



# Aboriginal Way

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## Spirit Festival

Celebrating Aboriginal and Torres Strait Islander culture, past and present. Full story and more photos on page 8

Above: Tiwi Design Pandanus Weaving Demonstration & Workshop at Spirit Festival Presents 2017.

Photo by Benjamin Waringundu Bayliss. All photos courtesy of Tandanya National Cultural Institute.

## SA Treaty negotiations welcomed

**The State Government has announced it will support Aboriginal Nations in South Australia to move towards a treaty agreement.**

On 14 December last year, the government said that it has set aside \$4.4 million over five years to support a treaty process.

This will include the appointment of an Independent Commissioner for Treaty, and governance training and support for Aboriginal nations to participate in the treaty negotiations.

Aboriginal Affairs Minister Kyam Maher said he would enter treaty negotiations with the three Aboriginal organisations that have been recognised under the Aboriginal Regional Authorities Policy. They are the Adnyamathanha Traditional Lands Association, Far West Coast Aboriginal Corporation and the Ngarrindjeri Regional Authority.

“Treaty is an important step towards addressing the wrongs of the past. The fact that so many Aboriginal people to this day face such significant disadvantage remains the greatest stain on our society,” said Minister Maher.

Michael Anderson, Chair of Adnyamathanha Traditional Lands Association said he and others were surprised by the announcement as it has ‘never been on the table’ but he was keen to move forward on this issue.

“The olive branch has been held out and we are willing to grab hold of it and work with it,” he told the AAP.

“We’ve really got to regroup as a community and probably re-look at our priorities and relay them through to the government.”

Aboriginal leader and treaty advocate, Tauto Sansbury, told the ABC that a treaty will recognise the historical connection

Aboriginal people have to their country and how it was taken from them.

“I think it’s going to mean the satisfaction of acknowledging that Australia was basically invaded,” he said.

Keith Thomas, CEO of SA Native Title Services (SANTS) has welcomed the announcement.

“The State Government should be commended for its leadership. It provides a response to the long standing requests of the Aboriginal community,” he said.

Mr Thomas said that treaty negotiations will strengthen the relationship between Aboriginal Nations and the State that has already been established through good native title outcomes.

“South Australia has been a leader in achieving native title outcomes through negotiation. This has resulted in native title rights and interests being recognised over more than half of the state.

“Native title claimants and holders have been vocal about the need for a broader settlement process. This announcement is a very positive response to this long held aspiration.

“A treaty or series of treaties will provide the opportunity for Aboriginal people to discuss the past, the present and the future and reach a holistic agreement with the state government. Native title has laid an important foundation for these discussions with the recognition of rights and interests and a maturing of the relationship between the state government and Aboriginal groups,” said Mr Thomas.

“The native title process has proved that negotiations of this type can be challenging, and it is important to ensure the process is supported and empowers Aboriginal people,” Mr Thomas said.

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# Working on Country reaping rewards in the Gawler Ranges

**A successful program combining traditional and scientific knowledge to care for country has positive benefits for native title holders, park users and the environment in the area around the Gawler Ranges National Park on the Eyre Peninsula.**

The Gawler Ranges Working on Country Program is a part of the National Working on Country initiative and has been managed by SA Native Title Services (SANTS) for the last seven years. It employs Gawler Ranges Native title holders as Aboriginal Rangers, as well as a Project Coordinator, to cooperatively care for that country.

The project is a partnership between Gawler Ranges Aboriginal Corporation, Department of Environment and Natural Resources and SANTS, supported by Commonwealth funding.

It's an important program because it supports native title holders to get back on country, to care for their country, to exercise their native title rights and interests, and to gain employment working on environmental and cultural heritage.

Feral animal control is a big part of the Ranger team's work and, according to Working on Country Senior Project Officer Adrian Stanley, that work is making a real difference.

"Yellow footed rock wallabies are on the endangered list and the rangers do animal counts. Since the park's had a pretty intensive fox and cat control program, the number of rock wallaby have built up," he said.

Since they've done the fox baiting particularly, numbers have increased, every time they do a survey it's on the increase," said Mr Stanley.

Goats are another feral animal that has created problems for native animals according to Mr Stanley. The goats create grazing pressure as they eat the same plants as the native animals.

"You can tell where the goats are because pretty well as high as they can reach, they'll eat anything and everything. So trees are eaten to about waist height," he said.

The land management work the Ranger team undertakes includes controlling any damage to the country from human use.

"What they are doing at the moment is because it used to be a sheep station, they're pulling down fences," said Mr Stanley.

"And they're using the old fence posts and put them around the grounds, just to try and divert the camping, where it can and can't be.

"People were driving to the bottom of hills and walking up the hills, so they don't like that, because people take different routes all the time and make tracks. So just to control it a bit, they've blocked off some of those self-made roads," he said.



The work of the Rangers includes supporting campers enjoying the beauty of the National Park.

"They go to all of the campsites and just check everybody's alright. Because if you go there you have to be self-sufficient, it's pretty isolated. They just see that everybody's ok, got enough water, their health issues are fine. They also collect camping fees, it's self-registration," Mr Stanley said.

The Gawler Ranges National Park is managed so that campers can enjoy the park, while Traditional Owners can exercise their native title rights and interests and enjoy being back on country.

