

# **Submissions for the Senate**

## **Standing Committee on Environment, Communications and the Arts**

**(Inquiry and report due by 25 June 2009  
– Submissions due by 13 March 2009)**



Forestry and mining operations on the Tiwi Islands

Submission by the Tiwi Land Council

13 March 2009

[The Senate Committee has agreed to publish extracts of the full submission, and to keep other sections confidential. This document contains those extracts.]

## 1. Executive Summary

Australians' quality of life and their enjoyment of it is directly dependent upon the participation of Australians in the structures of the economy, social institutions, cultural and political frameworks.

The Tiwis' aspiration is to integrate their social and cultural aspirations within these broader Australian frameworks so as to improve their opportunities to live, productively work and benefit from the sustainable use of the resources available on the Tiwi Islands.

Tiwi landowners, in common with landowners throughout the world, have managed their lives upon their land through use and management techniques to ensure that use was sustainable. It had to be; and it was for many thousands of years.

A short 100 years ago management of Tiwi lives began to shift away from reliance upon land use to encouraged reliance upon the benevolence of external others. A short 50 years ago government policy began entrenching the commitment and sustainability of this reliance upon these "others." A short 20 years ago Tiwi landowners experienced the flaw behind this commitment. It could not be relied upon!

Thirty years of Federal and Territory Government support and development of the Tiwi Forestry Industry ended in an instant with a Cabinet decision of July 1986. Minutes of the Tiwi Land Council record the promises given and the hopes and enthusiasm of landowners through the 1960's, 70's and early 80's. "12,000 hectares; \$6M of plantation pine; your industry; your opportunity for a life for your people upon this land." Landowners embraced these hopes. Forestry workers were the elite of the Tiwi workforce. The Land Council retains records and photographs of this period. Suicide was unheard of. Drugs and alcohol were managed by responsible Tiwi leaders. Intimidation, threats and violence were not tolerated by families or by the community. Tiwi themselves instituted their own income management practises to deny misuse of money and direct it towards maintenance and care of their own families. Children went to school and learnt how to read and write.

These forestry workers have become old men. Many that survive are now among the leaders of the Tiwi Land Council. They have done what Australia expects of its leaders;- kept hope alive. More than that, they have delivered on those hopes in attracting investment that government cannot provide to secure the sustainability of their Tiwi forestry industry upon their land. They have explored and considered over 50 alternate industries and economic development opportunities over 30 years, including art and cultural products. They have also discovered that government itself recognises that support for the arts and culture is not an investment in any economy but an investment in expressions of identity and of the unique societies that make our Nation. Tiwi landowners also recognise that government should not provide direct business investments because experience records that commitments are shallow and vulnerable. Substantial business requires substantial partners committed to each other and to the outcomes of their business.

You will read in these accompanying pages of our forestry operations, the governance regime and environmental and contractual compliance of those operations; you will read of our unsustainable Mining industry and the safeguards and protections implicit in our agreements; of our economic benefits, and of our culture and community. You will not read that economic development for aboriginal landowners is very different to any other Australian landowner with tracts of land they wish to use to benefit their communities. Only that Tiwi landowners wish to use only

10% of theirs and currently use less than 5%. You will also read that the 5% is a sustainable and very professional use of land that commences rotational harvest in four years time providing work, opportunities and an economy that will never again be vulnerable to reliance “upon the others.”

You will read how use of small areas of their land is providing the purpose for its management by landowners themselves. How use of less than 10% of it is not only providing the monetary resources to manage that 10%, but also the skills and commitment to preserve the 90% through environmental planning and techniques that are sustainable in the hands of the landowners themselves. This is a society of landowners gaining skills, information and experience through use of up to 10% of their land, committed through that experience, to the environmental wisdom and integrity to care and preserve 90% of it.

Tiwi Leaders have truly delivered upon their commitments and profound belief in the dignity and humanity of their people:- that they are entitled to a life for their people upon their land beyond the perceptions of aboriginal quaintness that endears their society to many of the “others”. The following submission also records, for those able to appreciate Tiwi decision-making, a quite extraordinary business acumen that may well feature in recovery from our current world financial crisis. It is the Tiwi structured quadruple bottom line;- community benefit, sustainability, environmental integration and profit. And the first of these – community benefit, has been the enduring responsibility of the Land Council and its leaders through the past 30 years. It is a responsibility that has been discharged.

