



# Aboriginal Way

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## Ngarrindjeri Culture takes Centre Stage



Rritjarukar (Willy Wagtails) Choir performing at Ngarrindjeri sharing circle at the biennial Regional Arts Australia National Conference, Kumuwuki/Big Wave held in Goolwa from 18–21 October 2012. More on page 4.

## We'll fight for Fishing Rights

**Aboriginal leaders in South Australia say their people will continue to practice traditional fishing despite the Supreme Court finding native title rights to fish have been extinguished.**

Klynton Wanganeen, the inaugural Commissioner for Aboriginal Engagement said regardless of Australian law, Aboriginal people have a pre-existing right to fish as part of their ongoing cultural practice.

"Aboriginal people's rights to fish have always been there and always will be. It pre-exists white man's law, it pre-exists

the Racial Discrimination Act, it pre-exists the establishment of South Australia as a state, and all the different fishery regimes that have come into place.

My people, the Narungga people, our fishing has been continuous for thousands upon thousands of years and our connection to our sea country has been unbroken. Our cultural practices and our fishing exists today and we still continue to fish and teach our kids to fish and to be safe in the sea and we will continue to carry out our practices and our fishing regardless of what happens in terms of the state

government or the fisheries department", he said.

Furthermore, the Native Title Act is a mechanism that has been put in place for Aboriginal people to access their pre-existing rights" said Mr Wanganeen.

Mr Wanganeen's comments are in response to the South Australian Supreme Court's decision on May 22 this year that native title fishing rights for Aboriginal people in South Australia were extinguished by the Fisheries Act (1971) SA.

"The current South Australian Fisheries Act includes traditional fishing rights

but they haven't backed it up with any policies or regulations that enable our people to go out and do what we do without looking over our shoulder to see if there's a fisheries inspector nearby" said Mr Wanganeen.

I would like to see the Fisheries Department and the Crown Solicitors Office and the Attorney General's Office all come to their senses and look at the reality in that our traditional practices have been going on non-stop and we will continue those regardless of what they do", Mr Wanganeen said.

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# Working together to protect country



Above: Project participants at Tieyon station.

**A new land management project with traditional owners in the far north of South Australia is working to protect and improve the conditions of significant cultural sites on pastoral properties.**

The project, 'Kapi Palya Kanyintjaku: Protecting water in our Country', is a partnership between Native Title holders, pastoralists and South Australian Native Title Services.

Since July, the parties have undertaken field work to assess the condition of over 30 cultural heritage sites associated with water on De Rose Hill and Tieyon pastoral stations. This involved a group of eight traditional owners working with SANTS staff and consultants to identify cultural and ecological values, threats to these important places, and agreement on the management actions.

The project has developed from the traditional owners desire to protect important cultural places and continue to look after country.

Participant, Donald Grant said "the main thing we are looking for are the water holes that our old people used to use when travelling through".

Director of DeRose Hill Ilpalka Aboriginal Corporation, Tjaruwa (Mary) Anderson said it is important to protect country for the next generation.

"I have enjoyed working with everyone, it is the first time I've been on this country and it was good to listen to the senior person, Peter De Rose because he used to travel the country with his father and he knows the names of every site.

It's important for us to record the sites and look the after them and to show the younger generation the way to the water

points. The next step will be to go back out and clean the sites and continue working together to look after country", Ms Anderson said.

The project is also building understandings and relationships between Anangu nguraritja (traditional owners) and pastoralists.

Karina Lester, Chair of DeRose Hill Ilpalka Aboriginal Corporation said "This is a great example of good partnerships with Anangu nguraritja (Native Title Holder's), Pastoralist and Environmentalist all working to protect country and developing a good management plan for the future protection of these culturally significant places".

The manager of Tieyon Station, Paul Smith said "It's interesting how life evolves and changes, it's important to recognise the past, that's why we are

here and we'd like to work together and keep the relationship going".

Mick Durant, Senior Vegetation Consultant with Greening Australia, said the project was a great learning experience.

"We visited some amazing sites amongst the red sand of inland Australia, including rock overhangs, creeklines and granite outcrops. The experience was fantastic and the generosity of the traditional owners in sharing their culture and stories is something I won't forget," said Mr Durant.

In early 2013, the traditional owners will commence an on-ground works program to clean rock-holes, control weeds and other vegetation, establish monitoring sites, and possibly fence off some areas.

This project is supported by South Australian Native Title Services, through funding from the Australian Government's Caring for our Country program.

## Aboriginal and Torres Strait Islander Peoples Recognition Bill

**On 28 November, the Australian Government introduced the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 into Parliament.**

The Bill provides opportunity for Parliament to support and commit to constitutional recognition of Australia's First Peoples. In introducing the Bill, Minister Macklin said it is "a clear step forward towards holding a successful

referendum to change the Australian Constitution to recognise Aboriginal and Torres Strait Islander peoples".

The Bill includes a statement of recognition of the unique and special place of Aboriginal and Torres Strait Islander peoples that largely reflects the wording suggested by the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples.

*The Bill provides opportunity for Parliament to support and commit to constitutional recognition of Australia's First Peoples.*

It contains a sunset date of two years, which sets a clear timeframe to build

towards change and the ultimate goal of constitutional recognition.

The Australian Government agrees with the findings of the Expert Panel that a referendum should be held at a time when it has the most chance of success.

**To learn more and get involved in building support for constitutional change, visit [www.youmeunity.org.au](http://www.youmeunity.org.au) for more information.**

# From the Kimberly to Vancouver – Australian Indigenous ranger’s travel to Canada

**Indigenous rangers from the Kimberley Land Council and the Central Land Council recently took part in a 10-day exchange with Canadian First Nation Peoples as part of a new global initiative under the Indigenous Rangers Network program.**

Organised by the Pew Environment Group and funded through the Federal Government’s Working on Country program the exchange aimed to connect traditional knowledge and ideas from around the world for best practice land and sea management.

Daniel Oades, an Indigenous Ranger from the Kimberley Land Council who took part said the exchange was worthwhile because it gave Canadian and Australian traditional owners an opportunity to meet and share experiences.

The Canadian first peoples “were very welcoming to us and interested in what we had to say and it gave us the chance to listen to other people’s circumstances”

“Some Canadian first peoples have treaties and others are still fighting for land rights, and it gave us a good understanding not only of their circumstances but also to compare the way things work back home”, he said.

“The experience was definitely worthwhile. We can only benefit from sharing ideas and it increased my knowledge about how others manage

their land. Indigenous peoples have an important and legitimate role in helping to manage the global environment, and hopefully Australia’s commitment to this program will encourage other countries to become involved”, he said.

Federal Environment Minister Tony Burke said the Indigenous Rangers network is an important environmental achievement.

“This global network recognises Indigenous peoples’ traditional knowledge to protect and nourish the land and sea, contributing to the social and environmental health of their own nations and the world.

The expansion of the Indigenous Rangers network is one of the most important environmental achievements of this Government,” said Mr Burke.

This was the first of several exchanges in the lead up to the inaugural international network conference in Darwin in May 2013.

The conference will bring Indigenous peoples and local communities together from around the world to shape the network and ensure its long term viability.

Australia led the initiative and recruited Brazil, Norway and New Zealand to form the Indigenous Peoples and Local Communities Land and Sea Managers Network at the Rio+20 sustainable development conference in Brazil earlier this year.



Above: Rangers at Vancouver University of British Columbia.



Above: Daniel Oades at Dene camp near Detah NWT.

## We’ll fight for Fishing Rights

*continued from page 1*

Keith Thomas, South Australian Native Title Services (SANTS) CEO, said the Supreme Court’s decision is disappointing and one that affects all native title holders.

“The decision is problematic for all holders of native title and those who may achieve native title. People will continue these practices but as it stands they are at risk of criminal charges and hefty court fees”, Mr Thomas said.

Tom Trevorrow, Ngarrindjeri Elder and Chair of the Ngarrindjeri Regional Authority said it is “totally wrong and unacceptable for the State of South Australia to attempt to forcefully take away the first peoples traditional fishing rights.”