"They have these areas on the park that are called traditional use zones. Nobody but the Traditional Owners can use these zones, no camping, no visitors, nobody from outside of the Gawler Ranges Aboriginal Group, are allowed to access these places. They can just go camping and just have time to themselves," Mr Stanley explained.

Some of these are sites of cultural significance, and it's a part of the Rangers role to care for those places.

"Another significant aspect of the park is there's a lot of rock holes and these are important significant sites for Aboriginal people. Not only a source of water, but it was for directions as well, there's etchings, stone etchings on there."

"It's all granite country, beautiful red granite, and when you get out of the car, walk probably ten metres, you'll find chippings where the Aboriginal people used to chip stones together and make spear heads or stone axes. And they're everywhere. It seems like these rock holes were places where people gathered, probably because there was water and a bit of shelter around. And they'd sit and just make these spear heads and axe heads," Mr Stanley explained.

Learning from and working cooperatively with local Traditional Owners to care for the country is a central part of the project.

"Back in May we had a "Cultural Day" where people from the Gawler Ranges Aboriginal Corporation met with the park rangers and we also took somebody from DEWNR to test water, the quality of the water in the rock holes.

"So it was a chance for people to get back out on country, some of the people's comments around the campfire at night were 'I'm glad I came', 'I haven't been back here, the last time I was here I was 17' and these people were getting into their 50s.

"When we interviewed the park rangers some of the first questions we ask was 'why do you want the job?' and all of them that we interviewed, the ones that missed out as well as the ones that got the job, said I want to be back on country.



"So that, those days and those comments are what make the job for me pretty meaningful," said Mr Stanley.

While the Gawler Ranges Ranger program has had many successes, the project's funding, like all in this national program has only been guaranteed until 2018.

Mr Stanley would like to see the funding extended and the Traditional Owners in control in future.

"What I would like to see is not only funding extended but that these three rangers and maybe more, manage the place. So it's totally managed by Traditional Owners."

"That would be my goal, I don't know if it's going to happen, but I'd like to see further funding and the guys looking after the park one day," Mr Stanley said.

This page from top left: Cultural Day on Gawler Ranges in May 2016; kangaroo; Ranger Cliff Woodford; Fencing on Gawler Ranges National Park; Rockhole preservation.

# Nuclear debate continues in SA

**The Premier has told the South Australian Parliament that he would seek a referendum on a proposed nuclear waste facility for the state, while giving Aboriginal communities a final right of veto on any nuclear facility on their lands.**

The government's response to the Nuclear Fuel Cycle Royal Commission Report was delivered to State Parliament on 15 November 2016.

The government said it was willing to support nine of the 12 recommendations outlined in the report.

Premier Jay Weatherill announced that he is seeking a referendum on establishing used nuclear fuel and waste storage facilities in South Australia, even though the Community Views Report showed a majority was not in favour.

"Having considered all of the community feedback, the government has decided that discussion should continue on a proposed nuclear waste facility.

"The Government has also concluded that the only path forward is the restoration of bipartisanship and broad social consent, secured through a state-wide referendum.

"Continued public debate about South Australia's role in the nuclear fuel cycle is important and ultimately it is a matter that the people should decide. Not political parties," he said.

In the Community Views Report, also delivered in November last year, the representative feedback showed 43% of people supported or strongly supported continuing to explore the opportunity, while 37% were opposed or strongly opposed, and 20% were unsure or didn't know enough. In the self-selected feedback, 64% of people opposed or strongly opposed the continuation, while 29% supported or strongly supported it.

In terms of continuing to explore the idea of a nuclear waste facility in South Australia, a large majority of Aboriginal people who participated in the feedback were aware of the proposal however

many were unaware of the consultation process and the feedback opportunities available to them.

In the first two rounds of telephone surveys, most (79%) of Aboriginal participants were aware of the Nuclear Fuel Cycle Royal Commission, half (54%) were aware of the state-wide community consultation process, and over one-third (36%) were aware that they could provide feedback through the website or on Facebook.

Feedback showed that the main reasons for Aboriginal people participating in the conversation was that they:

- felt strongly against it and wanted to make sure the government knew this (56%)
- wanted more information to form a view (20%)
- wanted to contribute to government decision making (19%)
- believed it would be a positive step for the state and wanted to make their opinion count (16%).

Parry Agius, member of the Nuclear Fuel Cycle Royal Commission Consultation and Response Advisory Board said the consultation process so far has engaged with Aboriginal leaders across the State and assures Aboriginal communities that their views will not be ignored.

"The engagement program was co-designed with Aboriginal leaders to ensure all activities were culturally appropriate and sensitive to the needs of all Aboriginal communities, and it included visits to Aboriginal communities where more than 1000 face-to-face conversations were held with Aboriginal people in 31 locations.

"One theme that emerged through the consultation program is that for many Aboriginal people, there was a great distrust of the non-Aboriginal community and an expectation that their views would be overridden simply by force of numbers.

"For this reason, the Premier has given his commitment that Aboriginal communities – whose history with the

nuclear industry demonstrates a need for significant healing – will be fully engaged and given a final right of veto on any future facility on their lands."

Mr Agius said that he agrees with the Premier that more community consultation, and ultimately a referendum, is the right way forward.

"In his response to the Royal Commission report, the Premier decided that – having considered all of the community feedback – that the community conversation should continue on a proposed nuclear waste facility.