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## 2. Introductory Abstract

This is the submission of the Tiwi Land Council in respect of the Senate Standing Committee on Environment, Communications and the Arts inquiry into the forestry and mining operations on the Tiwi Islands.

The Traditional Landowners have forestry, plantation and mining projects that are environmentally sustainable and have brought them an enormous net benefit. Benefits include:

- (a) over \$2M per annum of revenue generated directly to the Traditional Landowners;
- (b) community benefits to the Tiwi Islanders worth over the equivalent of \$1.5M per annum to the Traditional Landowners in the form of schools, vital infrastructure services, support for sporting clubs, environmental preservation projects and local housing;
- (c) the creation of 37 full time jobs and industry capacity for over 100 more jobs; apprenticeships training and on the job training for a total in excess of 200, together with integrated forestry school training through the Tiwi College with current capacity for 72 students and planned capacity for over 200 students;
- (d) external contracting opportunities for the Traditional Landowners that will be worth up to \$40M annually by 2012; and
- (e) increasing direct revenue to Landowners of over \$4M annually from first harvest in 2013, sustainable as 3000ha re-plantings continue each year.

Every project is subject to rigorous legal and regulatory safeguards that protect the unique interests of the Traditional Landowners, including:

- (a) formal legal agreements that have been negotiated and drafted to comprehensively protect the unique cultural and environmental interests of the Traditional Landowners;
- (b) the approval process of numerous NT and Federal government bodies;
- (c) approval by the Tiwi Land Council after following the Tiwi Land Council's formal and transparent decision-making process – a process that is highly consultative of the Traditional Landowners and other specialists e.g. environmental specialists;
- (d) inclusion of mandatory environmental rehabilitation programs funded by the relevant commercial operator;

- (e) external contracting opportunities for the Traditional Landowners that will be worth up to \$40M annually by 2012; and
- (f) directly fund a vast array of infrastructure and community projects. e.g. training programs, community facilities, ancillary employment programs

Commercial forestry, plantation and mining projects on the Tiwi Islands at present comprise the various forestry/plantation projects of Great Southern Limited and the presently suspended mineral sands mining project of Matilda Minerals Ltd (in administration) which is expected to be resumed by Stirling Resources Limited in 2009.

Every proposal for a new forestry, plantation or mining project must go through a formal and rigorous analysis process that comprises these primary components:

- (a) the Tiwi Land Council's formal decision-making process which involves extensive consultation with the Traditional Landowners and technical specialists (e.g. environmental assessors) (see section **Error! Reference source not found.** below);
- (b) seeking regulatory approval from all relevant Government bodies (see section **Error! Reference source not found.** and **Error! Reference source not found.**);
- (c) negotiating and executing formal commercial agreements which protect the unique interests of the Traditional Landowners (see section **Error! Reference source not found.** and **Error! Reference source not found.**);
- (d) responding to continuing and extensive weekly meetings and consultations referencing decisions that have been made, and are about to be made, that monitor compliance and outcomes through inspections and daily work of Tiwi Rangers as reflected in minutes of the Tiwi Islands Natural Resource Management Committee; the Biological Reference Group; Tiwi Enterprises and Contracting; Tiwi Fire Management Committee, Tiwi Weed Committee and other minuted community and organisational group meetings, together with informal community reference groups; and
- (e) responding and meeting with family and group recipients of forestry funds managed by independent accountants and Tiwi Fund Managers representing their interests.

As is evident in the information provided in this submission, the Traditional Landowners are well-placed in continuing to reap the benefits of present and future commercial forestry, plantation and mining projects on the Tiwi Islands

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### **3. Forestry operations**

#### **3.1 History of forestry operations on the Tiwi Islands**

Modern saw milling of timber for export sale was established on Melville Island in 1898. The South Australian Government identified Melville Island as "an excellent

area for plantation forestry” in 1927. The Commonwealth initiated plantation development in the 1950`s and NT Government Forestry operations extended these plantations until their withdrawal in 1986. Minutes (1978 to 1986) of Government plans and promises to Traditional Landowners for a plantation industry with initial development to 12,000ha have been retained. Following 1986, landowners demanded the Tiwi Land Council maintain existing plantations and seek investment to develop the forestry industry further on Melville Island. Government refused to give any financial assistance and a decade later the Tiwi Land Council was successful in attracting private investors, Sylvatech, to assist their vision of a forestry plantation industry on the Tiwi Islands. Sylvatech commenced plantation development in 1997. By 2003, approximately 3,000 hectares of development plantings had been established.