“It is an abuse of our basic human right, it is our right under the rights of native title and it is a right under the Letters

Patent of 1836 which established the province of South Australia which recognised the right of the native inhabitants to enjoy and occupy their lands and waters and for their descendants to do so. And furthermore it is a joke that the State Government tells us that we can’t fish or gather cockles within our own sea country. We don’t operate outside the law, we operate within our own legal framework, these are our laws and they preceded settlement. The State can try and deny legitimacy of our law systems of Aboriginal management and resource allocation of natural resources but they cannot deny its existence. Aboriginal people have a moral and legal claim to fish not only based upon management of resources and material needs but also on the rights that originate within our culture.

The Ngarrindjeri people will continue to practice and carry out our cultural

tradition of fishing for our food and to manage our resources and if this means breaking the state of South Australia’s fishing law which has been introduced because of their own greed and mismanagement then so be it. Those laws cannot stand in the face of the ideas of a just settlement in the Letters Patent of 1836, Australia’s human rights obligations, or the sense and wisdom of Aboriginal customary laws to fish,” Mr Trevorrow said.

The Supreme Court’s decision came after the Department of Fisheries and Aquaculture appealed the acquittal of two Narungga men, who were charged with taking 24 undersize abalone from Yorke Peninsula in 2009.

Owen John Karpany, 59, of Kapunda, and son Daniel Thomas Karpany, 24, who belong to the Narungga people, were charged under the Fisheries Management Act 2007 after they were found with

greenlip abalone meat at Cape Elizabeth, south of Port Hughes on Yorke Peninsula.

SANTS Principal Legal Officer, Andrew Beckworth said the Supreme Court findings in the Karpany case mean native title holders that had the right to fish determined by the federal court may no longer exercise and enjoy those rights and those that are claiming native title rights to fish would be unable to have those rights determined.

An appeal by Mr Karpany has been referred to the full bench of the High Court and is expected to be heard in February next year.

Mr Beckworth said “SANTS has intervened in this matter in order to protect native title rights of Aboriginal People in South Australia.

SANTS remains optimistic that the High Court will overturn the decision of the Supreme Court,” he said.

# Ngarrindjeri Culture takes Centre Stage

**A two day celebration and showcase of Ngarrindjeri arts and culture was presented for the first time as part of the nation's largest arts industry event.**

The biennial Regional Arts Australia National Conference, *Kumuwuki/Big Wave* held in Goolwa from 18–21 October showcased some of Australia's best regional-based artists with a focus on the local Aboriginal culture.

It was the first in the event's 14 year history to have a dual Indigenous/non-Indigenous title.

During two days of the four-day conference, a special Ngarrindjeri Sharing circle was set up in Jekejere Park behind Goolwa's cultural arts centre.

The sharing circle gave people the opportunity to meet Ngarrindjeri people from the region and learn about basket weaving, tracking and fishing, making a Pulgi (humpy home), bush tucker foods, hunting tools, musical instruments, clothing, singing, dancing and dreamtime.

Ngarrindjeri Elder Aunty Eileen opened the sharing circle and welcomed everyone to join the celebrations. She said the event was a good opportunity for people to learn about Ngarrindjeri culture.

"The Sharing Circle is a chance for Ngarrindjeri people to showcase our culture through expression of getting together and sharing how rich a culture we have. Our culture is about celebrating life with respect to family and the lands and waters we have lived in for thousands of years" Aunty Eileen said.

The Minister for Aboriginal Affairs & Reconciliation, Hon Paul Caica MP,

was also there to open the sharing circle and welcome the public.

Minister Caica said the sharing of Ngarrindjeri culture was an important step in the wider reconciliation process.

"This festival highlights the very important role that culture plays not only for Aboriginal people, and in this instance the Ngarrindjeri people, but also to the broader community. Events like these are vital to the reconciliation process. I just think it is wonderful, and anyone who was here today to witness the dancers and the singers could not help but be impressed. We can all learn from our first peoples, not only about how we can live our lives but the relationship between the way we live our life and the environment," said Minister Caica.

Tom Trevorrow, Ngarrindjeri Elder and Chair of the Ngarrindjeri Regional Authority held a workshop *Living Culture Camp Coorong* as part of the showcase.

The workshop allowed people to handle hunting tools and historical artifacts.

Mr Trevorrow said that the sharing circle was important because it gave people an understanding of how Aboriginal people survived.

"It's good because it gives people an opportunity to touch and feel the instruments. People do not always know whether they can touch them but here we are saying 'go on'. It gives them a real understanding that Aboriginal People knew how to survive.

"Some of the tools are still used today, so having them on display and getting people to see and touch them and ask questions about them, it shows that

it's an ongoing cultural way", said Mr Trevorrow.

Stephanie Gollan, Ngarrindjeri artist and cultural instructor based in Adelaide led the children's *Animal Stencils and Jewellery making* workshop with a bush animal theme.

Ms Gollan said cultural events like this are important in celebrating Ngarrindjeri history and reminding people that the Ngarrindjeri culture is still alive today.

"Our people have been here for a long time and we are celebrating this with the sharing circle. We have kept up with our technology, our arts and language and we want to pass on our knowledge to our children. We would also like non-Aboriginal people to learn about our culture that is over 50 thousand years old.

*"This festival highlights the very important role that culture plays not only for Aboriginal people, and in this instance the Ngarrindjeri people, but also to the broader community."*

That's what I love about *Kumuwuki – Big Wave*, having the sharing circle is to show that we are maintaining our culture and keeping our ancestors happy and we are doing our best to keep history alive for the next generation," said Ms Gollan.

Indigenous Arts Engagement Officer at Country Arts SA and event organiser Mandy Brown said it is important for

indigenous and non-indigenous people to get together.

"it is important to have an open forum where people feel comfortable and it's interactive so it's different to just buying Aboriginal art, it's about interacting and talking to Aboriginal people, to elders and finding out about our culture.

"A lot of people aren't aware of Ngarrindjeri culture and people have been asking a lot of questions. Some people from Gawler were unaware that there were still Ngarrindjeri people living in this region," she said.

Ms Brown said the event was also an opportunity for Ngarrindjeri people to meet and share stories.

"It's been an emotional experience for many people, people have been able to open up and learn by listening to elders and it's been a lovely environment for people to come together and share their stories.

The coming together of the Ngarrindjeri community has been great and then also being able to collectively share our stories and knowledge with other mobs and non-Indigenous people has been better than expected", said Ms Brown.

Local Gawler resident, Elwyn Heinrich agreed that the event was a great way for Ngarrindjeri to share their culture with the wider community.

"It's been good to have a look around and see what's going on, I cannot say I know much about Ngarrindjeri people. There are quite a few different events that happen in Gawler and it is good for different cultures to be shared with others," he said.



This page: Above and top right: Rritjarukar (Willy Wagtails) Choir performing at Narrindjeri sharing circle. Bottom right: Vicki Hartman and Tom Trevorrow. Opposite page: Clockwise from top: Narrindjeri sharing circle; Anita Wano, Jillian Heppner, Vicki Hartman; Ariarna Rigney; Aunty Eileen (holding baby) in the Narrindjeri sharing circle; Aunty Muriel Van Der Byd and Minister for Aboriginal Affairs Hon. Paul Caica; Participants in the Pulgi (Humpy home); Children from the Rritjarukar (Willy Wagtails) Choir; Stephanie Gollan selling her Jewellery at the sharing circle arts market.





Photo courtesy of The Fred Hullows Foundation.

## Vision for Health

**The National Aboriginal Community Controlled Health Organisation (NACCHO) and the Sight For All Foundation urge Aboriginal and Torres Strait Islander people to have regular eye health checks.**

In Australia 75% of vision loss is preventable or treatable but for Aboriginal and Torres Strait Islander people this figure rises to 94%.

Despite this staggering percentage, 35% of Aboriginal and Torres Strait Islander adults have never had an eye test.

