



Aboriginal Way

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Above: Bunggul (ceremonial dancing) for opening of Garma 2017. Read full article on page 4.

New claim for the South East of SA

Native Title claims for areas in the South East of South Australia have been approved by community members and lodged by SA Native Title Services (SANTS).

The First Nations of the South East Claim #1 and #2 cover areas near Keith to the coast and across to the Victorian border, including the towns of Mount Gambier, Penola and Lakes Bonney, George and Eliza.

Native title holders are held to be First Nations of the South East people under

traditional law and customs and descendants of particular people who lived in that area.

The claim was authorised at a meeting in Mount Gambier and lodged on 4 August 2017.

SA Native Title Services CEO Keith Thomas welcomed the authorisation and lodging of the claim.

“They’ve been waiting a long time, there have been limited resources available to prepare this application” he said.

“I congratulate that community and am pleased that the process to have their native title recognised has begun” said Mr Thomas

SANTS Senior Anthropologist Robert Graham will prepare a Native Title report as required by the court.

The claims are now awaiting registration by the Federal Court. The First Nations of the South East Claim #2 has some parts which overlap the existing Ngarrindjeri and Others Native Title Claim.

That overlap area has been excised from the Ngarrindjeri Claim and mediation has commenced, as the Ngarrindjeri Claim is heading for a Consent Determination in coming months.

“The lodging of this claim marks significant progress in the resolution of native title across the state” Mr Thomas said.

“This is a large claim area and leaves only some small areas of the state yet to be subject to claim” he said.

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Council votes for Elliston Memorial to acknowledge massacre

Wirangu elder Jack Johncock has welcomed the Elliston District Council's proposal to include the word "massacre" on a memorial marking the site where Aboriginal people were killed at Waterloo Bay 170 years ago.

"I just think it's a win for everybody that that grim day is now out in the open for everyone to read about and acknowledge" he told CAAMA Radio.

He says it's well known in the West Coast community that Aboriginal people were driven off the cliffs in 1849.

"The Elliston Massacre was one of the biggest stories of our time and everybody on the West Coast here knows of it" he said.

"People were driven over cliffs over the murder of a settler called John Hamp." Mr Johncock told the ABC in July.

His comments come after a debate that has taken place since the building of a new walking trail and memorial at the site earlier this year.

"They were lucky enough to get a grant for some walking trails and they wanted to put some monuments there" Mr Johncock explained.

"The monuments are there now, acknowledging the Wirangu on one and acknowledging the other clan groups of the area on the other.

Mr Jody Miller, a Nauo and Wirangu man, told *Aboriginal Way* that those acknowledging the tragedy at Waterloo Bay needed to remember those connections.

"Nauo people were pushed towards Elliston and chased off the cliff as well back in 1849.

"The Nauo people were involved, as were their neighbours the Kokatha people" he said

Three stone monuments now stand at Waterloo Bay. However the smallest monument in the middle remains blank and what will go on it has been the subject of fierce debate.

While no-one disputed that Aboriginal people were killed, the words to be used to describe what happened on that day have been debated.

"The problem in the last few months has been the wording to go on the monument and one word in particular – massacre. A lot of people in the area were not in favour of that" said Mr Johncock.

While many people see it as an important recognition of the events, other locals opposed the word. petitions circulated around Elliston opposing the use of the term "massacre".

The use of the word "massacre" was initially tied to how many people had been killed on that day in debates over the topic.

Some estimated that 200 people had died, however an anthropologist hired by the Council to examine the issue put the estimate much lower, possibly at 25 to 50.

Anthropologist Tim Haines advised the Council that the number of people killed was difficult to accurately define. He said that it was evident that killing had happened there and that in fact the number killed should not make a difference to the use of the word "massacre".

At a Council meeting on Monday 19 September, Council voted to include wording that included the word "massacre" on the monument.

They voted to remove the term "large" from the plaque's description of the number of people killed.

Elliston District Council Chairman Kym Callaghan said after the meeting that the council's resolution would be put to the Wirangu people for their consideration.

Mr Callaghan had initially opposed the word's inclusion, but changed his mind after reading Supreme Court documents about the incident, and after visiting the site with two Wirangu people.

Mr Johncock said that although this current debate had taken some time, it was just a part of a much longer journey, with local people starting the discussion

about a monument around 40 years ago.

"It's been a long journey to have some recognition, a lot of them didn't want to have anything to do with us" he said

"As much as it's been a battle with the wording this time, I've got to pay homage to the current Council. At least they've negotiated with the Wirangu."

Mr Johncock says he will encourage people to accept the Council's proposal. He has met with other local Aboriginal people to discuss the proposal.

"The Nauo really want to get on board with this issue" Mr Miller told *Aboriginal Way*.

"Wirangu came across and sat down at the table with us and acknowledged it was Nauo as well involved in this.

"We want to know more but also to support the Wirangu as much as possible" he said.

Mr Johncock told CAAMA Radio that he will support acceptance of the Council's proposal.

"I for one will be encouraging our mob to accept what council have put forward, I think it's been a win. I think this thing has been many years on the table and finally its recognition that has finally been given to our people"

"We can all move forward now. It's been a long long fight, the outcome is palya" he said.



Community members meet at the site of the Elliston Memorial.

Native title voice growing

The National Native Title Council (NNTC), the peak advocacy body for the native title sector, has welcomed Traditional Owner groups as members for the first time.

The Quandamooka Yoolooburrabee Aboriginal Corporation, from Queensland, and the Mungarlu Ngarrankatja Rirranunkaja Aboriginal Corporation from the Central Desert region of Western Australia, were accepted as members of the NNTC at a Council meeting held in Perth in September.

The inclusion of the two groups signals a significant change to the structure of the advocacy body and gives members of Prescribed Bodies Corporate (PBCs) and Traditional Owner Corporations (TOCs) a direct voice in the work of the Council.

Chief Operating Officer at the NNTC Carolyn Betts says that the change will

enable all parts of the native title sector to work together in policy development and advocacy.

“The native title sector has been developing rapidly in recent times

“It’s time to ensure all parts of our sector are able to become properly involved in national dialogues and debates on the issues that affect us” Ms Betts said.

Originally formed as an alliance of Native Title Representative Bodies (NTRBs) and Native Title Service Providers (NTSPs) from around Australia, the NNTC aims to provide a national voice to represent the interests of native title and Traditional Owners.

Earlier this year a new structure was announced for the body, it now includes two member classes – Local Native Title Organisations for traditional owner

groups (PBCs and TOCs) and Regional Native Title Organisations for NTRBs and NTSPs.

The new governance structure includes dedicated places on the Board for PBC or TOC representatives and ensures that those groups can participate in the National Council of Members, Ms Betts said.

PBCs and TOCs from around Australia are invited to submit applications for membership of the NNTC.

“The NNTC is going through a process of structural change and by becoming members PBCs and TOCs can help shape the organisation into the future” said Ms Betts.

Membership forms and further information can be obtained from carolyn.betts@nntc.com.au

The NNTC meets for its Annual General Meeting on 25 October in Brisbane, where the formal election for new Board members will be held.

NNTC Hosting Regional Forums

The Department of Prime Minister & Cabinet (PM&C) is supporting regional forums for native title groups and Prescribed Bodies Corporate PBCs across Australia.

Hosted by the National Native Title Council, the meetings aim to facilitate information sharing and collaboration between native title holders and the regional offices of PM&C. It comes as the PM&C introduces a transition model for PBCs to move towards greater self-sufficiency.

Representatives from native title groups in South Australia will receive invitations for the meeting taking place in our state.

Compensation becoming clearer but High Court Appeal looming

How the Courts will calculate compensation due to native title holders for loss of native title rights is becoming clearer after recent decisions in the Federal Court.

In August 2016, the Federal Court delivered its decision regarding compensation payable for loss of non-exclusive native title rights and interest in land in the town of Timber Creek in the Northern Territory.

Under that decision, the Northern Territory government was ordered to pay approximately \$3.3 million to the Ngaliwurru and Nungali People. The Court had considered a range of compensation issues, and accepted that the Ngaliwurru and Nungali people ought to be compensated for both economic and non-economic loss.

Justice John Mansfield heard that case and said that it was a significant one in his long career.

