and re-priced) so that the relocated homestead facilities were not on Brigung, and the owners of Brigung could keep title to the area.

129

5. He again proposed in writing that the traditional owners may wish to purchase all of the station south of the Roper Highway, including the homestead area, although the price suggested was \$1.5m, which is almost certainly above AVO valuation of the portion.
6. In response to the suggestion that the traditional owners purchase the entire station, Ben Tapp indicated that the property was not on the market, and therefore interested parties would have to pay a premium in consideration of their special interest.

As a result of the consultation with traditional owners, the Northern Land Council have advised the Minister that a negotiated agreement (including the exchange of titles) does not appear likely, and further to this, the current position of the lessee indicates that it is also extremely doubtful that a commercial arrangement will be achieved in the short term, in order for the Commission to provide financial support from its Land Acquisition and Land Management programs.

I trust this provides sufficient information at this time, but please contact Ian Williams of this office (089 445 532) if you have any further questions.



Richard Allmark
State Manager

cc Susan Gilmore
Legal Branch
Northern Land Council



Northern Land Council

9 Rowling Street, Casuarina N.T. 0810
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 Facsimile Phone: (089) 45 2633

P.O. Box 42921,
 Casuarina N.T. 0811
 Address all Correspondence to:
 THE CHAIRMAN

13TH April 1994

IN REPLY PLEASE QUOTE:

Our Ref: LO5/85/404
 Your Ref:

The Honourable Robert Tickner MP
 Minister for Aboriginal and Torres Strait Islander Affairs
 Parliament House
 CANBERRA ACT 2600

Dear Minister,

ABORIGINAL LAND CLAIM NO. 100 - URAPUNGA STOCK ROUTE

I refer to your letter of 15th March 1994.

I advise that settlement negotiations regarding the above land claim have been undertaken. Discussions have been held with the traditional Aboriginal owners, the Tapp family and with ATSIC. Valuations have been undertaken to facilitate negotiation of a settlement in the terms offered by the Tapp family as lessees.

A meeting was held at Bringung on 6th April 1994 at which the Senior Anthropologist, Mr. Jeff Stead and a Legal Advisor, Ms. Susan Gilmour attended to receive instructions from the traditional Aboriginal owners as to settlement of two issues. The first of these is the possible grant of the land claim and the second of these is an issue that has arisen regarding the sacred site on which the Roper Valley homestead is located.

I am advised that Mr. Ben Tapp of Roper Valley station is being prosecuted by the Aboriginal Areas Protection Authority for desecration of the registered sacred site at the Roper Valley homestead. In discussions with the Tapp family, it was this issue that was cited as the primary reason for making the offer to move to another site. They requested that the prosecution be dropped forthwith and that the new site chosen for the homestead would have no restrictions imposed under the Northern Territory Aboriginal Sacred Sites Act.

The instructions given by the traditional Aboriginal owners present on the 6th April 1994 are that they regard the actions of Mr. Ben Tapp in desecrating the site at the homestead with gravity. As there are sacred sites at Bringung and a

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number of sites situated on the stock route which has been recommended for claim, they do not consent to a deal contingent on the withdrawal of the land and forfeiture of the community living area at Bringung. The primary reason for this was a desire for security of the sites from any possible further desecration.

Their instructions are that the only settlement which would satisfy the need to protect the special significance that the area has is a purchase of the pastoral lease. The traditional Aboriginal owners resolve not to withdraw the land claim and to continue to assert the rights they have under the Northern Territory Aboriginal Sacred Sites Act to protect the important site at the homestead.

They further requested a meeting with yourself in order to explain the position they are in with regard to negotiating a settlement of this land claim.

I understand that you will be travelling to the Katherine area in the next few months and I would be happy to facilitate such a meeting.

I appreciate that there is some urgency in this matter and assure you that every effort has been made to negotiate the offer made by the lessees. Unfortunately, the terms of that offer are in consideration of the needs of the lessees rather than realistically addressing the substantial concerns that the traditional Aboriginal owners have.

Yours sincerely,



(for.) DARRYL PEARCE
Director.

cc. Mr. Sammy Borloborl
Bringung
via Mataranka NT 0852.