"The Premier also concluded that the only path forward is the restoration of bipartisanship and broad social consent, secured through a state-wide referendum.

"Like him, I believe that there needs to be continued public debate about South Australia's role in the nuclear fuel cycle, and that ultimately it is a matter that the people should decide.

"It is important to note also that, if broad social consent were to be achieved through a referendum, a local Aboriginal community would also be given a final right of veto on any future facility on their lands," Mr Agius said.

## Royal Commission recommendations and Government response

Based on the findings set out in its report, the Commission recommends that the South Australian Government:

1. Pursue the simplification of state and federal mining approval requirements for radioactive ores, to deliver a single assessment and approvals process **SUPPORT**
2. Further enhance the integration and public availability of pre-competitive geophysical data in South Australia **SUPPORT**
3. Undertake further geophysical surveys in priority areas, where mineral prospectivity is high and available data is limited **SUPPORT**

4. Commit to increased, long-term and counter-cyclical investment in programs such as the Plan for Accelerating Exploration (PACE) to encourage and support industry investment in the exploration of greenfield locations **SUPPORT**

5. Ensure the full costs of decommissioning and remediation with respect to radioactive ore mining projects are secured in advance from miners through associated guarantees **SUPPORT**

6. Remove at the state level, and pursue removal of at the federal level, existing prohibitions on the licensing of further processing activities, to enable commercial development of multilateral facilities as part of nuclear fuel leasing arrangements **NOT SUPPORT – not considered due to limited economic opportunities for South Australia and significant barriers to entry**

7. Promote and actively support commercialisation strategies for the increased and more efficient use of the cyclotron at the South Australian Health and Medical Research Institute (SAHMRI) **SUPPORT**

8. Pursue removal at the federal level of existing prohibitions on nuclear power generation to allow it to contribute to a low-carbon electricity system, if required **NOT SUPPORT – not considered a cost-effective short to medium term energy source for South Australia**

9. Promote and collaborate on the development of a comprehensive national energy policy that enables all technologies, including nuclear, to contribute to a reliable, low-carbon electricity network at the lowest possible system cost **SUPPORT**

10. Collaborate with the Australian Government to commission expert monitoring and reporting on the commercialisation of new nuclear reactor designs that may offer economic value for nuclear power generation **SUPPORT**

11. Pursue the opportunity to establish used nuclear fuel and intermediate level waste storage and disposal facilities in South Australia consistent with the process and principles outlined in Chapter 10 of the report **SUPPORT CONTINUED INVESTIGATION**

12. Remove the legislative constraint in section 13 of the Nuclear Waste Storage Facility (Prohibition) Act 2000 that would preclude an orderly, detailed and thorough analysis and discussion of the opportunity to establish such facilities in South Australia **NOT SUPPORT – consistent with the response to Recommendation 11, the State Government will not pursue policy or legislative change at this time**



Above: Premier Jay Weatherill (centre) and CARA Advisory Board member Parry Agius (third from left) attending the recent Aboriginal human services forum in Adelaide.

# Reconciling communities and government

**Governments have to fundamentally change the way they work with Aboriginal people, a leader in Indigenous policy told the Reconciliation South Australia Annual General Meeting in Adelaide recently.**

Fred Chaney is a former Federal Minister for Aboriginal Affairs, a founding co-chair of Reconciliation Australia and past Deputy President of the Native Title Tribunal. His address to the Reconciliation SA AGM was called *The Role of Community and Governments in Reconciliation and Justice*.

He told the meeting that successive Governments and Ministers talk of working in cooperation, 'working with, not on', Aboriginal people, but they actually struggle to do that and are failing in this area.

Following his address he spoke to Aboriginal Way, reflecting on this perspective and a recent Productivity Commission report. The report said that Indigenous Australians are becoming more disadvantaged, with increases in imprisonment rates, mental health issues and self-harm recorded in recent years.

He said that the national situation as reflected in the report was a result of the way Governments work with Aboriginal people.

"Well I don't think it's caused by a lack of good intentions, I don't think it's caused fundamentally by a lack of money, I think it's caused fundamentally by the way we go about doing business with Aboriginal people and their communities," Mr Chaney said.

"The focus needs to be not policy so much, but on how the business is being done. Unless you involve Aboriginal people in these things, unless they are part of the design and delivery of services, unless they are committed to them because they are, they own it, we're going to go on having bad results," he said.

When asked why Government continues to work in this way, despite evidence that it is ineffective, Mr Chaney said that he believes it is a result of the structure of government.

"Well it's behaving this way because we live in a democracy where the rule of law applies, where parliament controls appropriations and where money is given to public servants not to do good, but to do what the program requires. So the Westminster system of government which we have serves most people pretty well. It serves me well, it serves my family well, it serves all my friends well," he said.

"It's less advantageous to people who are in a situation of disadvantage, Aboriginal or non-Aboriginal alike, because wicked problems, things like long term unemployment, things like lack of education, things like domestic violence, those things do not admit to a departmental solution, they require a ground up solution. They require the people whose lives you're trying to improve being involved in that," Mr Chaney said.