“The Timber Creek compensation case, it was a great privilege as a judge to be able to decide” he told *Aboriginal Way*.

“The people who gave evidence were able to show a very close connection with the land, a continuing and very real connection with the land and a continuing sense of disappointment and embarrassment and shame about having lost the land that was taken away from them” he said.

Considering compensation payable for both economic and non-economic loss was the next step, he explained.

“When you came to analyse how much money should be allowed for the non-

economic part of the land, because working out how much the land was worth was relatively straight forward, there was quite strong evidence to show how much it meant to those people and how much they’d suffered from having lost that land, their capacity to manage the land, their capacity to do things on the land which they did.

“And then you have to put a number to it. No number is right, no number is enough, but in terms of our law in the Native Title Act, we have to put a number to it and I suspect there’s a number which some people think is too high, there might be some people who think it’s a bit low, I don’t know, I did the best I could” he said.

The initial decision was appealed by the Northern Territory government, supported by the Commonwealth and others. In July, the Full Court of the Federal Court of Australia largely upheld Justice Mansfield’s original decision in the case.

The Full Court agreed with the “intuitive” approach to determining the non-economic value of the native title rights and declined to interfere with the compensation award in that respect. However, the Full Court reduced the award for economic loss from 80 per cent to 65 per cent of the freehold value of relevant land in the township of Timber Creek.

The decision is now the subject of special leave applications to the High Court to appeal against various aspects of the Full Court’s decision. Applications have been lodged by all three of the main parties to the case, the Ngaliwurru and Nungali people, the Northern Territory and the Commonwealth of Australia.

Stolen Generations waiting

Applicants for the Stolen Generations Reparations scheme are still waiting for a response, six months after applications closed, with no clear date set for a final announcement on the scheme.

The Reparations scheme was announced by the Government late in 2016, and aims to provide some recognition for people who were forcibly taken from their families as children.

On closing applications under the scheme, the Government said that the Independent Assessor Mr John Hill would meet with all applicants and consider their applications before making recommendations to the Aboriginal Affairs and Reconciliation Minister Kyam Maher.

In August Mr Hill told State Parliament that demand has been higher than expected, with almost 450 applicants submitting applications.

The Advertiser reported then that Mr Hill said his office was yet to meet with more than half of them, and final payments could not be determined until all applicants were assessed because each successful applicant would receive the same amount.

The Government has confirmed in Parliament that the total budget available under the scheme would not be altered from the original \$6 million, meaning that the total number of successful applicants would affect the amount payable to each Stolen Generations survivor.

Speaking to Parliament in August, the Minister Kyam Maher said that the government does not have an exact date for when successful applicants will be advised of the outcome.

“With the much higher number of applications than were originally expected, there is significantly more work to do going through the applications, assessing the applications, and every applicant was given an opportunity to

meet face to face to tell their story and have it, if they wished, told to the independent assessor.

At that stage around half of applicants had spoken to the Assessor, Mr Maher said.

“I am advised that, to date, over 200 applicants have met with the independent assessor already as part of the individual reparations scheme. They are continuing to be processed, and we will process them as quickly as possible.

The Government could not provide a date when the applicants could be advised, Mr Maher said.

“With a much higher take-up than was originally expected we do not have a final date, but as soon as possible.

“Later this year or early next year is the anticipation” Mr Maher told Parliament.

Given the length of the process, a small group of people have been paid interim amounts ahead of the final announcements, Mr Maher said under questioning from the Opposition Leader Mr Stephen Marshall in Parliament in August.

“These have been ones where there have been compelling reasons due to the medical circumstances of individuals that have warranted not waiting until the whole scheme had finished” he said.

“It is something where some cases have been rushed very, very urgently. In some of these the officers involved have gone above and beyond in turning some of these around exceptionally quickly and getting the information needed as a matter of urgency, rushing them to make these part payments to make sure there is that act of recognition in a part payment while they are still alive.

The partial advance payments were around \$5000 each to 11 applicants, the Minister said.

Garma an important stop on the road to constitutional reform

The Prime Minister and Opposition Leader have responded to the proposed First Nations Voice to Federal Parliament during the annual Garma Festival held at the Gulkula ceremonial grounds in northeast Arnhem Land.

The First Nations Voice was recommended by the Referendum Council after a national consultation process that culminated with a convention at Uluru and the release of the Uluru Statement from the Heart.

The Garma Festival this year had a strong focus on the proposed constitutional reform, with an opening workshop “Dialogue on Status of Australia’s Constitutional Reform”, co-chaired by Referendum Council leader Pat Anderson and Gallarrwuy Yunupingu.

Federal politicians attending also addressed the questions of a First Nations Voice and Makarrata in their speeches to the Festival.

The Opposition Leader expressed support for the proposal, while the Prime Minister appeared noncommittal.

In his speech, the Prime Minister Malcolm Turnbull spoke about the difficulties in changing the constitution, before acknowledging the request that had been put to the government.

“The Referendum Council has told us that a voice to Parliament is the only option they advise us to put to the Australian people. We have heard this, and we will work with you to find a way forward.

“To win, we must all work together to build a high level of interest and familiarity with the concept of a voice, and how this would be different, or the same, as iterations of the past like the National Aboriginal Conference or the Aboriginal and Torres Strait Islander Commission” Mr Turnbull said.

Pat Anderson told The Guardian Australia she felt his comments in a press conference following the address “backed completely away from everything he’d said” in his speech.

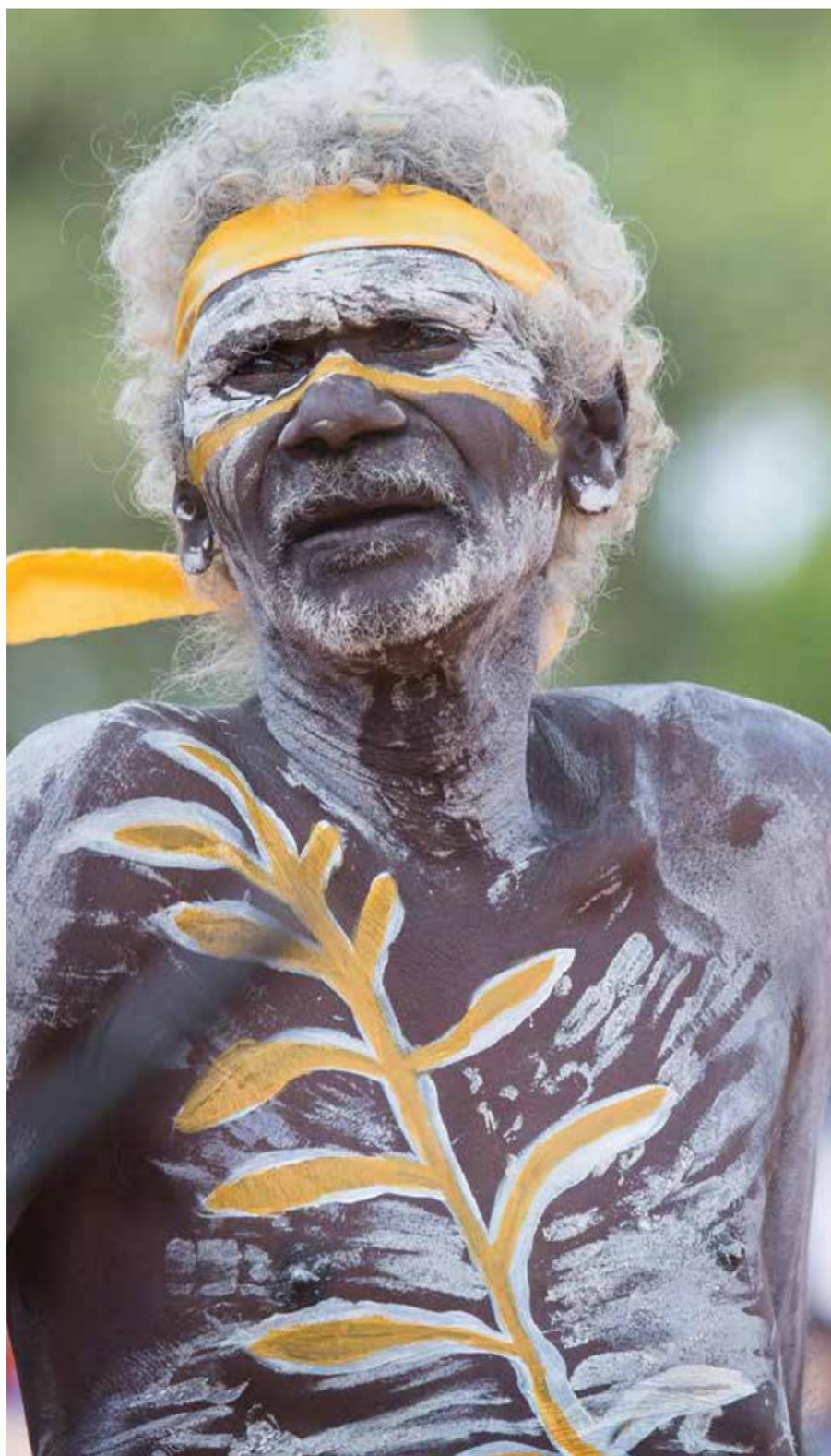
In his speech to the Garma Festival, Opposition Leader Mr Shorten said that “voting for a constitutional voice is our chance to bring our constitution home, to make it better, more equal, more Australian”.

