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Dr. Ian Holland,
Committee Secretary.
Committee on Environment, Communications and the Arts,
P.O.Box 6100.
Parliament House.
CANBERRA. ACT.

Dear Dr. Ian Holland,

INQUIRY INTO FORESTRY AND MINING ON THE TIWI ISLANDS

Re: Response to Adverse Comments made against the Tiwi Land Council, Secretary John Hicks and TASMAC.

Thank you for your letter of 22 April 2009 and the opportunity provided to the Tiwi Land Council, Secretary John Hicks and to a now defunct Committee TASMAC that has been replaced by other Liaison and Consultative Committees through the past six years.

Each of these three submissions contains factually incorrect or unfounded statements and our responses to these statements are set out below.

The Land Council has met earlier today and has discussed all the "adverse comments" directed at the Land Council and its staff. The Land Council, its Committees and Staff insist upon a single identity in providing the following responses to these allegations, and as a group seek to also address the Senate Committee when they visit the Tiwi Islands.

By submitting this written response, we are not waiving the confidentiality request made in respect of our own submission to this Inquiry.

RESPONSES TO “ADVERSE COMMENTS”

1. Six plastic net structures have been secured on the beach in the North West of Bathurst Island for transfer to a new site on Melville Island. One smaller plastic net of 48 metre circumference is also lodged on an adjacent beach. Four attempts have been made to remove this cage and which will require digging out and an extreme high tide to recover.
2. The Tiwi Land Council’s structure and decision-making processes are based upon traditional registration and representation as required by law. There is no evidence in 840 officially documented meetings since 1977 that these structures or processes could have or have been “controlled” by any other than the 40 members representing their 1950 landowners, over half of whom are minors.
3. Land Ownership and the fabric of Tiwi relationships through 6000 generations have remained the continuing foundation of Tiwi society and of the Tiwi Land Council. The Tiwi Land Council was not imposed; it was sought and achieved following very determined and insistent traditional owner representation over two years during 1976 to 1978. Imposed organisations of governments and other “authority” have been created as an alternate problem solving/decision-making forum. There is evidence of the continuing failure of these organisations across Australia. Problem solving and decision-making requires heuristic tools. For Tiwi, these are founded in identity and family belonging. Belonging to an organisation, unless built upon traditional structures, is an organisation that will and must fail. Rather than solving problems, the organisation itself becomes the problem.
4. “Petitions” are a political tool unknown in traditional Tiwi society. Their recent use and development assumes an informed consent process that cannot be achieved or verified among a population estimated at 87% illiterate. The Senate may wish to inquire into the processes of various petitions and to the method of collecting signatures purporting to support them.
5. Traditional owners have one representative on the Tiwi Land Council for every 22 adult landowners. Every family and every landowning group is represented. Consent processes are transparent and documented and have been provided to the Committee by the Tiwi Land Council.

We have reviewed above various adverse comments directed at the Tiwi Land Council, its Executive and Staff made in submissions to the Senate Inquiry into Forestry and Mining Operations on the Tiwi Islands, and request the opportunity to directly discuss these matters with the Senators upon your visit to the Tiwi Islands.

Yours sincerely,

Robert Tipungwuti
Chairman.
Shire Councillor

Cyril Kalippa OAM.
Manager
Shire Councillor

Andrew Tipungwuti.
Manager.
Shire Councillor.

Matthew Wonaeamirri Manager	Maralampuwi Kurrupuwu Deputy Chairman Shire Councillor	Marius Puruntatameri. Chairman, Education Board. Shire Councillor
Walter Kerinaiaua Manager	Gibson Farmer TLC Member Manager Forestry Liaison	Brian Clancy TLC Development Adviser
Kate Hadden Manager Resources And Environment	John.S.Hicks Secretary.	Bernard Tipiloura. TLC Member Shire Committee.

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RESPONSES TO FURTHER ADVERSE COMMENTS:

1. Forestry operations on the Tiwi Islands have, and continue to provide significant benefits as documented in our earlier submission and also the recent independent audit conducted by Oakton on behalf of the Minister and provided to you.
2. The transparency and accountability of these operations is also addressed in significant detail in earlier submissions.
3. The Tiwi Land Council has no commercial interests and is prevented by law from having any.
4. Landowners do have commercial interests in their own right or through Tiwi Enterprises Pty Ltd, Tiwi Resources Pty Ltd or Pirntubula Pty Ltd..
5. The creation of a sustainable Tiwi economy through rotational forest harvest commences in 2013. Evidence provided to the Senate Committee already indicates the extent of this economy to both the Tiwi landowners and to the Northern Territory. Landowners` participation in this economy is rapidly expanding and anticipates substantial ownership of both the economy and the industry by Tiwi landowners within several decades.