Ms Lisa Briggs, incoming CEO of NACCHO and Chair of the Vision 2020 Australia Aboriginal and Torres Strait Islander Committee said “while all Australians need to be proactive in managing their eye health, the statistics indicate Aboriginal and Torres Strait Islander people need to be particularly vigilant.”

“For Aboriginal and Torres Strait Islander peoples, we should be regularly tested for eye diseases, and if you’re a diabetic you should be tested every year for your whole life cycle. Children should be tested before they start school, before high school and then as part of an adult health check. Vision loss is seen as old person’s disease but it’s not,” said Ms Briggs.

James Muecke, Chairperson of the Sight For All Foundation said Diabetes is now a major cause of health complications in Aboriginal communities.

*A message from the Sight For All Foundation is the importance of easing fear of having cataract surgery and regular eye checks, as well as a healthy diet, exercise, good diabetic control.*

“Diabetes 30 years ago was almost non-existent in Aboriginal communities. But there’s been an 80 percent increase compared to mainstream non-Aboriginal population over the last 30 years and in some communities it is a serious problem. We really have to look at health and lifestyle as ways of controlling diabetes. Not only that, people need to be coming at least once a year for an eye check,” he said.

Mr Muecke said that although Diabetes is on the rise other causes of blindness have declined.

“One of the big problems has been a condition called Trachoma which is an infection carried by flies. The condition is related to lack of hygiene and environmental factors but Trachoma has been on the decline for the last decade or more. In fact, in South Australia we haven’t seen a new case of blindness caused by Trachoma in over a decade. So even though there are still a few cases where people were affected by the disease years ago, we are not seeing new cases of the problem.

One of the other big problems is cataracts. One of the major issues with cataracts is that people are fearful of the operation. For a person from a remote community who has to travel to the city for the operation, it can be a frightening prospect and a number of patients will back off from having the surgery simply because they are fearful,” Mr Muecke said.

A message from the Sight For All Foundation is the importance of easing fear of having cataract surgery and regular eye checks, as well as a healthy diet, exercise, good diabetic control.

Sight For All will soon release a video that tracks the path a patient takes from their home to the clinic and to the hospital

to have the operation and then home again so that future patients have a good understanding before going ahead with the surgery.

Similarly, The National Aboriginal Community Controlled Health Organisation has released an eye health DVD, *Our Eyes Our Journey*, funded by The Fred Hollows Foundation and developed by the Victorian Aboriginal Community Controlled Health Organisation in collaboration with Oxfam and Vision 2020 Australia.

The video promotes key eye health messages and can be viewed on the NACCHO website.

Ms Briggs is encouraging people to look online at the NACCHO website and Health Info Net to find out about Aboriginal eye health issues and use available recourses.

“Prevention and education is the key, there is a lot of goodwill and intent happening at a grass root level. If we demystify the process and if we get our eyes tested regularly then we can close the gap on vision,” Ms Briggs said.

[www.healthinfonet.ecu.edu.au](http://www.healthinfonet.ecu.edu.au)  
[nacchocommunique.com](http://nacchocommunique.com)  
[www.sightforall.org](http://www.sightforall.org)



Photo courtesy of The Fred Hullows Foundation.

### Diabetes

Diabetes is our nation's fastest growing chronic disease and unless action is taken now, it is expected to overtake heart disease and cancer to become the largest cause of disability and premature death in Australia.

The good news is that type 2 diabetes can be prevented through positive lifestyle changes. In fact, the risk of developing type 2 diabetes can be reduced by up to 60% by maintaining a healthy weight, being physically active and following a healthy eating plan.

### Early detection

Diabetes is a condition that cannot be ignored, but sadly, there are many people within our community that have diabetes without knowing it.

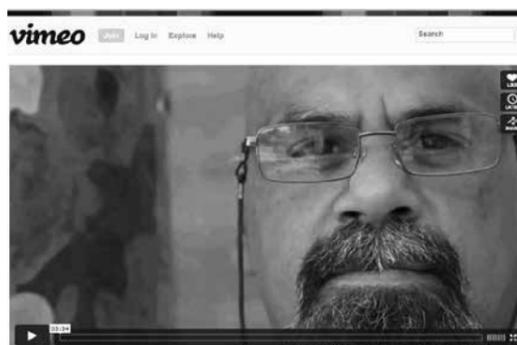
In fact, it is estimated that for every diagnosed case of type 2 diabetes, there is another that goes undiagnosed and untreated. Diagnosis and appropriate management is paramount: research has shown that if people with diabetes can manage their diabetes well, the risks of complications are greatly reduced and may be either prevented or significantly delayed.

### Cataract

A **cataract** is a mostly degenerative condition in which the lens of the eye clouds over, obstructing the passage of light to cause vision loss and, potentially, blindness.

- Cataract caused one-third (32%) of blindness in Aboriginal and Torres Strait Islander adults.
- About 65% of people with cataract had been operated on.

Eye injury, smoking, heavy drinking, too much sun exposure and diabetes can increase the risk of getting cataracts.



Rough Cut



Above: NACCHO website video. Right: Two girls ready for an eye health check.



Above: Eye health check.

### Trachoma

There are more cases of Trachoma in remote communities than in urban centres. During the 1970s, the Australian Government treated nearly 40,000 Australians affected with trachoma. In November 2006, the National Trachoma Surveillance and Reporting Unit (NTSRU) was established to combat trachoma among outback Aboriginal communities.

Trachoma is a bacterial infection of the eye that can cause complications including blindness. This preventable disease is linked to poor hygiene and is often associated with poverty. Lack of facial cleanliness is the key factor that causes the spread of the infection that causes trachoma. Trachoma is also sometimes known as sandy blight.

### Prevention

A clean face and clean environment is important to prevent Trachoma. The Australian guidelines closely follow those outlined in SAFE, the World Health Organization's proposed form of trachoma control. SAFE stands for **S**urgery, **A**ntibiotics, **F**acial cleanliness and **E**nvironmental improvement.

The proper implementation of the full SAFE Strategy has significantly reduced trachoma in many communities.

# Wik and Wik Way Peoples final win

**On October 11, the Wik and Wik Way peoples won their final battle for non-exclusive native title rights to traditional lands in far north Queensland.**

The consent determination was handed down at a special Federal Court hearing in the remote indigenous community of Aurukun.

The claim stems from the High Court's landmark Wik decision in 1996, which found native title could co-exist with pastoral leases.

The Wik and Wik Way peoples were granted title to 19,672 square kilometres of land south of Weipa. It gives the claimants the right to camp, fish, hunt and conduct traditional ceremonies.

It is the final determination on the Wik and Wik Way people's native title claim, which was first lodged in the Federal Court in 1993.

## Key dates in the Wik case

- **30 June 1993**  
Before the enactment of the *Native*

*Title Act 1993*, the Wik Peoples commenced legal proceedings for a common law declaration of their native title rights in far north Queensland. The Thayorre People cross-claimed for similar declarations in relation to land covered by the Wik claim. Part of the land claimed was subject to pastoral leases.

- **16 December 1993**  
The Commonwealth legislated to recognise and protect native title rights and interests through the enactment of the *Native Title Act 1993*. While the Act did not contain provisions extinguishing native title on all pastoral leases, the preamble to the Act stated that native title is extinguished by valid inconsistent government acts such as the grant of freehold and leasehold.
- **9 February 1994**  
The Wik Peoples sought an order from the Federal Court of Australia for the entire proceedings to be adjourned sine die so as to permit them to apply

for a determination of native title under the *Native Title Act 1993*.

- **11 March 1994**  
Justice Drummond of the Federal Court ordered that if they gave undertakings not to prosecute further their claims to Aboriginal title and possessory title in the Federal Court proceedings, all the claims for Aboriginal title and possessory title would be adjourned sine die so as to enable the Wik Peoples to apply for a determination of native title under the *Native Title Act 1993*.
- **23 March 1994**  
The Wik Peoples gave such an undertaking and the following day applications for a determination of native title and compensation were lodged with the National Native Title Tribunal.
- **29 January 1996**  
Justice Drummond held that the grant of pastoral leases had necessarily extinguished any native title that the Wik and Thayorre Peoples may have had on pastoral lease land.