He also earlier proposed a parliamentary committee to finalise the recommendations with a view to completing a referendum proposal by the end of the year.

Referendum Council leaders Meagan Davis and Pat Anderson rejected the call for a new committee on the issue, with Ms Anderson telling The Guardian Australia that “We need another committee like a hole in the head”.

She said any way forward had to be through the Australian people, encouraged by a strong campaign.

“I don’t know if [parliament] is going to do it without considerable pressure from the electorate. We’re going to have to do it again like we did in 1967.”



This page, left to right, from top: Bunggul dancer at opening of Garma 2017; Professor Meagan Davis; Prime Minister Malcolm Turnbull; Opposition Leader Bill Shorten; Mr Gallarrwuy Yunupingu, Chairman of the Yothu Yindi Foundation; Referendum Council Co-Chair Pat Anderson. Opposite page, top: Cultural education in the Youth Forum at Garma 2017. All photos courtesy of the Yothu Yindi Foundation.



Councils consider January 26

Councils around Australia are reviewing and changing how they mark January 26, with the Adelaide City Council Lord Mayor Martin Haese supporting a proposal for more inclusive events in the city on that date.

The Adelaide City Council has noted a proposal by its Reconciliation Committee that it recognises the impact of Australia Day celebrations and that it adds processes to events on that date to better recognise the history of Aboriginal peoples prior to European settlement.

Reconciliation committee member Ivan-Tiwu Copley put forward the motion. He told the Advertiser that he felt Australia Day should start with recognising the First Nations people, followed by a welcome to country, and then “acknowledge the past and the history leading up to settlement and then move on”.

Lord Mayor Martin Haese supported the recommendation, saying the committee “really is a trailblazer”.

“It was a very respectful and, I think, constructive debate. I congratulated the team afterwards” he said.

The Council has noted the recommendation in a September meeting, a non-binding recognition of the proposal.

In Victoria, Yarra and Darebin Councils in inner city Melbourne recently declared that they wouldn’t hold citizenship ceremonies on January 26, leading to the Federal Government removing their right to hold those ceremonies at any time.

Darebin resident and 3KND Aboriginal Radio worker Erica Higgins, who was at the meeting when that council made the change, said that it was a decision that made community members feel included.

“It was a great honour to feel that we could be involved in changing some of the things that haven’t made us feel fantastic over the years” she told *Aboriginal Way*.

“The council is helping us feel proud of being part of the greater nation of Australia, proud of our achievements, was a real honour and then to be at the actual council meeting where that happened” she said.

The Council voted 6-2 in favour of a motion that said that “January 26 marks the beginning of the British invasion of Aboriginal and Torres Strait Islander lands and oppression of the Aboriginal and Torres Strait Islander people, and is therefore not an appropriate date for an inclusive national celebration”.

The motion also called on the Council to lobby the federal government to change the date of Australia Day.

Ms Higgins explained why she and others would like the date to change.

“What I find often is difficult is Survival Day and other names that are given to it, it brings up a lot of unhappy memories for people. It’s not a day that makes us feel included, it’s not a day that feels like a celebration.

“It’s hard to think that there are newer people becoming Australians on that day when that day started some sad business for our people. The loss of land, the loss of language, the loss of culture” she said.



Above from top: Erica Higgins and supporters following the Darebin Council’s decision; Darebin Council discusses changes to January 26.

New approach to prisons needed

South Australia is long overdue for a new approach to prisons and re-offending according to one tireless community volunteer. Her comments come as the Government launches a major reform to corrections policy in the state.

Heather Agius was awarded SA Female Elder of the Year at the 2017 SA NAIDOC Awards. Her award was in recognition of many years of work with Aboriginal people in the justice system.

Mrs Agius works at the Nunga Court and at '9C' hearings, both mechanisms designed specifically for the sentencing of Aboriginal people accused of crimes. She also works at the Aboriginal Legal Rights Movement (ALRM) as an AVS worker and is a visiting inspector in prisons.

She has seen first-hand the challenges faced by offenders, particularly young Aboriginal offenders in the South Australian corrections system.

"It's very hard for people, some who have been there very young. It's very scary

for them. And they don't talk a lot. They don't express themselves a lot, they're frightened and they're very cautious about speaking to anybody."

According to Mrs Agius, offending is often influenced by difficult backgrounds and once in the system, offenders receive very little support or advocacy.

"One young lad I did a 9C for, and there was nothing for him.

"He was a very quiet lad, his mother had been on drugs, and he didn't want to say anything about his mother that was bad,

"I explained to him that he needed to tell the judge that he is not bagging his mother or talking bad about his mother. It's just what he's had to deal with in that life that he had been in.

"There were just a lot of things that he hadn't learnt. He was just existing in that life. There was no door opened for him to change his life, so he was just existing" she said.



Heather Agius with Anthony Wilson and Winnie Warrior at 2017 Lord Mayor's NAIDOC Awards.

Mrs Agius believes that more support and education would enable offenders to change their lifestyle and reduce re-offending across the community.

"If that young man had had a case worker, they would have done a whole lot of things, and paid attention to housing, support, dealing with the drug issue.

"There needs to be life skill programs. There needs to be education. A lot of the guys don't access education because it's a shame job, they may not even know their ABC, so it's about trying to get them to move to another level in their lives but they don't because of the shame.

"I try to encourage them to do it, because it's about getting out of the rut that they are in" she said

Currently once people leave prison there is very little support available says Mrs Agius.

"Well there's none that I know of. We have ASG, which is the Aboriginal Sobriety Group who support people, there is one man is very good with the Aboriginal guys, doing case work with them and trying to get them on track. But he's only one person and there's not many others" she said.

This situation makes re-offending common Mrs Agius says.

"They keep going back because they haven't been exposed to a different life style. You know once they're in, and they're with their mates, they come out and they're with the same people, who are in the same positions that they are, in a very depressed state. And so often drugs are the only way out for them" she said.

Her comments come as the State Government releases a report on the corrections service in South Australia. The report was written after a year-long review led by Warren Mundine.

The Government says that *Reducing Reoffending: 10% by 2020* marks a landmark change in correctional services policy in South Australia.

The strategy will cost \$40 million and includes initiatives in accommodation and support services for those released from prison, as well as education and training

for those in prison.

The Government says it will also support the development of an Aboriginal Framework for Correctional Services and the investigation of a Community Transition and learning centre to rehabilitate Aboriginal offenders from remote communities.

The select committee's report was informed by input from an Aboriginal Reference Group – members were: Cheryl Axelby, CEO of ALRM, Sharon Gollan, Consultant, Paul Tanner, State Government Senior Aboriginal Justice Officer, Wayne Miller, Indigenous Community Engagement and Governance officer, Ceduna Aboriginal Corporation and Allan Jones, Managing Director of Aboriginal Recruitment Training and Employment (ART).

On the release of the report, Chair Warren Mundine said that the perspective of Aboriginal people was central to the review.

