



Aboriginal Way

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Aboriginal Congress of South Australia

A long way to go in nuclear debate, says Aboriginal Congress of SA

In early August, the Aboriginal Congress of South Australia convened in Port Augusta to discuss the issues and concerns of potential expansion of uranium mining in SA, including the development of a nuclear waste dump.

The State Government launched a public inquiry on the Nuclear Fuel Cycle by calling a Royal Commission in March. Since then, submissions have been made by a range of community and industry sectors.

A decision in favour of such activity will potentially affect all South Australians and above all, Aboriginal communities who live on the land in which the nuclear facilities may be placed.

During July and August, the Royal Commission engaged regional and remote communities including Coober Pedy, Oak Valley, Ceduna, Port Lincoln, Port Augusta, Whyalla, Port Pirie, Ernabella, Fregon, Mimili, Indulkana, Ceduna, Amata, Kanpi and Pipalyatjara.

Aboriginal Congress of SA Chair, Tauto Sansbury said the engagement with Aboriginal Communities is welcomed however the consultation time is unrealistic.

“We need to be clear and informed so that our rights and our land are protected. More information sessions are needed and it is not good enough to present this to the community and then have a final report by next year, it is simply not long enough,” he said.

Parry Agius, Alinytjara Wiluara Natural Resources Board Member reinforced the notion of an appropriate timeline in his submission. Mr Agius wrote, “we note levels of concern within our communities that suggest that the timeframe for consultation on the risks and opportunities through the Royal Commission is insufficient”. Through the initial conversations with community members there is, he added, “a level of confusion about what was being discussed”.

Mr Agius noted some conflicting views amongst community members, with some believing that the nuclear fuel cycle has “all been talked about in the past and there won’t be any more nuclear”. On the other hand, there are those who sense that “decisions had already been made to proceed with a

waste dump” and the Royal Commission is nothing more than mere formality.

Karina Lester, Aboriginal Congress of SA member said it is clear by the submissions to the Royal Commission that Aboriginal People do not support the Nuclear Fuel Cycle.

“Our views are clear in the submissions and we need to ensure that this gets across to the Commissioner. We need to put pressure on the Government. This needs to be taken seriously,” she said.

Ms Lester stated in an independent submission to the Commissioner how she is now facing the same concerns for Anangu people and their land, as her family has voiced for generations.

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A move closer to recognising the first Australians in our constitution

The Prime Minister and Opposition Leader met with Aboriginal and Torres Strait Islander leaders in early July to discuss the next steps needed to amend Australia's Constitution to recognise the first Australians and delete racial bigotries.

Both leaders said they are committed to holding a recognition referendum to change Australia's founding document and spent time with Indigenous leaders to understand their views on how to secure a successful outcome.

Tony Abbott said before we can put a vote to Australians there is still much work that needs to be done and timing is crucial.

"Based on today's discussions, we consider that the referendum could not be held before the next term of Parliament and should be outside the politics of the election cycle.

Before then, there should be a more intense and structured broad-based national conversation on what indigenous recognition can achieve and on the precise form that it could take," said Mr Abbott.

Key developments towards constitutional change include:

- A Referendum Council to be established to progress issues such as settling the referendum question and timing (with regular reports to the Prime Minister and Opposition Leader);
- A series of community conferences across the country to provide an opportunity for everyone to have a

say and for all significant points of view to be considered; and

- The Parliamentary Joint Select Committee on Constitutional Recognition to develop a discussion paper to assist this consultation.

The Prime Minister and Leader of the Opposition would receive regular reports from this Council and together will consider its final recommendations in developing a proposal to put to the Parliament, and if supported, the Australian people.

Tanya Hosch, joint director of the Constitutional reform campaign RECOGNISE welcomed the recent work made by leaders.

"It's encouraging to see this commitment from the nation's political and Aboriginal and Torres Strait Islander leaders to press on with the significant task of settling on a final model," Ms Hosch said.

Aboriginal leader Patrick Dodson told the ABC that the meeting was constructive.

"It was a great occasion, a great event, a historic event and terribly meaningful, I think, in the context of what we're trying to do around a very complicated matter," he said.

Opposition Leader, Bill Shorten said spending time with Aboriginal leaders has helped advance the cause.

"There's been a lot of work done before today, and there'll be a lot of work done after today, but I can assure all Australians, that the Indigenous leaders,

the Prime Minister and myself, came away with a greater unity of purpose than I think this debate about constitutional recognition has seen in a long time."

It was the first time in Australia's history that the Prime Minister and Opposition Leader convened a summit of Aboriginal and Torres Strait Islander leaders to discuss constitutional recognition.

It is clear political and public support is growing for the significant amendment. According to the Human Rights Commission, events like the National Apology in 2008, the Australian Government support for the UN Declaration on the Rights of Indigenous Peoples, the recognition of first peoples in several State Constitutions and the launch of the RECOGNISE Campaign in 2012, has shown how people are standing up for Aboriginal and Torres Strait Islander peoples.

Moreover, polling has suggested a majority of the public supports constitutional recognition. The Recognise Campaign has close to 300,000 supporters, including high-profilers Adam Goodes, Gail Kelly, Former CEO of Westpac, Noel Pearson and Prof Mick Dodson have all spoken out about the need for constitutional reforms.

An alternative (or compliment) to constitutional recognition may come in the form of a treaty. Patrick Dodson and Lisa Strelein have argued that a

treaty would act as a framework through which Indigenous peoples could work towards reconciliation at a community and personal level and on equal grounds to the government. That is, a treaty could promote some degree of self-determination.

This has caused some confusion as some have argued that constitutional change will prevent future ratification of an Indigenous and Torres Strait Islander/ Commonwealth treaty. However, as stated on the Recognise website "calls for a treaty or treaties and constitutional recognition of Aboriginal and Torres Strait Islander peoples are separate aspirations and they can co-exist. Many Aboriginal and Torres Strait Islander people support both.

Acclaimed Aboriginal academic, writer and barrister Larissa Behrendt writes: "The arguments that constitutional recognition will impact on the sovereignty of Aboriginal people or a treaty is not legally correct. There is nothing so far proposed as part of the current constitutional reform agenda that would take away or undermine the ability for Aboriginal and Torres Strait Islander people to enter into a treaty... A treaty and constitutional reform are not an either/or. We actually need both."

The journey to recognition will continue to gain momentum as Aboriginal leaders across Australia work on a unified approach to positive change.

Indigenous culture in education – symposium looks at the recognition it deserves

As the debate continues about Constitutional recognition for the first Australians, the University of South Australia is leading a national discussion on the best ways to include Indigenous knowledge and content in curriculum.

Scholars from across Australia and New Zealand will join the conversation at the Indigenous Content in Education Symposium, at UniSA in Adelaide on Monday 21 September.

Academics, teachers, students and community representatives will explore

ideas of 'best practice', the contributions of non-Indigenous teaching staff, and the ways in which students can best learn about Indigenous culture.

Keynote speakers include:

- distinguished Professor Graham Hingangaroa Smith, Chief Executive Officer of Te Whare Wānanga o Awanuiārangi, New Zealand's Maori tertiary education provider;
- Professor Jacinta Elston, Associate Dean Indigenous Health, James Cook University; and

- Professor Peter Buckskin, Dean of Indigenous Scholarship, Engagement and Research, UniSA.

With a background in higher education, cultural and policy studies and in forging the foundation of Māori Education Studies in New Zealand universities, Prof Smith says the symposium offers a great opportunity for professionals, policymakers and community leaders to learn from the success of others.

"We need to develop ways for Indigenous people to see themselves and their culture reflected back to them in the

curriculum, pedagogy, administration and schooling environment," Prof Smith says.