Northern Land Council

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 THE CHAIRMAN
 24th March 1994

IN REPLY, PLEASE QUOTE:
 Our Ref: 85/404
 Your Ref:

Mr. Ian Williams
 Economic Unit
 Aboriginal and Torres Strait Islander Commission
CASUARINA NT 0811

Dear Ian,

Re : Negotiations with the Lessee of Roper Valley Station

As you know, there is an outstanding recommendation from the Aboriginal Land Commissioner regarding the portion of the Urapunga stock route that is located on Roper Valley Pastoral Lease.

Your Minister has advised that he is concerned at the delay in the finalisation of the claim and has requested that any settlement negotiations be treated with a degree of urgency.

No recent consultations have been undertaken by the Northern Land Council due to the uncertainty as to the ownership of the Pastoral Lease and the litigation that the lessee has been involved in.

However, at a meeting of traditional owners in December 1992, the people present affirmed to the Northern Land Council that the site at Roper Valley homestead was the highest priority land need in that area.

With a view to negotiating a settlement with the lessees of Roper Valley, I am travelling to that area to hold a meeting with traditional owners on the 6th April 1994. Mr. Jeff Stead from our Anthropology Branch will also be attending.

Considering the request that the Minister has made and the views expressed by the traditional owners on previous occasions, I recommend that you take any immediate steps that you consider necessary and reasonable to assist the Traditional Owners to negotiate a settlement with the lessee.

Please advise if you propose to travel to the area prior to the 6th April 1994.

Yours sincerely,


 BUSAN GILMOUR
 Legal Adviser

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MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
 Minister Assisting the Prime Minister for Aboriginal Reconciliation

Parliament House
 Canberra ACT 2600
 Telephone (06) 277 7620
 Facsimile (06) 273 4142

THE HON ROBERT TICKNER MP

Mr Darryl Pearce
 Director
 Northern Land Council
 PO Box 42921
 CASUARINA NT 0811

File 85/404
 15 MAR 1994

Dear Mr Pearce

The Acting Director, Mr John Paterson, wrote to me on 22 December 1993 seeking my reaction to a proposal to settle the Mataranka Area land claim (Claim No. 69).

I should say at the outset that I am always happy to see a negotiated settlement of any land claim involving complex detriment questions, and this one is no exception. I can see no reason why you should not explore with the traditional owners, the Tapp family, the relevant Northern Territory authorities and, if funding is required, ATSIC as well, options for a mutually satisfactory settlement of this claim.

I have yet to make a decision on whether to accede to the Aboriginal Land Commissioner's recommendation that part of the Urapunga stock route should be granted to an Aboriginal Land Trust. As indicated in my letters of 31 May and 15 October 1993, however, I am concerned at the delay in finalising this land claim. I would therefore be grateful if any settlement negotiations could be treated with a degree of urgency.

Yours sincerely

ROBERT TICKNER

**NORTHERN LAND COUNCIL
FILE NOTE**

FROM: Susan Gilmour

FILE: 85/404

DATE: 7.3.94

SUBJECT: Urapunga Stock Route

I spoke to Ben Tapp today (754839) re the negotiations to settle the outstanding land claim.

His situation is reasonably clear. He and his many brothers and mother have ownership of Roper Valley and of the extensive stud stock from Killarney station (300 horses). The family obviously has little cash available to generate an income from the property and there is no prospect of generating sufficient income from the pastoral operation to maintain the family. Therefore the only real prospect of generating significant income is from breeding horses and to a lesser extent cattle. The horses are presently in paddocks but cannot be broken or worked without a set of horse yards and training yards. Ben and co were planning on building a set of yards at the homestead. Since the incident with the bulldozer (now an AAPA prosecution), the family has considered a deal with the claimants whereby they would develop their horse operation in another location.

There are two proposals - 160Km² around the homestead in exchange for Bringun and the stock route and relocation expenses - or - all the country south of the highway in exchange for a sum large enough to allow them to develop a completely new complex in the middle of the property.

The only real pressure for this deal is that the horses are all turned out and therefore there is no prospect of raising any income from them until they can be worked.



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 THE CHAIRMAN

IN REPLY PLEASE QUOTE:

22 December 1993

Our Ref: 85/404

The Honourable Robert Tickner MP
 Minister for Aboriginal and Torres Strait Islander Affairs
 Parliament House
 CANBERRA ACT 2600

Attention: Simeon Beckett

Dear Minister

Aboriginal land Claim No. 100 - Urapunga Stock Route

John Avery has advised the NLC that he spoke to the traditional owners of the Urapunga Stock Route and the current owners of Roper Valley pastoral lease on Monday 20 December 1993.

