

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates Hearing 25-29 May 2015

Prime Minister and Cabinet Portfolio

Department/Agency: Tiwi Land Council

Outcome/Program: Outcome 2: Indigenous

Topic: Agreement to Lease Framework with the Land Development Corporation

Senator: Senator Nova Peris OAM

Question reference number: 132

Type of question: Written

Date set by the committee for the return of answer: 10 July 2015

Number of pages: 1

Question:

1. The Tiwi Land Council signed an Agreement to Lease Framework with the Land Development Corporation in December 2014. What are the statutory requirements of the Tiwi Land Council to provide information to the traditional on the nature and purpose of this Lease?
2. What were the nature and length of the consultations with the traditional owners?
3. Were women traditional owners consulted on the nature and purpose of the Lease?
4. How long did the traditional owners have to consider the proposal of the lease agreement before it was finally agreed to?
5. For this lease to be finalised it must receive the consent from the Federal Minister under the Land Rights Act. Was this consent given?
6. What is the responsibility of the Tiwi Land Council in ensuring that the terms of the lease are upheld?
7. What are the reporting requirements of the Tiwi Land Council to the traditional owners in relation to this lease?
8. What are the statutory reporting requirements of the Tiwi Land Council to the Minister for Indigenous Affairs in relation to this Lease Agreement?

Answer:

1. No lease/s has/have been agreed to or signed. The TLC negotiated and signed a Tiwi Development Framework Agreement with the Land Development Corporation, which

sets out the processes (statutory and otherwise) required should there be a desire by traditional owners to lease land through LDC for economic development. The Framework Agreement was developed over a period of extensive consultation with traditional owners (see below). There is no 'Agreement to Lease Framework', the correct name is the 'Tiwi Development Framework Agreement'.

2. Consultations are ongoing, and are as follows:

MEETING EXEC & TRUSTEES 349 27-8-13

NT Chief Minister, Member for Arafura, NTG Staff and x9 senior traditional owners in attendance.

MEETING EXEC & TRUSTEES 353 8-10-13

NTG/LDC Staff and x12 senior traditional owners in attendance.

MEETING EXEC & TRUSTEES 357 13-11-13

NTG/LDC Staff and x9 senior traditional owners in attendance.

FULL MEETING TLC 279 3-12-13

NT Chief Minister, NTG Staff and x41 traditional owners in attendance.

MEETING EXEC 358 12-2-14

NTG/LDC Staff and x7 senior traditional owners in attendance.

MEETING EXEC 361 23-4-14

NTG/LDC Staff and x6 senior traditional owners in attendance.

Meeting Tiwi Corporate 14-5-14

NTG/LDC Staff and x17 traditional owners in attendance.

FULL MEETING TLC 282 3-6-14

NTG /LDC Staff and x37 traditional owners in attendance.

MEETING EXEC 382 19-11-14

NTG/LDC Staff, Member for Arafura, Hon Peter Chandler MLA and x9 senior traditional owners in attendance.

FULL MEETING TLC 286 10-12-14

NTG /LDC Staff and x32 traditional owners in attendance.

MEETING EXEC 389 18-2-15

LDC Staff and x9 senior traditional owners in attendance.

8 of the 8 Tiwi land owning groups were also consulted separate to the above.

All met with LDC as follows:

- Malawu Landowners meeting on 19-2-14 (NTG/LDC Staff and x75 traditional owners in attendance)
- Wulirankuwu family meeting on 23-6-14
- Mirrakawuyanga family meeting on 23-6-14
- Portaminni (Wurankuwu group) family meeting on 8-5-14
- Mantiyupwi Directors on 13-5-14
- Tikalaru family on 16-6-14
- Yimpinari family on 17-6-14
- Consultation meeting on Economic Development at Pirlangimpi 1-12-14. LDC Staff and 19 (mainly Munupi) traditional owners based at Pirlangimpi in attendance plus 9 further traditional Tiwi land owners from other communities.

N.B. Along with the aforementioned, staff of the Land Development Corporation have attended various locations across the Tiwi Islands, meeting with a range of traditional owners, clan groups and community members on a total of 27 other dates across all Tiwi communities during the period October 2013 – December 2014.

LDC/NTG Staff will also be attending future meetings with relevant land owning groups, including TLC Executive meetings and the next meeting of the Full Land Council in July for further consultation.

ATTACHMENTS

** Attachment 1 - NTG produced Consultation Package provided - November 2013.*

** Attachment 2 – Information Package on Development Framework provided to full TLC on 9th December, 2014.*

3. No lease has been signed, but women were consulted with regard to the Tiwi Development Framework Agreement as per consultations noted at question 21.
4. No lease has been agreed or signed. The Tiwi Development Framework Agreement does not transfer any interest by way of lease or licence. If a lease is consented to by the Traditional owners, it will have to be shown that they understand the nature and purpose of lease and as a group, have consented to it, that the Aboriginal communities and groups which may be affected by the lease have been consulted and have had adequate opportunity to express their views to the Tiwi Land Council and the terms and conditions of this Lease are reasonable.
5. No lease has been agreed or signed.
6. No lease has been agreed or signed.
7. No lease has been agreed or signed.

8. No lease has been agreed or signed.