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Melville Island



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The Tiwi Land Council is the Statutory Authority of Owners of the Tiwi Islands

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File: 27-1-2A

Senator the Honourable Simon Birmingham,
Chair.
Standing Committee on Environment, Communications and the Arts,
References Committee.
P.O.Box 6100.
Parliament House.
CANBERRA. ACT.

Dear Senator Birmingham,

INQUIRY INTO FORESTRY AND MINING ON THE TIWI ISLANDS

Re: Response to "Possible Questions for Land Council" and John Hicks.

Thank you for your letter of 3rd September and your list of remaining questions for the Tiwi Land Council and for John Hicks.

We enclose our answers to these questions as attached.

Yours sincerely,

Robert Tipungwuti

Robert Tipungwuti.
Chairman

8th September 2009.

John.S.Hicks
Secretary.

Possible questions for the Tiwi Land Council

1. How many people are employed by the Tiwi Land Council and where are the staff located?

These figures are supplied each year in the Tiwi Land Council Annual Report which also contains an organisational structure Chart. In summary:

- 1 Chairman located on Bathurst Island.**
- 4 Managers; 1 each at each of the four communities on Melville and Bathurst.**
- 1 Development and Operations Manager located on Melville Island.**
- 1 Registrar of Traditional Owners located on Melville Island.**
- 1 Secretary located in Darwin.**
- 1 Environmental Scientists and Land/Resource Manager located in Darwin.**
- 8 Land Rangers located four on each of Bathurst and Melville Island.**
- 4 Marine Rangers located at Snake Bay and Pirlangimpi on Melville Island.**
- 1 Ranger Manager/Mentor located on Melville Island.**
- 1 Research Assistant and PA located in Darwin.**
- 1 Accounts Manager located in Darwin.**

Total 24. 20 located on either Melville or Bathurst Island. 4 located in Darwin.

19 Tiwi persons; 1 Maori; 4 of mixed European ancestry.

2. Can you please clarify who are the current Chair, Deputy Chair, Directors/Members and Managers of the Tiwi Land Council? What payments are made by the TLC to these people?

These names, identity and payment regimes are also described each year in the Tiwi Land Council Annual Report.

The Chairman: Robert Tipungwuti.

The Deputy Chairman: Maralampuwi Kurrupuyu.

Managers: Cyril Kalippa OAM; Andrew Tipungwuti; Matthew Wonaeamirri; Walter Kerinaiaua.

Members as described in our Annual Reports at Note 10 of our 2009 Accounts :- "Related Party Transactions:"

The names of each person who held the role of member of the Land Council during the financial year are;

Bush, Andrew
Dunn, Cajetan
Farmer, Gibson
Fernando, Darryn

Puantulura, James Darren
Puruntatameri, Marius
Puruntatameri, Patrick

Fernando, Ivan
Guy Jnr., David
Kalippa, Cyril - Manager
Kantilla, Dominic
Kerinaiaua, Cyril J.
Kerinaiaua, Jules
Kerinaiaua, Lorenzo
Kerinaiaua, Walter Benedict
Kerinaiaua, Walter Jnr.
Kurupuw, Maralampuwi

Long, John Lawrence (Jack)
Molaminni, Christopher
Molaminni, Damian

Mungatopi, Vincent
Munkara, Danny
Pautjimi, Andre

Timaepatua, Campion
Timaepatua, Terry
Tipiloura, Bernard
Tipiloura, Conell
Tipiloura, Eric
Tipiloura, John Howley
Tipuamantumirri, Bruce
Tipungwuti, Andrew - Manager
Tipungwuti, Baylon
Tipungwuti, Brian
Tipungwuti, Edward Jude
Tipungwuti, Henry James
Tipungwuti, Robert - Chairperson
Tungatulum, Hycinth (now deceased)
Wilson, John
Wommatakimmi, Gabriel
Wommatakimmi, Kim Brooks
Wonaeamirri, Matthew - Manager

Payments are those established by the Remuneration Tribunal – “Determination 2007/10” for Chairman, Deputy and Members of the Executive (Management Committee) – “Remuneration and Allowances for Holders of Part-Time Public Office.”

Other Members receive no payment as Members other than a small meeting fee for attendance at meetings (that extend over three hours) also provided for under “Determination 2007/16.”

3. Who are the land trustees for the landowning groups on the Tiwi Islands?

There are Eight Groups. There are eight Trustees:

YIMPINARI: Andrew Bush.
MANTIYUPWI: Walter Kerinaiaua Jnr.
WULIRANGKUWU: Eric Tipiloura.
MIRRIYAKIANA: Kim B Wommatakimmi.
MUNUPI: Patrick Puruntatameri.
WURANGKUWU: Baylon Tipungwuti.
TIKILARU: Danny Munkara.
MALAWU: Ivan Fernando.

4. Can you explain to the committee the procedure that is followed for choosing members of the Tiwi Land Council?

The procedure is that traditional process approved by the Minister. First approved by Minister Clyde Holding in 1978 as a nomination process of each land owning group nominating their “leader” or leading family representative. That leader or “Trustee” nominates four others from group families to serve with him on the Land Council. It is a process that has been clarified and maintained by successive Ministers.