Conference co-Chair, Assoc Prof Andrew Gunstone from UniSA's David Unaipon College of Indigenous Education and Research (DUCIER) says the Symposium will address critical issues regarding Indigenous knowledges and the development of Indigenous content in universities.

"The symposium will draw on the research and experience of Indigenous scholars from Australian and beyond, opening up new ideas and new goals for teaching Indigenous content."

When: Monday 21 September 2015, 9m-5pm.

Where: Hawke Building, City West campus, University of South Australia, 57 North Terrace, Adelaide 5000

Website: unisa.edu.au/IT-Engineering-and-the-Environment/student-services/Community-Service-Learning-Project/ICES/indigenous-content-in-education-symposium/

Themes: What is 'best practice' when engaging Indigenous perspectives, knowledges and pedagogies in curriculum? What contributions can non-Indigenous staff make to Indigenous content in education? What are the issues for different disciplines, such as STEM, health, business and humanities? How do students learn best about Indigenous Australians, communities and organisations? How do we prepare our students to be inter-culturally competent professionals? How is institutional readiness created for Indigenous content in the curriculum?

A long way to go in nuclear debate, says Aboriginal Congress of SA

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“This very debate is not my debate but a generational debate that my Grandparents spoke so strongly against and my parents spoke so strongly against. Now, I am speaking up strongly about how such an industry has impacted on my people. For decades, Anangu have been at the blunt end of such a destructive and dangerous industry, through the Maralinga Atomic Tests in the 1950’s, to the Federal Governments proposal for a National Waste Dump (1996) and back again to now the South Australian Government calling for a Royal Commission into the Nuclear Fuel Cycle.

South Australia has a nuclear past that cannot be ignored, Anangu who have been impacted by this nuclear past cannot be ignored and all South Australians cannot be ignored. So, as a young Anangu woman I stand strong for my people and for the future generations of all South Australian Anangu and Piyan and say NO NUCLEAR SA,” said Ms Lester.

Vincent Branson Aboriginal Congress of SA member said how important it is to say no to a Nuclear Fuel Cycle.

“I do not agree with Nuclear. I have a responsibility to my children and my children’s children to say no to the idea. I would rather see our land protected than make money,” he said.

Mr Sansbury said the meeting was a success and just the beginning of things to come.

“This fight will take time but as one unified voice, we can put our concerns forward. We need to continue to move

and get things happening, so that we are not left behind,” he said.

Former Governor Kevin Scarce is the appointed Royal Commissioner. The Commissioner attended the Congress meeting in order to provide relevant information and answer questions.

The Commissioner said “it is important all Aboriginal communities across the State are well informed and that is why we are travelling remotely to have those discussions”.

“I’m learning much from these community meetings and the public forums, and I am going to continue to consult with stakeholders across the breadth of South Australia to ensure the final report I present at the conclusion of the Royal Commission is reflective of the views of the community and is founded on evidence-based conclusions,” said the Commissioner.

Premier Jay Weatherill said more than 1000 submissions were received from the community and industry during the initial four weeks of consultation, helping to shape the final Terms of Reference.

This is “a significant moment in our State’s history – the commencement of the most thorough investigation into the nuclear fuel cycle and its feasibility in South Australia,” he said.

The Commission, the first of its kind in Australia, is expected to have the final report to the State Government by May 2016.

A website for the Royal Commission has been established to provide relevant updates and information to the public www.nuclearrc.sa.gov.au



From top, left to right: Aboriginal Congress of SA; Andrew Starkey; Ian Crombie; Willie Edwards and Peter Munkari; Commissioner Kevin Scarce addressing Aboriginal Congress of SA; Doug Turner, Karina Lester and Larissa, Jeffrey Newchurch; Jeffrey Newchurch taking notes; Aboriginal Congress of SA Chair, Tauto Sansbury; Keith Thomas and Michelle Cioffi; Larissa Lester; Harry Dare, Keith Thomas and Stephen Atkinson.

Nationwide report on alcohol consumption in Indigenous communities tabled in Parliament

The report, 'Alcohol, hurting people and harming communities', was commissioned last year to look at alcohol-related violence across the country.

Federal Indigenous Affairs Minister Senator Nigel Scullion rejected suggestions the review's narrowed scope was an indication that the government was discriminating against Indigenous Australians.

'This is about poverty, not ethnicity. But I acknowledge that there have always been and we have never really seen a break, particularly in reports of domestic violence, defence injuries, alcohol, deaths through alcohol... through cars... and violence.'

'We all know the terrible impact of alcohol on Indigenous communities, and it's important that we tackle this issue head-on.'

Dr Sharman Stone, chair of the committee that conducted the inquiry, emphasised the government appreciated that problems with alcohol were not uniform across Aboriginal and Torres Strait Islander communities.

'We know that Aboriginal and Torres Strait Islander people are more likely to obtain from alcohol than non-Aboriginal and Torres Strait Islander people.'

However, we are concerned that Aboriginal and Torres Strait Islander people who do consume alcohol drink at riskier levels which has a greater impact on their health.'

The deep impact that alcohol has on communities, however, was commented on in the preface to the report.

'The committee found that impacts of alcohol on children in communities represents a national tragedy as it is manifested in children growing up with fathers, and increasingly mothers, who are incarcerated, as the children's abuse and neglects leads to the need for out of home care at record levels, missed schooling and too often ultimately become young alcohol addicts or abusers or other illicit substances.'

Prior to analysing alcohol itself and the effects that emanate from it, the committee explored the socio-economic factors which contribute to alcohol use.

It noted that the level of a person's education, their employment and employment opportunities and experience of racism all impacted the likelihood of turning to alcohol.

Majorly, it heard that a lack of connection to culture and country can increase alcoholism. The Milliya Rumurra Aboriginal Corporation in Broome emphasised the protective effect of functioning family connectedness, and its ability to limit or prevent excessive alcohol use, family

violence and disconnectedness from community and culture.

'When families remain connected, there is a greater understanding and practise of respect (self, others and community). Children are more likely to have supportive environments; receive appropriate nurturing and are more likely to engage with education system and the wider mainstream community.'

Similar submissions were made by the National Congress of Australia's First Peoples and members of Western Australian Network of Alcohol and other Drug Agencies.

The inquiry's terms of references directed the committee to focus on:

- Patterns of supply of, and demand for, alcohol in different Aboriginal and Torres Strait Islander communities, age groups and genders;
- The social and economic determinants of harmful alcohol use across Aboriginal and Torres Strait Islander communities;
- Trends and prevalence of alcohol-related harm, including alcohol-fuelled violence and impacts on newborns eg foetal alcohol syndrome (FAS) and foetal alcohol spectrum disorders (FASD);
- Implications of FAS and FASD being declared disabilities;
- Best practice treatments and support for minimising alcohol misuse and alcohol-related harm;
- Best practice strategies to minimise alcohol misuse and alcohol-related harm; and
- Best practice identification to include international and domestic comparisons.

Emphasis was placed on the need for government to consult with Indigenous communities in addressing alcohol issues, as well as to do so in a cultural way.

The committee also acknowledged the role that self-determination and community empowerment may play in addressing issues.

Prominent amongst the recommendations was the introduction of a volumetric tax and national minimum price for alcohol, which was strongly supported by Dr John Boffa, a medical officer with the Central Australian Aboriginal Congress.

'If a volumetric tax could be achieved, it is the gold standard and it should be done, but it has to be done in a way that implements a minimum price.'

Further recommendations included that restrictions on the advertisement of alcohol be strengthened to close a loophole permitting advertisement during a daytime live sporting event,

and increasing liquor licencing regimes – potentially by a national adoption of the NSW risk-based fee system.

Some submissions lamented cost-saving measures introduced in the 2014 federal budget which have impacted adversely on community health.