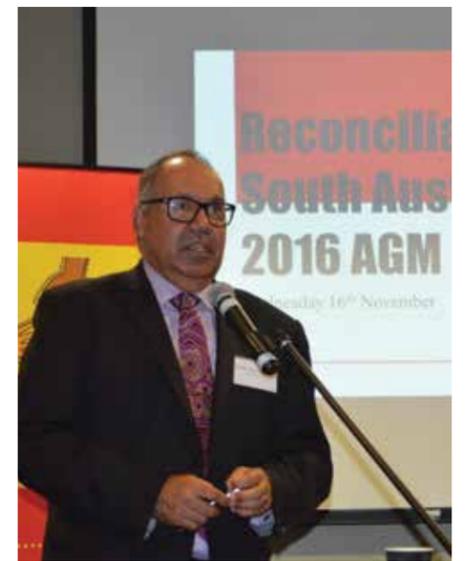
Mr Chaney referred to one example of a successful program where Indigenous communities are able to take control and make decisions, one of which he himself is a Patron, along with Traditional Owner Mookie Taylor.

"It's an organisation called KJ in the east Pilbara of Western Australia. These people have native title over an area the size of England. There's a quite small group of people living in very scattered communities. They've now had a leadership program for some time which has very much been shaped by them, and that's been an outstanding success," he said

"In my view it's a very powerful example of showing that if Aboriginal people feel they own what is happening, it's giving them confidence in themselves and their capacity, then a lot has changed.



Above left: The Hon. Fred Chaney AO. Above right: Prof Peter Buckskin.



"There have been improvements in education, less crime, less drinking, less violence, and people being engaged in productive exercise, namely caring for country as well as personal and community development," he said.

Mr Chaney also reflected on the role of Native Title in reconciliation and the relationship between Aboriginal communities and governments.

"Well, one of the ironies of native title is that it provided a wonderful opportunity for government to integrate their negotiating on native title with their ambitions to involve Aboriginal people in the social and economic life of the country," he said.

"But a lot of the negotiations were quite barren, in that State Governments tried to take any useful economic content out of native title. But now that all that's done, or a lot of it's done and we're living in a post-determination era, certainly in Western Australia, there are fantastic opportunities, which were never there before for Aboriginal people," he said.

"And to take an example, in the South West of Western Australia, the Noongar people; who are probably the most dispossessed, dispersed group, the people who are the most put upon whose

children were taken away, who were subject to intense bureaucratic control from 1905 through to the 1970s,

"They had a successful native title case in Perth, that led the government to the negotiating table and they've negotiated a total settlement over the south west of Western Australia.

"It's an amazing agreement that has flowed out of native title rights, in an area where most native title had been extinguished, and if you look at that agreement, it provides for access to land, it provides certain rights to land, it allows involvement in the conservation estate, it involves substantial payments from the state to the Noongars, it involves the support for administrative arrangements for the Noongars in their different tribal groups, it's an amazing outcome.

"I think the opportunities are huge. Aboriginal nations are defined, Aboriginal nations are at the table," said Mr Chaney.

Following Mr Chaney's keynote address at the Reconciliation SA AGM, Co-Chair Professor Peter Buckskin reflected on past year for the organisation.

He said that Reconciliation SA's strategic priorities were reviewed this year with a renewed focus on Constitutional Recognition, Education, Justice Reinvestment, Employment, and with a new focus on Health and Well Being and Building Organisational Capacity. He also reflected on the two breakfasts the organisation delivered this year along with the schools congress program.

Both of the Patrons of Reconciliation SA, Dr Lowitja O'Donoghue and the Hon Chris Sumner, were present on the night.

An election for the non-Aboriginal members of the Board of Reconciliation SA were held. The results of this election saw Wendy Keech reinstated as Secretary, with newcomers Jim Maher, Brad Chilcott and Astrid Melchers filling the remaining vacancies.

Ivan Tiwu Copley was also reinstated to his position on the Board as an Aboriginal Member.

Stepping down from the Board in 2016 is Cheryl Axleby, Khatija Thomas, Mayor David O'Loughlin, Ian Smith and Lynn Hall.



Above: Reconciliation Board members (left to right): Brad Chilcott, Jim Maher, Joel Bayliss, Wendy Keech, Lowitja O'Donoghue, Vicky Welgraven, Astrid Melchers and Prof Peter Buckskin, pictured in front of an artwork that Reconciliation SA had done by the children at Tauondi Open Day and Kura Yerlo.

# Check the facts on racism complaints

**An expert on racial discrimination law says that any changes to the Commonwealth's Racial Discrimination Act 1975 (RDA) must be based on evidence about how the laws have worked for the last twenty one years, and how people actually experience public racism, rather than drawing only on opinions about free speech.**

Luke McNamara, Professor of Law at the University of New South Wales (UNSW), spoke to Aboriginal Way at a time when parts of the Act and the Human Rights Commission, which administers the RDA are under review.

A Federal Parliamentary inquiry looking into possible reform of the Act and the way complaints are dealt with by the Human Rights Commission, called the *Parliamentary Inquiry into Freedom of Speech* is due to report to the Attorney General by the end of February 2017.

"My hope is that if we are to have a serious investigation of the possibility of reforms to the RDA, that we really base it on all the evidence," Professor McNamara told *Aboriginal Way*.

"The evidence of how the laws have worked for the last twenty one years, the evidence of how people actually experience public racism, that's part of the evidence that I'm talking about."