These findings were appealed to the Full Court of the Federal Court and removed to the High Court.

- **8 October 1996**  
The Howard Government released amendments to the *Native Title Act 1993* – based on the assumption that pastoral leases extinguish native title.
- **23 December 1996**  
The High Court hands down its decision in the Wik Peoples v Queensland. The Court by a 4-3 Majority held that pastoral leases do not necessarily extinguish any native title interest that may have survived, but that where there is conflict between native title rights and interests and the rights of pastoralists, the latter prevail. The Court did not decide on the existence and nature of any native title rights the Wik and Thayorre Peoples might have, referring this matter back to the Federal Court.

**Source:** Hunter, Philip (1997) *The Wik Decision: Unnecessary Extinguishment*, in Hiley, Graham (1997) *The Wik Case, Issues and Implications*, Butterworths, Sydney.

## Study into the homeless away from home in South Australia

**A new study into the nature and extent of seasonal homelessness experienced by Aboriginal people moving between remote communities in South Australia was released last month.**

The University of South Australia's Centre for Rural Health and Community Development surveyed Indigenous travellers in Ceduna and Port Augusta to find out their reasons for travel, how long they planned to be away from home, and how often they visited.

The researchers collected a range of data from Indigenous travellers, including the time of visit, frequency of visits and length of stay, gender, age, employment status and usual place of residence.

They found:

- There were more than twice as many male as female participants.
- In Ceduna, most participants were over 50 years old, whereas in Port Augusta participants were primarily under 40 years of age.
- Most participants, particularly older people and couples, were on circular trips between home communities and regional centres.
- Most participants intended their trip to be between one and three weeks,

although a smaller group intended to stay at least three months.

- There were no first-time travellers among the participants.

The project also raised awareness of the difficulties associated with improving local data collections in rural and remote locations.

Minister for Housing and Homelessness Brendan O'Connor said "Indigenous people in remote communities frequently travel to towns and cities for health, education and employment services, leisure, judicial requirements, seasonal conditions or safety,"

"These movements often lead to people being 'homeless away from home', and can put pressure on housing, social and education services in regional centres not expecting their arrival."

"The Government welcomes this research, which provides an important insight into a largely unknown client group," Mr O'Connor said.

**The report is available at <http://homelessnessclearinghouse.govspace.gov.au/whats-new-3/research-release-homeless-away-from-home-understanding-homelessness-patterns-arising-from-the-seasonal-mobility-of-aboriginal-people-to-regional-service-centres-september-2012/>**

## Remembering Redfern



**On 10 December 1992, Prime Minister Paul Keating gave a momentous speech in Redfern Park which acknowledged the impact of European settlement on Indigenous Australians.**

*"... the starting point might be to recognise that the problem starts with us non-Aboriginal Australians. It begins, I think, with that act of recognition."*

*"We cannot imagine that the descendants of people whose genius and resilience maintained a culture here through 50,000 years or more ... will be denied their place in the modern Australian nation ... I am confident we will succeed in the next decade."*

Paul Keating, 10 December 1992

### Have we succeeded?

On this 20th Anniversary of the Redfern Speech we encourage all Australians to talk about what these words mean and where we go from here.

# SA Students receive award for excellence



Above: students receiving Walpaara Anpa awards with His Excellency Rear Admiral Kevin Scarce AC CSC RANR Governor of South Australia and Hon. Paul Caica, minister for Aboriginal Affairs and Reconciliation.

## Ten of the State's most promising students received academic achievement awards at Tandanya theatre last month.

This is the sixth year of the Walpaara Anpa Awards, an initiative of the Department of Planning, Transport and Infrastructure.

The awards recognise exceptional academic achievement of Aboriginal

students as well as encouraging students to complete their schooling.

The 2012 award winners come from right across the state, with five from metropolitan Adelaide and five from the regional areas of Loxton, Murray Bridge, Port Augusta, Moonta and Naracoorte.

The winners of the 2012 Walpaara Anpa Awards are:

- Willis Daveson – Moonta Area School
- Joshua McKenzie – Banksia Park International
- Brodie Thomson – Reynella East
- Kayla Richards – Golden Grove High School
- Katrina Nuske – Woodville High
- Kartanya Martin – Salisbury High School
- Sharnee Walters – Loxton High
- Tori Wilson – Seymour College
- Sakara Mahomed-Nam – Port Augusta Secondary School
- James Wilson – Naracoorte High School

Each student will be awarded a laptop computer, providing an opportunity for them to excel in their chosen field of study.

# Native Title reforms introduced

## On November 29, the Attorney-General introduced the Native Title Amendment Bill 2012 into Parliament.

The Bill makes a number of amendments to the Native Title Act 1993 relating to the disregarding of historical extinguishment of native title, 'good faith' negotiations and processes for Indigenous Land Use Agreements.

The Tax Laws Amendment Bill 2012 to clarify the income tax treatment of native title benefits was also introduced into parliament that day.

*"...the current native title reforms will help achieve sustainable outcomes under native title agreements."*

The new laws will ensure certain payments and benefits arising from native title agreements will not be subject to income tax.

The amendments also confirm that certain capital gains from native title rights are not taxable

Minister for Indigenous Affairs, Jenny Macklin said the current native title reforms will help achieve sustainable outcomes under native title agreements.

"This legislation responds to stakeholder calls for reform and will assist traditional owners when they are negotiating native title agreements," Minister Macklin said.

The Senate referred the Amendment Bill and new tax laws to the Legal and Constitutional Affairs Legislation Committee (committee) for inquiry and report.

The committee is due to report on 13 March 2013.

# NITV goes to free-to-air

## National Indigenous Television service NITV begun broadcasting on SBS4 digital spectrum on December 12<sup>th</sup>. This is the first time NITV has been available for all Australians via free-to-air TV.

The new NITV channel will maintain editorial responsibility over delivery of the channel, and will continue to produce content covering a variety of genres, from music to health, sport, news, current affairs, culture and children's programs.

## Two new drama series to hit the small screen

Screen Australia has invested in two new Indigenous productions: the television drama series *The Gods of Wheat Street* and *Inside AFL* (working title). To be produced for ABC television, the projects are funded through Screen Australia's Indigenous Department.

Screen Australia's Head of the Indigenous Department, Erica Glynn, said, "Both of these productions reflect the extraordinary growth and maturity of Indigenous filmmaking."

Both TV series are expected to be aired sometime next year.



An extract from:

BRAD SELWAY MEMORIAL LECTURE Law Society of South Australia

Thursday, 13 September 2012 by Justice John Mansfield AM 1

## Native Title in South Australia: A Paradise or a Paradise of Dissent

*“It is an honour and a privilege to deliver the Brad Selway Memorial Lecture for 2012.”*

Justice John Mansfield

In any formal sense, the first tremblings of the recognition of native title rights in Australia, a country which was theirs before white settlement, arose in the Gove land rights case in 1968. That is some 200 years after Cook first saw Australia in 1769, and 180 years after Governor Phillip's First Fleet landed in Australia in 1788. It is nearly 140 years after South Australia was proclaimed. That case was heard by Sir Richard Blackburn, also a South Australian but by then serving as a Judge of the Supreme Court of the Northern Territory. The Yolngu People living in Yarrkala, people who were the traditional owners of the Gove Peninsula in Arnhem Land, issued proceedings against Nabalco Pty Ltd in relation to the mining lease for bauxite granted by the Federal Government. They claimed that they enjoyed legal and sovereign rights over the land and sought declaratory relief to occupy the land free from interference in accordance with their native title rights. They had previously petitioned the Australian House of Representatives in August 1963 with a bark petition to prevent the grant of the mining lease. The Yolngu People claimed that the grant of the lease involved the compulsory acquisition of part of their land over which they had enjoyed communal native title since time immemorial.