5. In its 2007-08 annual report, the Tiwi Land Council refers to an 'ABA approved budget' of \$2.1 million (p. 21). What is an ABA approved budget and how does this differ from ABA funding, of which the TLC received \$1.93 million in 07-08 (FaHCSIA Annual Report 2007-08)?

Funding for all Northern Territory Land Councils is provided for under revenues accruing to the Aboriginals Benefit Account from an “equivalent” amount of money as that raised through tax on mining resources of aboriginal land in the Northern Territory, and is paid into the ABA out of consolidated revenues.

A portion of these funds are for the administrative and operational costs of the four Land Councils under Section 64(1) of the Act. The three (now four) Land Councils were apportioned funding on the basis of landowner population for twenty-five years. In 2005 the Minister (following various reports and consultations) (and in compliance with changing accounting standards and performance based requirements) moved (in 2005) from a population based share of these s. 64(1) funds to an Outcomes based provision, determined each year on the basis of performance audits and reports.

Whilst the Minister approved a budget of \$2.1m and herself provided \$1.93m from ABA Section 64(1) sources; the Land Council itself was able to raise, through both cost recovery and private resource funding for its work, the difference between the two = \$170,000. The amount of self-generated funding likely is calculated each April and an estimate provided to the Minister for her inclusion as part of our approved budget.

6. The Committee is aware that members of the Tiwi Land Council must adhere with sections of the *Commonwealth Authorities and Companies Act 1997* but that this does not always align with traditional decision-making processes and clan hierarchies.¹

How does the Tiwi Land Council reconcile its responsibilities under the CAC Act with traditional decision-making processes?

This question, together with the following questions 7,8 and 9, addresses the very foundation of both Government and administrative difficulties in recognition and management of cultural transition and change. It regrettably requires a detailed historical explanation of developed misinformation and the ill-advised use of that flawed information.

The Tiwi Land Council does not accept that “traditional decision making processes and clan hierarchies” diminish or impede Tiwi compliance with the Commonwealth Authorities and Companies Act 1997 (CAC Act). The Tiwi Land Council has just completed its thirtieth unqualified audit through this thirtieth year (2008/9) since foundation. There is no “traditional decision making process” we are aware of that compromises our compliance under the CAC Act. There are “traditional decision making processes” that insist upon that compliance.

¹ Department of Finance and Derogulation, *Performance Audit of Northern Territory Land Councils*, January 2008, available: [http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0809/finance/answers/F56\(attachment\).pdf](http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0809/finance/answers/F56(attachment).pdf) (accessed 12 August 2009).

Traditional decision making itself requires a definition beyond theories of ecological rationality and how the mind actually decides and resolves daily problems. Decision-making definitions for the Tiwi require explanation of:

- **How decisions are made.**
- **How and why they are effective and efficient.**
- **The evolutionary experience that these processes exploit.**

Decisions that sustained a small isolated population through thousands of years can be assumed to have been robust and efficient. They were directed at social harmony and sustainability and required a legal code of acceptance: never confront or accuse; expose cheating behaviour; aspire to individual influence and prestige.

The uniqueness of how this was (and is) achieved relied upon the decision-making forum that managed societal risk in much the same way as the Senate and House of Representatives manages risk in our bi-caramel structure today.

Membership of the forum was (AND IS) landowners only. Its authority derives from nominated elder men of substance supported by their families and women folk. The forum was a ritual setting where men conveyed through metaphor and poetry their opinions without accusations or direct confrontation, and were able to sway a gathering through their oratory and physical presence. Tiwi creative argument and resolution ability was significant. Pilling noted one man in the 1920`s known for over 500 individually crafted metaphors, parables and poems supporting his arguments.

The risk management skills of these forums was unfortunately dismissed by Baldwin Spencer in 1910/11 in his phrase – “Dreamtime.” Dreamtime has taken on a life of its own in ignorance (or possibly avoidance) of real purpose of the decision-making processes involved. The entrenchment of “Dreamtime” and the dismissal of the competent and powerful risk management purposes of these forums, has created a very difficult century for both Government and Aboriginal peoples.

The forums rely upon identity with land and the pattern of relationships that comprise that identity. The foundation of any Land Council is a register of who owns the land. Unfortunately some Land Councils have not compiled such a register; or left open the determination of actually who is an owner and how they got to be one. The legitimate risk management forum comprises the people who own the land – and NO others. If the foundation and structure of the forum is secure, and ALL matters are referred to it, the decision-making capacity is capable of managing the CAC Act, developing forestry industries and managing any manner of assaults upon their decisions. ¹

Tampering with these forums and their membership processes, or constructing policy driven organisations that erode their legitimacy, is a matter of current historical assessment.

¹ References for these observations are to be found in the work of Hart and Pilling (1926-46); Goodale (1962-82); Venbrux (1988-98); Cook (1996); Graham (2007-08) and Morris (2004-09).