"Early on, we decided to appoint a separate Aboriginal Reference group to advise on factors specific to Aboriginal reoffending. This advice informed the development of all recommendations within the strategy, with seven recommendations specific to Aboriginal people."

On the release of the new Government strategy, Department of Correctional Services (DCS) Chief Executive David Brown said "It is no secret that the South Australian prison system has operated at capacity for some time now.

"This growing incarceration rate, which includes high levels of reoffending, demonstrates a clear need to implement new responses that engage the broader sector in supporting offenders to live crime free lives.

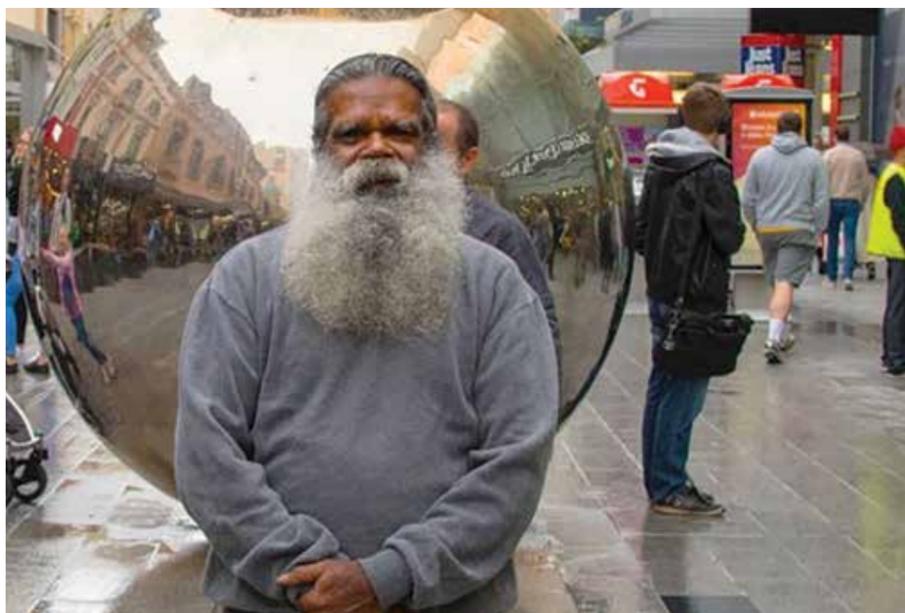
"It is time for a new approach to stop the cycle of reoffending" he said.

For more information on the Strategy

<https://yoursay.sa.gov.au/decisions/yoursay-engagements-10by20sa/about>

<http://www.corrections.sa.gov.au/>

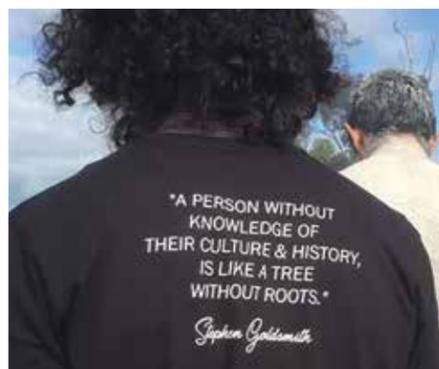
Vale Stephen Goldsmith



The South Australian community was saddened by the sudden passing in July of a much-loved community leader and cultural educator – Stephen Goldsmith.

Uncle Stevie was a proud Narungga and Kurna man, an inspiration and friend to many. He was an important part of the revival of the Kurna language through his work at the Kurna Warra Pintyanthi (KWP) language unit at the University of Adelaide. He was an influential advisor at the Museum of South Australia and Art Gallery of South Australia.

Uncle Stevie performed traditional dance with his Taikurtinna ("family") dance group and played yidaki and delivered Welcomes to Country at countless events, including several Womads both in Adelaide and overseas. Through this work he helped ensure that culture was remembered, respected and represented. He was a well-known face due to his long career as an actor in advertising campaigns, TV and theatre, most recently in a widely admired performance in the Adelaide Festival production of *The Secret River*.



Stephen Goldsmith was awarded Male Elder of the Year for 2017 at the Lord Mayor's NAIDOC Awards, and the Premier acknowledged his contribution at the Premier's 2017 NAIDOC Awards.

On his passing, tributes flowed in from South Australia, Australia and around the world. His beloved Crows paid public tribute to him and wore black armbands at the Showdown in August.

Uncle Stevie will be remembered as a charismatic man who, through his warmth and disarming honesty was able to tear down bridges to make a huge personal contribution to strengthening culture and to reconciliation.

Aboriginal Legal Rights Movement now a community-based corporation

After more than 40 years as a community association, South Australia's Aboriginal Legal Rights Movement (ALRM) has changed its own legal foundation to become a corporation, but it will retain its community focus.

At a General Meeting held in Adelaide recently, it was formally agreed to change the status of the Movement from an Association to that of a Company Limited by Guarantee.

According to ALRM Chairperson Sandra Saunders, the change was necessary for the organisation to continue to receive funding from the Federal Government.

"Organisations which get funding under the Indigenous Legal Assistance Program Funding were told they need to be incorporated under The Office of the Registrar of Indigenous Corporations, known as ORIC" she explained.



ALRM Board members following the change of status – left to right: Michael Coughlan, Sandra Saunders (Chair), Sandra Miller and Lucy Evans.

"The ALRM Board of Management found that the opportunities for the Movement under ORIC would be far more limited than our current structure.

"We considered all of the legal and community issues, in the end decided that it was better to change the status of the Movement to that of a Company Limited by Guarantee" she said.

According to ALRM CEO Cheryl Axelby, the organisation will continue to be

open to the community and make sure that opportunities for participation and membership of the Movement remain open.

"We are still all about our community and membership, and getting our mob involved, that won't change" she told the meeting.

"We think the new structure will provide new opportunities for ALRM and our stakeholders, both in terms

of our ability to grow and our ability to connect with community.

One significant impact of the change is that Aboriginal South Australians will no longer automatically be members of the Movement, but need to apply to join.

The ALRM welcomes and encourages all Aboriginal South Australians to apply to become members – contact the ALRM for an application form <https://www.alrm.org.au/>

Successes in shared management of country

Almost one hundred delegates met at Wilpena Pound in the Ikara-Flinders Ranges National Park in early September for a two-day workshop to discuss and develop co-management of parks in South Australia.

It was the third Co-management workshop that has been held in recent years, and it was hosted by the Ikara-Flinders Ranges National Park Co-management Board on Adnyamathanha country.

Co-management in South Australia is a partnership between the state Government and Aboriginal groups to manage national parks in a way that brings together traditional knowledge and contemporary park management practice.