It is a matter of history that, in 1971, judgment was given adversely to the Yolngu People. Justice Blackburn acknowledged that there was under Yolngu law a system of Aboriginal law which recognised cultural communal rights in land, and that in appropriate circumstances oral evidence could be used to establish those rights. However, most critically, Justice Blackburn held that native title was not part of the law of Australia, and that the rights so described were not rights of private property recognised under the Australian legal system.

There was no appeal from that decision. However, the decision drew significant public attention to the issue of Aboriginal land rights more generally, and in 1972 the Commonwealth Government established the Aboriginal Land Rights Commission, chaired by Justice Sir Edward Woodward, a judge of the Federal Court. Amongst its recommendations was that Aboriginal land rights legislation should be introduced into the Australian parliament. This occurred two years later with the passing of the Aboriginal Land Rights (Northern Territory) Act

1976 (Cth) (the Land Rights Act) which allowed Aboriginal people in the Northern Territory to make claims on Crown land for which they could prove their traditional ties. There have been subsequently many grants of land by the Commonwealth in respect of Crown land in the Northern Territory.

However, recognition of native title rights in land after the Land Rights Act was slow. In South Australia, legislation mirroring the Land Rights Act, granted to the APY People in South Australia substantial land in the north west of the State. There was otherwise no formal or systematic recognition of native title rights over the next almost two decades. The next impetus for change came through the Mabo cases. On 30 May 1982, the case of *Mabo v Queensland* began with the lodgement of the plaintiffs' statement of claim in the High Court for the recognition of native title over the Murray Islands. The matter was remitted to the Queensland Supreme Court for findings of fact but this was to be suspended pending a High Court decision on a demurrer, regarding the newly enacted Queensland Coast Islands Declaratory Act 1985 (Qld). By that Act the Queensland parliament sought retrospectively to declare that any traditional land rights in the Murray Islands held by the Meriam People (including Eddie Mabo) which had survived the islands' annexation in 1879 were extinguished without any compensation being payable. In 1988, the High Court declared that Act invalid under s 109 of the Australian Constitution in *Mabo v Queensland (No 1)* (1989) because it was inconsistent with s 10(1) of the Racial Discrimination Act 1975 (Cth). The case proceeded on the assumption that the Meriam People actually held native title rights. That was a decision for another day.

After the hearing on the demurrer, the matter proceeded again before Justice Moynihan in the Supreme Court, who delivered his Determination of Facts on 16 November 1990 after 67 hearing days. Justice Moynihan found on the evidence that there was social organisation governing collective property 'probably antedating European contact' and that the Islanders 'have no doubt that the Murray Islands are theirs. Then the day came.

Recognition of native title as a matter of law was recognised by the High Court in *Mabo v Queensland (No 2)* (*Mabo (No 2)*) handed down on 3 June 1992.

The High Court recognised native title in Australia for the first time, and rejected the doctrine of "terra nullius" in favour of the common law recognising where appropriate Aboriginal title in land. The Gove land rights case was overruled. The High Court accepted that there was a concept of native title at common law, that its source was the traditional connection with or occupation of land by the Indigenous peoples, and its content and nature was determined by that connection and occupation under the traditional laws and customs. It also decided that native title could be extinguished by the valid exercise of government power following settlement.

The decision in *Mabo (No 2)* led in relatively short time to the Native Title Act 1993 (Cth) (NTA), which provided a framework for Aboriginal people to claim native title over land where such native title had not been extinguished. The NTA also established the National Native Title Tribunal (NNTT), which was to make determinations of native title, which were then appealable to the Federal Court of Australia and in turn to the High Court.

Following the decision 1996 in *Wik Peoples v Queensland (Wik)*, the Native Title Act was substantially amended by the Native Title Amendment Act 1998 (Cth) (the 1998 Amendment). *Wik*, it was thought in many circles, took the pendulum too far in favour of Indigenous Australians when it found that statutory pastoral leases, or at least those then under consideration, did not bestow rights of exclusive possession on the leaseholder so as to extinguish native title rights in respect of the leased areas. To assert that proposition now is, to any informed Australian, so inoffensive – indeed so sensible – as to indicate how far we have collectively come as a community. It is now commonplace for native title rights to be recognised and exercised alongside and in conjunction with those of pastoral lessees. Almost without exception throughout Australia, those rights are recognised by consent and with the support of the pastoral leaseholders. There have been many determinations of native title by consent in that context.

The 1998 Amendment was complex. It expanded on past extinguishment of native title rights and interests, in whole or in part, including by the validation of acts which had occurred prior to 1998. It also reshaped substantially procedural aspects for the recognition of native title. That was prompted by

the decision in *Brandy v Human Rights and Equal Opportunity Commission* in which the High Court found that the decision making system – in that case, providing for the Human Rights and Equal Opportunity Commission to make determinations which were to be registered with the Federal Court and which were then to have judicial effect – was unconstitutional, as an impermissible exercise of judicial power by a non-judicial body. The NNTT was vulnerable to the same criticism.

That was remedied by providing that all claims for the determination of native title under the NTA to that time were to be, and were, transferred to the Federal Court for hearing and determination and all new claims were to be made directly to the Court. Consistent with the original concept, all claims were then immediately referred to the NNTT for mediation unless the Court otherwise ordered. Mediation was and still is intended as the primary means for progressing claims.

As part of the very complex amendments effected, the 1998 Amendment also introduced the concept of an Indigenous Land Use Agreement (ILUA). It was thought to complement, or perhaps in some cases provide an alternative to, native title determinations by the Court.

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However, a number of problems remained, which were common to both the resolution of native title claims by determination and by ILUAs.

### Funding

Funding is a significant element of the process of any Indigenous group agreeing to resolution of its claim either by entering into ILUAs or by a determination of native title. One needs only to pause and consider the situation of many Indigenous claim groups who have preserved the relationship with their country beyond time immemorial and continue to practice their native title rights and interests in relation to it. They have found progressively, by white settlement, that the way in which they have been able to do so has been impaired. They are then expected to accept what is granted by the Statewide ILUA process or by the recognition of native title what is something considerably less than the rights and interests which they enjoyed before white settlement. It has been diminished

by executive and legislative action. It is vulnerable to further dilution under the 'future acts' regime. So much was explicitly recognised in the decisions in *Mabo* and *Wik*, and then legislatively prescribed in the NTA. Even the process of native title groups coming together to consider and approve a proposal, once it had been agreed to by their working group or their representatives, is an expensive one, bringing many people to the country to do so. It is anecdotally reported to exceed, and often considerably exceed, \$100,000 for each of those meetings. It was and is a routine matter reported to the Court that particular claims could not progress, or an anticipated action could not have taken place, through lack of funding available

### Complexity

Complexity exposes itself in relation to a range of matters. Obviously tenure, relevant directly to extinguishment of any native title rights and interests, is a critical issue. In many claim areas of the State, especially those more populated or more developed (including of course along the River Murray) the tenure material is very extensive. As I have mentioned, the commencement of the *Racial Discrimination Act 1975* was a significant event, setting the date from which acts extinguishing native title might attract an entitlement to compensation. Current generation tenure would not routinely, therefore, expose all issues of extinguishment. In the course of the negotiations ultimately leading to a determination of native title in respect of the First Peoples of the River Murray, but for many years anticipated as a claim to be resolved only by ILUA, there were some 15,000 separate parcels of land to be addressed, and generations of tenure material under those parcels to be explored.

Complexity was also a problem illustrated by internal conflicts in claim groups. That is inevitable, I suspect, where the passage of time has led to many members of native title claim groups residing away from their country, as well as the notorious and tragic exposure of many senior Indigenous people to inactivity, alcohol, petrol sniffing and the like, where the sense of self-respect and self-importance has been diminished over time. That is of course a matter of record; its cause is not a matter to be explored in this paper. However, it has been a feature of both the Statewide ILUA process and Court determinations of native title that there have, from time to time, been disputes within a particular claim group as to those persons who have the right to speak on behalf of that claim group, either generally or in relation to particular areas, and sometimes particular persons assert that right even though the authorisation of the claim group to bring the claim does not recognise it. Those issues are ongoing.