The senior traditional owner to whom John Avery spoke was Sammy Borloborl. The current owners of the station are the Tapp family represented by Benn Tapp.

John Avery said that on Monday the Tapp family agreed to exchange the homestead area of the station for the Bringung living area in settlement of all matters related to the land claim provided that the cost of the relocation of improvements was met by the government. John Avery said that an outcome in the nature of the offer was extremely desirable for all concerned. It would resolve ongoing friction between the pastoral lease owners and traditional owners. It would relieve the Aboriginal Areas Protection Authority of the need for ongoing work in regulating work around the homestead. It would satisfy the aspirations of the traditional owners. It would solve the detriment problems outlined in the land commissioner's report.

I have not requested that the Tapp family make a written offer and have not consulted with the traditional Aboriginal owners because there is no point in putting the proposal on a more formal basis unless you indicate that you would be favourably disposed to consenting to the proposed settlement and funding was available for the necessary relocation work to be done. I understand that the cost of the relocation work would exceed \$100,000.00 but would not be as expensive as purchasing the pastoral lease.

I would be pleased to have your comments on the proposal. If you are favourably

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2.

disposed, I will request a written proposal from the Tapp family and hold the necessary consultations with the traditional Aboriginal owners. ATSIC would need to be involved in any discussions so that any decision on the proposal involved a realistic assessment of the costs of the proposal and the availability of money to put the proposal into effect.

Yours sincerely



JOHN PATERSON
Acting Director

cc. Sammy Borloborl
Bringung
via Mataranka NT 0852



MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
Minister Assisting the Prime Minister for Aboriginal Reconciliation

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Telephone (06) 277 7620
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THE HON ROBERT TICKNER MP

Mr Darryl Pearce
Director
Northern Land Council
PO Box 42921
CASUARINA NT 0811

Dear Mr Pearce *Darryl,*

Further to my letter of 31 May concerning detriment issues in the Mataranka Area land claim, I have received advice from the Receiver/Manager of Roper Valley station, Mr Robert Cowling, that his powers to deal with the property are limited. Accordingly, he has asked that any negotiations on detriment be held in abeyance until the current litigation is finalised and ownership of the property is resolved.

I have informed Mr Cowling that I will defer my decision until after Christmas 1993, by which time the matter of ownership of the station may be resolved. As you would know, there has already been a delay of almost five years since the Aboriginal Land Commissioner submitted his report recommending that the land in question be granted to an Aboriginal Land Trust.

I have also informed Mr Cowling of my decision that a survey of the Urapunga Stock Route should be commenced as soon as possible.

In the meantime, I suggest that the Northern Land Council obtain instructions from the traditional Aboriginal owners of the Urapunga Stock Route land, as to any measures they might propose for minimising detriment to the lessee of Roper Valley station in the event of the Stock Route land being granted to an Aboriginal Land Trust. That detriment is detailed in the Aboriginal Land Commissioner's report on this land claim.

The Land Council would then be in a position to make a submission to me on detriment, which I would wish to copy to Mr Cowling or the lessee for comment.

*7-20/10
OL34, OL39*

*For your
action.*

P. 20/10.

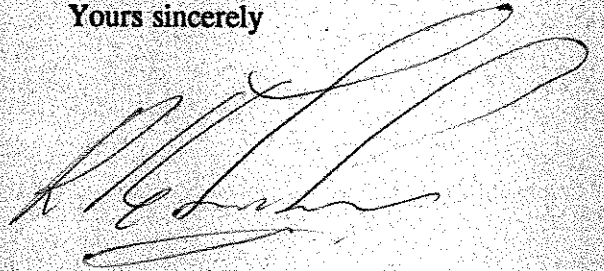
*Noted 25/10 OL39
- pastoral branch suggestions?
- Katherine office.*

...21

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I would be grateful if you could treat these matters with a degree of urgency, as I would like to make a decision on this land claim in the foreseeable future.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'R. Tickner', written in dark ink.