Ninety percent of Tiwi land is to be untouched. Landowners calculate they must manage and use up to ten percent to establish a livelihood and a future for their people on their own land. Currently 3.9% of the Tiwi Islands is used for plantation forestry.

## **7. Environmental protection**

### **7.1 History of environmental management on the Tiwi Islands**

In 1910 the Roman Catholic Church was granted 10,000 acres on the south eastern tip of Bathurst Island, and in 1911 Father Francis Gsell established a mission site at Nguuu. Thus began the historical shift of Tiwi’s away from residence on their traditional lands. Pirlangimpi was established in 1939 on the northwest coast of Melville Island, and Milikapiti on the north Melville Island coast was established in 1940. Wurankuwu was established on central Bathurst Island in 1994 as a population centre for people with links to that area. 99% of Tiwi landowners live within these communities.

So 100 years ago the management of Tiwi land shifted away from traditional practices as the lives of Tiwi people were increasingly centred around their communities. A past Chairman of the Tiwi Land Council wrote *“It is not enough to hope that the land will look after itself.”* And, in fact, undeveloped and unoccupied land is not by default land that is free of threats. An unforeseen result of the shift to communal living was the removal of the capacity of Tiwi landowners to manage their natural resources across the landscape.

By the middle of the 20<sup>th</sup> century, there were uncontrolled feral pig populations across Bathurst Island, a large herd (probably 3,000 or more) of feral buffalo across Melville Island, and the gradual importation of weeds and other feral animals, either inadvertently, through government pasture trial schemes or as pets. As roads were constructed and access improved between communities, the risk of the spread of threats from communities into the broader landscape increased. While there was general acceptance that these issues occurred, there was no capacity to quantify or manage them.

By the time satellite imagery technology became available for general use, it was discovered that in excess of 50% of the Tiwi Islands are burnt every year, and almost 50% of those fires are destructive, hot, late season fires. Areas around access roads are consistently burnt every year. This is a far cry from traditional hunting and burning patterns.

In the mid 1990's a project was set up at Milikapiti under the National Landcare Programme to carry out restoration works around the community, initially focussing on erosion control and riverbank stabilisation. It soon became apparent that such projects would not be sustainable, and could not extend far from communities. Key factors were the reliance on CDEP (work for the dole employment), the lack of basic support infrastructure such as vehicles and equipment, the lack of comprehensive environmental data on both threats and values, the inability of any Tiwi organisation to manage tracts of land outside communities, the short term nature of externally funded projects, and the reliance on external facilitators to deliver them.

At around the same time, Sylvatech commenced discussions with the Tiwi Land Council to re-develop a plantation forestry industry on the Tiwi Islands. This began a new era of environmental management across the whole Tiwi Islands. After encouraging results from trial plantings, the following occurred in quick succession:

- (a) 1998: An environmental impact assessment for forestry on the Tiwi Islands commissioned by the Tiwi Land Council. This document brought together the existing natural resource data available for the Tiwi Islands and, more importantly, identified the gaps.
- (b) 2000: A study of the biodiversity of the Tiwi Islands, based on the collation of previous records and three months field work, carried out for the Tiwi Land Council by the Parks and Wildlife Commission of the NT and "prompted by proposals for...plantation forestry on the islands". This study also provided recommendations for ongoing biodiversity conservation.
- (c) 2000: Tiwi Islands Plantation Forestry Strategic Plan. This document, and the process through which it was developed, also provided the basis for agreement by the NT Government, Sylvatech and the Tiwi Land Council on environmental management standards on the Tiwi Islands in general. In addition, it identified and documented gaps in environmental infrastructure, policies and procedures.
- (d) 2001: Commencement of intensive field surveys to further assess the biodiversity values on the Tiwi Islands, and provide management recommendations. Joint project between Parks and Wildlife and the Tiwi Land Council, with funding assistance from the Natural Heritage Trust. Reports finalised in 2003.
- (e) 2003: Assessment of soils on the Tiwi Islands, and associated land capability assessments for a range of land uses, including forestry.
- (f) 2001-2003: Development of a Tiwi Islands Geographic Information System (GIS) and the Tiwi Islands Regional Natural Resource Management Strategy, completed in 2004.