7. What role do women play in the Tiwi Land Council? Are women involved in the process of choosing members of the land council and the land council executive (Chair, Deputy Chair and Managers)? Can you explain how they are involved?

The role of women at all Land Council meetings is significant and a meeting rarely takes place without women in attendance; including Executive and Management and Trustee meetings. Marjorie Liddy`s evidence supports this continuing inclusive regard for women.

There are no Land Council members who hold any position without the concurrence and consent of the female members of their families throughout the Tiwi Islands. Many hold positions exactly because of this support and encouragement. Aspirations to personal influence and prestige are visited upon members by their women-folk rather more often than by competing men.

Land Council members themselves elect their Chair and Deputy every three years. These election meetings are closely followed and attended by large groups of supporting women, many of whom have canvassed their own candidate prior to these elections.

Land Council Managers, first appointed by the Minister in 1995, were drawn from significant elders all of whom had been past Chairmen of the Land Council. Managers were the "elder Statesmen." Land Council concern with the advancing years of Managers led to a selection process for management training by younger men in 1999. Six were selected, and in 2003 Andrew Tipungwuti (aged 29) was also appointed Manager. The training process is ongoing. Now with the establishment of the Land Council HQ adjacent to the Tiwi College it is an intended requirement that older students attend meetings, read and record minutes; review financial statements and compliance and generally are exposed to all Land Council procedures and requirements. This cohort of younger Tiwi students will include young women.

8. What capacity is there for women to be members of the Tiwi Land Council?

Discussions of the Land Council through the past decade record an acceptance and willingness for women to join their numbers. "Of course women will be members; when we work out how best to do it." (C. Kalippa 2009). It is almost certain that the involvement of female College students (Question 7 above) will assert that capacity and interest within the immediate future. Arguably the most significant Land Council position is The Landowner Registrar. She is a particularly strong, capable and accepted Tiwi woman.

Perhaps Land Council discussions with the "strong women" themselves best describes the historical and current difficulties. In answer to the request; "Can you help with your strength to get the kids into school?" the answer was and is, "You know we cannot do anything like talking direct. You know we can`t talk with parents about their kids. That not Tiwi woman way. We got that avoidance tradition, you must know that." (7th November 2008)

Not permitting the legitimate decision making forums decide matters as fundamental as roles and participation of women can have some very twisted and unfortunate outcomes. This is particularly relevant to this inquiry and to the remarkable foresight of the legislature in drafting the Aboriginal Land Rights (Northern Territory) Act 1976 – for traditional recognition and purpose. Tiwi gender distinctions have been variously highlighted to support various policy ambitions of external non-Tiwi “participants” through the last century. Two examples of the unintended consequences involved in social and environmental manipulation of these “good intentions” in regard to gender distinctions illustrates this point:-

- 1. Father (later Bishop) Gsell began his purchase of young Tiwi women in 1915. By 1930 he had purchased 150 young ladies in an attempt to break polygamy and the older male domination of the Tiwi bride resource. This at a time, all authors attest, when the status of women was enhanced through “belonging” to male dominated families both for security and economic reasons. The good intention of Father Gsell achieved two outcomes:- one, a number of dormitories filled with young, largely isolated, people; the other, a woman with a modern cash value on her head. The attached unpublished paper of Dr John Morris (2009) describes the “bidding war” that developed between Father Gsell and Japanese Pearlers during the 1930`s for access to these women. The paper also details the recourse of Father Gsell to Commonwealth support in an attempt to outbid the Pearlers. It is recorded that the Commonwealth declined this request.**

 - 2. More recently in 2003, Tiwi Islands Local Government employed a committed environmental strategist from Adelaide – Sarah Alpers the partner of Mr. Hugh Kneebone who has provided a submission to the Inquiry. Ms Alpers and her colleague Ms. Maren Dumbleton founded a group at Nguiu of generally older Tiwi women on the basis of their being “strong women,” capable of challenging the decisions of the men, particularly as those decisions may relate to the use and management of land. This supposedly environmental and land management purpose is now impacting on difficult gender issues across the Islands. Recently (2nd September 2009) “strong women” apparently conducted some form of non-traditional smoking ritual at Nguiu purporting to recognise 6 or 7 Tiwi male transvestites as “female” members of Tiwi society for ABC television. The consequences of this purported ritual and interference with Tiwi social affairs are yet to be fully understood; however from the alarm already generated it is likely to be profound.**
9. How many women have served on the Tiwi Land Council, when and for how long? Can you explain the reasons for the historical pattern of female representation on the Tiwi Land Council?

Two women have been selected; only one has served and that for one formal meeting only.

The first – Marjorie Liddy was a confidant of a very senior Tiwi leader and member of the Land Council – Mr. Holder Adams. Tragically Mr. Adams was killed in a vehicle

accident in 1988. Mrs Liddy (Dunn as she then was) was, and remains, a quite outstanding person of cultural and spiritually strength. Prior to his death Mr. Adams had made it known that he hoped Marjorie would succeed him on the Land Council. The Land Council had no difficulty in following Mr. Adams wishes. Regretfully Marjorie declined to accept her position on the Land Council.