The former Deputy Chair of the National Indigenous Drug and Alcohol Committee (NIDAC), which was the leading voice in Indigenous alcohol and drug policy until its abolition in December 2014, noted that where previously organisations would go to NIDAC for Aboriginal and Torres Strait Islander cultural perspectives on alcohol and drug issues, there was now no single point of contact for advice.

Relatedly, the inquiry heard that there is a catastrophic shortfall in requisite funding for the training and recruitment of Aboriginal and Torres Strait Islander health workers.

The Healing Foundation, a national Aboriginal and Torres Strait Islander organisation with a focus on building culturally strong, community-led healing solutions, submitted that 'there is a strong need within Australia to develop an appropriately trained and qualified Indigenous social and emotional well-being workforce,' but that several work-related issues impede the development of such services.

These included a high risk of secondary trauma in the Indigenous social and emotional wellbeing taskforce, overreliance on non-Indigenous professionals who may lack the requisite skills or experience to assist Indigenous people with trauma, and the inequitable distribution of health and social and emotional wellbeing workers across the country.

Several suggestions were made as to possible preventative strategies:

- An increase in the availability of sport and recreational activities – in Ceduna, the committee heard boredom contributes to young people drinking, especially in sporting off-seasons, and a previous parliamentary report noted the potential beneficial effects of engagement in sporting activities.
- Greater education of young people as to the harmful effects of alcohol;
- A focus on early childhood development programs, which was submitted by the People's Alcohol Action Coalition to break the inter-generational cycle of disadvantages.
- A transition to justice reinvestment strategies rather than punitive sentencing approaches.

Participants were, in general, opposed to a potential expansion of the Northern Territory's Alcohol Mandatory Treatment program, which encompasses

compulsory assessment, treatment and aftercare for people repeatedly taken into protective custody for public intoxication.

The committee heard the scheme criminalised public drunkenness – against the recommendations of the Royal Commission into Aboriginal Deaths in Custody, split up families, is not supported by evidence, is overly expensive and has not been evaluated for effectiveness.

Last year, an Aboriginal woman died while taking part in the mandatory rehabilitation program.

At the time, Northern Territory Attorney-General John Elferink stated the government was not obliged to make the woman's death public, and argued it would accept the risk people could die in order to 'protect the community'.

Evidence was also given as to the potential consequences of restricting supply, from an increase in 'sly grogging' (or alcohol trafficking); the potential for illicit drug use as substitution for alcohol; and 'humbugging' which, per the Australian Crime Commission, takes advantage of the Indigenous moral economy: drinkers request family members provide them with alcohol.

'There is an obligation within the family culture to provide it to each other. It is a very fine line for individuals to walk in that community' (Stewart Naylor, Tennant Creek Alcohol Reference Group).

'I think the time has come when governments should have the courage, and the media should have the courage, to recognise that alcohol is a lot more [of a] serious product in our society than cigarettes and heroin or cocaine and even ice, and be proactive about it – do something about it.'

Also called for was a change of strategy in how the government deals with FAS and FASD.

Catherine Crawford, a Western Australian Children's Court magistrate, stressed in her submission the link between failure to diagnose FAS and FASD in youth and the potential for engagement in the criminal justice system.

'[It] causes injustice to the individual young person and exposes the family and community to a repetition of that unlawful behaviour and indeed, likely escalation of the offending, as the young person grows

physically, suffers secondary disabilities and those dealing with the young person are unable to handle the behaviours.'

The committee recommended, amongst other points, that Australian governments recognise FAS and FASD as a disability and provide greater support to affected individuals.

Other areas of the inquiry called for greater research into patterns of alcohol supply and demand in Indigenous communities (as there is little current data and that which exists is often inconsistent), and considered best cultural health and wellbeing Indigenous practices in the US, Canada and New Zealand.

In general, it was stated that factors improving the effectiveness of health services in Aboriginal and Torres Strait Islander communities included centralising primary health services in one location, adopting a holistic approach taking into account the cultural, social, emotional and economic context of Indigenous people, and involving community-based public/population health activities.

Conversely, ineffective practices included short-term government funding/cessation of funding for successful programs, health care staff operating on assumptions about Indigenous communities and failing to recognise language differences and diversity, and government failure to address power inequalities and expecting Indigenous services adopt western administrative strategies.

The Abbott Government has recently established a taskforce into the drug ice, a decision questioned by former Victorian Premier Jeff Kennett and the President of the Australia Drug Law Reform Foundation, Dr Alex Wodak.

'It's hard not to take the view that [Mr Abbott] is a politician desperately fighting for his political survival, whose thought bubble for the day is, "look over here at this shiny thing I've just done",' Dr Wodak told The Age.

Similarly, Mr Kennett, while emphasising he was not opposed to the ice taskforce, stated he viewed alcohol as a greater concern.

'I think the time has come when governments should have the courage, and the media should have the courage, to recognise that alcohol is a lot more [of a] serious product in our society than cigarettes and heroin or cocaine and even ice, and be proactive about it – do something about it.'

Mr Kennett's views are similar to those expressed by Senator Scullion in announcing the alcohol inquiry.

'Governments, at all levels, land councils and community leaders must unite in battling this epidemic, which is crippling far too many people in communities right across Australia or risk condemning those communities to a life of alcohol-fuelled poverty.'

For more information on the committee's report, visit aph.gov.au

Narungga elder and Aboriginal campaigner recognised with 2015 NAIDOC Lifetime Achievement Award



Tauto Sansbury's recognition has followed over three decades' worth of fighting for justice in Aboriginal communities.

Much of his work has concerned the improvement of conditions of Indigenous Australians in the criminal justice system, stemming from his involvement in the Royal Commission into Aboriginal Deaths in Custody.

Reflecting on the Commission in 1999, Mr Sansbury noted the connection between the inequalities in Aboriginal communities and their sense of powerlessness.

'The issues of self-determination (or the lack of self-determination), land, and socio-economic disadvantage are the vital underlying causes of so many of the inequalities faced by Aboriginal people, inequalities in health, education, over-representation at all stages of the justice system, and ultimately, too many people dying, and dying too young,' he said in a paper presented at the Best Practice Interventions in Corrections for Indigenous People Conference.

Mr Sansbury later led the National and South Australian Aboriginal Justice Advisory Committees in implementing the Royal Commission's recommendations.

Tom Calma, then-Aboriginal and Torres Strait Islander Social Justice Commissioner, described in 2006 the National Committee as fundamental to Indigenous advocacy.

'The role for NAJAC is to continue the voice of advocacy, and to reclaim the debate on these important issues [educating the public about customary law, addressing needs of Indigenous victims of crime and addressing the health and mental health of Indigenous Australians.

'We have the authority, the knowledge and the right to be the voice on matters

that affect our communities [and] we should ensure that governments hear us loudly and clearly before they unilaterally take action in our so-called best interests,' he said.

More recently, Mr Sansbury has worked as the proprietor of Garridja, a consultancy agency that helps raise business's Indigenous cultural awareness funding youth cultural programs in the Yorke and Eyre Peninsulas.

Born and raised on the York Peninsula's Point Pearce Mission in 1949, Mr Sansbury has admitted that his journey through life has been hard.

In an online article published on The Stringer, he discussed the pain he felt from state suppression of his Narungga culture.

Being born in Point Pearce you were not allowed to speak your native tongue or practise your culture, customs or tradition.

The church didn't allow that and neither did the missionaries.

'[I]f this is the price of colonisation then I, along with my family – my uncles, aunts, cousins and many thousands of Aboriginal people from across Australia – have paid a price that is far too high and can never be paid back to use.

'Don't tell me it happened more than 200 years ago, now get over it. It happened to me and I live with the pain to this day', he said.