ROBERT TICKNER

15 OCT 1993

Files: 85/404
91/111

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
Minister Assisting the Prime Minister for Aboriginal Reconciliation

Parliament House
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THE HON ROBERT TICKNER MP

Mr Brett Medina
Acting Director
Northern Land Council
PO Box 42921
CASUARINA NT 0811

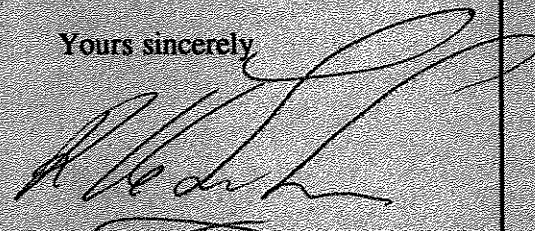
Dear Mr Medina

Ms Catherine Kerr of the Northern Land Council wrote to me on 8 March about the difficulty experienced by the Council in reaching an agreement with the owner of Roper Valley station on detriment issues arising from the Mataranka Area land claim.

I have yet to make a decision on whether to accede to the Aboriginal Land Commissioner's recommendation that the portion of the Urapunga Stock Route which crosses Roper Valley station be granted to an Aboriginal Land Trust. My decision has been delayed to allow the Land Council and the station owner an opportunity to negotiate arrangements which would minimise the detriment which otherwise may result from a grant of the land in question.

While I am concerned about the lack of progress towards an agreement with the owner of Roper Valley and the delay in finalising this land claim, I propose to allow the parties a further three month period in which to attempt a negotiated settlement. I would therefore be grateful if you would make every effort to conclude this matter within that time frame. I am writing in similar terms to the Receiver/Manager of Roper Valley, Mr Robert Cowling.

Yours sincerely



ROBERT TICKNER

31 MAY 1993

0639 CATHY, FOR your INFO
By Dsar 3/6

Noted 8/6
0639
no action required.

■ 9-11 Cavenagh Street
Darwin, NT 0800
Australia

■ Phone: 089 43 4200
Fax: 089 43 4290

Mail Address
GPO Box 3470
Darwin, NT 0801

24 June 1993

The Hon Robert Tickner MP
Minister for Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600

Dear Mr Tickner

**TAPP RECEIVERSHIP
ROPER VALLEY STATION - URAPUNGA STOCK ROUTE**

I refer to your letter of 31 May 1993 with respect to the above matter.

I was appointed Receiver and Manager of Roper Valley Station by the Northern Territory Supreme Court on 22 October 1992. My appointment resulted from a dispute between the owner of the property Mr CW Tapp, five of his sons and various members of Elders Limited Group of companies over who was entitled to possession of various cattle properties including Roper Valley Station. Unfortunately my powers as set out in the Order of the Northern Territory Supreme Court restrict my ability to deal with the property over which I have been appointed.

The hearing of the dispute between the parties will be held in September and October 1993 with a decision anticipated prior to Christmas. I would therefore request that this matter be held in abeyance until the existing dispute and litigation between Elders and the Tapps is resolved.

However, if it is not possible to hold this matter in abeyance I would recommend that communication be directed to both of the parties ie

A. Mr CW Tapp
c/- Philip & Mitaros
Barrister and Solicitors
GPO Box 612
DARWIN NT 0801

B. Elders Limited
GPO Box D163
PERTH WA 6001

ATTENTION: Mr Trevor Cross

Yours faithfully

Robert William Cowling
Receiver and Manager appointed by the Court
Roper Valley, Killarney and Maryfield Stations

cc Northern Land Council
Elders Limited
Philip & Mitaros

REF:8686:4/130

OL39.
Noted C/Kew 29/6/93
Action: letters to A. & B.
above inviting them to
discuss resolution of
detriment arising from
grant of stock route.
cc. to cth.



Northern Land Council

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 THE CHAIRMAN

IN REPLY PLEASE QUOTE:

27 April 1993

Our Ref: 85/404:OL39

Ernst & Young
 GPO Box 3470
 DARWIN NT 0801

ATTENTION: MR R W COWLING

Dear Sir

**ABORIGINAL LAND CLAIM NO. 100 - URAPUNGA STOCK ROUTE;
 ROPER VALLEY STATION**

I refer to my letter dated 4 February 1993 regarding Roper Valley Station. I am yet to receive a reply. On 8 March 1993, I wrote to the Minister for Aboriginal and Torres Strait Islander Affairs enclosing a copy of my letter to you. It is now almost 3 months since I wrote to you.

I propose writing again to the Minister, advising him that no reply has been received to our invitation to negotiate this matter, and urging him to recommend the grant of this land. If you, or either of the parties claiming ownership of the station, wish to enter into negotiations regarding use of the land currently comprised within the stock route, I suggest you promptly respond to my letter.