The second – Michaela Tipungwuti was elected to Tiwi Islands Local Government in a then membership structure that provided for direct landowner “trustee” election to Local Government. Michaela represented the Maluwu Local Government Ward. Educated and capable, the Land Council agreed that Michaela could also sit as a member of the Land Council then seeking nominations to fill a vacancy for the Maluwu land owning group. Michaela`s resignation letter after one meeting has been regretted but understood by members.

Questions for Mr John Hicks, as Company Secretary of Pirntubula Pty Ltd

1. Can you explain to the Committee why Pirntubula Pty Ltd sold Tiwi Tours to its wholly owned subsidiary Mantiyupwi Pty Ltd? Where did Mantiyupwi Pty Ltd get the funds to purchase Tiwi Tours?

Pirntubula sold Tiwi Tours to raise funds for the Tiwi College.

Mantiyupwi people are the traditional owners of land leased as a Township to the Commonwealth. Pirntubula strategy and rationale is to facilitate economic development, and where both appropriate and possible, to actively encourage the direct participation of landowners in that development. Tiwi Tours assets and business activity is wholly based in the Nguiu Township.

Mantiyupwi people, through the Township Consultative Forum, are directly involved in the planning and development of their Township. That includes cabins and tourism business activity of Tiwi Tours. Following independent valuation of the Tiwi Tours assets, Mantiyupwi Pty Ltd purchased Tiwi Tours utilizing funds it had received as part of their transaction with the Commonwealth.

Whilst Pirntubula owns a non-beneficial share in Mantiyupwi it is held for convenience only. Mantiyupwi Pty Ltd is a trustee of a charitable trust established by the Mantiyupwi people. The share is only held by Pirntubula on a temporary basis whilst trust arrangements are established. Mantiyupwi is not in any commercial respect a subsidiary of Pirntubula, and but for that nominal shareholding has no connection with it. Accordingly Pirntubula has no direct or indirect beneficial or commercial interest in Tiwi Tours.

2. Are the eight shareholders of Pirntubula Pty Ltd the eight land trustees of the Tiwi Land Council?

No. Some are and others are not. All are representatives of the eight Tiwi landowning families.

3. Can you please clarify who are the current Chair, Deputy Chair and Directors/Members of Pirntubula Pty Ltd? What payments are made by Pirntubula Pty Ltd to these people? How and by whom are these appointments made?

Chair: Mr. Cyril Kalippa OAM reappointed at AGM meeting of 10 May 2009.

Directors: Mr. Andrew Tipungwuti.

Mr. Matthew Wonaeamirri.

Mr. Walter Kerinaia.

Mr. Craig Phillips (forestry expert)

Mr. Ian Silvester (Chartered Accountant)

The shares in Pirntubula Pty Ltd are held non-beneficially for the benefit of those listed as adults on the Tiwi landowners register.

Mr. Kalippa, Tipungwuti and Wonaeamirri are paid \$10,000 each per year for their work. No other payments are made to any members or Directors.

Appointments are made (or confirmed) every three years through the eight recognised land group meetings of landowner families and recognised leaders.

4. Can you please clarify who are the current Chair, Deputy Chair and Directors/Members of Mantiyupwi Pty Ltd? What payments are made by Mantiyupwi Pty Ltd to these people? How and by whom are these appointments made?

John Hicks has no role or knowledge of Mantiyupwi meetings and does not attend. Mantiyupwi leaders have, however, provided the following detail to assist the committee:

Directors: Mr. Gibson Farmer; Mr. Bonaventure Timeapatua; Mr. Cyril Martin Kerinaia; Ms. Mary Ullungura; Ms. Della Kerinaia.

Mantiyupwi Directors are paid a \$150 meeting fee for their meetings. They are nominated by the group to represent group interest.

Like Pirntubula, Mantiyupwi is a private Tiwi company with no Land Council associations or interests. Its own commercial interests, and presumably the Board appointments are those that may have been facilitated by Mantiyupwi landowners in their planning and decisions for use of their own land from time to time.



John.S.Hicks
8th September 2009.

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The Japanese and the Aborigines: An Overview of the Efforts to Stop the Prostitution of Coastal and Island Women.

John Morris

In the 1920s, a large pearling fleet operated in Northern Territory waters, especially off the Tiwi Islands. A number of the pearling luggers were owned by Japanese interests, while the Australian and Dutch owned vessels were frequently manned by Asiatic crews, especially Japanese skippers and divers, as well as a small number of Aborigines.¹

Due to the moral attitudes of the time, the Asian crews of the luggers did not have access to European women in Darwin. They therefore established a trade in the Tiwi Islands, bartering food, tobacco and calico for the use of local women. In a society that was polygamous, a number of Tiwi men were willing to offer their wives and daughters for prostitution in exchange for desired trade goods.² This system was later to extend to coastal Arnhem Land. As will be demonstrated, government efforts to combat the trade in women were belated and unsuccessful.