Despite his hardships, Mr Sansbury has remained committed to the pursuit of justice and closing the inequality gap between Indigenous and non-Indigenous communities.

'It's a passion for me. It doesn't pay much and sometimes it doesn't pay anything, but I continue to do it because I want to achieve something,' he said.

Even with 30 years' activism under his belt, Mr Sansbury has remained vigilant in advocating for Aboriginal Rights.

In 2012, he lamented the failure of state and federal governments to fully implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody, accusing them of lacking political will to act.

Last year, he resoundingly criticised the Federal Government's budget cuts to Indigenous Australians.

'This is not such a tough budget for most, it's quite soft really but it is tough on the most vulnerable, those in need of welfare, the homeless as usual forgotten, it's toughest on the most vulnerable among Indigenous people. Why?'

He was similarly critical of the government's overall approach to Aboriginal Affairs policy, suggesting its work for the dole scheme was designed to ensure a cheap supply of labour.

'This is nothing but an outrageous land grab and obscene discriminatory policy that as usual is being only implemented against one people without even the guise of consultation or negotiation,' he said.

'It is part of an ongoing attack against the human rights of the most vulnerable of our First Nations.

And who is leading this? Andrew Forrest? Or Tony Abbott?

They are looking for the cheapest labour force they can establish on the backs of our people,' said Mr Sansbury.

Mr Sansbury's NAIDOC Lifetime Achievement Award is but one of several state and national recognitions he has received.

In 2014, he was awarded the SA NAIDOC Male Elder of the Year Award, having previously been awarded the 2003 Australian Centenary Medal in recognition of his work with the Aboriginal Justice Advocacy Committees.

Prior to that, he was awarded the Aboriginal and Torres Strait Islander Person of the Year Award at the 1996 NAIDOC Ceremony.

Besides running Garridja Aboriginal Cultural Consultancy, Mr Sansbury serves as a Delegate to the National Congress of Australia's First Peoples, Chair of Narungga Nation Aboriginal Corporation, Deputy Chair of the Aboriginal Legal Rights Movement, Chair of Aboriginal Congress and a Board member of Tauondi College and the Aboriginal Sobriety Group.



A bright year for NAIDOC in SA

Ten Aboriginal and Torres Strait Islanders and a Caring for Country project were recognised at the National NAIDOC Awards Ceremony for their outstanding contribution to their communities and the nation.

The national awards night as part of 2015 NAIDOC Week was hosted in Adelaide by the NAIDOC committee of South Australian and the Kurna people.

The Youth of the Year Award went to Chris Tamwoy from far North Queensland.

Congratulations to all award recipients for their outstanding achievements.

The 2015 National NAIDOC Award recipients are:

- Lifetime Achievement Award – Tauto Sansbury, South Australia
- Person of the Year – Rosalie Kunoth Monks, Northern Territory
- Female Elder of the Year – Veronica Perrule Dobson, Northern Territory
- Male Elder of the Year – Graham Taylor, Western Australia
- Caring for Country – Warddeken Caring for Country Project, Northern Territory
- Youth of the Year – Chris Tamwoy, Queensland
- Artist of the Year – Daren Dunn, New South Wales
- Scholar of the Year – Michelle Deshong, Queensland
- Apprentice of the Year – Ashley Farrall, Queensland
- Sports person of the Year – Ryan Morich, Western Australia

It was yet another successful year for The NAIDOC March down King William, with over a thousand people rallying for the support and recognition of indigenous issues. The passion and enthusiasm displayed was example of how people will continue to use this week to raise awareness on current struggles and at the same time rejoice in the accomplishments of individuals and to celebrate culture, history and strong community.



From top, left to right: NAIDOC Family Fun day at Bonython Park; Frank Lampard outside Parliament house; Singer Songwriter, Bec Gollan; Youth holding Aboriginal Flag outside Parliament house; Les Malezer and Kirstie Parker; Stolen Generation Alliance Banner.

Improvement to Indigenous land use administration still on agenda

The Council of Australian Governments (COAG) last year announced it would conduct an 'urgent investigation' into Indigenous land use administration, with the aim of improving economic opportunities for Indigenous Australians.

In a recent press release, COAG emphasised that reform to the existing native title scheme is necessary so as to produce social and economic benefits for Indigenous Australians, notably:

'[T]o enable traditional owners to readily attract private sector investment and finance to develop their own land with new industries and businesses to provide jobs and economic advancement for Indigenous people.'

'The investigation is an opportunity to focus all governments' attention on how Indigenous land administrative systems and processes can effectively support Indigenous land owners to leverage their land assets for economic development.'

Nigel Scullion, the Federal Minister for Aboriginal Affairs, reiterated the connection between land and creating opportunity for Indigenous communities.

"Indigenous land and native title is a foundation for Indigenous economic development.

This investigation will consider what action is needed to ensure the land administration system assists Indigenous land owners and native title holders to use land to pursue their social, cultural and economic aspirations," he said.

'There is no time for us to move slowly. Aboriginal culture cannot survive without an economy to support it. And to build a viable indigenous economy, we must be allowed to control our land and sea country and to use the leverage it gives us to build an economic foundation for our future.'

However, criticism has already emerged as to the Federal Government's approach.

Central Land Council Director David Ross and Northern Land Council CEO Joe Morrison said in a joint statement.

'For the sake of the most disadvantaged indigenous Australians we call on the Abbott government to rise above its demonstrated dislike of evidence based policy development'.

While welcoming the Government's appointment of an Expert Group to ensure the investigation proceeds with Indigenous input, they remained suspicious as to government ambitions.

'We hope the indigenous working group announced will challenge the myths being peddled by the NT Country Liberal Party ideologues about hard-won Aboriginal land rights supposedly holding up development in remote communities.

We are certainly keen to work constructively to develop solutions to real barriers to economic development.'

The Expert Indigenous Working Group is comprised of eight people with significant experience in Aboriginal affairs:

- Mr Wayne Bergmann (Chair), former CEO of Kimberley Land Council and current CEO of Kimberley Region Economic Development Enterprises
- Mr Brian Wyatt (Deputy Chair), former CEO of Goldfields Land and Sea Council and current Chair of the National Native Title Council
- Dr Valerie Cooms, member of the National Native Title Tribunal and former Director of Indigenous Business Australia
- Mr Craig Cromelin, current Chair of the NSW Aboriginal Land Council
- Ms Shirley McPherson, former Chair of the Indigenous Land Corporation
- Mr Maluwap Nona, the Torres Strait Regional Authority Board Member from Badu Island
- Mr Murradoo Yanner, former ATSIC Board member and Chair of Carpentaria Land Council
- Mr Dwaja Yunupingu, Deputy Chair of Gumatj Corporation.

Mr Bergmann called for a re-think of native title rights in 2012, stressing the creation of a functioning Indigenous economic was necessary for Aboriginal and Torres Strait Islander survival:

'There is no time for us to move slowly. Aboriginal culture cannot survive without an economy to support it. And to build a viable indigenous economy, we must be allowed to control our land and sea country and to use the leverage it gives us to build an economic foundation for our future.'

Some insight as to what the Abbott Government wishes to accomplish may be garnered from its White Paper on Developing Northern Australia.

The Paper notes generally – without specific reference to native title – that '[t]he north will never reach its potential without secure, tradeable titles to land water'.

Importantly, '[n]ative title should be seen as a source of Indigenous economic opportunity.

By requiring the engagement of native title holders, native title rights ensure development occurs in ways that enhance the quality of life for Indigenous Australians.'

'Native title should not be seen as a barrier to development, but essential to it.'

'Indigenous Australians should be able to use their exclusive native title to attract capital necessary for economic development.