Yours faithfully

Catherine Kerr
LEGAL ADVISOR

L85/404

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 THE CHAIRMAN

IN REPLY PLEASE QUOTE:

8 March 1993

Our Ref: 88/399:OL39

The Honourable Robert Tickner, MP
 Minister for Aboriginal and Torres Strait
 Islander Affairs
 Parliament House
 CANBERRA ACT 2600

ATTENTION: SIMEON BECKETT

Dear Minister

ABORIGINAL LAND CLAIM NO.100 - URAPUNGA STOCK ROUTE

You will recall that on 14 December 1988 the ALC recommended that the area comprising the Urapunga Stock Route be granted to the Aboriginal traditional owners. The stock route dissects Roper Valley Station.

Although negotiations with the then lessees of the station regarding the stock route claim commenced in 1987, these were not followed through and the pastoral lease has since changed hands.

Enclosed(*) is a copy of an invitation to the court appointed receiver of Roper Valley Station to negotiate with particular reference to a lease arrangement of areas of the stock route in favour of Roper Valley Station should the land be granted. The receiver advised by telephone he would pass our invitation on to Mr Tapp and the Elders Group who are currently involved in litigation over ownership of the lease. No reply has been received.

The NLC has instructions to pursue the grant of this land. It is now more than four years since the land was recommended for grant. To ensure the claim does not remain outstanding indefinitely the claimants are prepared to consider future agreement to leasing areas of land if granted. The terms of such lease arrangements and the areas sought cannot be ascertained without information from the pastoralist. This has not been forthcoming.

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ek your advice as to what consideration has been given to a grant of this title.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'C. Kerr', is positioned above the typed name.

CATHERINE KERR
Legal Advisor

Encl(*)



Northern Land Council

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 THE CHAIRMAN
 4 February 1993

IN REPLY PLEASE QUOTE:
 85/404:OL39

Ernst & Young
 GPO Box 3470
 DARWIN NT 0801

ATTENTION: Mr R W Cowling

Dear Sir

ROPER VALLEY STATION

I act on behalf of Aboriginal claimants in the Mataranka Land Claim.

On 14 December 1988 the Aboriginal Land Commissioner recommended that the area comprising the Urapunga Stock Route which roughly follows the course of the Roper River from the western to the eastern borders of Roper Valley Station, be granted to the Aboriginal traditional owners. Other areas comprising parts of Elsey Station were also recommended for grant. Elsey Station was subsequently purchased on behalf of the traditional owners and consequently the Urapunga Stock Route which dissects Roper Valley Station is the only area which was recommended for grant but is yet to be granted and is still sought by the traditional owners.

The Aboriginal Land Rights (Northern Territory) Act 1976 provides that in addition to making a report, the Aboriginal Land Commissioner must comment on the detriment to persons or communities including other Aboriginal groups that might result if the claim were acceded to either in whole or in part. I have enclosed(*) a copy of Chapter 17 of the Commissioner's report which discusses the detriment likely to flow to the owners of Roper Valley Station.

The purpose of this approach is to ascertain whether you would seek a lease in favour of Roper Valley Station over parts of the stock route should it be granted to the traditional owners. The terms of such a lease could be negotiated now. There is of course already provision under the Land Rights Act for guaranteed access across the stock route area should it become Aboriginal land.

KATHERINE
 P.O. BOX 396
 KATHERINE N.T. 0851
 PH: (089) 72 2894
 (089) 72 2904
 FACSIMILE: (089) 72 2190

JABIRU
 P.O. BOX 18
 JABIRU N.T. 0886
 PH: (089) 79 2410
 FACSIMILE:
 (089) 79 2650

TENNANT CREEK
 P.O. BOX 55
 TENNANT CREEK N.T. 0861
 PH: (089) 62 2904
 FACSIMILE:
 (089) 62 2084

NHULUNBUY
 P.O. BOX 820
 NHULUNBUY N.T. 0881
 PH: (089) 87 2602
 (089) 87 2888
 FACSIMILE: (089) 87 1334

I seek your response to our offer to negotiate a lease that would allow you to continue pastoral operations over parts of the stock route. In particular the traditional owners require an indication of which areas you would seek to lease back from the land trust should this become Aboriginal land.

