



Aboriginal Way

Issue: 42, Oct. 2010

A publication of South Australian Native Title Services

Southern Boomerangs



Cricket season is upon us again and above is the 2010 Southern Boomerangs team which finished 3rd in the Imparja Cup.

More cricket news on back page.

Front Row: Dale Abdulla, Peter Graham, Dylan Butler (Vice Captain), Peter Thomas (Captain & Coach), Ken Karpany, Marcus McGregor-Cassady. Back Row: Allan Miller (Manager), Matthew Bedgegood, William Serle, Raymond Smith, Dominic Croft, Kevin Thomas, Jamie McCafferty, Michael Case (Assistant Coach). Photo courtesy SACA.

Case could set legal precedent over mining on SA's salt lakes

Legal battles are looming following a decision by the Minister for Aboriginal Affairs and Reconciliation, to allow damage, disturbance and interference of Aboriginal sites at Lake Torrens and Andamooka Island.

South Australia's Aboriginal community feels betrayed by the Minister, Grace Portolesi. Her decision means areas of Lake Torrens are under threat from mineral exploration.

The Minister gave Straits (Exploration) Australia Pty Ltd authorisation under section 23 of the *Aboriginal Heritage Act 1988* (SA) on 7 July 2010 to damage, disturb or otherwise interfere with any Aboriginal sites, objects or remains that are located within the area programmed for mineral exploration.

The registered native title claimants, Kokatha Uwankara, have voiced their opposition to the mineral exploration

proposal and the Minister's decision, because they assert that Lake Torrens is of major traditional significance to the Kokatha people and that they are the traditional owners of the site.

Adnyamathanha people have also voiced their opposition to the decision.

It is expected that an application for a judicial review of Minister Portolesi's decision will be made to the Supreme

Court soon. But the battle does not end there for the claimant group, who have been taken to the Environment, Resources and Development Court by the mining company who have asked the Court for a decision to allow the mineral exploration to proceed.

The matter is listed for a trial on the week commencing 22 November 2010.

continued on page 3

Inside:	Vince Coulthard honoured with National NAIDOC award	3
	New members appointed to Aboriginal Advisory Council	6
	\$34 million to boost child protection in the NT	7

Parry's view



Above: SANTS CEO, Mr Parry Agius.

There's no doubt the decision made by Minister Portolesi to allow a minerals explorer to damage, disturb or otherwise interfere with Aboriginal sites, objects or remains at Lake Torrens has deeply offended Aboriginal people.

There's also little doubt that the Kokatha Uwankara claimants and the Adnyamathanha people will not sit by and let this decision go unchallenged, as is their right.

The Kokatha and Adnyamathanha peoples assert that Lake Torrens is of major traditional significance and they are asking the Supreme Court of South Australia to order a judicial review of the Minister's decision.

Decisions are made everyday by governments – some are popular, some are not. Recently we witnessed

the Rann Government's back down on its decision to sell off The Parks, in Adelaide's western suburbs. It did so, after a very loud public backlash.

If we could get the public to be equally as dismayed about this potential desecration at Lake Torrens, then perhaps we could convince the Minister to change her mind without the need for legal action.

However, that doesn't appear likely at this stage so SANTS will support the native title claimants in their efforts to have the decision assessed at the judicial level.

It is the right of the people to challenge government decisions – afterall we live in a democracy and we have systems and processes in place to protect the interests of all who live in this country.

Due process will sort out this dilemma – hopefully to the satisfaction of all parties.

South Australian native title claims update

Adnyamathanha

Flinders Ranges
Part settled through approved determination (March 2009)

Balance of claim in mediation: Federal Court/National Native Title Tribunal.

Antakirinja Matu-Yankunytjatjara

Coober Pedy area In mediation:
Federal Court/National Native Title Tribunal.

Arabunna

Central SA including Lake Eyre
In mediation: Federal Court/
National Native Title Tribunal.

Barngarla

Eyre Peninsula
In mediation: Federal Court.

Dieri

Central SA east of Lake Eyre
In mediation: Federal Court.