But banks do not lend against native title because native title is not transferable in the event of a default.

Even though they have native title rights, Indigenous people cannot use them as financial security.'

Noel Pearson has expressed his reservation as to what will result from changes to native title as part of the Government's focus on the Northern Territory.

'The concern is that we shouldn't use the development of the north as a Trojan Horse for undermining the *Mabo* decision and Indigenous land rights.'

'The problem with government policy is that they are anxious about making the north amenable to industry, but they pay little attention to making the north amenable to self-development by Aboriginal communities and Aboriginal land owners.'

This is not the first time the Liberal Party has attracted controversy for its interactions with the *Native Title Act*, having previously tried to force through a radical shake-up of the regime under John Howard.

There, the Howard Government proposed a series of Indigenous Land Tenure Principles, which recognised the communal nature of native title and the need to protect it for future generations, whilst also facilitating Indigenous economic aspirations.

To achieve these ends, it adopted a harsh approach to Indigenous self-determination.

The principles set out that traditional owners' consent for individual leasehold interest requests on native title land 'should not be unreasonably withheld', and that the Government should be prepared, as a last resort, to exercise its power of compulsory acquisition to give effect to its policies.

Moreover, the principles stated Australian governments 'should review and, as necessary, redesign their existing Aboriginal land rights policies and legislation to give effect' to the principles.

The Howard Government was resoundingly criticised at the time by then-Social Justice Commissioner Tom Calma and in academia for adopting a purely ideological approach to native title rights to self-determination.

Despite having occurred a decade ago, the episode remains fresh in many minds:

'What the Minister [Nigel Scullion] has been trying but failing to do is to hollow out our land rights with the help of Howard-era provisions in our Land Rights Act that are ideologically driven, unworkable and would greatly increase uncertainty for Traditional Owners, third parties and businesses,' said the NLC and SLC joint statement.

'The problem with government policy is that they are anxious about making the north amenable to industry, but they pay little attention to making the north amenable to self-development by Aboriginal communities and Aboriginal land owners.'

Yet there is support in the community for a moderate, non-ideological shake-up of native title.

Noel Pearson has called for tax incentives to encourage investment in Indigenous communities.

I really don't think that we're going to get the kind of investment that is needed on Indigenous land if we don't grab the issue of taxation incentives for investors who want to work with Indigenous landowners, " he said.

Wider reform has been called for by Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda.

Amongst other areas, Gooda has suggested a system be devised where the underlying customary title to land be retained yet a degree of fungibility emerge, allowing use of native title land as security for loans.

Moreover, he has expressed the view that there needs be more engagement with business organisations such as the Indigenous Business Association, so as to develop financing, risk management and other commercial plans, as well as improve Indigenous peoples' governance training.

The report of the investigation will be presented to COAG at the late 2015 meeting, having been pushed back from earlier in the year.

For more information, visit: www.dpmc.gov.au/indigenous-affairs



Left: Project participants at Gawler Ranges National Park. Centre: Gawler Ranges National Park. Right: Jimmy Gebb.

Living with Native Title – Community and Corporate Development Services

The Community and Corporate Development Team at SANTS offer a range of services to build on the recognition of native title. This work complements other work with native title claimants and holders, to support Aboriginal Nations in managing and living with native title to achieve group aspirations and lasting outcomes for their members.

Living with Native Title

In South Australia, native title has been successfully determined over large parts of the State and native title corporations or Prescribed Body Corporates (PBCs) now hold and manage the determined native title rights and interests.

Thus for many Aboriginal Nations, the native title journey has shifted from the struggle to get native title to living with native title. SANTS expect that this trend will continue.

Obtaining recognition of native title presents new and exciting opportunities, but also presents challenges.

The work of our Community and Corporate Development Team is focussed on supporting Aboriginal Nations transition from native title claimants to native title holders.

We take a developmental approach to our services, and seek to partner with respective PBCs and tailor our services and approach to meet their interests.

Our overarching objective is for Aboriginal Nations to be sustainable, and manage their rights and interests and achieve their aspirations on their terms.

Our Services

SANTS offer the following range of professional services to support Aboriginal Nations manage and protect native title and identify and pursue opportunities for social, cultural and economic development.

Corporate Governance

Governance of PBCs is complicated with unique requirements under the Corporations (*Aboriginal Torres Strait Islander*) Act 2006 (cth) and the *Native Title Act 1993* (cth). These services support Aboriginal Nations to understand the governance framework and develop internal tools and practices to govern effectively. Services include:

- Corporate governance training
- Corporate policy development
- Corporate leadership and strategy development
- Advice on legislative requirements including reporting, decision-making and rule-book

Corporate Administration

Administrative services to Aboriginal Nations including:

- Executive management services such as:
 - meeting coordination
 - preparation meeting papers
 - Board and community communications
 - records management
 - compliance (e.g., ORIC reporting, membership registers)
 - general administration
- Financial management including accounts payable, book-keeping and accounting
- Human Resource management including recruitment, contracts and policy/compliance

Community Development

Native title can provide a foundation to support and drive positive change. SANTS offers services to provide support to Aboriginal Nations to identify and develop community-based initiatives which include:

- Corporate and community planning and implementation
- Grant writing
- Marketing and communications
- Project development, coordination and management (including in cultural heritage and natural resource management)
- Partnering, networking and stakeholder relations

- Organisational development
- Economic and enterprise development
- Benefit management

Native Title Services

Managing native title requires that Aboriginal Nations continue to negotiate with other parties, make decisions in particular ways and satisfy existing agreement obligations and other legislative requirements. SANTS offer services to Aboriginal Nations on native title matters which include:

- Legal advice and representation
- Legal education/training on native title matters
- Negotiations, agreement making and agreement implementation
- Filing and prosecution of compensation claims
- Making native title decisions
- Structuring and establishing native title and related entities including PBCs, trusts and business arms

**To discuss these services or other areas of SANTS business, please contact: Manager, Corporate and Community Development
Level 4, 345 King William Street
ADELAIDE SA 5000**

**Tel: (08) 8110 2800 or freecall 1800 643 222 Fax: (08) 8110 2811
Email: info@nativetitlesa.org**

New governance training for Native Title Directors

A two-day governance training workshop for Directors and Members of Native Title Corporations (PBCs) was hosted by South Australian Native Title Services (SANTS), in Adelaide, last month.

The training was attended by Directors and Members of *Yankunytjatjara Native Title Aboriginal Corporation*, *De Rose Hill Ilpalka Aboriginal Corporation*, *Tjayiwara Unmuru Aboriginal Corporation*, *Irrwanyere Aboriginal Corporation*, *Walka and Wani Aboriginal Corporation*.

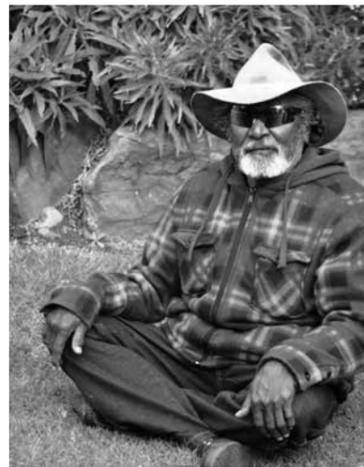
The training topics included rules and regulations of PBCs, responsibilities of Directors and how to make good financial decisions.

South Australian Native Title Services CEO Keith Thomas said "as more native title claims are determined, it is important for those managing their native title rights and interests have the necessary skills to achieve their long-term goals."

This is a much needed step for SANTS and for native title holders and we aim to provide more training opportunities like this," he said.

Paul Ah Chee attended the training said basic business skills is crucial for those responsible for managing native title.

"There is a lot of work and negotiation that goes with being a native title holder. We need to have the basic skills behind us. It gives us control to make good decisions and determine our future," said Mr Ah Chee.