As occurred in the Far West Coast claim (NNTT reports of 25 November 2007



Above: Justice John Mansfield and Irene Kemp at Dieri consent determination ceremony.



Above: J Mansfield, NT Lawyer Stephen Kenny and NT holder, Shane Kemp.

and 23 February 2009). In the First Peoples of the River Murray claim, the NNTT reported on 6 July 2007 that part of the cause for delay was the inability for the anthropologists to conduct field work, due to the illness of a significant elder. This can have a flow on effect, not only in delaying the development of that particular claim, but also other claims who wish to retain the same anthropologist.

This has been raised as a reason for delays in the Far West Coast claim on a number of occasions, as well as the First Peoples native title claim, Adnyamathanha, Dieri, Arabunna and Barngarla claims.

Complexity is also evidenced by overlaps. It is a last resort to force parties to litigation. However, the listing of matters for resolution does focus the mind, and the listing of matters has to a significant extent enabled claim groups competing for particular areas of country to resolve their disputes in a variety of ways, using mediation, case management, private negotiation and other techniques available. Those issues are ongoing. They may be addressed, and have been addressed by the Court or by the Statewide ILUA process.

### Resources

Resources remain a significant impediment to the resolution of claims. By resources, I mean physical resources: the requirements on the representatives of the claim group, and indeed on the claim groups and the respondents including the State through its legal representatives, to attend to a range of claims and to the detail required. It is very time consuming and demanding. The issue of tenure research has been addressed above. In addition, obtaining connection evidence is resource intensive. There are limited numbers of anthropologists with sufficient expertise and experience in relation to areas over which native title is claimed in South Australia to attend to all of them in a timely way. Often the required anthropological investigation is an ongoing task, requiring many months or years of research. On a number of occasions, parties have cited setbacks in forecasted timetabling of consent determinations as a result of anthropological materials being received late. The limited number of anthropologists has also meant that not all claims can be progressed and researched at the same time.

One might be tempted to question the level of funds to support those activities, assuming adequate personnel are available to carry them out. It is an easy shot, but having regard to the fact that we are now 20 years from the *Mabo* decision, it is a fair question to ask. It is appropriate to recognise that in the last several years, the Commonwealth Government through FaHCSIA has made significant dedicated funds available to support native title representative bodies in a more focused way in progressing claims both in South Australia and throughout Australia, and the ALRM and more recently South Australian Native Title Services has, both directly through its own legal and other resources, and through funding promoted the pursuance of claims supported the steps taken by the Court to bring claims to a head. The State Government has continued to support the Statewide ILUA process and the management of claims before the Court, although in the last few years the level of funding to support legal and anthropological personnel appears to have reduced somewhat.

The problems of progressing claims and their resolution, and of progressing the Statewide ILUA process and its outcomes, are shared.

# paper tracker

## **The Anangu Lands Paper Tracker is an online project of Uniting Care Wesley, Adelaide.**

The website tracks government commitments to Anangu (Pitjantjatjara and Yankunytjatjara people). It publishes accurate, up-to-date information on projects and services that are important to Anangu.

The Paper Tracker aims to make it easier for Anangu to work with governments as equal partners. It helps Anangu make sure governments are following through on commitments.

*Aboriginal Way* will assist Paper Tracker by highlighting some of the issues it is following.

**If you want more information on any of these items log on to [www.papertracker.com.au](http://www.papertracker.com.au)**

## **Amata and Mimili: tracking government expenditure**

In late 2008, the Australian, State and Territory Governments agreed to focus their efforts and resources on improving conditions in 29 remote Indigenous communities. Two of these communities are located on the APY Lands (Amata and Mimili).

On 30 September 2011, Australia's Coordinator-General for Remote Indigenous Services (Mr Brian Gleeson) called for an "agreed statement" of government expenditure in the communities to be publicly released by the end of 2011.

The statement of expenditure is expected to reveal how much funding individual State and Federal government departments are spending in each of the 29 communities.

On 1 November 2011, Mr Gleeson explained that the statement would provide a "scorecard" of government expenditure in Amata and Mimili that could be aligned with the commitments contained in key planning documents.

On 27 April 2012, Mr Gleeson reported that the release of the statement was "well overdue" and that this "important task" was "not receiving sufficient attention."

As of 6 July 2012, the statement on government expenditure had not been published.

## **Aboriginal Lands Parliamentary Standing Committee, South Australian Parliament**

The Aboriginal Lands Parliamentary Standing Committee was established in 2003 "with the aim of building stronger, more direct and more enduring relationships between Aboriginal communities and the South Australian Parliament.

The Committee is chaired by the Minister for Aboriginal Affairs and Reconciliation, the Hon Paul Caica MP. Six other members are appointed by Parliament, usually for a four-year term.

The Committee holds a considerable amount of information about government activities on Anangu lands. Most of this information is not readily accessible to the public.

Since 2010, some of this information has been available online.

### **The Paper Trail**

In 2003, the South Australian Parliament established the Aboriginal Lands Parliamentary Standing Committee.

The Committee's first statutory function is to review the operations of: the Aboriginal Lands Trust Act 1966, the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981, and the Maralinga Tjarutja Land Rights Act 1984.

These are the Acts of Parliament under which many Anangu hold the title to their lands.

The Committee's other functions include inquiring into: how Aboriginal lands "are being managed, used and controlled", issues affecting the "interests of the traditional owners" of Aboriginal lands, and "the health, housing, education, economic development, employment or training of Aboriginal people."

### **Membership**

As of 12 June 2012, the membership of the Committee consisted of:

- Hon Paul Caica MP (Chairperson)
- Ms Zoe Bettison MP
- Dr Susan Close MP
- Hon John Gazzola MLC
- Hon Tammy Jennings MLC
- Dr Duncan McFetridge MP
- Hon Terry Stephens MLC.

## **Documentation**

Between 2003 and June 2010, the Committee formally received over 620 documents.

These records hold a substantial amount of information on government engagement with remote Anangu communities and, as such, are a valuable resource for the Paper Tracker and others who are committed to ensuring improved government accountability and transparency.

Prior to 2009, members of the public could examine these documents at Parliament House and/or request copies of documents listed in the annual report to Parliament by writing to a Parliamentary Officer

In 2009, the Committee changed its procedure for granting access to its documents.

On 10 February 2010, the Paper Tracker spent a number of hours at Parliament House examining some of the documents listed in the Committee's Annual Report for 2008/2009.

This included: two letters from the Federal Minister for Indigenous Affairs (Hon Jenny Macklin MP) concerning the need for Yalata community to have access to regular public transport, a briefing paper prepared by SA Police outlining its services on the APY Lands.

An overview of TAFE programs on the APY Lands, and a 25-page "snapshot" of Anangu educational achievements.

On the same day that the Paper Tracker examined these documents, we formally asked the Committee in writing for copies of some of them.

On 16 February 2010, a Parliamentary Officer advised the Paper Tracker that the documents were unavailable because the Standing Committee had "not passed a special resolution" to publish the documents and correspondence it had received in 2008/2009.

Four months later, on 18 June 2010, the Standing Committee resolved to provide the Paper Tracker with the requested documents.

### **Improved access**

In October 2010, the Committee began to publish online the transcripts of evidence publicly received. The Paper Tracker welcomes this development.

In February 2012, the Federal Department of Families, Housing, Community Services and Indigenous Affairs sent the Committee a written response to a series of questions that it had taken on notice during its June 2011 appearance before the Committee.

The written response included information on: the expenditure of Federal funding in Amata and Mimili, the construction of community housing in remote Anangu communities, and changes to CDEP on the APY Lands.