Between the two World Wars the coastline of the Northern Territory was a remote and mysterious area, known only to a relatively few non-Aboriginal people. The population along the coastline and on the off-shore islands was entirely indigenous except for a small number of missionaries. In the 1920s, the only static communities along the coastline were the mission stations on Bathurst, Goulburn and Milingimbi Islands. Bathurst Island, one of the Tiwi group of islands, had been declared a reserve in 1910, but the Arnhem Land reserve which fronted most of the north coast of the Northern Territory mainland was not gazetted until 1931. Adventurous non-Aborigines, including pearling crews, could legally land anywhere outside of the reserves. They went beyond this, landing also on Aboriginal reserves without permission.

The first warning of the misuse of women apparently came from Father Francis Xavier Gsell, superintendent of the mission on Bathurst Island. In his annual report for 1928, Gsell warned that the sale of Tiwi women had been expanding for several years and that there were illegal landings on the Bathurst Island reserve by lugger crews. The mission was helpless to do anything, as it could not offer the quantity of trade goods available to the Tiwi from the Japanese and other Asian crew members.³

The Chief Protector of Aborigines in the Territory stated in 1929 that it was "almost impossible to deal with this evil", although the Aboriginal Ordinance prohibited female Aborigines from being on board such vessels.⁴ The stationing of a Protector of Aborigines on Melville Island, the largest of the Tiwi group would not be entirely successful, he said, as the luggers could anchor off other parts of the Territory coastline during lay up periods, that is at the time of extra high tides when pearl diving was not possible.

Suggestions of a high powered motor boat to patrol the pearling grounds were rejected by the Commonwealth Government in 1931 and again in 1933 on the grounds that

funds were not available. Admittedly, Australia was then in the throes of a depression. Nevertheless, there is no written indication that the government considered the possibility of transferring a launch belonging to the Navy or a government department to Darwin. A request by the Administrator of the Northern Territory that the Defence Department station an aircraft in Darwin for patrol work was likewise unsuccessful. In later years several checks were made on the pearling fleet by private planes.

Gsell was able to report in 1933 that lugger crews had less money to spend on trade goods and the Tiwi were turning to the mission to seek work for the items they desired. The men told him, "You feed us, and we will keep our women." This situation changed as income improved in the pearling industry. At the same time, none of the young couples who resided regularly on the mission station were involved with the Japanese.⁵

Over the years the situation gained publicity in Australia and overseas, although there were occasional errors in the reporting by the media. The Sydney newspaper, *Smith's Weekly*, incorrectly stated that Tiwi girls were being taken overseas, while an article published in America and Britain erroneously claimed that once the Japanese finished with the girls, some were thrown over-board while the luggers were at sea.⁶ The liaisons only occurred while the vessels were at anchor. There was, however, at least one case in which a young woman swam ashore at least four times trying to escape being prostituted. Her husband speared her in the leg and took her back to the lugger.

Despite calls from various organisations for the Commonwealth Government to take action to reduce or stop the trade, official response remained one of inability to take any positive action. In 1934, Gsell reported that women were being sold to 60 or 70 Japanese and other Asiatic crew members.⁷ He called for a higher subsidy to enable him to entice Tiwi families away from this trade. His call was supported by bodies such as the Australian Aborigines League and the Aboriginal Fellowship Group, both based in Melbourne. The extra subsidy for food was not provided. Over the years, higher profile organisations such as the Australian and New Zealand Association for the Advancement of Science and the Association for the Protection of Native Races also took up the cause. The government remained adamant. A constant call for Melville Island to be declared an Aboriginal reserve, it said, was not possible as the island was under lease to the British company Vestey's, although that company had failed to use or develop the island in any way. Instead, the government proposed that a staff member on Bathurst Island Mission be appointed a Protector of Aborigines to keep the lugger crews from landing in the islands. Gsell was opposed to such a suggestion, seeing the duties of a Protector as cutting into the work of the mission.

An alleged decrease in the Tiwi population in late 1935 was attributed to the probable spread of disease arising from the prostituting of the Island women. The Minister for the Interior, Thomas Paterson, suggested that the reports from Bathurst Island were "greatly exaggerated".⁸ The only action by the Northern Territory Administration about this time was to send an occasional police patrol to the islands. However, the detention of two luggers in 1936 failed to even dent the trade.⁹ In fact, according to Gsell, it had increased alarmingly over the last two years, with girls as young as ten being sold despite their protests. A Tiwi woman told a police officer that there were

30 or more Tiwi-Japanese children in the bush. These, together with a few part-Japanese children being raised on Bathurst Island mission, became part of the Stolen Generation.

