

Ngalalek and Werenbun Aboriginal Corporations

Jawoyn Traditional Owners
C/o Ngalek Aboriginal Corporation
PO Box 2069
Katherine NT 0851

Justice Howard Olney
Aboriginal Land Commissioner
[Address removed]

PROPOSED KATHERINE REGIONAL LAND COUNCIL

This submission has been prepared and lodged by and on behalf of the Jawoyn Traditional Owners who are members of Ngalek and Werenbun Aboriginal Corporations.

As Jawoyn Traditional Owners we do not support the application for the proposed Katherine Regional Land Council because we do not believe the proposed new land council is able to satisfactorily perform the functions of a land council in particular s.23 (1) (a) (b) (ba) (c) of the Act.

The applicants claim they will be able to “*inform the Traditional Owners directly or by such means as they have requested*”. We do not believe this is a true statement of the Jawoyn Association’s capability due to the following instances:

1. As Jawoyn Traditional Owners who are members of the Jawoyn Association we have never been consulted about this application - we became aware of this proposal through the local media.
2. Prior and subsequent to lodging their application, the applicants, they failed to inform directly, or by any other means, the approximately 120 Jawoyn Traditional Owners who are represented by Ngalek and Werenbun Corporations of their proposal.
3. The proposal to form a “break away” land council using Jawoyn Association resources, our “royalty” money and claiming Jawoyn support has never been tabled or approved at a general meeting of the Association.

We believe the following points demonstrate the applicant’s inability (to) *identify the Traditional Owners*” and “*their respective decision-making processes*”, and failure to provide or comply with accepted standards of governance for Traditional Owners as per the Land Rights Act.

In 1985 the membership rules [attachment removed] of the Jawoyn Association were written to ensure Traditional Owners living on country would retain control of their land and income, through voting and membership rights. In developing the membership rules the Association ensured they were consistent with the Land Claim findings.

The establishment of the Nitmiluk Act and lease and the decision to have the lease and concession money paid to the Association were based on these membership rules. In 2008 the current administration of the Association deviously changed these membership rules, weakening the position of Jawoyn Traditional Owners. ORIC made a token attempt to

amend the Rule Book in 2010, however their inability to engage with traditional Aboriginal people ensured this process was unsuccessful and the membership rules were diluted even further.

Full details are contained in the attached letters [attachment removed] sent to [name removed] and [name removed].

[Name removed] was a member of the Nitmiluk National Park Board (NNP Board) for over 10 years. Under the Nitmiluk Act the Nitmiluk National Park Board will:

“(1) The Board shall consist of 13 members appointed by the Minister, of whom:

(a) 8 shall be traditional Aboriginal owners of the Park appointed on the nomination of the Jawoyn Association;”

The duties of these board members as set out in the Act are:

“16 Functions of Board

The functions of the Board are:

- (a) to prepare plans of management for the control and management of the Park;*
- (b) to make decisions, not inconsistent with this Act and the plan of management, in respect of the Park;*
- (c) to protect and enforce the right of Aboriginals entitled by Aboriginal tradition to use and occupy the Park to use and occupy it;*
- (d) to ensure adequate protection of sites of spiritual or other importance in accordance with Aboriginal tradition in the Park;*
- (da) to enter into agreements with the traditional Aboriginal owners of the Park in relation to the control and management by the Board of land outside the Park in respect of which those owners are also the traditional Aboriginal owners; and*
- (e) the other functions in relation to the Park or other land imposed on the Board by or under this Act, the lease, the plan of management or an agreement under paragraph (da).”*

“(b) being advised in writing by the Jawoyn Association that, in its opinion, a member appointed on the nomination of the Jawoyn Association has failed properly to perform the duties of the member's office; or”

On the 21st October of 2010 [name removed] and [name removed], on receipt of the attached letter which expresses the views of Jawoyn Traditional Owners, sent the attached letter to the Minister for Parks and Wildlife.

The signatories to this letter purport to be *“the opinion of the Jawoyn Association”*. This letter was written and submitted a week before the Association board of Directors meet and passed a resolution revoking [name removed] appointment to the board on the grounds, *“[Name removed] has and is acting contrary to the wishes of the Jawoyn Association Aboriginal Corporation and the majority of Jawoyn Members including, but not limited to, actively and opening lobbying against the granting of sub-lease in Nitmiluk National Park for the purpose of building Cicada Lodge tourism accommodation infrastructure.”*

[Name removed] was removed from the NNP Board for representing the wishes of Traditional Owners by an applicant to an application which claims to be able to consult with and represent the rights of Traditional Owners.

On the 22nd June 2011 the attached members notice was lodged with the Jawoyn Association. This notice was signed by 99 Jawoyn Traditional Owners who are members of the Corporation. Since this date signatories to the application for the proposed land council and senior officers of the Corporation have threatened, bullied and intimidated signatories to the notice. [Name removed] wrote to the Association on behalf of these members [attachment removed] and requested the Corporation cease acting in this manner.

Their response has been to increase the threats and intimidation against members – as evidenced by the two letters to the Jawoyn Association from Traditional Owners and members that signed the Notice requesting the special general meeting.

[Attachments and personal details removed due to privacy concerns]