Dieri 2

Eastern SA north of Lake Frome
In mediation: National Native Title Tribunal.

Eringa

Far north SA including portion Witjira National Park
Area over Witjira National Park settled through approved determination (September 2008)
In mediation: Federal Court/
National Native Title Tribunal.

Eringa 2

Far north SA including portion Witjira National Park
Area over Witjira National Park settled through approved determination (September 2008)
In mediation: Federal Court/
National Native Title Tribunal.

Far West Coast

Far West Coast SA
In mediation: Federal Court.

First Peoples of the River Murray & Mallee Region

Riverland and Murray Mallee Region
In mediation: Federal Court.

Gawler Ranges

North of Eyre Peninsula
In mediation: National Native Title Tribunal.

Kaurna

Fleurieu Peninsula north to Port Broughton
In mediation: National Native Title Tribunal.

Kokatha Uwankara

Lake Torrens Region
Not in mediation.

Nauo

Eyre Peninsula
In mediation: National Native Title Tribunal.

Ngarrindjeri

River Murray, Lakes and Coorong Region
In mediation: National Native Title Tribunal.

Nukunu

Spencer Gulf Region
In mediation: Federal Court.

Wangkangurru/Yarluwandi

Simpson Desert Region and extending into QLD
In mediation: Federal Court/
National Native Title Tribunal.

Wirangu 2

Eyre Peninsula and West Coast
In mediation: National Native Title Tribunal.

Yandruwandha/Yawarrawarrka

Innaminka area
Not in mediation.

Information provided by the National Native Title Tribunal – visit www.nntt.gov.au for more about native title.

For information on claim activity (other than mediation) contact the South Australian Native Title Services.

Social Justice Commissioner visits

Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Mick Gooda visited Adelaide in July.

He was a guest of Aboriginal Legal Rights Movement during an informal community meeting where he received an update on funding issues facing the organisation.

ALRM CEO, Mr Neil Gillespie said he appreciated the generosity of Commissioner Gooda to meet with the Aboriginal community of South Australia.

Dr Gooda gave an update on the Racial Discrimination Act, the Northern Territory Intervention and the Health Reforms undertaken by the Australian Government.



Above: Dr Mick Gooda – Aboriginal and Torres Strait Islander Social Justice Commissioner, Sandy Miller – ALRM Board Member, Neil Gillespie – ALRM CEO.

Support community artists

Nominations are being called for from artists and Indigenous leaders to represent their communities and regions on the Statewide Indigenous Community Artists Development Reference Group.

Nominations can be made by email to terry@anangkuarts.com.au or by writing to Anangku Arts, Tandanya, Level 2, 253 Grenfell St, Adelaide SA 5000.

Nominations close on 30 October 2010. Contact Terry Cleary for more information.

Vince Coulthard honoured with National NAIDOC award

Vince Coulthard has been honoured with the Lifetime Achievement award by the national NAIDOC committee.

Vince has been the Director of South Australia's only Aboriginal Radio Station, Umeewarra Aboriginal Media Association, for 16 years and is the Director of the

National Indigenous Radio Service. He is an Adnyamathanha man, born in Leigh Creek and he grew up on the Nepabunna Mission.

Part of the first South Australian native title claim, Vince has been Vice Chair of the Adnyamathanha Traditional Lands Council for 13 years.

In 2009, led by Vince, the Adnyamathanha people won a consent determination over the largest native title claim in the state.

Vince was one of the first Aboriginal rangers employed by National Parks in South Australia and helped bring about the first Indigenous land usage agreement over a national park in South Australia.

He has facilitated many significant cultural events and is founder and director of the Iga Warta community, whose members explain the Dreaming and walk their country with visitors.

Instrumental in setting up the Nunga Court in Port Augusta, Vince continues to contribute as a mediator, elder and cultural mentor.

Vince has received three local NAIDOC awards, a Premier's Australia Day Award and the Federation Medal.

A tireless champion of Indigenous voices, land rights and justice, Vince Coulthard empowers others to fulfil their dreams and make a difference.