Yours faithfully



Catherine Kerr
LEGAL ADVISOR

Encl(*)



Northern Land Council

3x
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HIGHWAY ARCADE, 47 Stuart Highway, Darwin N.T. 5790
 Telephone Enquiries: (089) 81 7011
 Telex: AA85042
 Facsimile Phone: (089) 81 6899

Box 39843,
 Winnellie, N.T. 5789
 Address all Correspondence to:
 THE CHAIRMAN

28 January 1988

IN REPLY PLEASE QUOTE:

85/404 (L4)

Greave Wannan and Williams
 Solicitors
 GPO Box 475
 SYDNEY NSW 2001

Dear Sir/Madam,

ROPER VALLEY STATION AND URAPUNGA STOCK ROUTE LAND CLAIM (YOUR REF RWW:SM:76)

I acknowledge receipt of your letter of the 11 December 1987 relating to the above.

Whilst I am not yet in a position to respond to all the matters raised in your letter at this stage, I offer the following comments.

The process of Land Claims in the Northern Territory are governed by the provisions of the Commonwealth's Aboriginal Land Rights (Northern Territory) Act 1976. Pastoral leases are not available for claim under this legislation unless the estates or interest are held for or on behalf of Aborigines. Claims to land are only to unalienated crown land or land which falls within the later category. The Commonwealth and Northern Territory Governments are anxious to meet Aboriginal land needs where they cannot be met under the Federal Legislation.

To this end the NT Government have introduced Excision guidelines to enable Aboriginal groups to secure tenure to living areas on pastoral leases. It has however been discovered that these guidelines do not meet these needs. Hence the governments have initiated the settlement of Stock Route Land Claim as a means of satisfying some of these needs where other avenues have failed. In this context the Excisions guidelines do not apply.

What this ultimately means for your client is that we can give you an assurance that as far as the Roper Valley Pastoral Lease is concerned this is the final settlement of Aboriginal Land needs on their property. Further we have made it clear to our clients that

35-115/MD:cnd

Handwritten initials and a circled mark in the top right corner.

is the final resolution of their land needs future requests cannot and will not be considered by your clients.

The form of tenure of Aboriginal land has its particular definition contained within the Land Rights Act. It is not contemplated that the areas on the Roper Valley PL will become Aboriginal land in that sense. The procedures have not yet been agreed upon but it is envisaged that freehold title will be issued by the NT.

We do not have details of legal basis on which the Commonwealth and Territory Government intend to bind parties to this process.

Plans for the final delineation of the areas are not yet available and will only be available on completion of Survey (time of survey completion not know at this stage). However we include maps showing approximate dimensions as a result of on the ground inspection with Mr Bolton.

Finally although we are unclear as to the area you refer to as Duck Ponds Paddock we are assuming it is the area to the west of Bringun in which case the proposed extension does not infringe upon it.

Yours faithfully,

Handwritten signature of Michael Dodson.

Michael Dodson
(for) I.L. Gray
PRINCIPAL LEGAL ADVISOR

35-115/MD:cnd

Copy sent KRO 22/2.

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GREAVES WANNAN & WILLIAMS

SOLICITORS

Wilson Wannan
 Lloyd Williams
 Anthony William Frederick
 Wilson Wannan
 Robert Burns
 Francis Wannan
 Susan Marie Clarke
 Mark Raymond Procajlo
 Julian Cikos
 Consultant
 John Dowling Coates

COMMERCIAL UNION HOUSE
 109 PITT STREET
 SYDNEY NSW 2000

Telephone: (02) 233 2966
 G.P.O. Box 475 Sydney 2001
 DX 143 Sydney
 Telex AA74960
 Facsimile: (02) 233 2684

Our Reference RWW:SM:76

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| NORTHERN LAND COUNCIL | |
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11th December, 1987

The Principal Legal Adviser,
 Northern Land Council,
 P.O. Box 39843,
 WINNELLIE N.T. 5789

Dear Sir or Madam,

Re: Roper Valley Station and Urapunga Stock Route Land Claim

We act for the lessee of Roper Valley Station which has sent us a copy of your letter dated 17th ultimo.

Our instructions are to co-operate with the Land Council in all reasonable ways to reach a negotiated settlement of the three land claims referred to in your letter.

In this connection, Mark Bolton is to endeavour to negotiate with you an adjustment to the proposed extension to the boundaries of the Bringung claim to exclude that portion which would infringe upon Duck Ponds Paddock the construction of which Mark recently completed. We are to negotiate with you on the basis that any settlement of the three land claims would constitute an end to aboriginal land claims on pastoral leases in the Northern Territory, as proposed in the resume which accompanied your letter.