The possibility of disease still raised its head. The Chief Medical Officer, however, advised the Acting Administrator of the Territory at the end of 1936 that there was no information available to suggest there was an undue prevalence of venereal disease amongst the Tiwi, and he was unable to send a medical patrol to the islands until after the New Year.¹⁰

An unexpected opportunity for more effective action came through the inception of an airmail service between Europe and Australia. A sea rescue service was inaugurated in case a plane was forced down while crossing the Timor Sea between the Dutch East Indies and Northern Australia. The Northern Territory Patrol Service was thus established in 1936. The Service comprised a 45 feet long vessel, the *Larrakia*, which carried a crew of five. The Department of the Interior proposed that the rescue vessel should also be used to conduct checks on the pearling fleet. The priority of the Service, however, was sea rescue, patrols to the pearling grounds being a secondary duty.¹¹ When the *Larrakia* undertook patrols to the pearling grounds several Tiwi or Arnhem Land Aborigines were recruited as pilots. Unfortunately, while doing sterling work, the patrol boat suffered a number of mechanical and other functional difficulties from the time of its arrival in Darwin in May, 1936.

In 1937 pearling activities moved to the waters of Arnhem Land. This led to concern by the Methodist Overseas Missions in that reserve. For one thing, a girl of no more than 12 years had been sighted on a lugger. Despite the hard work of the crew, the *Larrakia* was seen to be the wrong type of vessel for its task. A journalist who accompanied one patrol wrote an article entitled "Hopeless Quest of the *Larrakia*", while Jack Childs, a European diver, declared that the *Larrakia* did not frighten the Japanese.¹² Smoke signals sent up by Aborigines warned the lugger crews when the *Larrakia* appeared along the coast of Arnhem Land. Such signalling did not occur in the Tiwi Islands, where the arrest of a lugger there by the *Larrakia* led to heavy penalties being inflicted on the culprits. For some unknown reason, no action was taken against a second vessel apprehended there shortly afterwards.¹³

Melbourne anthropologist Donald Thomson, working in Arnhem Land in 1937, reported that lugger crews were becoming bolder, anchoring in five localities along the coast of the reserve when tides made diving impossible. Thomson reported the prostitution of women particularly at two of these landing places, including the use of "little girls". "Authority", he said, "was set at nought, the Reserve violated, prostitution flourished and serious friction occurred between the people and the Japanese in which weapons were brandished and fighting only narrowly averted."¹⁴

Control bases, each manned by a police officer, were established in two sites on the Arnhem Land coast in 1937, to maintain a watch on the pearlery. During several patrols to Arnhem Land, the *Larrakia* detained Japanese luggers. On one occasion, the patrol vessel broke down and had to be towed back to Darwin by the vessels it had arrested. The Arnhem Land patrols, unfortunately, turned into a further fiasco when,

to the consternation of the Administration, the charges against the Japanese failed in the Supreme Court of the Northern Territory in 1938.

The government had taken steps to tighten the Aboriginal Ordinance, amending it to allow for the forfeiture of any vessel found in territorial waters off an Aboriginal reserve. When the Administrator, C.L.A. Abbott, enforced this law master pearlers in Darwin protested, threatening to move their boats from Northern Territory waters.¹⁵

Captain C.T.G. Haultain, in charge of the Patrol Service, was of the opinion that it was Japanese and Malays indentured to Australian owned vessels who were responsible for the trade in women, not those working on Japanese owned luggers.¹⁶ In 1932 five Japanese trepangers had been massacred at Caledon Bay in Arnhem Land.¹⁷ The crews of Japanese owned luggers, he later said, were too frightened after the massacre to involve themselves with Aboriginal women.¹⁸

After a long delay due to expenditure cuts, a more efficient vessel, the *Kuru*, joined the Patrol Service as pearling operations were re-established around the Tiwi Islands. With the pearlers' presence in force there again, the government finally took action to implement the long held recommendation that a control base be established at Garden Point on Melville Island. This occurred in March, 1939. Around the same time, Japanese divers were convicted following their arrest in Apsley Strait. As a consequence, this strait, which separates Melville and Bathurst Islands, was closed to pearling luggers.

The Commonwealth, however, still refused to approach the Vestey's company about surrendering its lease of Melville Island. This action was left to The Anti-Slavery and Aborigines Protection Society, a London-based organisation, which successfully approached Vestey's of its own volition. Once the lease was surrendered, Melville Island and all of the small islands in the Tiwi group were gazetted as a reserve in February, 1941. In truth, the action was too late. The declaration of war between Australia and Japan meant that the Japanese involvement in the local pearling industry was at an end.

Despite the onslaught of the depression and a desire to tread carefully with the "friendly nation" of Japan, the government could have made a much earlier and more effective response to the trade in Aboriginal women. The granting of a higher subsidy to the Bathurst Island Mission would have enabled Gsell to combat the power of the Japanese and Malays by making food and other desired items available to Tiwi families. The earlier establishment of a better equipped and larger patrol service and of more control bases could have possibly closed down the trade. As it was, the inefficiency and costliness of the Patrol Service were highlighted by Captain W.H.V. Waterson, who served briefly in it. Three convictions gained by the *Larrakia's* patrols, he stated, had cost the Commonwealth 20,000 pounds.¹⁹ The government's reaction to the situation of the coastal Aborigines was indeed one not to be proud of.