Case could set legal precedent over mining on SA's salt lakes

continued from page 1

This case has the chance of setting a precedent for mining companies wishing to explore on South Australia's salt lakes.

"South Australian Native Title Services Limited supports traditional owners and native title claimants in seeking to have sites of significance protected from damage and disturbance by mining companies and its legal team is currently working overtime on attending to these important matters," said SANTS CEO Parry Agius.

"Lake Torrens is an area of great cultural significance to the traditional owners of the region and other Aboriginal people in the state. It is also the subject of a registered native title application the Kokatha Uwankara native title claim.

"The Minister seems to have made this decision without thinking about the impact on Aboriginal people," said Parry Agius, CEO of South Australian Native Title Services (SANTS).

"When Aboriginal sites are disturbed or

destroyed Aboriginal people believe it has a physical impact, so they believe they could fall sick or worse.

"Aboriginal people call on Minister Portolesi to reconsider her decision."

Mr Agius said that traditional owners and SANTS were not opposed to mineral exploration or mining, but that they believed their sites should be protected. SANTS is concerned that this decision might become an unwelcome precedent for traditional owners in South Australia.

"This decision could have a significant impact on the traditional owners. Our culture is the oldest living culture in the world, we should do everything we can to protect these ancient and important areas.

"These areas are not only important and significant to Aboriginal people but to all Australians. These places are unique in the world and we should look after them.

Mr Agius said the Minister has been asked to give her reasons for the authorisation but as yet she had not responded.

APY Permit system relaxed

Some people wanting to visit the APY Lands will now be able to do so without having to wait for permits.

The APY Executive Board has eased the process through which access to the lands can be obtained.

Australian Public Service employees, contractors, journalists and Australian Federal Police will no longer have to apply for permits, although they still are

required to notify the APY Executive of their visit.

"By avoiding delays in processing the applications, we can allow contractors to provide essential services and assist journalists to report on issues of interest on the APY Lands," said Minister for Aboriginal Affairs and Reconciliation, Grace Portolesi.

"The changes mean that these groups of

people wanting to enter the lands need to notify the APY Executive but no longer need to wait for a permit."

"Notification is still required to ensure cultural consideration and the communities' privacy is protected, for example when Sorry business is occurring in the area," said Ms Portolesi.

The changes to the APY Lands By-Laws were made by the APY Executive Board in

consultation with the State Government.

"I believe the By-Laws will have a positive impact on the APY Lands communities because they will ensure Government funded services that promote health and safety can be provided without delays."

"These changes will maintain the discretionary powers of the APY Executive Board in relation to members of the general public," said Ms Portolesi.

Aboriginal Heritage News

To recognise the importance of Heritage and Native Title being considered together, the Aboriginal Heritage Branch (AHB) of the Aboriginal Affairs and Reconciliation Division (AARD) will have a small section in this newspaper to address what we are doing about important issues.

The State Aboriginal Heritage Committee (SAHC) and the AHB are working closely with the Congress Heritage Sub-Committee and the South Australia Native Title Services (SANTS).



Government
of South Australia

Song Line Project

Traditionally, Aboriginal heritage sites have been recorded site by site, with little to link them together. A project is now underway in the southern Flinders Ranges to record an entire song-line, integrating both the story and the archaeology.

Viliwarinha Yura Aboriginal Corporation is working in partnership with the Department of Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD) and consultant archaeologist Peter Saad to develop a way of recording song lines and associated heritage sites, investigating both the key sites and working out what defines the pathways between them. The fieldwork has been shaped by the accounts of elders and senior community people, while Flinders University students have joined with young people from Yappala and nearby Hawker, to help record sites.

It has been great to see the enthusiasm of the many young people who have helped in the fieldwork, with several showing an interest and an aptitude for archaeological survey, taking especially to site identification and the Global Positioning System (GPS).

Regina McKenzie, representing Viliwarinha, was excited to see the young people engage in the project and hopes that the experience encourages them to consider future pathways in heritage.

