

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

Outcome Number: Cross Outcome

Question No: 387

Topic: Payments made and received

Hansard Page: Written

Senator Scullion asked:

In response to question 458, the NLC said that agreements with barge operators were negotiated in accordance with consultative requirements of the Act. Provide:

- Details of what meetings have been held.
- Minutes of the meetings.
- A list of those attending and dates of the meetings.

Answer:

As explained in the Northern Land Council (NLC's) responses to Questions on Notice from the Committee after Estimates on 3 June 2011, and after Estimates on 19 October 2012, the provision of goods by barge to communities in Arnhem Land has predominantly been provided by one operator pursuant to s 19 licences granted under seven agreements for seven communities between the operator and the Arnhem Land Aboriginal Land Trust.

Four of these agreements commenced in 1997 (Gapuwiyak, Milingimbi, Galiwinku and Ramingining), and the remaining three agreements commenced in 2000 (Maningrida, Minjilang and Warruwi).

The agreements initially arose after traditional owners of the first four communities approached the operator in 1995 seeking a financial return for use of their land. The traditional owners were supported by their respective local councils, on behalf of the Aboriginal communities, and the NLC formally corresponded with those councils.

In 2000 an additional operator began operating in the communities without the permission of the traditional owners or a s 19 licence as required by the *Land Rights Act*. This caused tension and led to consultations in all seven communities in 2000. The NLC again formally corresponded with the respective local councils. The first operator agreed to enter agreements in the remaining three communities, and the second operator agreed to enter agreements in seven communities. In due course the first operator acquired the second operator.

Details of the meetings in the seven communities for the above licences are as follows:

- Gapuwiyak – Formal consultations were conducted in relation to the first operator in February 1997 and on 27 May 1998. The Gapuwiyak Council, representing the

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Aboriginal community, supported the agreement including in a letter dated 26 June 1995. Further consultations were conducted in relation to the second operator on 25 July 2000, including NLC correspondence to the local council dated 18 April 2000.

- Milingimbi - Formal consultations were conducted in June 1996, 27 August 1996, and 26 May 1998. The Milingimbi Council, representing the Aboriginal community, supported the agreement including in a letter dated 6 July 1995. Further consultations were conducted in relation to the second operator on 10 May, 25 May and 21 July 2000, including NLC correspondence to the local council dated 18 April 2000.
- Galiwinku - Formal consultations were conducted in relation to the first operator on 22 October 1996, 1 November 1996, and 31 March 1998. The Galiwinku Council, representing the Aboriginal community, supported the agreement including in a letter in June 1995. Further consultations were conducted in relation to the second operator on 24 May and 20 July 2000, including NLC correspondence to the local council dated 18 April 2000.
- Ramingining - Formal consultations were conducted in relation to the first operator on 11 March 1997 and 26 May 1998. The Ramingining Council, representing the Aboriginal community, supported the agreement including in a letter dated 26 June 1995. Further consultations were conducted in relation to the second operator on 20 July 2000, including NLC correspondence to the local council dated 18 April 2000.
- Maningrida - Formal consultations were conducted in relation to both operators on 31 May, 6 July and 18 September 2000, including NLC correspondence to the local council dated 18 April 2000.
- Minjilang - Formal consultations were conducted in relation to both operators on 18 July 2000, including NLC correspondence to the local council dated 18 April 2000.
- Waruwi - Formal consultations were conducted in relation to both operators on 19 July 2000, including NLC correspondence to the local council dated 18 April 2000.

In accordance with NLC practice each meeting was notified to traditional owners and to the Aboriginal community.

Given privacy considerations the NLC considers that it is not appropriate to provide minutes of the meetings or a list of the attendees.

As explained in the NLC's responses to questions on notice from the Committee after Estimates on 3 June 2011, and after Estimates on 19 October 2012, there are now four other operators that provide barge services to communities in Arnhem Land (ie Galiwinku, Ramingining, Maningrida, Minjilang, Waruwi). Consultations were conducted between 2010 and 2012 with a view to granting s 19 licences to those operators on similar terms, however, the agreements have not yet been implemented.

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Given privacy considerations, and also since the agreements have not been implemented, the NLC considers that it is not appropriate to provide minutes of the meetings or a list of the attendees.