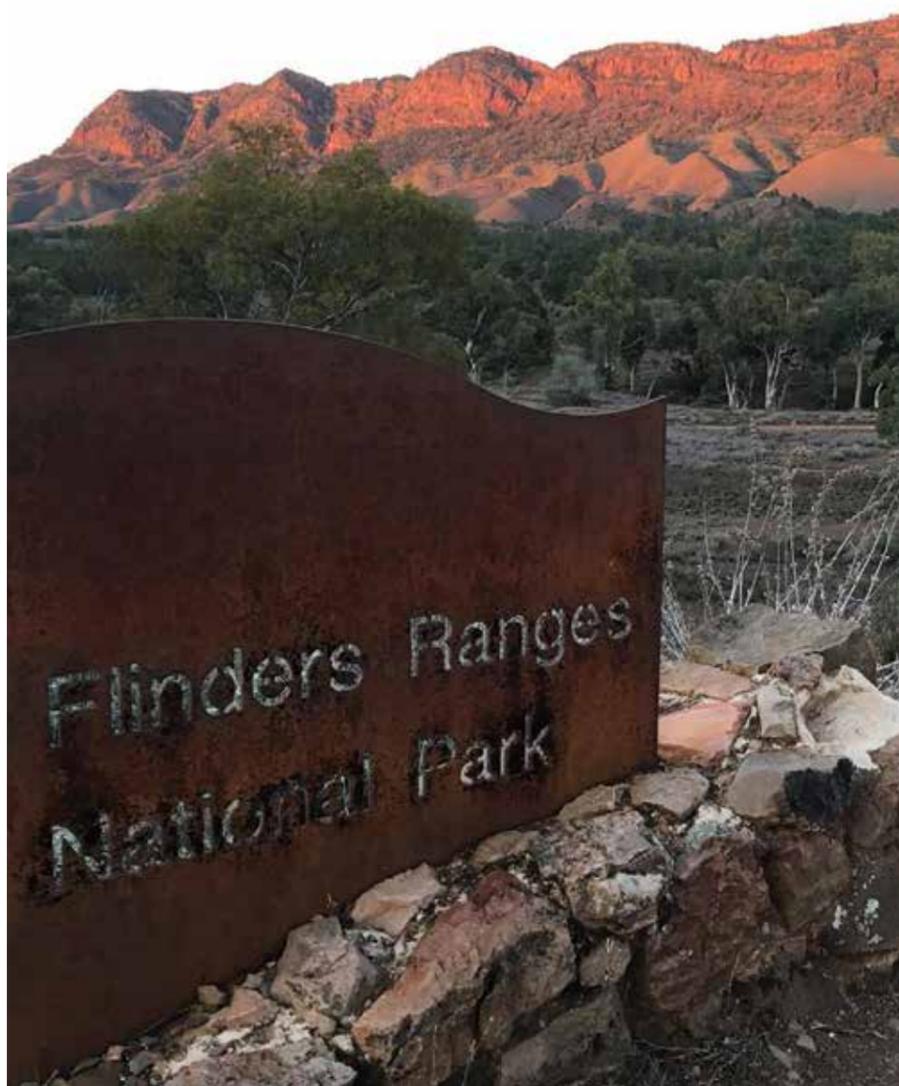
Across the state there are eight co-management boards and four advisory committees with management or advisory responsibilities for 35 parks, covering 13.5 million hectares, or 64 per cent of the state's reserves.

Acting Environment and Conservation Minister Susan Close said that co-management is strongly supported in South Australia.

"Co-management recognises Aboriginal people as the original custodians of the land and acknowledges the importance of the customs and knowledge that have been passed down through generations of Aboriginal South Australians.

"It also helps reconnect Aboriginal communities to their country, and supports culture, story-telling and language.

"We are committed to this partnership approach because of the great outcomes we have seen to date and the enormous



Photos courtesy of Adealed Bushwalkers.

opportunities it opens up in future" Minister Close said.

The workshop began with reflections by South Australian groups who have been involved in co-management. The Ikara-Flinders Ranges National Park Co-management Board and the Vulkathunha-Gammon Ranges National Park Co-management Board shared their thoughts on the journey so far.

Delegates also heard from speakers from the New Zealand Department of Conservation, who gave a Maori perspective of joint management in that country.

The links between native title, Aboriginal Regional Authorities, Treaty and Co-management were discussed by SA Native Title Services (SANTS) CEO Keith Thomas.

He said that "many native title rights stem from laws, customs and practices embedded in and from country".

Native title is about caring for country he said, and includes looking after important places, hunting and gathering, the use of fire, ceremony and cultural knowledge.

"The basis and viability of the native title group stems from and relies on the environment" he told delegates.

"Healthy country, health people, healthy culture is an apt description" he said.

He pointed out that co-management arrangements are often established alongside the determination of native title.

"This is because native title brings certainty as to who the Traditional Owners are for a certain area.

It confirms ongoing physical, cultural and spiritual connection to country. National parks often represent important parts of country for native title groups. Co-existence and often mutual interests.

Looking ahead, Mr Thomas said that co-management faces challenges into the future, including issues of governance, relationships, ownership and leases, business opportunities and increasing Aboriginal employment.

He also said that handing over full management of parks must remain on the Government's agenda.

"Legislation has enabled the establishment and operation of these boards, their success is evident, and ongoing capacity development should support handover" he said.

Walking Kurna country

Kurna Elder and passionate cultural educator Frank Wanganeen (pictured right) has been recognised for his significant contribution to the lives of Aboriginal South Australians through his commitment to reconciliation and the preservation of Kurna culture and language.

He was the recipient of the Premier's NAIDOC Award for 2017.

Mr Wanganeen is a Kurna Elder born at Wallaroo on Narungga Country. His mother was living at Point Pearce at the time of his birth, but the local hospital did not allow Aboriginal women to have their children there.

"The closest hospital wouldn't allow Aboriginal women to give birth to their babies. So the women had to go an extra 60km to Wallaroo to give birth to their children. And it's unfortunate, some women going up there, they had to give birth on the way up to Wallaroo."

His home of Point Pearce has been through dramatic changes as government policy changed, Mr Wanganeen explained.

"Around '68 I suppose, that was really a challenging time with legislation that really impacted on a lot of Aboriginal people – self-determination, self-management.

"I mean it sounded good, but when they take resources away, it's like pulling the rug from under your feet, from being a strong community, self-sufficient to seeing people losing their jobs and coming off the mission to Adelaide to get jobs and all those types of things was very unfortunate."

People managed to survive through taking on any employment in Adelaide, Mr Wanganeen said.

"It's all about survival and if you don't have a job you have to go out looking and of course a lot of them, the skills that they had was like farming, lumping, shearing and doing the council work around the place, so when those sorts of jobs left they had to come into Adelaide and they had to either work down by the wharves doing lumping and other hard labour skills" he said.

Those sorts of challenges make the many achievements of Aboriginal people more noteworthy, Mr Wanganeen believes.

"But you see it now there's a lot of opportunity for Aboriginal people, you can see people becoming nurses, doctors, lawyers.

"Now we see more good role models around in our community and that ceiling has really risen, from your expectations of being on a mission. You think, oh you're just going to be a truck driver or something like that but now the ceiling has risen high."

Mr Wanganeen operates Kurna Cultural Walking tours and shares his knowledge of the Adelaide area with people interested in Kurna culture.

"The Adelaide City Council, they've dual named a lot of places with the Kurna language. One site – Tarndangyanga, which is place of the red kangaroo, you

know Karra Wirra Pari, which is red gum forest river, and Pilta Wadli, which is the first Kurna language school down by the weir. And now we incorporate the Aboriginal War memorial, for the soldiers that have fought in all the wars, the Boer War right through to the present wars today" he said.

Mr Wanganeen has been involved in the revival of the Kurna language since early days and marvels at how strong the language has become.

"I mean now they've got a learners' guide and they're using technology with YouTube and so younger people are embracing it.

"We've just recently had a choir and they're singing some of their hymns in language, which is good.

"It's really good that people are getting up and singing in language, a lot of people they get overawed by seeing that happening now.

Mr Wanganeen is also involved in heritage work across Adelaide.

"Well heritage has been really important. Because you get the opportunity to go out on country with our elders. And of course, now a lot of our elders are passing on. And I just see it as those elders passing on the baton to me and that I will eventually want to pass the baton on.

"You get to go and see a lot of the country, it's unfortunate in Adelaide you can't get access to country a lot because there's gates and things that don't allow you to walk country."

Mr Wanganeen is passionate about reconciliation and removing barriers to understanding.

"I think it's important, people are becoming more conscious now, want to know more about Aboriginal culture, now they're starting to engage and want to hear from Aboriginal people, which is really good.

"Like in my journey, you can see the changes and people now wanting to embrace Aboriginal culture, even language, they want to you know name things in their organisations or just in their personal lives, which is good.

"Well I always think of it as an opportunity, to be able to build bridges. Because there's a lot of fear with non-Aboriginal people, you know they don't know how to approach an Aboriginal person, so its fear. I want to make the most of the opportunity and get in there and hopefully break down those stereotypes that people do have about Aboriginal people and I think it's only what they see on the media, you know they only see the negative side of Aboriginal people.

"So I try and put a different perspective or create an awareness to the non-Aboriginal people that we are a part of this community and we want to try and make a difference in our community.

"We're a multicultural society and everybody should be recognised and respected for their own culture" Mr Wanganeen said.