6. The Executive Secretary of the Tiwi Land Council is not, and has never been a supporter of mining on the Tiwi Islands. His view is that landowner participatory opportunities in the mining industry are limited and that the resource itself is not sustainable. Landowners have determined their own mining interests otherwise.
7. In evidence of consultative meetings the distinction between meetings for executive purposes and those concerning land use and land use fund distribution has been provided by the Tiwi Land Council; Tiwi Resources Pty Ltd (who manage these funds); Tiwi Enterprises Pty Ltd and others. Executive Meetings average 18 a year since 1995. Between 70 and 150 other consultative meetings are undertaken each year by landowners and their groups. These include documented and minuted meetings with forestry investors and other commercial interests, as well as Tiwi Land Council Committees and associated forums.
8. The role of consultative forestry Committees has been discussed in our submission. TASMAL was an early such committee and paid no fee (significant or otherwise) to its members.
9. There are four tourist companies operating on the Tiwi Islands. All have been in operation from the early 1990`s. There are five barge companies operating to the Tiwi Islands on a regular basis and a number have been providing continuing competition to Tiwi Barge Services since its inception in 1988. Tiwi Barge Services, however, remains only one of two Territory owned Barge Companies operating services to the Tiwi Islands.
10. Forestry and other land use financial benefits flow to 67 families all of whom have their own five "fund managers". None of the Tiwi Land Council, its executive or members, has any influence over the expenditure of these funds.
11. Pirntubula Pty Ltd is a regularly audited commercial entity that is owned by landowners. It provides no perks to anyone. It has provided training opportunities and experience trips for Tiwi Land Council Trainee Managers; Tiwi Health and Environmental and Education conference attendance; football and team exchanges; Funeral and ceremony funding and support; Tiwi Rangers attendance at National Award and at numerous gatherings for endangered species and other aspects of their work, as well as interstate hospital and other family trips and responsibilities interstate and several overseas for a large number of Tiwi landowners. Pirntubula Pty Ltd is committed to significant support for the Tiwi College, and to funding travel and opportunities for students throughout the Tiwi Islands.
12. Forestry work and participation by the Tiwi workforce increases each year. These figures and job opportunities have been provided to the Senate Committee.
13. The strategic co-operation of education service providers has been understood for many years by members of the Tiwi Education Board. They are currently developing this co-operation with Government and three service-providers.
14. The commitment of both the Tiwi Land Council and commercial organisations on the Tiwi Islands to sustaining the operations and developments of the Tiwi College is unquestioned and is not believed to be under threat.

15. There has not, to our knowledge, been any “substantial government funds” provided for either forestry or infrastructure related to it on the Tiwi Islands, since 1984. Port funding was obtained through the Aboriginal Benefit Trust Account. A joint Land Council/Tiwi Shire/TILG submission dating back to 2005 for road funding remains a submission only.
16. Each year the Land Council binds 6 copies of its volume(s) of Minutes. Copies are held at each community for reference by landowners. Landowners themselves determine the distribution of minutes of their meetings. Tiwi Land Council members have high literacy levels. These levels diminish in the under 40 year old group who comprise the bulk of the population.
17. The Land Council has no capacity or ability to engage in road maintenance, nor seeks one.
18. The Land Council has consistently supported grants to Local Government for road equipment, and for other purposes. The Aboriginal Benefit Account has been reluctant to support funding projects that are a Government responsibility. The lack of acceptable financial records by Tiwi Islands Local Government also denied a number of grant applications to this organisation.
19. The Melville Island Bus Service is funded by Pirntubula Pty Ltd. In the past six months the Tiwi Shire Council has also provided 20% of funding for this service.
20. The Arafura Pearl has received significant funding from Pirntubula Pty Ltd., and the Northern Territory Government in establishing loading facilities at Nguuu and docking facilities in Darwin. There are no limitations on its operations by the Land Council. Tiwi Tours is wholly owned by the Mantiyupwi Association of Nguuu landowners and provides revenue and opportunity direct to those landowners.
21. Employment opportunities and undertakings are consistently under review. Tiwi qualified tradesmen have been largely those who are now over 60 years of age, until recently. The gap occasioned by dysfunctional organisational governance over 25 years is being closed. Numerous apprenticeships and qualified tradesmen have been advised to the Committee.
22. The notion of separating landowner control of Townships in favour of “unknown” is particularly surprising, and fortunately the obverse of what is in fact occurring. Township leases seem to succeed for precisely the reason that they are seen to reward landowners and encourage (and demand) their active participation (through their own consultative forums) in the planning, growth and development of THEIR Town. The Tiwi Land Council is constituted by these landowners who remain committed to these processes and to the shift away from organisational patronage of the past.

We have reviewed above the various adverse comments directed at the Tiwi Land Council, its Executive and Staff made in submissions to the Senate Inquiry into Forestry and Mining Operations on the Tiwi Islands, and request the opportunity to directly discuss these matters with the Senators upon your visit to the Tiwi Islands.

Yours sincerely,

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