The song line project has inspired and helped all involved to look outside the

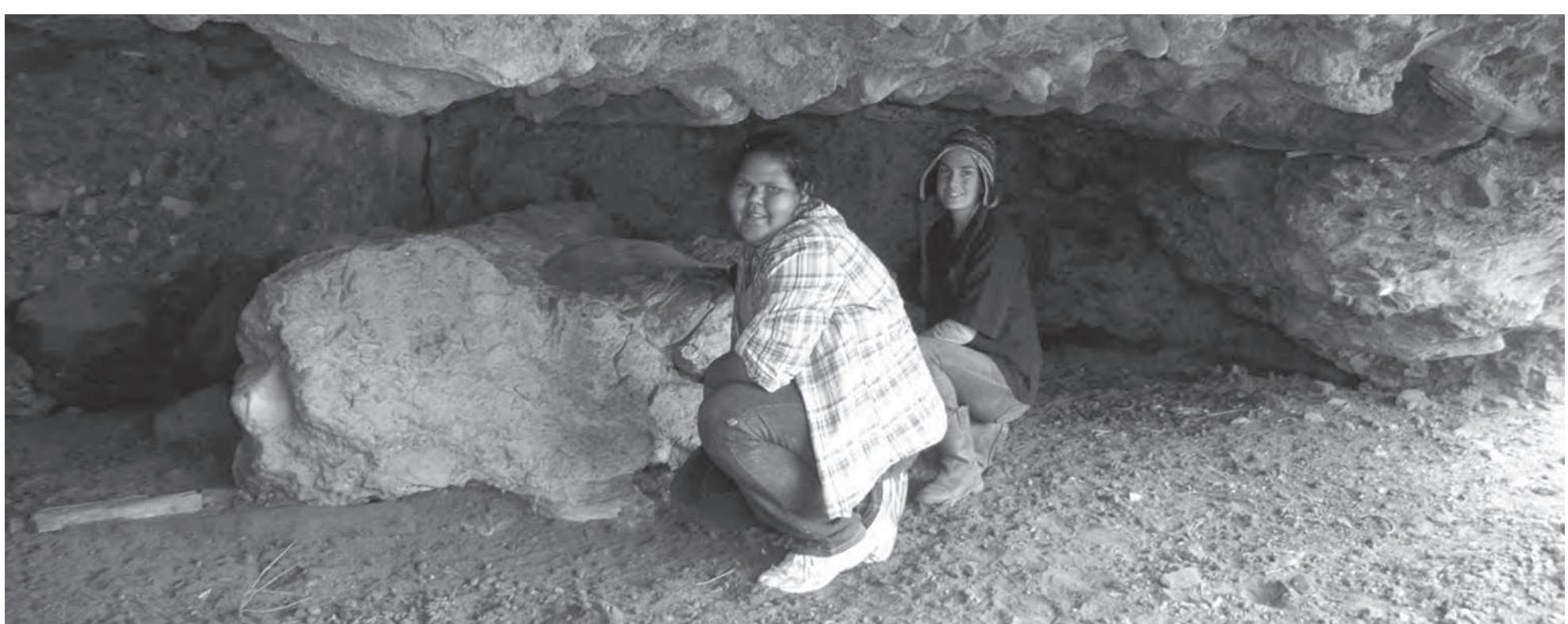
square. DPC-AARD would like to thank and acknowledge all who have made this project possible: elders Ken and Margaret McKenzie, Regina McKenzie, Archaeologist Peter Saad, Kelly Michael and Flinders Uni students, and of course, the Hawker kids - Anna Oakley, Pearl Irlam, Quentin Coulthard (Tin Tin), Daniel Coulthard (Dan Dan), Todd Irlam and the boys from Yappala.

Aboriginal Heritage Branch DPC-AARD

Additionally, as part of the song line project, staff from the Heritage Information Team are exploring ways that song lines can be displayed on a map and within a Geographic Information System (GIS).

To assist with the recording of sites and important parts of the song line story, a new GPS device was acquired along with a Global Positioning System (GPS) digital camera and a video camera to record the knowledge shared by Aboriginal people. Using this technology we were able to begin to define important parts of the song line, including the linking of the features in the landscape and the culturally significant areas.