Update from the Anangu Lands Paper Tracker

Advocacy and lobbying

The Anangu Lands Paper Tracker has been very busy advocating and lobbying about a number of issues and government policies, programs and services that affect Anangu communities. In particular, we've focused on:

- **Amendments to the APY Land Rights Act**

In May 2017, the Minister for Aboriginal Affairs and Reconciliation, Minister Kyam Maher, introduced the *Anangu Pitjantjatjara Yankunytjatjara Land Rights (Suspension of Executive Board) Amendment Bill 2017* into Parliament, to amend the APY Land Rights Act. These amendments grant the Minister for Aboriginal Affairs the power to dismiss the APY Executive Board for whatever reason he/she thinks fit. The amendments to the APY Land Rights Act were accepted by both houses of Parliament. It is understood that there is currently a High Court challenge regarding these amendments to the Act.

- **Community Development Program (CDP)**

The Anangu Lands Paper Tracker made a submission and presented to the Senate Inquiry into the CDP and its impact on communities.

- **Cashless Debit Card**

Trials of the Cashless Debit Card were set up by the Federal Government in the Ceduna and Far West Coast communities and in the East Kimberley. Everyone on welfare benefits in these locations has had 80% of their welfare money quarantined – they can only get 20% of their money in cash. This is supposed to stop people using their welfare money on alcohol, drugs and gambling. The Paper Tracker prepared a submission to the Senate Inquiry about the *Social Services Legislation (Cashless Debit Card) Bill 2017*. The Bill proposes that the trials of the Cashless Debit Card are extended and that new trials can be started in more communities.

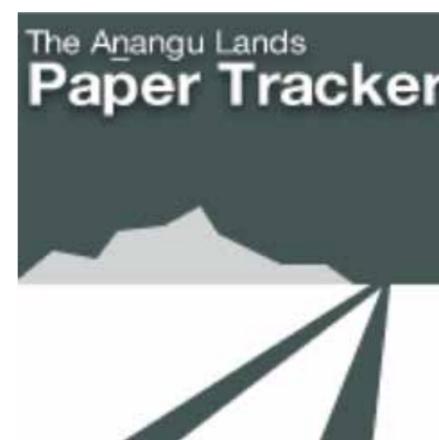
The submission opposes the extensions and expansions of the Card because Government has not consulted with the communities who are affected and it does not have reliable evidence to show that the Trials are helping people with drug, alcohol or gambling problems.



Paper Tracker Radio Shows

The Anangu Lands Paper Tracker has broadcast a range of radio shows, including interviews about the importance of language and interpreting; ways to prevent trachoma; community-based dialysis; the Cashless Debit Card and its impact on communities; the role of the Prime Minister's Indigenous Advisory Council; Treaty discussions; the NDIS; the high incarceration rate; the Community Development Program (CDP); the Uluru Statement; Alinytjara Wilurara; Aboriginal Community Connect; ear health and hearing loss; the Bikes Palya project; aged care services; and many more.

You can listen to the radio shows at <http://www.papertracker.com.au/category/radio-programs/> We'd love it if you 'liked' our Facebook page and posted your comments.



Yami Lester farewelled at state funeral

Yankunytjatjara leader and anti-nuclear campaigner Yami Lester OAM has been farewelled at a state funeral held on his traditional lands at Walatina Station in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands in northern South Australia.

Over 400 people paid their respects to a man celebrated as a survivor and advocate for the victims of nuclear testing, staunch land rights campaigner and interpreter and champion for Anangu.

Family, friends, colleagues, community members and state and federal politicians gathered a stone's throw from Walkinytanju Creek, where Mr Lester was born 75 years ago. Dignitaries attending included The Governor Mr Hieu Van Le, Premier Jay Weatherill, Minister for Indigenous Affairs Nigel Scullion, Minister for Aboriginal Affairs Kyam Maher, Opposition Leader Steven Marshall and Senator Patrick Dodson.

The Premier said they were gathered to farewell a remarkable citizen of the state.

"Yami Lester was a man of compassion, resilience and warmth. He was dedicated to improving people's lives and to righting wrongs."

"By his actions over many decades he has helped us understand the Aboriginal cultures that have enriched this land for tens of thousands of years."

Mr Weatherill reminded mourners how Mr Lester witnessed the "horror" of British Government nuclear testing at Emu Fields in 1953 and became blind from the effects of those tests as a young man. The Premier recounted Mr Lester's later account of the tests.

"I heard a big bang, a noise like an explosion and later something came in the air. It was coming from the South with black like smoke. I was thinking it might be a dust storm, but it was quiet,

just moving, through the trees and above that. It was just rolling and moving quietly" Mr Lester had described.

For decades Mr Lester kept on speaking up about what had happened to his people, resisting government denial of the impact of the tests.

"In 1982 Yami heard the Chair of the Safety Committee for Emu Fields speak on radio. That man told the listeners that no Aboriginal people had been harmed by any of the tests, in fact they'd all been well looked after" the Premier said.

Mr Lester was angry to hear this and immediately set about raising awareness of the true impact of the tests on Anangu. That work led to the McClelland Royal Commission, which recommended a clean-up operation to restore the country and group compensation.

Those present at Walatina were reminded that Mr Lester was concerned with the welfare of Aboriginal people throughout his life. As a young man he was a welfare worker and interpreter with the Aboriginal Advancement League and later with the Institute of Aboriginal Development (IDA).

Helen Liddle, who worked with him at the IDA recalled Mr Lester as a true leader and good friend.

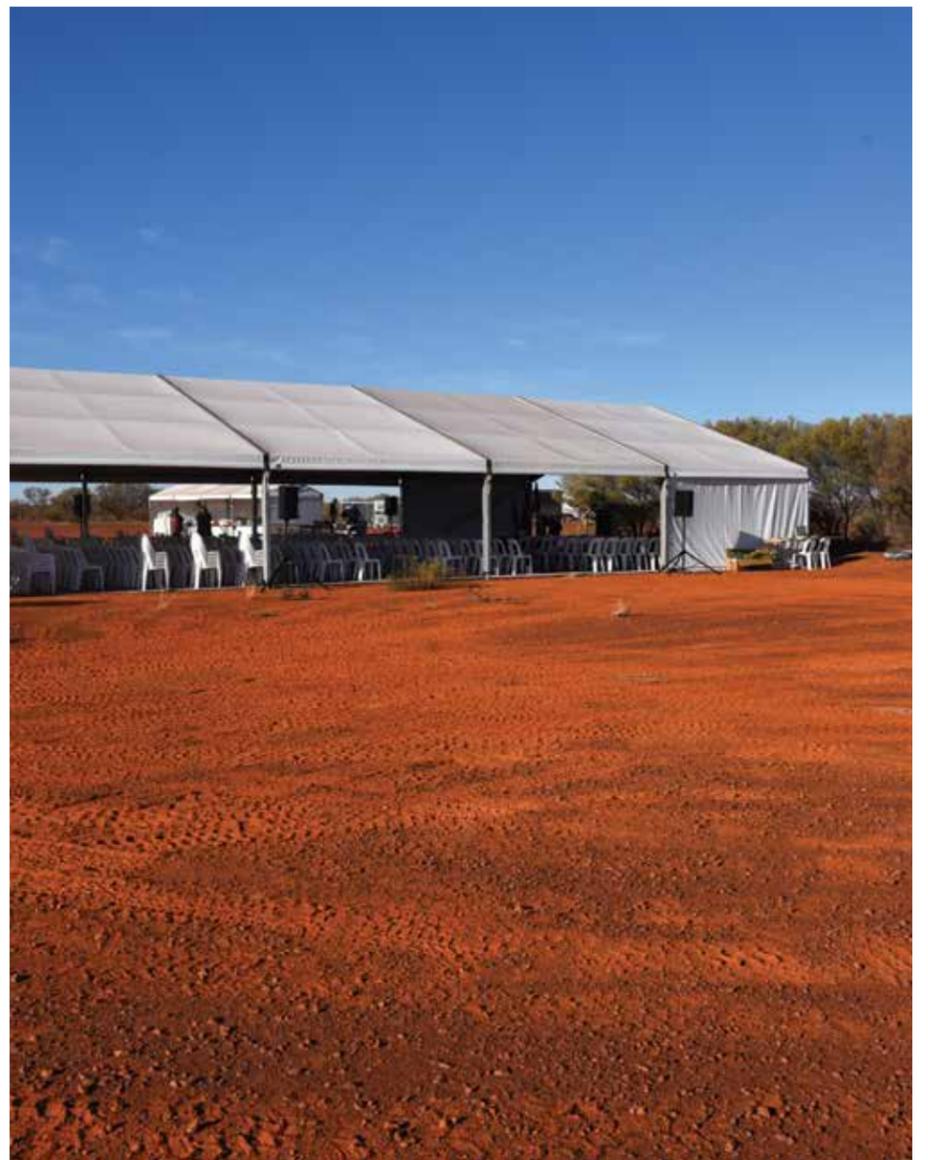
"He was my mentor, my work mate and my dearest friend" Ms Liddle said.