While there were a few other studies undertaken during this period, the ones mentioned above were a direct result of the Tiwi forestry project, and provided the much needed data for overall environmental management across the Tiwi Islands. The forestry project also resulted in the ongoing employment of a dedicated Environment Manager by the Tiwi Land Council.

By 2005, Great Southern had committed to the payment of salaries for 8 Land Rangers and 2 Marine Rangers, managed by the Tiwi Land Council. Prior to this, the environmental management staff within the Council consisted of one Manager and

two Marine Rangers. The additional 10 staff therefore doubled the capacity for marine management, and created a capacity for land management that did not previously exist. The resulting expansion of environmental management capacity on the Tiwi Islands is indicated by the list of projects at 7.4 below.

Section 8.1 (g) below details Great Southern's direct contribution to the knowledge and management of threatened species across the Islands. In addition, the infrastructure provided through the forestry project has enabled additional studies (outside of EPBC Act compliance) on threatened plants, Butler's dunnarts, fire/carbon and pest ants.

#### 7.4 Environmental projects

The forestry, plantation and mining arrangements have funded or otherwise assisted in creating many environmental projects for Tiwi. Those projects could not continue without the funding received from the forestry, plantation and mining arrangements. Some of the larger projects are summarised as follows.

| Project                                 | Description  |
|---|--|
| Natural resource management secretariat | <p>The Tiwi Islands have been recognised for their high contemporary conservation values, and the challenge is to consider the interests of non-residents while acknowledging that it is those who rely on the region for their daily living that will be most affected by natural resource management actions both now and into the future.</p> <p>In response to different interests within the region, the Tiwi Land Council has adopted an approach to natural resource management based on the principles of sustainable development and maintenance of Tiwi culture. Over the past 5 years, they have directed significant resources into compiling and presenting baseline information, identifying and defining regional values (both traditional and contemporary), and identifying and prioritising issues that need to be addressed. They have also listed activities that need to be carried out in order to protect and manage environmental and cultural values. The underlying tenet is to continue to support the lives of the permanent residents of the Tiwi Islands.</p> <p>The Tiwi Land Council has determined that a strategic approach to natural resource management is a prerequisite for progressing sustainable and appropriate industries with minimal adverse environmental impact. In 2001 Tiwi Land Council Managers developed an Environment Policy that identified a vision for natural resource management within the region, and nine key areas for natural resource management. They then developed a Natural Resource Management Strategy as the next step to implementing the Environment Policy. The Strategy brings together all natural resource management projects already completed or underway, and provides a template for long term planning and decision making. It also embeds the responsibility for informed natural resource management in Tiwi leaders.</p> <p>Contemporary regional natural resource planning and management is an evolutionary process, and monitoring, amendment and review are an integral part of strategic implementation. Since the Strategy recommends direction for government, industry, communities and other land users, the implementation of it is consultative, and recommendations for implementation and review are considered from all stakeholders, both Tiwi and non-Tiwi.</p> <p>The Strategy has been circulated widely among communities, government and industry both on and off the Tiwi Islands. In this way the practices and ideas of Tiwi Landowners has been widely shared, and are</p> |