We note the urgency which you attach to the negotiations and that, before they can proceed to finality, the Land Council has some decisions to make and particulars to provide. It would assist our client if you could provide the following:-

1. A copy of the map referred to as "the attached map" in the first line of the third paragraph of your letter of 17th ultimo.
2. A plan showing the outcome of the Land Council's negotiations with Mark Bolton showing the revised boundaries excluding Duck Ponds Paddock and revised area.
3. A plan showing the final delineation of the Yarrin claim and its area.

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(61)

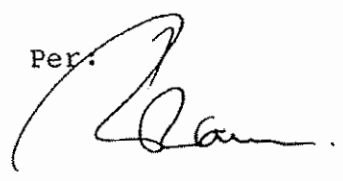
A plan showing the final delineation of the Biynbu claim and its area.

Particulars of the legal procedure by which any land agreed upon may become aboriginal land.

Particulars of the legal procedure by which any settlement of "these land claims will be on a once-and-for-all basis and will constitute an end to Aboriginal land claims on pastoral leases in the Northern Territory", as set out on page 5 of the resume referred to in the last paragraph of your letter of 17th ultimo.

We note your undertaking to delineate the approximate size and boundaries of the three claims as soon as possible (4th paragraph of your letter of 17th ultimo) and will look forward to receiving the items listed above.

Yours faithfully,
GREAVES WANNAN & WILLIAMS

Per. 

c.c. McDonough Pastoral Company
Mark Bolton
Department of Chief Minister
Department of Lands
Department of Aboriginal Affairs

*with: for your information and
action ASMS EG 17/12.*

*response drafted
64
12/1*

Copy sent KLO 22/2.

Bureau of the Northern Land

DOC 28

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HIGHWAY ARCADE, 47 Stuart Highway, Darwin, N.T. 5790.
Telephone Enquiries: (089) 81 7011
Telex: AA85042
Facsimile Phone: 81 6899

COPY
IN REPLY PLEASE QUOTE:

~~4/14/20~~

046,
5794.

Correspondence to:
DIRECTOR

14 February 1986

Assistant Director
Lands Excision Branch
Department of Lands
P.O. Box 1630
DARWIN NT 5794

WITHOUT PREJUDICE

Attention: Mr Ron Wright

Dear Sir,

ROPER VALLEY - BRINGUNG COMMUNITY

I refer to previous correspondence relating to the above matter and advise I have now obtained instructions from my clients.

I am instructed my clients are not prepared to withdraw their claim to the entire length of the Urapunga Station (Land Claim No. 100) in exchange for an excision area in Bringung.

Further I am instructed to proceed with the preparation for hearing of their claim.

Yours faithfully,

MJA for

R.W. Blowes
PRINCIPAL LEGAL ADVISOR

16494-38/RWB:rl;45



faxed to Katherine 8/10/85

NORTHERN TERRITORY OF AUSTRALIA
DEPARTMENT OF LANDS

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G.P.O. BOX 1680
DARWIN, N.T. 5794
Telex: AA85453

89 6193

Reply: 85/247

The Director,
Bureau of the Northern Land Council,
G.P.O. Box 3046,
DARWIN N.T. 5794

Dear Sir.

The Bringung community, currently resident on Roper Valley station, has applied for tenure to a living area over the land indicated on the attached plan.

The southern part of the land, edged pink and upon which improvements are located, is currently a part of Roper Valley station.

The lessee is prepared to surrender this area for grant of tenure to the residents and the necessary administrative actions are proceeding.

The application does, however, include the northern part of the land shown by blue edge. This land is a part of the Urupunga stockroute, has been surveyed and has been designated N.T. Portion 1718.

Land claim No. 100, Urupunga stockroute claim, has been registered over the land and any allocation action is therefore frozen.

Please advise if your clients would be prepared to withdraw their claim over the stockroute in exchange for grant of tenure over N.T. Portion 1718.

If they are prepared to do so, a recommendation to grant title over the consolidated area can be prepared.

Your early response to allow this matter to be finalised will be appreciated.

Yours faithfully,

R. Wright
RON WRIGHT
Assistant Director
Land Excisions Branch

11/9/85

Encl.

*F2 / Fax to Katherine,
acknowledge receipt
saying de matter
boxed iso. S.W.
Mike, please disc*