Through this project and the sharing of knowledge by Aboriginal people, staff at DPC-AARD are learning more about the complexity of the Aboriginal cultural landscape and are exploring better ways of recording this information and conserving this invaluable information for future generations.



This page sponsored by the State Government of South Australia

From the Chairperson

Paying our respects

It has been some time since my last conversation with you all and there is much to speak about that has been happening within Aboriginal Affairs and heritage protection in particular.

I commence this article by paying respects to the families of our recently departed members of our community. There have been many important people pass away in recent times and our community is the poorer for their passing. We need to listen to and take notice of our elders while they are alive because every time we lose an elder we lose part of our connection to the past.

More importantly, we that are left, are responsible for seeing that their dreams are achieved and their legacy is continued.

SAHC

The issue of Aboriginal heritage has received more media attention in recent times with a number of controversial matters being played out in the newspapers and elsewhere.

I remind the community that the role of the State Aboriginal Heritage Committee is not one of being the decision-maker with respect to development applications but advisors to the Minister for Aboriginal Affairs and Reconciliation who actually makes the decision as to whether our cultural heritage is protected or not.



Above: Syd Sparrow, Chairperson.

Review of the Aboriginal Heritage Act 1988 (SA)

There isn't much to say about this in this report as the review has slowed down a little in the last few months, however there will be more to comment on in the next few months as we approach the final stages of the review process. I urge our community to be patient with this review and to see what ways you can further participate in it by contacting the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD) Review Team.

I guess the good thing about the Act being reviewed is that we have the opportunity to have changed the things that do not work for our people in the current Act, I remain optimistic that a new Act will better assist the protection of our cultural heritage.

Cultural heritage in DECS school curriculum

In partnership with the Department of Education and Children Services the State Aboriginal Heritage Committee (SAHC) and the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD) have been working on the introduction of Aboriginal cultural heritage studies within the school curriculum.

We are of the view that if children are taught about the importance of our culture in schools, this will lead to a better understanding, tolerance and acceptance of the importance of protecting Aboriginal heritage in this state and nationally.

I will keep you informed as these exciting developments as they arise as it shows the proactive nature and visions of the SAHC.

Our next meeting is planned for the Whyalla area in late September. We look forward to meeting many of you during our time there.

Respectfully yours

Syd Sparrow
Chairperson



Aboriginal Heritage Branch

Got a Heritage question?

Want to be on our distribution mailing list?

If you answered yes, please contact us by writing, emailing or phoning via the contact details listed below.

Manager

Ms Anne Stimson
Stimson.anne@dpc.sa.gov.au
Ph: (08) 8226 8902 or
0401 124 391

Heritage Conservation

Heidi Crow
crow.heidi@dpc.sa.gov.au
Ph: (08) 8226 8917

Community and Industry Relations

Ms Meredyth Taylor
Taylor.meredyth@dpc.sa.gov.au
Ph: (08) 8226 8951

Heritage Information Management

Justin Wearne
Wearne.justin@dpc.sa.gov.au
Ph: (08) 8226 8860

Register Searches

heritagesites.aard@dpc.sa.gov.au

State Aboriginal Heritage Committee

Leata Clarke
clarke.leata@dpc.sa.gov.au
Ph: (08) 8226 6200

Fax number

(08) 8226 0390

Location

State Administration Building,
Level 13
200 Victoria Square/
Tarnanyangga
ADELAIDE SA 5000

Postal address

GPO Box 2343
ADELAIDE SA 5001

This page sponsored by the State Government of South Australia

New members appointed to Aboriginal Advisory Council

Three new members have been appointed to the South Australian Aboriginal Advisory Council.

The appointments were made by Aboriginal Affairs and Reconciliation Minister, Grace Portolesi. They are Sandra Miller, Allan Jones and Danielle James.

Sandra Miller is a senior Wirangu woman from the far west coast of South Australia.