From top, left to right: Noreen Churchill receiving training certificate from SANTS CEO, Keith Thomas; Raymond Finn receiving training certificate from SANTS CEO, Keith Thomas; Rene Sundown, Maria Stewart, Brenda Sheilds and Audrey Braedon; Rex Tjami receiving training certificate from SANTS CEO, Keith Thomas; Sharon Stewart and Maria Stewart; David Frank; Paul Ah Chee receiving training certificate from SANTS CEO, Keith Thomas; Arthur Ah Chee and family; Noreen Churchill and Eva Churchill; Rex Tjami and family; Rene Sundown, Tom Jenkin, David Frank and Michael Pagsanjan; governance training participants.

A cultural practice brings people together

The Southern Elders Weaving Group held a basket weaving workshop at North Adelaide Community centre as part of Reconciliation Week.

Ngarrindjeri Elder, Aunty Janice Rigney and her daughter Lorna Collinson, run basket weaving workshops in schools and community events across South Australia, in particular, around their country in the south east of South Australia.

Ms Rigney learnt to weave from her Grandmother when she was 9 years old and keeps traditional Ngarrindjeri basket weaving alive by sharing her knowledge with others.

Ms Rigney said the group gets around a lot, as people are always interested in learning the distinct skill.

"We are invited to different events often. I like to support my community and do a lot of weaving demonstrations down south. We go to schools and teach the kids. We are very busy and it's great that people are keen to have a go, it's a special practice," she said.

Traditionally, a reed called rushes (Cyperus spp.) is used to basket weave. Mr Rigney keeps beautiful bright coloured baskets made over 20 years ago from rushes as demonstration pieces.

Ms Collinson said the depletion of basket weaving rushes from the River Murray and Coorong region has meant the reed

is extremely valuable and only used for special items for Ngarrindjeri people.

"Once we started going to schools and became well known in the community, it was easier to use a reed called raffia. Because of the changing environment around the rivers and wetlands, the rushes are very rare and precious. When we do get rushes, it is for us to use," she said.

Workshop participant, Pam said the basket weaving was a fantastic way to spend an afternoon.

"It's about sharing and learning," she said.

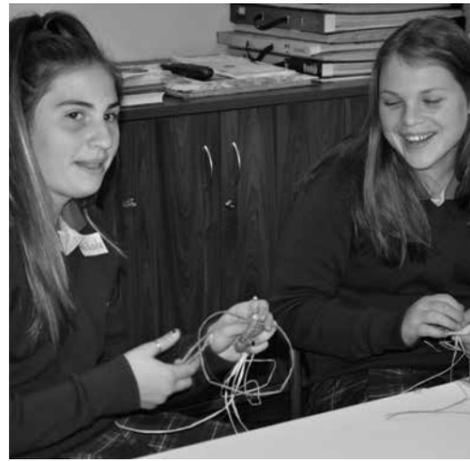
Ms Rigney said the range of people we teach ties into the theme of reconciliation.

"We teach a lot of different people, which means a great environment to tell stories. We had a group of Japanese people at a workshop recently and one week it felt like an American week with lots of American tourists, so there a lot of international people who come along as well."

The group was recently asked to host a basket weaving party. Although never done before, Ms Collinson said they were happy to give it a go.

"It'll be like a Tupperware party, and I am sure her friends will be very impressed," she said.

The group held workshops at the Museum during NAIDOC week.



From top, left to right: Janice Rigney basket weaving; student participants; Lorna Collinson; Pam and Janice Rigney; workshop participants; Southern Elders Weaving Group baskets.

Future Acts and Indigenous Land Use Agreements

What is a future act?

A future act is any activity that occurs on Crown land after the *Native Title Act 1993* (Cth) came into operation (1 January 1994). For example, this may be the grant of a mining tenement or the compulsory acquisition of land.

The *Native Title Act 1993* (Cth) ss 24AA(2) and 24OA expressly states that future

acts are invalid (do not extinguish native title) unless otherwise stated by the Act.

Where a future act is proposed, generally the native title group holds a statutory procedural right to negotiate with the other party. This is to give the native title group the ability to have their say in the future act. However, the right to negotiate does not always exist. For example, there is no right to negotiate where the government's future act is the

construction of a public work or erection of public housing.

The right to negotiate is triggered when the government or a developer issues a notice intending to do a future act giving rise to the right to negotiate. If the right exists, both parties must negotiate honestly, on issues such as the effects of proposed development on existing native title rights and interests.

The parties may request the National Native Title Tribunal mediate negotiations and, if no agreement is reached within six months, request the Tribunal arbitrate the proceedings.

The concept behind future acts is that acts affecting native title should only be valid after every reasonable effort has been made to secure the agreement of native title holders.

The Australian Law Reform Commission (ALRC) Native Title Act recommendations released

(ALRC) has recently released its final report into the Native Title Act's provisions for establishing native title and authorising native title claims.

The report, *Connection to Country: Review of the Native Title Act 1993 (Cth)* is the first major report into the operative requirements of the Act since it was introduced in 1993.

Announcing the Inquiry in 2013, then Attorney-General Mark Dreyfus QC stated '[t]he time has come to consider how to improve native title and encourage faster, simpler resolution of native title law and encourage faster, simple resolution of native title claims for all parties.'

Later in 2013, Jenny Macklin, then Minister for Indigenous Affairs, claimed the Inquiry was necessary to ensure 'an effective and efficient native title system that delivers for Indigenous people', which is 'fundamental to closing the gap'.

The Inquiry analysed evidence from 162 consultations, including governments, judges, Indigenous leaders and traditional owners, Indigenous organisations (including NTRBs and PBCs), the National Native Title Tribunal, industry and anthropologists and academics.

The ALRC has acknowledged that the current native title system is resource intensive, the cost burden falling on governments, public institution, industry, private persons and Torres Strait Islander people.

The burdensome procedure of native title has previously been criticised by Mick Gooda, the Aboriginal and Torres Strait Islander Social Justice Commissioner.

'The process of recognising native title itself has ... been frustrating from the start for Aboriginal and Torres Strait Islander peoples. While on the one hand, it brings hope and expectation of the return of country, on the other hand it can also be a process fraught with difficulties that opens up tensions and wounds around connections to country, family histories and community relationships. These instances of "lateral violence" fragment our communities as we navigate the native title system and sadly diminish the unique opportunity

native title can and should deliver to overcoming disadvantage.'

The ALRC discussed two main sources of the Act's difficulties.

First, the ALRC noted that the Act's requirement that claimants establish that native title rights and interests were possessed under traditional laws and customs from before European sovereignty carries a severe evidential burden.

Second, the ALRC noted that the evidentiary requirements are amplified by the Act's non-recognition that traditional laws and customs may 'adapt, evolve and develop', calling instead for a more flexible approach that reflects anthropological consensus on cultural change.

While the Commission acknowledged the post-2011 spike in consent determinations, it did not view this as evidence that the Act's scheme is working effectively. It suggested that the high number of consent determinations may reflect decisions by claim groups to engage in negotiations rather than risk the Federal Court finding their title does not exist or has been extinguished.

Coupled with the high-cost of native title litigation, AIATSIS, in its submission, noted that 'resource intensive challenges to native title claims are at times only avoided by the applicant agreeing to enter an agreement with the [non-traditional owners], whereby many of the rights that could be gained from a determination are abrogated'.