As for the Aborigines, incidents in their relationship with the Japanese became part of their oral history.

As for the Aborigines, incidents in their relationship with the Japanese became part of their oral history. In the 1960s, Tiwi men recounted stories about this era in their history without any disconcertion. In contrast, several women who spoke of their part in the trade did so with some embarrassment.²⁶ While, Harney suggests that the women welcomed the trade, Gsell claimed that the men forced their women, including young girls into prostitution, especially at times when bush foods were scarce.²⁷ The Minister for the Interior, Thomas Paterson, supported Gsell's claim when he said that "the natives themselves encourage the Japanese, the men being only too eager to barter their women for sticks of tobacco."²⁸ It must be accepted that Gsell was correct. Politically and economically, traditionally women were a valuable commodity in Tiwi society. As Hart points out, wives and daughters were in a customary sense, "quite thoroughly subordinate to the wishes of their fathers or husbands."²⁹ When it came to the Japanese trade, "the old father or husband was kept permanently in tobacco and food" through an arrangement which became an important influence upon the traditional Tiwi system of marriage.³⁰ Thus, the value placed on the women of the Tiwi Islands became a higher one during the 1920s and 1930s, the years of the incursion of the Japanese pearlers into the lives of the Aborigines of the Tiwi Islands and Arnhem Land.

¹ The non-Japanese crew members were usually referred to as "Malays", but they could be Indonesians

or Malays. Tiwi and other Aborigines worked on some luggers.

² "Black Women Exploited", *The Herald*, Melbourne, 24/9/1936.

³ National Archives of Australia (NAA): A431/1, 51/1294, Bathurst Island Mission Station Annual Report 1928.

⁴ NAA: A431/1, 51/1294, Dr. C. Cook to Government Resident, 25/2/1929.

⁵ NAA: A431/1, 51/1294, Annual Report to the Government of Bathurst Island Mission, Jan. 1933 to Jan. 1934.

⁶ NAA: A659/1, 39/1/797, *American Weekly*, 1938 (No other publishing details).

⁷ *The Herald*, Melbourne, *op. cit.*; F.X. Gsell, *My 50 Years of Mission Life*, unpublished ms., p. 35.

⁸ *Sydney Morning Herald*, 19/4/1934.

⁹ See, for instance, NAA: A659/1, 1941/1/991, (1) resolution of the Association for the Protection of Native Races, Sydney, 21/8/1934 and (2) Anti-Slavery and Aborigines Protection Society, London, to Prime Minister's Department, 6/7/1938; *The Aborigines' Protector*, Vol. 1, No. 16, January 1939, pp. 17-18.

¹⁰ NAA: A431/1, 51/1294.

¹¹ *Sydney Morning Herald*, 23/9/1935.

¹² *The Advertiser*, Adelaide, 25/8/1936: two indentured Japanese divers were each fined 50 pounds in default 6 months imprisonment.

¹³ A number of the children born out of the Japanese-Tiwi trade were eventually located at Garden Point Mission on Melville Island when it was set up in 1940-41. See, for instance, NAA: NTAC1980/111, NN, "Evacuation of Japanese Half-Caste Boys from Melville Island", 12/8/1943.

¹⁴ NAA: A659/1, 39/1/7917, Dr. C. Cook to the Acting Administrator, 16/12/1936.