She has had more than 38 years' experience in the human services arena. Ms Miller set up the first Aboriginal Link-Up Program for Aboriginal people who were removed from their families and

played a major role in the establishment of the State Aboriginal Elders Forum. Ms Miller is a tireless international advocate for human rights in Australia, participating in United Nations forums.

Allan Jones is a Mining and Energy consultant. He brings a local, state and national understanding to implementing effective Education and Employment Community Strategies for Aboriginal people. Mr Jones' experience negotiating in the mining industry and management of complex stakeholder relationships is a valuable asset to the council.

Danielle James is a respected Police Officer, Ngarrindjeri and Kookatha woman. She has an established career based on integrity and ethics. Having secured a position in the South Australian Police Anti-Corruption Branch, Ms James brings a high-level understanding of complex justice matters to the Council.

Two other council members have been reappointed. They are Leanne Liddle, an Aboriginal environment expert and lawyer and Aaron Stuart, a Port Augusta-based man with 17 years' experience with South Australian Police and now a senior project officer with Centacare.

Continuing members of the Council are Parry Agius (chairperson), Mary Anderson, Karl Telfer, Paul Vandenbergh and Deborah Bond.

The role of the Aboriginal Advisory Council is to provide the government with advice on programs and policies and how they affect Aboriginal people.

The Council is complimented by the role of Commissioner for Aboriginal Engagement, Klynton Wanganeen, who acts to ensure Aboriginal people have a public advocacy voice to support them.



Eye checks urged by Health Ministers

Two federal government Ministers have urged Indigenous Australians to get their eyes checked.

Minister for Health and Ageing Nicola Roxon and Minister for Indigenous Health Warren Snowdon say there is a need to reduce the high rate of eye disease in Aboriginal and Torres Strait Islander Australians.

There are more than 15,000 Aboriginal

and Torres Strait Islander people with low vision and 3,300 who are blind.

"Indigenous people have much higher rates of eye disease than non-Indigenous Australians, with blindness rates 6.2 times higher than the mainstream population," Minister Roxon said.

"While the high rates of eye disease are disturbing, we know that most of this vision loss amongst Aboriginal and Torres

Strait Islander Australians is preventable or treatable and early detection and treatment can make all the difference," she said.

"My message for Indigenous Australians is therefore a simple one: Get your eyes checked – regularly," Minister Snowdon said.

The Australian Government is investing \$58.3 million to improve ear and eye

health for Indigenous Australians, and has recently signed funding agreements for the control of potentially blinding eye disease trachoma with WA (\$1.7 million to June 2011) and the NT (\$3.4 million to December 2011).

"This will provide for the screening and treating of trachoma in 120 communities at least once a year, and provide community visits, follow up and health promotion activities," Mr Snowdon said.

New jobs and training available at Ayers Rock Resort

The Indigenous Land Corporation has bought Ayers Rock Resort paving the way for more employment and training for Indigenous people.

The ILC is committed to train and employ Indigenous people.

The ILC will establish a National Indigenous Training Academy at Yulara to train new resort staff and support the development of an Indigenous

tourism and hospitality workforce for other facilities across the country.

The ILC expects the academy will train 200 people each year from 2013.

The ILC has acquired the Ayers Rock Resort from property group GPT in partnership with Wana Ungkunytja, representing business interests in the nearby communities of Mutitjulu, Imanpa and Docker River.

At present, only a few of the 670 staff at the resort are Indigenous, the ILC is aiming to employ 340 Indigenous staff by the end of 2018.

This new initiative complements the Australian Government's commitment to increasing Indigenous economic development, and aligns with the approach outlined in the draft Indigenous Economic Development Strategy.

In May, the Government released the draft of the long-term strategy which will be used to guide and inform future policy decisions in Indigenous economic development.

It focuses on five key areas for improving the prosperity of Indigenous people: education and individual capabilities; sustainable job opportunities; supporting business and enterprise development; financial security and strengthening the foundations for economic development.

Ceduna artist wins prize



Ceduna artist Beaver Lennon (pictured above with *The Break of Dawn*) won the Adelaide Festival Centre's South Australian Indigenous Acquisition Art Award.