The report makes recommendations in several areas:

- The *Native Title Act's* definition of 'traditional laws and customs'
- To the Act's definition of claim groups' 'connection with the land or waters'
- Easing of proof requirements for establishing native title
- Altering the procedure for a community to authorise a person or group to bring forward a native title claim
- Simplifying and clarifying the ways people may join native title claims

- Means of improving native title dispute resolution

The ALRC has advised that the Act should be amended to clarify that traditional laws and customs may adapt, evolve or otherwise develop. It notes this reflects the High Court's interpretation of native title, including that:

- 'Of course in time the laws and customs of any people will change and the rights and interests of the members of the people among themselves will change too' (*Mabo (No 2)* per Justice Brennan)
- 'An indigenous society cannot ... surrender its rights by modifying its way of life' (*Mabo (No 2)* per Justice Toohey)
- '[Non-discrimination requires] a recognition that the culture and laws of indigenous peoples adapt to modern ways of life and evolve in the manner that the cultures and laws of all societies do. They do this lest being frozen and completely unchangeable, they are rendered irrelevant and consequently atrophy and disappear.' (*Yarmirr* per Justice Kirby)

The ALRC recommendations also include changes to evidential requirements that traditional laws and customs have been continued 'substantially uninterrupted' since European sovereignty, and recognition that rights and interest may be transferred or transmitted between Aboriginal or Torres Strait Islander groups.

The report rejects calls for a presumption that native title exists in a claim area, but suggested the *Native Title Act* provide guidelines for where inferences can be drawn that native title exists.

In easing the authorisation process for native title claim groups, the ALRC suggested traditional owners be allowed to select whether a group is authorised via a traditional decision-making process or another selected decision-making process.

The Act currently requires a traditional decision-making process, and only allows another process where a traditional process is not available.

Potentially accompanying any reform to the *Native Title Act* is a liberalisation of native title property rights.

Speaking at the Australian Human Rights Commission Indigenous Leaders Roundtable on Property Rights, the Attorney-General, George Brandis QC assured attendees of the Federal Government's position on native title.

'[The Federal Government] is committed to helping Indigenous Australians exercise their property rights over land where native title has been claimed or determined', 'by removing unnecessary regulatory or legal burdens without compromising the protection of the inherent legal rights of Aboriginal or Torres Strait Islander peoples.'

This call for a re-think in the operation of native title itself was mirrored during the AIATSIS National Native Title Conference in June by Mick Gooda.

'I have heard many stories from Aboriginal and Torres Strait Islander communities and Traditional Owners about the many barriers they face in reaching their potential benefits under land rights and native title.

These things range from various legal and administrative barriers that are placed on us once a native title determination has been made and includes various tax and regulatory standards placed on Aboriginal and Torres Strait Islander communities in the post determination phase, conflicts between individual and communal property interests and issues arising from the conversion of title.

These barriers all prevent us from using our land to enter the economy from which we can see ourselves and our community thrive. ...

As Noel Pearson has recently said in relation to this issue: "We're moving from a land rights claim phase to a land rights use phase where people are grappling with how we make our land contribute to our development."

The report is available free-of-charge as a download from the ALRC website or for purchase in hard copy: alrc.gov.au

explained

What is an Indigenous Land Use Agreement?

Indigenous Land Use Agreements (ILUAs) are voluntary agreements between governments or land users with the native title group about the use and management of land and waters. ILUAs may be broad in scope and includes topics such as access to land, the relationship between native title

right holders and the rights of other land users.

More specifically, ILUAs may include native title groups' consent to future acts, extinguishment of native title, compensation, employment and economic opportunities for native title groups, cultural heritage and mining.

When the Commonwealth government is a party to an ILUA, it is bound in negotiations by its ILUA Policy Principles

(available online). These include a commitment not to propose the extinguishment of native title unless 'absolutely necessary', the ability to provide financial or non-financial benefits to native title groups regardless of whether native title has been determined, and a goal to benefit the whole native title community (or particular sections, eg children) rather than a limited number of holders or claimants.

Note that where the Commonwealth negotiates an ILUA, it will not recognise native title in the absence of a judicial determination.

When registered, ILUAs bind all native title groups in the area, including those who were not already parties to the agreement. It validates any future act consented to in the agreement, and causes any surrender consented to extinguish native title.



National Native Title Conference 2015



Leadership, legacy and opportunity

This year saw the greatest turnout for the Annual National Native Title Conference with over 700 delegates gathered in tropical far north Queensland.

Speaking at the opening, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Principal, Russell Taylor AM, acknowledged the considerable effort it takes from all parties to run such a unique event.

"I would like to thank our co-convenors, the Cape York Land Council, and acknowledge the contribution of the North Queensland Land Council and the Carpentaria Land Council, your staff and advice have been critical for us to organise this year's Conference," Mr Taylor said.

Cape York Land Council Chairperson, Richie Ah Mat said in his opening remarks to delegates, the goal of Native Title must be economic, social and cultural development.

"These days we spend together should cement our realisation that the challenge is to strengthen our native title rights, and pursue economic opportunity. Without those goals, it will be more difficult to foster healthy communities and build futures for our children that our elders would be proud of," Mr Ah Mat said.

"We have a right to development and economic inclusion which would honour the legacies of so many elders before us.

The recognition of native title is vital to our identity and to our culture," he said.

This theme continued with presentations by the Minister for Indigenous Affairs, Nigel Scullion, Human Rights Commissioner, Mick Gooda and Aboriginal Leader, Noel Pearson, addressing the future value of land rights and economic development.

The conference was held on the traditional lands of the Kuku Yalanji people in Port Douglas. There were dance performances and presentations by Kuku Yalanji people, showcasing the strength of local culture.

The conference engages the law and social influences of native title as an active agenda for justice for people and country.

Keith Thomas, South Australian Native Title Services CEO said the conference is a unique platform for native title delegates.

"The tireless work by Aboriginal and Torres Strait Islander people to secure their native title rights and interests is strongly showcased by this conference. It is also important for native title holders, claimants and those working in the sector to come together to discuss ideas and reconnect on a national scale, and the conference plays a decisive role in this," he said.

To watch presentations by keynote speakers at this year's Native Title Conference and find out more information visit aiatsis.gov.au



From top, left to right: Cultural Performance: Kuku Yalanji Dancers; Lockhart River Dancers, Torres Strait Islander Dancers, Wik Dancers, Kuku Yalanji Dancers; Federal Minister for Aboriginal Affairs and Reconciliation Nigel Scullion; Clifford Woodford; Kirsty Burchill and Ivy Minniecon; Alex Vickery and Arthur Ah Chee; Kerrie Colbung, April Lawrie Smith, Lucy Evans, Nicole Clark, Alex Vickery and Emma Radulescu.

‘We will adapt, we will take advantage of these opportunities and we will leave a great legacy.’

Giving the 2015 Eddie Koiki Mabo Lecture at the National Native Title Conference, Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda spoke of the native title system’s transitioning from land claims to land usage, and the need to use land to facilitate economic development.

‘Realising these aspirations is key to our economic development and prosperity as Aboriginal and Torres Strait Islander peoples where our land is our greatest asset.’

Referencing the Broome Roundtable discussions earlier this year, Gooda identified five key areas posing challenges and opportunities for Aboriginal and Torres Strait Islander communities in accomplishing economic development.

He noted difficulties arising from government regulation and maintaining customary law while maximising usability of land. ‘Modernising’ native title land may pose issues on how traditional owners make decisions, as well as how benefits are shared and responsibilities exercised. Correspondingly, government regulation and taxation schemes may quash aspirations of communities eager to engage in economic development.

Moreover, he stressed the need for Indigenous communities to better engage with stakeholders such as the financial services industry, Indigenous Business Australia and the Aboriginal Land Council, all of which may be able to assist with asset underwriting, insurance, risk management and exploring loan options. The Commissioner noted this also involves presenting a strong business case, including communities’ desire to move away from welfare and charity.