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|  | consulted when land use proposals are being developed to ensure that they conform to the desired outcomes (and delivery mechanisms) of Tiwi people.   |
| Tiwi Land Ranger Programme                       | <p>Tiwi Land Rangers carry out various land management and liaison activities, have outstanding expertise in discovering and monitoring targeted species, play a central role in threatened species management and regularly undertake environmental contract work on the Tiwi Islands.</p> <p>Established in 2006 to help address the gap in land management capacity across the Tiwi Islands. Funding support from forestry partners Great Southern allowed the full-time employment of 8 Land Management Officers, who by 2008 had all graduated with Certificate II in Conservation and Land Management through Batchelor College. Land Rangers are now enrolled in Certificate III. The first annual report of the Land Ranger programme is attached as schedule 11.</p> |
| Tiwi Marine Ranger Programme                     | Funded by the Tiwi Land Council with wages support from Great Southern, Marine Rangers provide vital coastal and marine liaison and management functions that include coastal patrols, reporting unusual or illegal activity and recording marine debris and threatened species research. Their importance was highlighted in 2000 when instances of illegal fishing activities and the arrival of foreign vessels at Port Hurd and Milikapiti proved the importance of maintaining a watch on the Tiwi coastline, much of which is extremely remote.   |
| Milikapiti Rehabilitation Plant Nursery          | With funding support from Matilda Minerals, the Milikapiti Nursery is set up to carry out all aspects of vegetation rehabilitation, from seed collecting and propagation, through nursery operations, to planting out and ongoing monitoring.   |
| Endangered Olive Ridley Turtles Research Project | In 2004 the Tiwi Land Council entered a partnership with the World Wildlife Fund to undertake research work on Olive Ridley turtles. At the completion of the WWF project, Tiwi Landowners decided to continue this important work. The Olive Ridley is an endangered species, and very little is known about it in Australia. The Tiwi Islands are an important breeding area for these turtles, and every year Tiwi Marine and Land Rangers work with scientists to monitor nesting rates. Matilda Minerals also provided support for the Marine Rangers to monitor and manage all turtle nesting adjacent to their mining tenements.   |
| Pest ant management                              | Commenced in 2005, this partnership project with CSIRO aims to eradicate fire ants from Melville Island. Tiwi Rangers work in partnership with CSIRO scientists, and Great Southern provides logistical support.  |
| Weed management                                  | Now an Islands wide programme involving all stakeholders. Land Rangers, funded through Great Southern, treat off-lease weeds, audit weed management on lease areas and review results annually.   |
| Melville Island feral pig eradication            | An ongoing programme to eradicate feral pigs from Melville Island managed by Land and Marine Rangers. Great Southern provide support through wages, and also through strategic burning around feral pig infestations.   |
| Tiwi Islands fire management research            | Joint project between CSIRO, Great Southern and Tiwi Land Council, with all parties providing funding and logistical support. Research to develop and implement fire management regimes across the Tiwi Islands that enhance biodiversity conservation and investigate opportunities for carbon trading.  |
| Threatened species recovery plans implementation | Partnership projects between NRETAS, Great Southern and Tiwi Land Council implementing the Butler's dunnart and threatened plants recovery plans. Funding provided by all partners, with logistical support   |

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| (concluded in December 2008)                                 | provided by Great Southern.   |
| Tiwi Islands quarantine                                      | Land and Marine Rangers undertake quarantine monitoring activities for AQIS on a fee for service basis. Since wages for the Rangers are paid by Great Southern, income earned is put back into the overall environmental management programme.  |
| Marine pests   | Marine Rangers undertake monitoring at Port Melville for marine pests and provide results to NT Fisheries. Great Southern assists through Marine Ranger wages, and ongoing maintenance of the settlement trap.  |
| Rainforest monitoring  | Joint project between Great Southern and Tiwi Land Council. Long term (5 + years) transects have been established across a series of rainforests across the Tiwi Islands to measure edge effects over time due to cyclones, fire or other disturbance. This is not a requirement of Great Southern's under EBPC Act conditions. |
| Tiwi Water Allocation Planning (to commence late March 2009) | Joint project between CSIRO, NRETAS, Griffith University and Tiwi Land Council. Major stakeholders will include Great Southern and Tiwi Islands Shire Council.  |

Of the \$957,947 spent on natural resource management in the 2008 financial year, \$378,500 was contributed by Great Southern Limited.