He was presented with \$5000 in prize money for his painting, *The Break of Dawn*. The painting was selected from a field of more than 80 works for this year's *Our Mob* exhibition.

\$34 million to boost child protection in the NT

The Australian Government will commit more than \$34 million to boost measures to protect children from neglect and abuse in the Northern Territory.

The *Growing them strong, together* Report, released on October 18, reviews and makes recommendations about the child protection system in the NT.

The Report by the NT Board of Inquiry has found the system is consistently failing children.

While state and territory governments are responsible for statutory child protection, the Australian Government will continue to work with the NT Government to increase the number of parents on child protection income management, provide additional family support services, boost child protection workers in remote communities and strengthen alcohol controls.

As part of the roll out of the new income management scheme in the NT, the Australian Government has introduced child protection income management to improve parental responsibility.

Income management is designed to make sure that welfare is spent first in the interests of children on food, clothing and housing.

NT child protection workers now have the authority to instruct Centrelink to income

manage 70 percent of parents' income support and family payments.

The government wants this measure to be used by child protection workers in cases of child neglect.

To support and encourage this measure, the government will provide an additional \$25 million over four years for new family support services in remote communities.

This funding is dependent on the NT Government's increased use of child protection income management.

Families referred to child protection income management will now receive additional family support, including home visits and one-on-one parenting advice.

By 2013–14 this funding will support around 100 additional community-based family support workers in expanded and newly funded services.

This commitment builds on the Australian Government's \$14.7 million investment in the NT for early intervention and prevention services, including supported playgroups and programs to develop parenting skills.

\$42 million is also being spent on establishing five Children and Family Centres at Gunbalanya, Maningrida, Ngukurr, Yuendumu and Palmerston by 2012.

National Congress Nominations to re-open

The National Congress has put in place new deadlines for nominations for its first national meeting of members.

The Congress said it was doing so as a response to requests to re-open nominations.

Co-Chairs Sam Jeffries and Dr Kerry Arabena said the Board listened to its members and the public and will publish a new timetable shortly to reopen nominations and include new deadlines.

The National Congress of Australia's First Peoples opened nominations last month for people to apply to become one of the 120 delegates to its annual forum.

Nominations were also opened for individuals to stand for the first election of male and female Co-Chairs.

"We received a good return of applications from the very short nomination period," said Mr Jeffries.

"We also received recommendations from a range of interested people who said the timeframe for nominations was not long enough.

"People sent emails, letters and phoned us to say that they would have nominated, but the timing clashed with AGMs, conferences and other commitments.

"The Congress Board is committed to a fair and inclusive process to ensure everyone has a chance to participate in this organisation.

"The Board carefully considered all of the feedback we received and decided to extend the current timetable to give individuals and organisations more time to nominate.

"The Board will consult with the Returning Officer and publish a new timetable as soon as possible to allow people to submit nominations.

"As we establish the organisation and our processes, we are determined to get it right.

"The extension will ensure that first Congress is robust and representative of our membership," said Mr Jeffries.

Dr Arabena says the extended timetable also means the first meeting will now take place in 2011 and provides an opportunity to allow members a more democratic election process.

"The agenda setting of the first Congress meeting is one of the most important priorities for the Congress," said Dr Arabena.

"At this meeting, the elections of our Co-Chairs and Directors will be confirmed.

"The success of the Congress and the calibre of our delegates and Board can only be as good as our membership.

"We are also setting new standards for leadership in Australia with professional standards for office holders and gender equity for our representatives.

"To have your say and the chance to stand for election, you must be a member of the Congress.

"Membership will remain free until at least after the first annual forum next year," said Dr Arabena.