While praising customary governance practices, Mr Gooda suggested that economic development requires Aboriginal and Torres Strait Islander communities to adjust their customs to meet the expectations of non-Indigenous laws and institutions. He criticised the current native title scheme as failing to provide training in areas such as advocacy, governance and risk management essential to business engagement.

Welcoming the *De Rose Hill* decision as recognising compensation may be paid for native title extinguishment post-1975 (when the *Racial Discrimination Act* was enacted), he criticised successive Federal Governments for failing to enact the Keating Government’s social justice package. However, he raised the potential for compensation payments



Mick Gooda

to function as a means of raising capital and improving economic development capacity.

Finally, Mr Gooda stressed that ‘development’ is a multifaceted concept, including economic advancement, protection from adverse impacts of development, self-determination and control of natural wealth and resources. Yet development as a *right* is seldom thought of in relation to Indigenous Australians, who, as Mr Gooda pointed out, ‘are not currently sharing in the developmental prosperity for which Australia is known.’

In his concluding remarks, the Commissioner noted that adaption is a core strength of Aboriginal and Torres Strait cultures, and thus did not doubt their ability to overcome barriers to economic development:

‘Friends, we are the First Peoples of this country and we are the oldest living culture in the world because of our ability to adapt to ever changing environments and circumstances.’

‘Twenty-three years after the *Mabo* decision we are going through another adaption as we talk about how we can start to enjoy the benefits that come from land ownership in the same way that is open to all other Australians, without compromising our rights as Aboriginal and Torres Strait Islander people,’ he said.

Supply Nation’s Indigenous Business Direct goes live

Australia’s leading listing of Indigenous businesses was recently launched by Supply Nation, under the title Indigenous Business Direct.

Indigenous Business Direct features a diverse range of Indigenous businesses from across Australia.

The directory includes two categories of businesses. Firstly, ‘Certified Suppliers’ with 51% or more Indigenous ownership and ‘Registered Businesses’ with 50% or more Indigenous ownership.

Supply Nation is a Government supported online network of Indigenous businesses. Supply Nation CEO Laura Berry said it is great to see government support for a growing, healthy indigenous business sector.

‘This is an exciting step for Supply Nation and the Australian Indigenous business sector.’

‘Indigenous Business Direct represents a new, more inclusive approach to facilitating the business opportunities offered to Indigenous businesses. Together with the introduction of the Federal Government’s new Indigenous Procurement Policy, we anticipate Indigenous Business Direct will drive a significant growth in the Indigenous business sector,’ she said.

The government’s new Indigenous Procurement Policy aims to drive engagement by requiring businesses to set aside a small percentage of their operations to be engaged with an Indigenous supplier.

Federal Minister for Aboriginal Affairs and Reconciliation, Nigel Scullion welcomed the launch of the directory.

‘It will be the first point of call for government procurement officers looking to fulfil their targets under the new policy. The register will

make it easier for government to contact Indigenous businesses about procurement opportunities.

Together with the introduction of the Federal Government’s new Indigenous Procurement Policy, we anticipate Indigenous Business Direct will drive a significant growth in the Indigenous business sector

Supply Nation was launched six years ago to create more cultural diversity in Australia in the corporate and government sectors.

Ms Berry said ‘The Supply Nation Board and I look forward to working with our partners, members and Indigenous businesses to continue to work towards our vision of a vibrant, prosperous and sustainable Indigenous business sector.’

Minister Scullion urges all Indigenous businesses to register with Supply Nation.

‘It is streamlined, it is free and, importantly, it is publicly available. It will be great for engaging their business with the Commonwealth. And why wouldn’t you want to do business with an Indigenous organisation? There is a huge amount of talent and great practice within the sector. It makes great business sense,’ he said.

For more information or to register your business go to supplynation.org.au

Second phase of the National Anti-Racism Strategy begins

The Commission has announced the second phase of the National Anti-Racism Strategy and the Racism. It Stops With Me campaign following the release of an evaluation and future directions report.

‘We have identified two themes that will define our work: supporting diversity and inclusion, and combating prejudice and discrimination,’ Race Discrimination Commissioner Dr Tim Southphommsane said.

‘In supporting diversity and inclusion, the Strategy will work closely with those in corporate Australia who are embracing cultural diversity.’

Westpac has been welcomed as a new supporter to Racism. It Stops With Me, and last week Twitter and NRL both renewed their support for the campaign.

Read the Evaluation Report humanrights.gov.au

National Sorry Day



From top, left to right: Sorry Day stallholder; Michael Owens band; Alberton Primary School students at National Sorry Day at Tarndanyangga; Lynette Naylor; Mel Simpson and Linda Marie McDowel from EPA; Sharmaine Wilson and Jodie McRae from ALRM; Andrea Velardi, Shaeelagh Daniels-Mayes, Ken Mayes and Nina the RSB guide dog; Jodie McRae; Alberton Primary School students at National Sorry Day; Ursula Stevens and Leahna Vandenhuevel at the SA Native Title Services stall.



From top, left to right: Vonda Last; Lynette Crocker; Jeannie Lehotscki and Marika Wanganeen; Opposition leader Steven Marshall, Roger Thomas and Khatija Thomas; Mandy Ahmat from Country Health with Christine Wilson.

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.

Becoming Kirrali Lewis

From one of Australia's leading Indigenous playwrights comes a stunning debut novel about belonging, race and identity – *Becoming Kirrali Lewis* by Jane Harrison.

Becoming Kirrali Lewis is a powerful coming-of-age novel of a young woman's passage to adulthood and the search for a place to call home. Akin to 'Looking for Alibrandi', *Becoming Kirrali Lewis* has the potential to be a young adult best-seller and breaks new ground – offering a fresh and unique take on the national narrative.

Kirrali grew up in a white family in a country town and always knew she was adopted, but she never felt her skin colour stopped her from doing anything. Fiercely independent, smart and savvy, Kirrali embarks on a law degree at university in the city and feels like anything could be possible. But after a series of confronting events, Kirrali's world is rocked to its foundations and she feels compelled to look for her Aboriginal biological family and find out who she really is. But what she finds is nothing like she expected. If only she could let go.

Set against the explosive cultural shifts of the 60s and 80s, the characters of *Becoming Kirrali Lewis* draw on a past marked by forced adoption practices, the black/white divide and the political machinations of the 1967 referendum and the Aboriginal Tent Embassy. A perfect choice for bookclubs, *Becoming Kirrali Lewis* will strike a chord with people who lived through the 60s and recall the momentous social pressures and events of the time.

Poignant, taut and revealing, *Becoming Kirrali Lewis* was the joint winner of the 2014 black&write kuril dhagun Indigenous Writing Fellowship and demonstrates Jane Harrison as a new voice to be reckoned with. Above all it is an Australian novel with heart – a moving, compelling and expertly crafted story of a young woman's search for self in a complex world. Don't miss it.

in
review.





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

Strong children, strong community



- Are you passionate about the future of Aboriginal children and young people?
- Are you supportive and understanding?
- Do you want to help keep children and young people safe in culture and community?

If you answered “Yes”, then AFSS needs you!

AFSS is seeking foster carers in the Adelaide metropolitan region. Caring people just like you, who want to play their part in keeping Aboriginal children and young people in their community, people who can provide a safe and loving home.

Fostering could be the greatest challenge you'll ever undertake, but the rewards can be many.

And AFSS is here to help you every step of the way.

The team at AFSS will stand with you, to guide you through the registration process, and support you once you become a foster carer. **Why not find out more?**

- Call us on 8205 1500
- Arrange to drop in for a cuppa and chat at our office
- Visit the AFSS website, www.afss.com.au



Aboriginal Family Support Services
134 Waymouth Street, Adelaide SA 5000

Stand with us – become a carer

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

ISSUE 60