On 17 February 2012, the Committee resolved to make the written response available to the public. Similarly, in June 2012, the Department of the Premier and Cabinet's Aboriginal Affairs and Reconciliation Division provided a written response to some questions that it had taken on notice three months earlier.

**Please go to [papertracker.com.au](http://papertracker.com.au) to find links to the written responses and more information on this story.**

**NOTE:** The Paper Tracker's Jonathan Nicholls worked for the Aboriginal Lands Parliamentary Standing Committee between January 2004 and April 2007.

## **Coronial Inquest: six Anangu deaths**

In 2011, the South Australian Deputy Coroner conducted an inquest into the deaths of six Anangu. The average age of the deceased was 38 years. All of the deceased came from Yalata or had strong connections with that community.

The findings of the inquest were handed down on 4 November 2011.

The Deputy Coroner found that severe alcohol abuse had "played a part either in the life or the death" of each individual, as had "homelessness and rough living".

The Deputy Coroner recommended that a 24-hour sobering up centre be established in Ceduna and that a separate "alcohol rehabilitation centre or facility" be "established on the west coast" of South Australia "well away from licensed establishments and other sources of alcohol."

The Deputy Coroner addressed these recommendations to the South Australian Minister for Health, the Australian Minister for Indigenous Health and others.

As of 30 March 2012, the South Australian Government was expecting to provide the Deputy Coroner with a report of "actions taken" within two months. This timeframe was not met. On 5 July 2012,

the Government indicated that the report would “be submitted to the Coroner’s Office in the near future.”

As of 11 April 2012, the Federal Government was considering funding “a drug and alcohol residential rehabilitation service in Port Augusta” for “Aboriginal people in the Far North and Western regions of South Australia.”

### Recommendations

Under Section 25(2) of the Coroner’s Act 2003 (SA), the Coroner’s Court is empowered to make any recommendation that might, in the opinion of the Court, prevent, or reduce the likelihood of, a recurrence of an event similar to the [one] that was the subject of the inquest.

The findings of the 2011 inquest into the deaths of six Anangu contained 14 recommendations. This included recommendations calling for the establishment of a declared sobering up centre in Ceduna able “to accommodate at least 15 individuals, ... sufficiently staffed and resourced so that it can remain open and receive patients at all times” and with the “capability as required under the Public Intoxication Act 1984 to detain patients in a secure and therapeutic environment” for up to 18 hours and an alcohol rehabilitation centre or facility on the west coast of South Australia “situated sufficiently close to the Aboriginal communities who would utilise it” but “well away from licensed establishments and other sources of alcohol.”

The Deputy Coroner directed these recommendations to particular persons and entities including: the South Australian Minister for Health, the South Australian Minister for Aboriginal Affairs and Reconciliation, the Federal Minister for Health and Ageing, and the Federal Minister for Indigenous Health.

On 7 March 2012, the Paper Tracker asked each of these Ministers for information on their response to the coronial recommendations.

On 30 March 2012, the SA Minister for Health and Ageing (Hon John Hill MP) advised the Paper Tracker that: SA Health had “been working towards developing a strategy” to meet the Deputy Coroner’s recommendations; this work required “complex cross-agency collaboration”; agencies involved in this process included the Office for Aboriginal and Torres Strait Islander Health, Drug and Alcohol

Services South Australia, and Aboriginal Health; “formal responses” from all agencies were due to be provided by 30 March 2012; forums had also “been called to enable discussion about an appropriate plan of action”; all of these efforts and information would inform a report of “actions taken” to be provided to the Deputy State Coroner in May 2012.

On 5 July 2012, SA Health advised the Paper Tracker that the report had not been provided to the Coroner’s Office in May 2012 as originally expected as it “now includes responses from a number of government agencies, which is a more complex task and has required more time.”

SA Health advised that it now expected to submit the report “in the near future” and that a “summary of the report [would] be made publicly available once it has been provided to the Coroner’s Office.”

No further updates have been made to this enquiry.

### APY Lands: community profiles and baseline data

Baseline community profiles of seven APY communities were prepared as part of the National Partnership Agreement on Remote Service Delivery. The profiles are supposed to inform the establishment of community-level benchmarks and performance indicators. They are also expected to help Anangu communities measure how local conditions are changing over time.

The first two profiles - for Amata and Mimili - were due to be completed by mid-November 2009, with the other five scheduled to be finalised by the end of 2009. These timeframes were not met. The profiles were eventually completed on 31 July 2010.

### Baseline Community Profiles

On 18 May 2009, the Federal Department of Families, Community Services and Indigenous Affairs called for tenders for the development of “Baseline Community Profiles” for Amata, Mimili and five other APY communities: Iwamtja, Kalka, Kaltjiti, Pipalyatjara and Pukatja.

Documents released at that time stipulated that the final profiles should: provide a detailed, accurate and robust baseline that maps social and economic indicators, community networks and decision making processes, government investments, services and service gaps.

The documentation explained that the profiles were being created for three main purposes: to establish an initial and accurate baseline profile of the local Aboriginal population in each of the seven communities, to enable the government to “measure changes in the comparative socio-economic status of the local Aboriginal people over time”, and to provide a tool that governments and local APY communities can use when planning for the “provision of housing, employment, health, education and other related services” and in the “development of an integrated service delivery mechanism.”

Tenders from parties interested in securing the contract for this work closed on 15 June 2009.

On 3 September 2009, Federal Department of Families, Community Services and Indigenous Affairs advised the Paper Tracker that: it had selected a consultant to undertake the Baseline Community Profile project (Langford Consulting Pty Ltd), the contract for this work had been signed on 13 August 2009, the consultant had commenced work on the APY Lands in the last week of August FaHCSIA expected the first two baseline profiles - for the communities of Amata and Mimili - to be completed by the end of September 2009.

On 3 September 2009, the Federal Department of Families, Housing, Community Services and Indigenous Affairs advised the Paper Tracker that it expected that the profiles for Amata and

Mimili would be completed by the end of September 2009.

On 16 October 2009, the Department advised the Paper Tracker that unavoidable circumstances had affected aspects of the project’s timeframe. It noted that it now expected: the fieldwork for all seven profiles to be completed by 22 October 2009, the Amata and Mimili profiles to be written up and finalised by mid November 2009, and the remaining profiles to be completed - as per the original timeframe - by the end of 2009.

On 27 January 2010, the Paper Tracker asked the Federal Department of Families, Housing, Community Services and Indigenous Affairs for an update on this project.

On 17 January 2011, Anangu Pitjantjatjara Yankunytjatjara - the land-holding body for the APY Lands - provided the Paper Tracker with an electronic copy of the seven profiles.

On 27 April 2012, Australia’s Coordinator-General for Remote Indigenous Services (Mr Brian Gleeson) expressed concern that the baseline data gathered in these and other profiles was “not being used as an evidence base to inform local planning in the way intended.”

**Go to [papertracker.com.au](http://papertracker.com.au) to access electronic copies of each profile.**

**If you’d like to know more you can contact Paper Tracker on (08) 202 5867 or subscribe to their newsletter at [www.papertracker.com.au](http://www.papertracker.com.au)**



## Aboriginal Message

### Radio program

is recorded weekly at Radio Adelaide.

If you have an interesting story or event that you would like to share on radio, please contact Kaliah Alice on (08) 2110 2834 or email [aboriginalmessage@nativetitlesa.org](mailto:aboriginalmessage@nativetitlesa.org)

# 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

## Aboriginal Heritage Branch

**If you have a question  
about heritage or want  
to be on our mailing list  
you can contact us via  
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## Cultural Heritage Management Workshop

On the 29 November 35 participants from the SA Murray Darling Natural Resources Management Board attended a cultural heritage management workshop hosted by the Aboriginal Heritage Branch training workshop at the McCormick Centre, Renmark. The Acting Manager of the Aboriginal Heritage Branch Heidi Crow and Senior Heritage Officer Dale Hancock presented information about the **Aboriginal Heritage Act 1988** and cultural heritage management with assistance from Heritage Officers Dean Mullen and Rita Kucera.