*"My hope is that if we are to have a serious investigation of the possibility of reforms to the RDA, that we really base it on all the evidence..."*

"I think yes, people are entitled to bring as part of the evidence their opinions about free speech principles, absolutely, but I think the primary focus of this whole inquiry should be: what is the nature of the problem that we're actually trying to address?" he said.

Professor McNamara said that the problem of public racism is very real for many Aboriginal people and so the voices of Aboriginal people must be heard in the review of the Act.

*"Whether we like it or not, the reality is that people, particularly Aboriginal people in our country continue to experience racism on a regular basis..."*

"Whether we like it or not, the reality is that people, particularly Aboriginal people in our country continue to experience racism on a regular basis, in a whole

range of forms including forms that would fall within the bounds of section 18c of the Racial Discrimination Act. So I'd be really keen to make sure that those voices are heard," he said.

Professor McNamara, along with fellow UNSW Professor Katharine Gelber, looked into the impact of racial vilification and the operation of the Act. They found that there are significant gaps between the media coverage of Racial Discrimination complaints and the actual experience of that complaint.

"We heard numerous accounts of the damage that is done by racist comments, including feeling hurt and angry, fearful, intimidated and paranoid. It can crush people's self-esteem, leave them feeling paralysed and silenced, and excluded from the wider community," Dr McNamara's research reported.

*...the problem of public racism is very real for many Aboriginal people and so the voices of Aboriginal people must be heard in the review of the Act.*

The research found public racism caused victims to modify their behaviour in negative ways, such as avoiding going out in public to avoid abuse, being unwilling to identify with one's ethnicity in the workplace so as not to risk ridicule, or speaking only English in public.

Calls for changes to the RDA focus on the relatively new sections 18c and 18d of the Act.

While the Racial Discrimination Act has been in place since 1975, in 1995 the Australian parliament added those provisions to deal with public racism and vilification.

"It was controversial at the time, so in the mid-1990s, it was a very vigorous parliamentary debate. The legislation was strongly opposed by the then Coalition Opposition. It was a Labor Government that oversaw the introduction of the legislation, but it was controversial and contested and there was compromise at various points," said Professor McNamara.

"But then really for a long time there wasn't a lot of talk about the section 18c and 18d provisions. As to why, well I think part of the story is that these are not the sorts of laws that are used in a large volume kind of way," he said

According to Professor McNamara's research, there are on average between one and two hundred complaints under the Act every year and of those only a small proportion, about 2%, find their way into a court for adjudication.

"So very little happens in the public domain, and it's only the occasional case that bubbles up and I think part of the fact that there's been a lack of controversy for a long time is that often these laws were being invoked to deal with really egregious forms of racism and racial slurs," said Professor McNamara.

Provision 18c of the Act says it is unlawful to engage in public conduct that is reasonably likely to offend, insult, humiliate or intimidate a reasonable member of a targeted group.

Professor McNamara says that this may seem to be a low standard for a complaint to be lodged.

"What's important about this is it's not a low standard. Because the phrase 'offend insult humiliate or intimidate' has been legally interpreted as requiring proof of quite serious forms of ill-feeling being generated towards the targeted group."

"So it's not just a mere slight or a thing that might make you a little bit upset. It's talking about the sort of behaviour, the sorts of actions that are seriously problematic in a country that aspires to put an end to racism," he said.

In addition, Section 18d of the Act means that a racist statement may not be unlawful if it was done 'reasonably and in good faith and as part of artistic expression or as part of a contribution to an important public policy debate'.

"So section 18d needs to be read in conjunction with section 18c, because you can't get a sense of how the law deals with racial vilification unless you consider both provisions together," said Professor McNamara.

*"...it's only in those cases where an individual or organisation takes that complaint that the matter comes to the attention of the Human Rights Commission in the first case..."*

The Act also relies on a complaint being lodged and pursued by a victim of racist speech. This puts considerable pressure on victims, says Professor McNamara.

"There's a heavy emphasis on a member of the targeted group taking the complaint so unfortunately racism directed at Aboriginal people continues to be a significant problem in this country, and it's only in those cases where an individual or organisation takes that complaint that the matter comes to the attention of the Human Rights Commission in the first case," Professor McNamara said.

His research has uncovered examples of racism that he has found shocking.

"One of the most outstanding cases I remember reading was when an Aboriginal woman who had been subjected to the most outrageous blatant racial abuse outside her home, in her neighbourhood, by someone who actually lived in the neighbourhood. I remember it shocking me at the time in realising that a person had to go to the incredible length of complaining to the Commission, conciliation not being possible in that situation and taking the matter to court, pursuing it all the way through, all the while this victim had to pursue this matter to finally have a court say 'yes this behaviour was outrageous, and we will label this behaviour as unlawful under section 18c,'" he said.

"If not for her individual determination to see the matter through, nothing would have been done about it, which is one of the great challenges of our system of racial vilification laws."

"It places a really heavy onus on targeted communities to evoke the law to protect themselves and broader members of their community which I think is a really significant burden."

*"The state doesn't step in, the police don't step in. The Commission has no power to enforce the laws on its own..."*

"The state doesn't step in, the police don't step in. The Commission has no power to enforce the laws on its own," he said.

The Parliamentary inquiry was prompted in part by criticism of a recent case at the Queensland University of Technology, where an Indigenous staff member lodged a complaint against some students. The case was dismissed by the courts.