"Yami was a smart man, a kind man and a man held in high regard.

"I learnt so many things from him and so did many others around him" she said.

It was in his work with the Pitjantjatjara land Council that Mr Lester contributed to the introduction of the APY Land Rights Act by the South Australian Government.

"He's the one who put the "Y" in the APY lands" the Premier said.



State funeral for Yami Lester at Walatina Station.

He was also there when Uluru-Kata Tjuta was handed back to Traditional Owners, acting as interpreter for the Governor, the Minister for Indigenous Affairs reminded those gathered.

Old friend and Chairperson of Kokatha Aboriginal Corporation Chris Larkin delivered a personal and emotional eulogy at the service.

"I don't want to tell you about the big achievements – you can Google that" he said.

"I just want to talk to you about how we knew him as a man – my family and his family, and what he meant to us and how he touched us and was an inspiration to us."

Mr Larkin spoke of Mr Lester's warmth, bravery and sense of humour.

Mr Lester was an activist against nuclear in any form throughout his life. In recent years he testified to the state Royal Commission looking at establishing a nuclear waste storage facility in South Australia, a plan that has now been shelved.

His children continue to carry forward that legacy, with youngest daughter Karina recently addressing the UN on the successful proposal for a nuclear non-proliferation treaty.

Dave Sweeney, anti-nuclear campaigner spoke at the service of Mr Lester's long activism against nuclear weapons and the pollution from nuclear processing.

"His story is now part of our national story – "I hear I talk, I touch, but I am blind" Mr Sweeney said.

"In a world without nuclear threats and risks, Yami would have been a great stockman.

"In a world with nuclear threats and risks, he cracked his whip loud, hard, sharp and constant to sound a different alarm.

"And we owe him a great debt" he said.

The service included a performance by singer songwriter Paul Kelly of his 1985 song Maralinga, which was inspired by Mr Lester's story.

*My name is Yami Lester
I hear I talk I touch but I am blind
My story comes from darkness
Listen to my story now unwind
This is a rainy land
First we heard two big bangs*

*We thought it was the great snake
digging holes
Then we saw the big cloud
Then the big back mist began to roll
This is a rainy land*

Yami Lester was laid to rest on his country at Walatina Station.

News on Nuclear

Nominations have opened for a Consultative Committee on the possible establishment of a National Radioactive Waste Management Facility near the town of Kimba at the top of the Eyre Peninsula.

The Federal Government has made the announcement as it continues to explore three possible sites for the nuclear waste in South Australia.

They say that the formation of the Kimba Consultative Committee is an important next step in the consultation and technical assessment process for the waste facility which is now underway in the Kimba area. A Community Liaison Officer has also recently been appointed in Kimba.

Two potential sites near Kimba and one site at Barndioota near Hawker are the only locations on the Federal

Government's shortlist for the nuclear waste facility.

Bruce McCleary, General Manager of the National Radioactive Waste Management Taskforce, said that the committee would continue the discussion over the nuclear waste plans.

"This Committee is a key conduit between the community and the Government, and will reflect the successful model already in place at Barndioota" said McCleary.

A Consultative Committee for Barndioota was established late last year. An Economic Working Group (EWG) has now also been established as part of the Phase Two consultation for the nominated site.

For more information on the Federal Government's nuclear plans:
<http://www.radioactivewaste.gov.au/>

Our column **in review** features reviews and stories on Aboriginal writers, artists and musicians. We welcome your feedback and suggestions. So if you know of a new work about to be published or an artist or musician please contact us on (08) 8110 2800.

APY Art on show at Tarnanthi Festival

This year's Tarnanthi Festival of Contemporary Aboriginal & Torres Strait Islander Art has a focus on the seven art centres that span the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands.

Anangu artist Yaritji Young from Amata says the role of an artist is an important one in the APY Lands

"The role of the artist is the same in cities as it is in the bush – it's a respected position. Artists out here are known for being brave and adventurous, we push new ideas while still protecting and keeping our Tjukurpa (Dreaming stories) strong for our children and grandchildren ... this is important for them to see" she said.

The work of the APY artists will appear across the city, including at the Tarnanthi

Art Fair on the opening weekend, where collectors will have a chance to meet and buy works of art direct from artists.

In a major exhibition at the Art Gallery of SA, monumental collaborative paintings created by the matriarchs and patriarchs of the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in 2016 will be on show.

Kulata Tjuta – a work for Kunmanara (Gordon) Inngatji was created by 23 men, both senior and emerging artists from the APY Lands. This installation includes a large painting and seven kulata (spears) and miru (spear throwers) laid out on the ground as a memorial.

The names of senior men who have passed away are marked onto the miru, including Kunmanara (Gordon) Inngatji, who spent his life teaching people about Anangu language, law and culture.

Kungkarangkalpa – Seven Sisters, celebrates the shared ancestral Tjukurpa of 24 women artists, both established and emerging.

This immense and vibrant canvas radiates with stories of custodianship, collaboration and Country.

The Tarnanthi Festival opened on 13 October with exhibitions and events in many venues across the city and beyond. For full details visit: <https://www.tarnanthi.com.au/>



Freda Brady, Wawiriyi Burton, Angkaliya Eadie Curtis, Tjangili Tjapukula George, Sandra Goodwin, Beryl Jimmy, Nyurpaya Kaika Burton, Iluwanti Ungkutjuru Ken, Sylvia Ken, Tjungkara Ken, Manyitjanu Lennon, Betty Muffler, Matjangka Nyukana Norris, Mary Katatjuku Pan, Betty Kuntiwa Pumani, Antjala Tjayangka Robin, Alison Munti Riley, Tjariya Nungalka Stanley, Carlene Thompson, Maringka Tunkin, Jeannie Wallatina, Judy Wallatina, Puna Yanima, Yaritji Young, *Kungkarangkalpa – Seven Sisters*, 2016, Fregon, South Australia, synthetic polymer paint on linen; Acquisition through TARNANTHI: Festival of Contemporary Aboriginal & Torres Strait Islander Art supported by BHP 2017, Art Gallery of South Australia, Adelaide. © the artists, courtesy of Ernabella Arts, Iwantja Arts, Kaltjiti Arts, Mimili Maku Arts, Tjala Arts, Tjungu Palya, photo: Saul Steed.



Alec Baker, Eric Kunmanara Barney, Taylor Wanyima Cooper, Pepai Jangala Carroll, Sammy Dodd, Ronnie Douglas, Stanley Douglas, Arnie Frank, David Frank, Witjiti George, Rupert Jack, Willy Kaika Burton, Brenton Ken, Freddy Ken, Ray Ken, Peter Mungkuri, Vincent Namatjira, David Pearson, Jimmy Pompey, Willy Muntjantji Martin, Mick Wikilyiri, Mumu Mike Williams, Anwar Young, *Kulata Tjuta – A work for Kunmanara (Gordon) Inngatji*, 2016, Indulkana and Amata, South Australia, synthetic polymer paint on linen and hand-carved wood; Acquisition through TARNANTHI: Festival of Contemporary Aboriginal & Torres Strait Islander Art supported by BHP 2017, Art Gallery of South Australia, Adelaide. Courtesy the artists, Ernabella Arts, Iwantja Arts, Kaltjiti Arts, Mimili Maku Arts, Tjala Arts, photo: Saul Steed.



Betty Kuntiwa Pumani, Pitjantjatjara/Yankunytjatjara people, South Australia, born 1963, Perentie Bore, South Australia, Antara, 2017, Mimili, South Australia, synthetic polymer paint on linen, 300.0 x 200.0 cm; Courtesy the artist and Mimili Maku Arts, photo: Saul Steed.

in
review

Looking ahead for native title

With a growing percentage of Australia now subject to determined native title, remaining applications face real challenges, according to retired Justice John Mansfield.