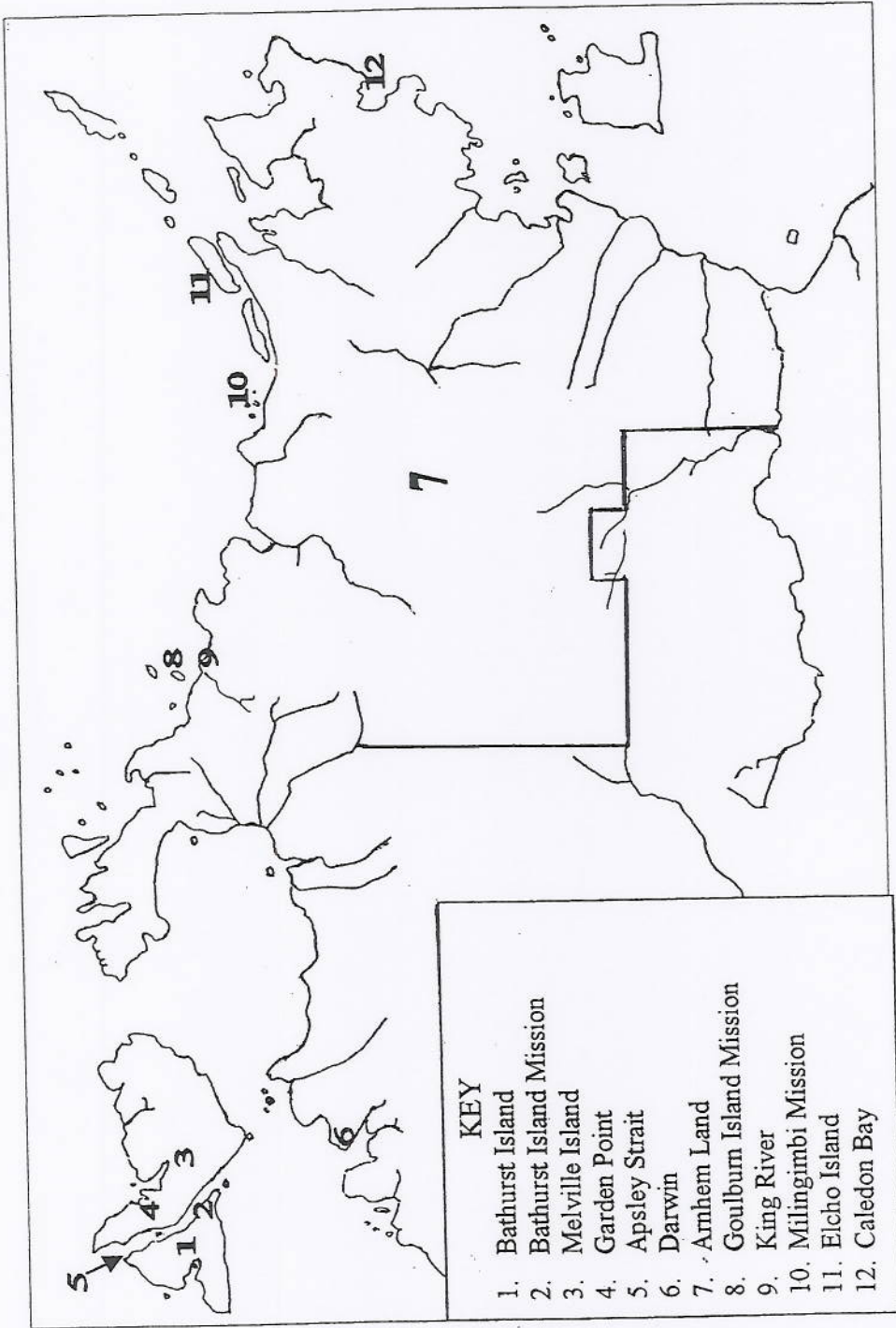
¹⁵ C.T.G. Haultain, *Watch Off Arnhem Land*, Canberra: Roebuck Books, 1971, p. 8.

¹⁶ Maisie McKenzie, *Mission to Arnhem Land*, Adelaide: Rigby, 1976, p. 93: Rev. George Goldsmith of Goulburn Island Mission said that the Tiwi "men had a shrewder business sense" than the Iwaidja men of Goulburn Island "and demanded higher payment" from the Japanese.

¹⁷ T. Southwell-Kelly, *The Advertiser*, Adelaide, 4/1/1937; *Northern Standard*, 18/1/1938.

¹⁸ Haultain, *op. cit.*, pp. 49 and 68; *The Herald*, Melbourne, *op. cit.* Unfortunately, neither source offers details of the "heavy penalties".

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- ¹ The non-Japanese crew members were usually referred to as “Malays”, but they could be Indonesians or Malays. Tiwi and other Aborigines worked on some luggers.
- ² Tiwi men who recounted events in the trade while I was collecting oral histories in the 1960s did do without embarrassment. It was obvious that this was not the situation with several women who recounted their stories.
- ³ National Archives of Australia (NAA): A431/1, 51/1294, Bathurst Island Mission Station Annual Report 1928.
- ⁴ NAA: A431/1, 51/1294, Dr. C. Cook to Government Resident, 25/2/1929.
- ⁵ NAA: A431/1, 51/1294, Annual Report to the Government of Bathurst Island Mission, Jan. 1933 to Jan. 1934.
- ⁶ NAA: A659/1, 39/1/797, *American Weekly*, 1938 (No other publishing details).
- ⁷ *Sydney Morning Herald*, 19/4/1934.
- ⁸ *Sydney Morning Herald*, 23/9/1935.
- ⁹ *The Advertiser*, Adelaide, 25/8/1936: two indentured Japanese divers were each fined 50 pounds in default 6 months imprisonment.
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- ¹² T. Southwell-Kelly, *The Advertiser*, Adelaide, 4/1/1937; *Northern Standard*, 18/1/1938.
- ¹³ Haultain, *op. cit.*, pp. 49 and 68; *The Herald*, Melbourne, 24/9/1936.
- ¹⁴ Donald Thomson, *Commonwealth of Australia. Northern Territory of Australia. Report on Expedition to Arnhem Land, 1936-37*, Canberra: Commonwealth Government Printer, 1939, pp. 14 - 15.
- ¹⁵ *Northern Standard*, 5/4/1938.
- ¹⁶ *The Herald*, Melbourne, 21/6/1937.
- ¹⁷ NAA: A1/15, 1936/111; Ted Egan, *Justice All Their Own*, Melbourne: Melbourne University Press, 1996.
- ¹⁸ *Northern Territory News*, 25/6/1953.
- ¹⁹ *The Courier-Mail*, 23/5/1939.



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