Professor McNamara says that this can be seen as evidence of the laws following due process and it is something that happens regularly relating to other laws, such as defamation.

"What they don't do off the back of that is to immediately go from one single contentious case, as has happened a couple of times in the last few years, and to argue because of that one particular instance we should abolish the whole law, so some of the response of the recent QUT case has been an example of that," Professor McNamara said.

Professor McNamara and Professor Gelber's research is available at: <http://www.unswlawjournal.unsw.edu.au/sites/default/files/392-2.pdf>

# Zebra Finch Men's Group celebrates 10 years



**An Aboriginal men's group based at Kura Yerlo Centre in Largs Bay recently celebrated its 10th anniversary.**

The group formed in 2006 and gets together weekly to talk, share a meal and make artefacts.

Aboriginal Elder and men's group member, Trevor Bromley remembered how the group started and how it has gone from strength to strength over the years.

"We started at Hillcrest through Aboriginal Health and then moved to Kura Yerlo about six years ago. I have seen the young fellas, especially those with disabilities become more confident over the years through the group's activities and also it's been important for the elders because it gives them something to do."

"We celebrated 10 years recently and we had over 100 people turn up for lunch and it was a great turn out," he said.

Mr Bromley learnt from the old men on Gerard Mission how to make artefacts and he brought his knowledge with him to the city.

"I learnt how to cut the boomerang wood and all that and I had the best teachers up there. Then my nephew wanted me to teach him, and so I brought my learning to the group and I am now a teacher, teaching all the younger fellas how to make artefacts because none of them had made them before."

The group collects wood from Kuitpo Forest and from Williams Creek to make Boomerangs, Nulla Nullas (spears), and wooden snakes, claps sticks and other artefacts.

"We take the whole group out and we meet the ranger and we have lunch there and go and get the wood, we take young wood out and native cherry wood to make the Nulla Nullas," said Mr Bromley.

This page from top right: Zebra Finch Men's Group having their weekly lunch; Phil Treloar; Uncle Trevor Bromley with artefacts; Uncle Trevor Bromley and Uncle Cecil Rigney; Steve Rozbicki and Ben Farewell; Snakes made by Phil Treloar.



The men's group may even have their own block of land soon to grow wood for their artefacts.

"We may be looking after a block of land soon to grow trees and take care of them, and then we can use the wood," he said.

The men's group takes their work to community events to sell and to schools for demonstrations to teach students about Aboriginal culture.

"We go to NAIDOC Day, we go to Semaphore Street Fair and we sometimes go to schools and talk to the kids at schools about our culture and art.

"It's important to teach kids in schools. We get out there to teach the kids and if we don't keep doing what we're doing we're going to lose our culture," said Mr Bromley.

Mr Bromley said he feels good about what the group has accomplished.

"I feel privileged to be doing this, no other group is doing it and all the young guys, it is doing wonders for their self-esteem.

"And it is important for the elders because this group is giving the fellas something to do, if it wasn't for this group, they'd just be sitting around doing nothing.

"Ten years we've been going and it's very important to everybody now.

"We will keep going, for the next 20 years and beyond," said Mr Bromley.



# Have you had the conversation? DonateLife SA urges families to discuss organ donation

**Donate Life SA, South Australia's Organ and Tissue Authority aims to raise awareness of organ and tissue donation amongst Aboriginal and Torres Strait Islander People through the use of culturally-appropriate resources.**

Leann Bonner, Indigenous Officer from Donate Life SA said Aboriginal and Torres Strait Islander People are unlikely to donate as they have not received good information about organ donation.

"With Aboriginal and Torres Strait Islander people donation rates have historically been very low with organ transplant demand high. The organ and tissue donation authority investigated why donation rates were so low and why families often refuse to donate the organ and tissue of loved ones."

"It was found that a lot of Aboriginal and Torres Strait Islander People were unaware of organ and tissue donation

and were given little information about it. This is especially significant if the information was not culturally appropriate," said Ms Bonner.

Ms Bonner said her role as Indigenous officer is to provide information to communities and conduct workshops in a way that makes the idea of organ donation easy to understand and to address cultural barriers.

"I use an Indigenous resource kit which was created by Donate Life NT. It has three books with illustrations and a DVD which tells the journey of three kidney recipients and these resources have been very helpful."

"More recently we have circulated radio plays created by Queensland remote Aboriginal Media as part of a community grant," she said.

The narratives use Indigenous voices and address specific barriers that prevent Aboriginal and Torres Strait

Islander People from discussing and making decisions about organ and tissue donation.

"There are approximately 1500 Australians waiting on the Australian Donor register for a transplant and some Australians will die waiting for a transplant, some spend months in hospital and others make several trips to hospital each week for dialysis treatment," she said.

Mr Bonner said that it is important to get the word out and have the conversation with loved ones.

"Everyone has their own reasons why they might want to become an organ or tissue donor or not and it is important for people close to you to understand those reasons. Your family needs to know your decision because they will be asked to give consent. I think it is a topic that needs a discussion so it is important to start that conversation with your family so they know what your wishes are.

"At the moment numbers are increasing and as at the end of August this year, there are over six million people registered as organ donors. A lot of people do tick the box on their driver's license which shows intent and we have the Australian Donor Register where people register online and give more details as to what organs you may like to donate. But it is very important to have the conversation with your family because your next of kin will be the ones that give consent in the end," said Ms Bonner.