At the Inaugural Mansfield lecture created in his honour, Justice John Mansfield recounted a history of native title in Australia reflected on the challenges ahead.

He said that a central challenge for Aboriginal people now in proving continuity of connection with their land was the passing of time.

“If you go back twenty or thirty years, there were a whole lot more people who remember, because they were taught by their parents, the stories and the traditions and the relationship with land. And you go back fifty years, there was so much more.

“Now we’re another two generations away, if we haven’t taken the step of preserving the stories of those older people, younger people to a degree struggle in some respects, to tell the stories, to remember the things which they learnt, or the learning doesn’t happen for them.

“So the courts and the anthropologists have to understand that difficulty and be sympathetic to recognising that it still reflects a traditional connection with land” he told Aboriginal Way.

Retired Justice Mansfield said that the second challenge for native title continues to be resourcing.

“Every claim has to be supported by an anthropological report that reports the evidence and does the genealogy to show the necessary continuity and that’s not something that the court can control, or anyone else, that’s just a matter of doing the work, through groups such as SANTS.

“It’s going apace, South Australia’s probably as well placed if not better placed than most others, there’s several claims to go, but not an intimidating number, so administratively the problem is simply applying the resources to be able to progress the claims” he said.

In the lecture at UniSA, Justice Mansfield recounted the history of recognition of Indigenous land rights, beginning with the assumption of Terra Nullius in 1788. He briefly spoke of the major steps that had led to the Native Title Act.

He spoke of the Yirkala Bark Petition to Federal Parliament in 1963, where people opposed the establishment of a Bauxite Mine on their country and about the 1966 The Wave Hill Walk Out, where Aboriginal stockmen went on strike against their wages and conditions.

The 1967 referendum was an important milestone in recognition of Indigenous rights in general, he said “It was a big step and the fact that it was so late was shameful”.

The Gove Land Rights Case in the Northern Territory was another significant development that grew from opposition to mining on country. The case ended in 1971 when Justice Blackburn dismissed the case due to the principle of Terra Nullius.

Justice Mansfield explained that the Gove case led to the 1973 Woodward Royal Commission, and that drove the introduction of the Aboriginal Land Rights Act of the Northern Territory, “a very significant piece of legislation, but confined to the Northern Territory because that was the only area that the Commonwealth had the power to legislate on that topic”.

“What it did was to say that where there is unalienated Crown Land, if the Indigenous people could establish that they were the traditional owners, the Land Commissioner could recommend to the government that the grant of that land be made to those traditional owners”.

“That was very successful and now something like 50% of the Northern Territory is Indigenous owned” he said.

The Racial Discrimination Act (RDA) which required equal treatment for all Australians, including in the ownership of land, was introduced at the same time as the Land Rights Act.

In 1981 South Australia passed its APY Anangu Pitjantjatjara Yankunytjatjara Act – “giving in effect the top left hand corner of the state to those people”.

Justice Mansfield said that other than that APY Act, the Land Rights process

was ignored by other states until the Mabo Case.

Eddie Mabo was a traditional owner of the Murray Islands in the Torres Strait. He wanted to claim ownership of his own country. He was in a better position to do that than many in the mainland, because there wasn’t that type of acquisition in that area Justice Mansfield pointed out.

In the ten years that the case ran, the Government of Queensland tried twice to frustrate the Mabo case. Firstly it tried to compulsorily acquire the land. That was found to be not allowed under the RDA. The Queensland Government then challenged the validity of the RDA unsuccessfully.

The Government then passed an act to wipe out any ownership of land in the Torres Strait. In 1988 in the case Mabo #1, that was declared invalid.

It was after that the final Mabo Case took place, first in Queensland then in the High Court, in one of its most significant judgements – Australian law was declared to recognise Indigenous communal interests in land, subject to the radical title of the Crown

The Mabo #2 case was decided in 1992.

“If you read the Mabo Judgement you will see how vehemently the Judges expressed and appeared to understand the nature of that relationship with country” Justice Mansfield said.

That decision led to the introduction of the Native Title Act and recognition of native title in Australia.



Retired Justice John Mansfield at the Inaugural Mansfield Lecture.



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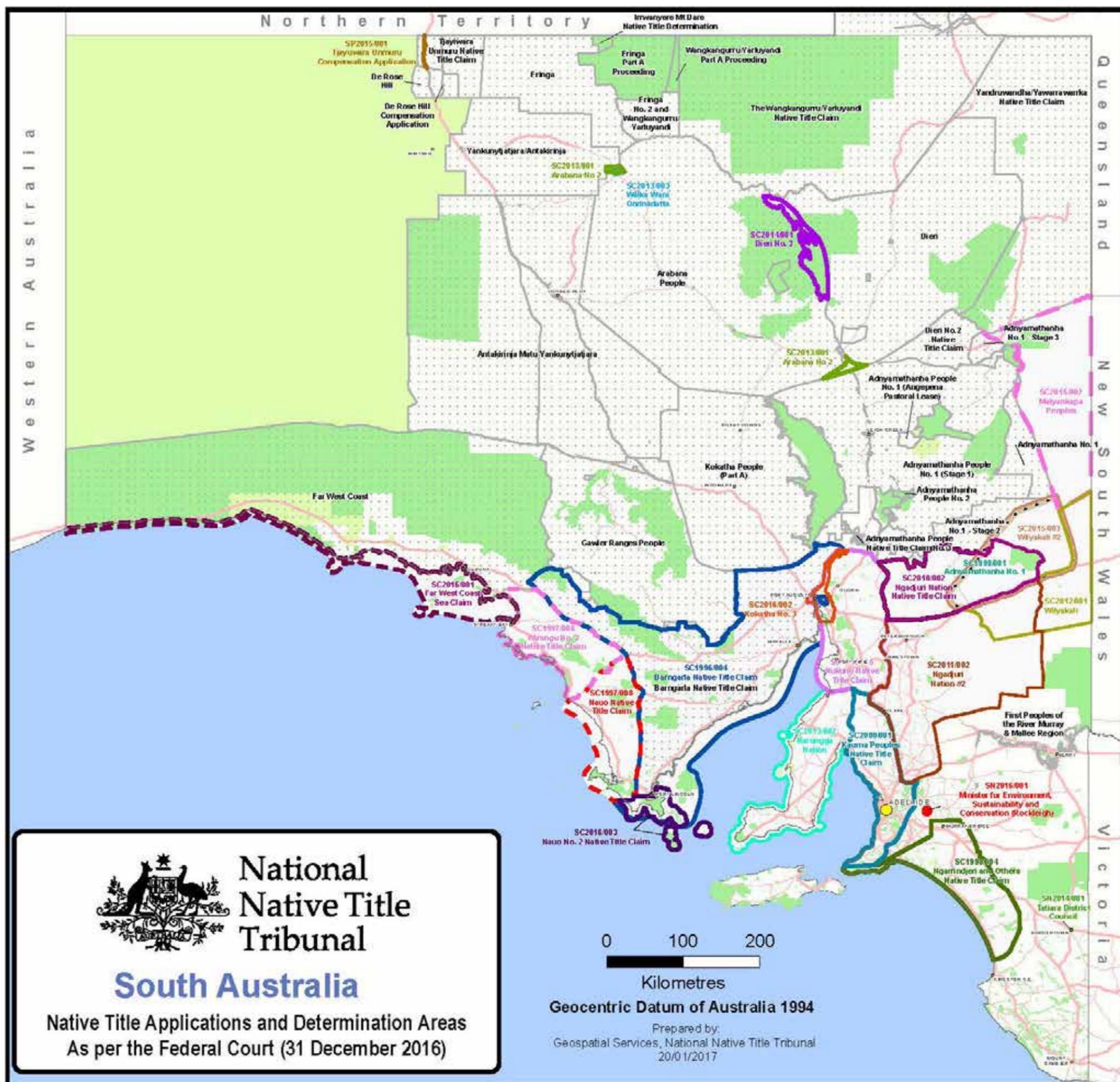
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