More information including membership forms can be downloaded from www.nationalcongress.com.au

Stay in touch

Name: _____

Address: _____

Postcode: _____

Phone: _____

Email: _____

DX no: _____

No of copies: _____

Is this an alteration to our current records? Yes No

Would you like to be added to the mailing list? Yes No

Would you like to be sent regular information about SANTS? Yes No



SOUTH AUSTRALIAN NATIVE TITLE SERVICES

**Level 4
345 King William Street
ADELAIDE SA 5000**

Editor
Parry Agius

Journalist
Lesley Johns

Advertising Enquiries

(08) 8110 2800

Circulation
15,000

If you have any stories of interest to our readers, please address any correspondence to:

Aboriginal Way
South Australian
Native Title Services
Level 4
345 King William Street
ADELAIDE SA 5000
Ph: 8110 2800
Fax: 8110 2811
FREECALL: 1800 010 360

The Editor has the final decision on all stories and advertising that appear in this publication.

Statewide Indigenous Cricket Cup

The Statewide Cricket carnival the Lord's Taverners Indigenous Carnival is again being held in November, in metropolitan and regional areas.

A state-team is selected from the Carnival and it goes on to compete in the Imparja Cup in Alice Springs.

The South Australian Cricket Association and representatives from Aboriginal communities throughout the state coordinate the running of the Lord Taverners Indigenous Carnival.

Communities who participate include Gerard, Kaurna, Murraylands, Port Augusta, Port Lincoln, Point Pearce, Southern AP and South Australian Sports Training Academy. The carnival will be held in Adelaide on 22–23 November.



Above: Marcus McGregor-Cassidy took part in the 2010 Imparja Cup. Photo courtesy SACA.

Three approaches to native title

1. Native title claims (applications and determinations)

A native title claim is an application made by a person or persons who is claiming to hold native title.

The process under the Native Title Act begins when a native title claim group files an application in the Federal Court seeking a determination that recognises them as native title holders.

The application is then referred to the Native Title Registrar of the National Native Title Tribunal who assesses the application against the registration test.

If the application meets all the requirements of the test, the applicants gain certain rights, such as the right to negotiate about mining on the application area.

The Registrar of the Tribunal then notifies the public of the application to give people with interests in the claimed area the chance to step forward and become involved in claim process. They do this by applying to the court to become a party to the application.

The application is then usually referred to the Tribunal for mediation. It brings the parties together and assists them

through mediation to reach agreement about native title issues that are claimed.

If an agreement is reached about the claim for native title, the parties can apply to the court for a determination of native title. If the court decides to make the determination, it is called a consent determination. If no agreement is reached, the application may have to be determined by the court following a trial.

2. Indigenous land use agreements (ILUA)

An ILUA is an agreement between a native title group and others.

ILUAs can cover a wide variety of subjects and may be used as part of the negotiations leading to a consent determination of native title. Alternatively, they may be entirely separate from the determination process.

The parties to the agreement apply to the Registrar of the Tribunal to have the agreement registered. If an ILUA is entered onto the Register of Indigenous Land Use Agreements, it binds all native title holders to the terms of the agreement, even those who are not a party to the agreement, so long as it remains on the Register.

3. Future act agreements

Final decisions over native title claims can take time. A system was devised to facilitate dealings that would affect native title both during the claim process and after native title is recognised. This is called the 'future act process'.

Native title claimants and those recognised as native title holders have the right to negotiate about some future acts, such as the grant of a mining lease or proposed developments. Claimants only gain this right if their native title claim satisfies all of the registration test conditions.

The Tribunal administers the process that deals with future acts that attract the right to negotiate under the Commonwealth legislation – that is, generally, future acts relating to mining leases and some compulsory acquisitions.

The Tribunal's role in this process includes mediating between parties, conducting inquiries and making decisions (called 'future act determinations') where parties can't reach agreements.

This information was kindly supplied by the National Native Title Tribunal.

We know you'll love what we do

APPLY NOW TO STUDY AUSTRALIAN STUDIES OR
ABORIGINAL STUDIES AT UNISA IN 2011

For more information contact:

THE DAVID UNAIPON COLLEGE OF INDIGENOUS EDUCATION & RESEARCH
(08) 8302 9194 www.unisa.edu.au/unaipon or ducier@unisa.edu.au



University of South Australia



David Unaipon College of
Indigenous Education and Research