**Australian Donor sign on forms are available at [donorregister.gov.au](http://donorregister.gov.au) or you can call 1800 777 203**



## Southern Region Nunga Tag Carnival set for 2017

**Christies Beach High School's Aboriginal Education Team, in partnership with SA's National Rugby League team, announced the 2017 Southern Region Nunga Tag Carnival to be held on 8 March this year.**

Christies Beach High School's Aboriginal Education Officer and event organiser, Jessica Wishart (pictured right) said the carnival is about 'community supporting community' and a way for students and families to come together for a fun day down south.

"It is an opportunity for Aboriginal students to meet other students from other schools and for the parents to come to the carnival because often it is too far for families to travel for other sporting events.

"It is also a great initiative to showcase the sporting talents of our Aboriginal and Torres Strait Islander students, and a means for showcasing our culture and having pride in our identity, individually and together as Aboriginal people," said Ms Wishart.

Nunga Tag was established in 2012 preceding the final Nunga Touch Carnival at Henley Beach in 2011.

"I teamed up with the NRL in Adelaide and started making things happen. In 2012 we had 90 students and last year we had 300, and this year we have 320 students registered.

"I wanted to make it a bigger event and to reach out to all of our students. We deal with a high number of absentees and this is a way to encourage kids to come to school.



"We also lack in a lot of services down south, so I wanted it to be about networking as well. We ask services from down south to attend and hold a stall and families can come and get information and understand more about what's available to them," said Ms Wishart.

Ms Wishart said it is not a competitive sporting event, but more of a way to inspire the students.

"All schools get a trophy at the end of the day and support an encouraging environment so no team wins as such, everyone just has a go.

"At the end of the day we put on an adult verses students game, the teachers and stall holders jump in, last year we had SAPOL members play, which was good. The kids get competitive at the end of the when they play the adults, but during the

day it's lots of fun and it's about having a go and supporting each other.

"It really is about education and we want kids to engage, we have a lot of kids that are really engaged at school but we also have kids that really just aren't interested so we just really want to engage them any way we can and make it a positive thing. We want to have a more inclusive community and for people to network directly down south," she said.

Nunga Tag Carnival has a website set up for schools to register a team or for an organisation to register a stall – [www.nungatag.org](http://www.nungatag.org)

The Nunga Tag team is also encouraging organisations to consider sponsoring the event. If an organisation is interested in sponsoring the carnival they can contact the Nunga Tag Team for details.

The sponsor's logo will be printed on the carnival shirts. On the day all 320 students will get a Nunga Tag Carnival shirt that has a stunning Aboriginal design on it, designed by Allen Sumner.

Ms Wishart said that there are many ways for organisations to offer assistance.

"Last year an organisation provided us with a clean-up team for the end of the day. The Onkaparinga Council provided us with bins and toilets. We had an organisation supply 300 water bottles so yeah, there are lots of ways to get involved."

Ms Wishart said that the event is welcome to everyone who is wanting to come down and see what it's all about.

*If an organisation is interested in sponsoring the carnival they can contact the Nunga Tag Team for details.*

"It's an Aboriginal-specific community event so we love seeing Aboriginal organisations there, but also other organisations that want to contribute. We love all the families to come down and Aboriginal community members and other community members that want to see what's going on, on the day – so, yeah, it's really open to everyone.

"We'll be putting on a free community lunch and Ellie Lovegrove will come and play a couple of songs, NRL ambassadors will also be there, so it really is a big community event," she said.



# Spirit Festival reflects culture past and present

The Spirit Festival, presented by Tandanya National Aboriginal Cultural Institute with support from Arts SA and the Adelaide City Council, took place in Adelaide between October and December 2016.

Aboriginal and Torres Strait Island culture past and present, creativity, innovation and inspiration are at the heart of Spirit Festival Presents. Drawing from tradition, design, art, dance, song, creative expression, health and food, Spirit Festival Presents included an amazing program that was open to everyone to experience.

The Festival included:

**Mission Songs Project** – performance of a collection of Australian Indigenous folk songs that were performed from

1900 to 1999. They come from the Christian mission, state run settlements and native camps where Aboriginal and Torres Strait Islander people were relocated.