#### 8.4 Alternative industries

Schedule 9 provides a summary of the 57 projects and proposals tabled and considered by the Tiwi Land Council over the past thirty years. The schedule also lists consideration by the Tiwi Land Council and outcomes of these proposals. They include those listed in the table below:

| No. | Project/Proposal                                 | No. | Project/Proposal                |
|-----|--|-----|---------------------------------|
| 2.  | Cultural Products and Tiwi Art                   | 3.  | Network Marketing               |
| 4.  | Community Clubs and Stores projects and support  | 5.  | Bridging Apsley Strait          |
| 6.  | Traditional Knowledge preservation and promotion | 7.  | Crayfish Harvest                |
| 8.  | Tourism General                                  | 9.  | Workers Village and Housing     |
| 10. | Saw Milling                                      | 11. | Leader Prawn farming            |
| 12. | Mining   | 13. | Homeopathic Medicines           |
| 14. | Coastal Barge Services                           | 15. | Buffalo Breeding                |
| 16. | Black Lip Oyster Farming                         | 17. | Jelly Fish Harvesting           |
| 18. | Cashew Farming                                   | 19. | Sandalwood production           |
| 20. | South Seas Pearling                              | 21. | International Resort and Marina |
| 22. | Inter-Island Ferry Services                      | 23. | Exotic Timber                   |

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|-----|--|-----|---------------------------------------|
| 24. | Tiwi Pole House                            | 25. | Sea Cucumber Harvest                  |
| 26. | Bio-prospecting                            | 27. | Horticulture                          |
| 28. | Pig and Buffalo Hunting Safaris            | 29. | Billygoat Plums                       |
| 30. | Space Transportation                       | 31. | Tourism joint fishing and hunting     |
| 32. | Film and Television                        | 33. | Commercial crabbing and fishing       |
| 34. | Giant Clam Farming                         | 35. | Crocodile Safari Hunting              |
| 36. | Barge Landings and infrastructure          | 37. | Tiwi Art                              |
| 38. | Commercial Use of Native Plants            | 39. | Cocoa Plantations                     |
| 40. | Commercial Fishing and Mud Crabbing        | 41. | Cattle Farming                        |
| 42. | Banking and Financial Services             | 43. | Tiwi landowner Gallery                |
| 44. | Plantation Forestry                        | 45. | Security Services                     |
| 46. | Civil Works and Infrastructure Contracting | 47. | Mangrove Worms                        |
| 48. | Essential Oils                             | 49. | Interactive Discovery Project         |
| 50. | Alternate Energy – Tidal                   | 51. | Gas Plant and Pipeline infrastructure |
| 52. | Prawn Farming                              | 53. | Tourism Fishing                       |
| 54. | Palm Oil                                   | 55. | Crocodile Eggs                        |
| 56. | Aquaculture                                | 57. | Crocodile Farming                     |
| 58. | Passenger Ferry Services (mainland)        | 59. |                                       |

The Traditional Landowners have previously assessed alternative industries to their current forestry, plantation and mining industries, and note the particular interest of the Senate as “*an examination of the prospects for alternative economic development opportunities and impediments for the Tiwi Islands including sale and promotion of cultural products.*”

There are approximately 60 Tiwi Artists at work through four Tiwi Art Centres at any given time. The total Tiwi population is 2350. This is a community where 1 in 40 of the entire population are productive artists at any one time with the bulk of the remainder able and interested in reflecting the dignity and harmony of their society through their art. Many are Land Council members of long standing themselves. The diversity of these expressions extend beyond painting to pottery, jewellery, ceramics, carving and abstract design.

The selective questioning of Art and Culture in the context of economic development is a concern that the Tiwi Land Council has shared with indigenous academics in New Zealand and Australia. None is able to identify Art and Cultural products as “economic development.” All regard the question as “astounding.” Professor Manuka Henare of the Maori Business Department of Auckland University has referred the Land Council to the United Nations Charter declaring economic development as a

basic human right for indigenous communities throughout the world. The Land Council queries whether the Senate has invited such an examination of Art and Cultural products from any other similar sized communities (of 2500 people) as an alternative to whatever it is they may be trying to establish for their own economies on their own land.

After thorough analysis and consideration by the Tiwi Land Council and thorough consultation with Traditional Landowners, the overwhelming findings confirmed that none of those industries could offer sufficient, sustainable revenue generation or a similar level of cost-benefit that forestry, plantation and mining offer.