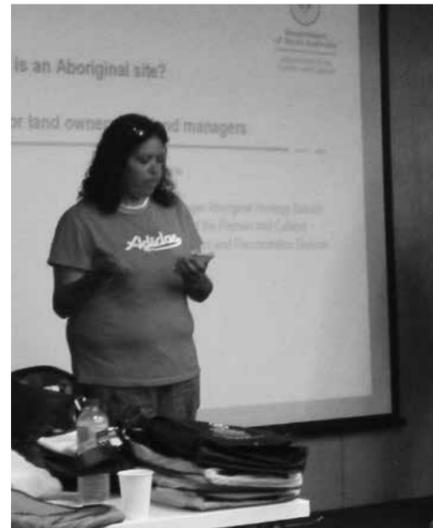
Chris Koolmatrie welcomed all who attended and Amii Lindsay did a welcome to country.

The goal of the workshop was to increase the understanding of the



Aboriginal Heritage Act 1988, for people whose projects involve on ground works in the region. Some information was presented on understanding the various archaeological site types found in the region to increase participants knowledge when working in the field.

The participants showed a lot of enthusiasm and were eager to do the field component however, due to the extreme heat on the day it was agreed



this will be held at a later date when the weather is more permitting. From the field component participants will gain understanding on basic skills in the process of site identification and develop some skills in site recording.

The Aboriginal Heritage Branch wishes to thank Chris Koolmatrie and Danielle Packer for their help in organising the workshop.

This section sponsored by the State Government of South Australia



## 'THE SHELTER'

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Above: Ian by Gary Lee



Above: James by Gary Lee

## Simmer – Gary Lee

**Gary Lee is a Larrakia/Karajarri/Wardaman artist. Since 1992 he has embarked on a photographic project, 'Nice Coloured Boys', focusing on male portraiture along with an examination of beauty, ethnicity and masculinity, particularly among everyday boys/men.**

Lee's images in *Simmer* belong to a number of discrete series within his overall project. These series include *Adonis Pacifica* (eg. *Tapou 18 & Andrew 17*), *Darwin boys* (eg. *Robert 17*) and *Day Visitor* (eg. *Chris 25*). Although *Nice Coloured Boys* is an ongoing project, Lee's subjects have diversified to include 'non-coloured' men. The portraits he has chosen for *Simmer* are those with an extra dollop of sexiness or sexuality, 'simmering' with a desire and directness that reaches out beyond the moment, beyond the photographic exchange.

The portraits in *Simmer* span the past 8 years of Lee's practice. Though *Simmer* has been curated for Feast, a festival of gay, lesbian and transgender identities, and Lee himself is a gay man, he is not at all interested in defining the sexualities of the men/boys in view.

Lee's work appears in numerous art magazines (Artlink, Art Monthly Australia, Art & Australia, Art India), catalogues, and books, including the Cambridge Companion to Australia Art (2011). His work is held in collections at the National Gallery of Australia, the Museum and Art Gallery of the Northern Territory, and the Art Gallery of Western Australia, as well as in numerous private collections in Australia, Singapore, New Zealand, Italy and India.

**The exhibition runs from 16th November 2012 to 6th January 2013 at Tandanya.**

**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.**

## The Deadly Reads for Deadly Readers Saltwater Series

**The Deadly Reads for Deadly Readers Saltwater Series** is a collection of four children's books about Maggie and her animal friends.

Each book in the series has its own unique storyline.

**A beach for us to play** tells of Maggie's fun day with her family at the beach.

**Claws, Eyes, Flippers** is about a Crab and a Turtle. **Animals move** shows how different animals get about, and **I have** points out some differences between Maggie and some wonderful Australian animals.

The Saltwater Series is designed to provide Indigenous and non-Indigenous early readers with engaging, enjoyable and meaningful experiences that will encourage them to read.

The colourful and adorable illustrations are by Maggie Prewett who is a descendant of the Ngarluma people of the Pilbara region of Western Australia.

The author, Nola Turner-Jensen is an Aboriginal woman from Wiradjuri country NSW.

**The Saltwater Series are available in bookshops and online from Magabala Books ([www.magabala.com](http://www.magabala.com)).**



in review!



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

# Le Fevre Primary School win National Indigenous Football Festival

Le Fevre Primary School has returned to South Australia as the 2012 National Indigenous Football Festival Boys Under 13 Champions.

The Festival was played in Alice Springs from November 2-5 with Le Fevre qualifying as winners of Football Federation SA's State Indigenous Football Festival.

The boys started their campaign with a 1-1 draw against Booraloola Cyclones.

Some of the players struggled in the conditions so a draw appeared a fair result against a team who is based 500km north of Alice Springs and were more accustomed to the conditions.

The second game was against a very young Darwin (Northern Territory) side and Le Fevre recorded a comfortable 3-0 win, with star player Joseph Williams scoring twice and David Vuchich once.

In the evening matches, Le Fevre defeated Banksia United from West Australia in an entertaining 3-2 win.

Le Fevre's best match came in the qualifying pool against Moree (NSW Country) with a very solid and controlled 2-0 win. The side had shape and structure, with good combination play and teamwork.

Marngrook Meenteeel (Victoria) raced into a 2-0 lead within a couple of minutes in the next game, but by half time, Le Fevre had forced its way back into the game with a couple of goals.



Le Fevre Team Manager Jimmy Perry and FFSA Multicultural Officer Angus Wheaton with the Le Fevre team.

In the second half Le Fevre scored twice to lead 4-2, before Marngrook pulled one back, but the SA side scored twice again to kill the game off and win 6-3.

That result cemented second spot in the table and Le Fevre went into the final round robin game against the leaders and runaway favourites NSW Sharks, a team who had managed 40 goals in four games, conceding only twice.

Le Fevre found the back of the net immediately before the Sharks built up a healthy half time. An avalanche of goals followed in the second half and the game finished 9-2 in their favour.

The evening fixtures saw the start of the knockout semi-finals and Le Fevre was drawn against Moree.

This time the NSW side was much better and the match finished 1-1, meaning the result would be decided by a penalty shootout.

After a marathon ten penalties each, Le Fevre survived the sudden death shootout and advanced to the final against tournament favourites NSW Sharks.

Le Fevre adopted a counter-attacking style with strict instructions to pressure the player on the ball, and the first half ended goalless.

Goalkeeper Jak Vukovich had an amazing game, stopping everything that came his way and as the clock counted down, Le Fevre grew in confidence and the pressure on the Sharks increased.

Neither team managed to score with the match going to a penalty shootout.

Le Fevre took an early 2-0 lead, before the Sharks pulled it back to 2-all in the shootout.

With the last kick of regular penalties Tyson Friend stepped up and coolly converted the spot kick to see Le Fevre crowned as Boys Under 13 National Indigenous Football Festival Champions for 2012.

Story and photo courtesy of Football Federation SA.

## Wishing you a Merry Christmas

**I am delighted to wish our readers of the Aboriginal Way a very Merry Christmas for 2012. It has been an exciting time for me as new CEO of SANTS and I am grateful for the help and support from my dedicated staff and my predecessor, Parry Agius.**

Christmas is a time when families and friends get together and share their memories and experiences of the past 12 months. It is also the time when, as an organisation, SANTS can look back

on everything that has been achieved throughout the year, not the least being two Consent Determinations presided over by the Federal Court. There have been many challenges too that will continue into 2013 however I feel confident that SANTS can meet them head on.

Ian Procter resigned as Director from the SANTS Board. I would like to thank Ian for his contribution over the past two and a half years and wish him all the best for the future. A warm welcome also to

Arthur Ah Chee, who joined the Board of SANTS as a new Director in November. I look forward to working with him in the coming year.

On behalf of the SANTS Board and staff, I wish you all a safe and enjoyable Christmas break with family and friends and look forward to your continuing support in 2013 as we endeavour to achieve the best possible outcomes for our clients.

**From Keith Thomas, SANTS CEO**

## Stay in touch

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