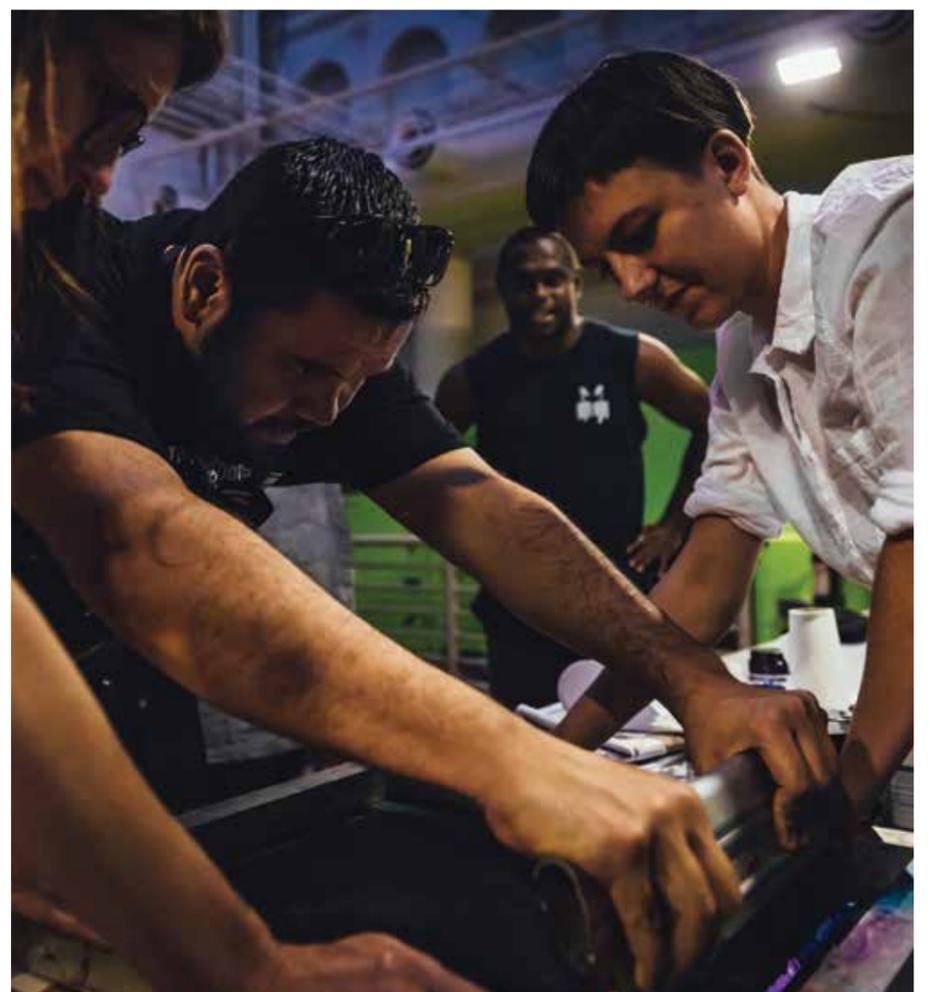
**Nurlanthi** – gracing the stage in wearable art, local Indigenous models were joined by spellbinding Aboriginal dancers captivating the audience in a riveting performance.

**Tiwi Artist Residency & Workshops** – celebrating the vitality and innovative practice of seven contemporary artists living and working on the Tiwi Islands. Visiting dancers, painters and carvers hosted daily workshops and performances on current and vital traditions important to Tiwi people and the wider community.

**Sing Maralinga** – A Song Sharing Workshop with Johnny Lovett and Yalata Storytellers. The event began with a special screening of the video documentary 'Ngurini' (Searching), followed a performance of the 'Maralinga' song, written in both English and Pitjantjatjara.

**Knowledge Keys** – With the wisdom of the Elders, the life experience is handed down by senior community members with the young participants of Kurruru Youth Performing Art's Dance Ensemble.

Spirit Festival Presents, as every year, was a unique opportunity to celebrate Aboriginal and Torres Strait Islander culture and practice from all over Australia.



This page from top right: Tiwi design carving demonstration; Nurlanthi fashion performance; Possum skin cloak making with Vicki Couzens and Major 'Moogy' Sumner (centre); Clapsticks workshop with Allan Sumner; Nurlanthi fashion performance; Lino printing with Naseli Tamwoy.



This page from top left: Weaving workshop with Chantal Henley; Frank Yamma performing in *Café Series* held in the Tandanya Arts Café; Jawun (bicornual basket) talk with Abe Muriata; *Missions Songs Project* curated by Jessie Lloyd and performed with musicians; Monica Weightman, Robert K Champion and Karrina Nolan; Weaving workshop with Chantal Henley; Emily Wurramara performing in the *Café Series*.

Nurlanthi photos by Tony Kearney. All other photos by Benjamin Waringundu Bayliss. All photos courtesy of Tandanya National Cultural Institute.

# Help shape South Australia's mining future now

## By the Department of State Development

The mineral resources sector is an important contributor to our economy, and community expectations are that explorers and miners will operate at the highest standards to minimise the impact of their operations on country. South Australia needs to attract the world's best explorers and miners, who understand that there can be no compromise on environmental compliance and no compromise on building strong long-term relationships of trust with Traditional Owners and other landowners.

To make these requirements clear it is critical that we have simple, modern, efficient and flexible legislation together with a strong commitment to environmental sustainability. If we are to unlock the full economic and social benefits of mining for the State we need to attract and retain companies to South Australia that are committed to leading practice sustainable development of our State's minerals, and that champion open, honest and transparent early engagement with communities about their projects, or any changes to their operations.

The Minister for Mineral Resources and Energy recently announced the Leading Practice Mining Acts Review of the *Mining Act 1971*, the *Mines and Works Inspection Act 1920* and the *Opal Mining Act 1995*.

The Department of State Development has begun a comprehensive Review, in consultation with Traditional Owners and other landowners, industry, regional communities and other stakeholders. The purpose of the Review is to identify amendments that will ensure South Australia stays a leader in adopting modern and efficient practices for exploration and mining activities and that will, among other things:

- bring forward the economic and social benefits of the State's mineral

wealth for Traditional Owners and other landowners, citizens, mining communities and miners;

- grow South Australian businesses and drive increased investment and employment by abolishing outdated and cumbersome legislative processes in line with the Premier's Simplify red-tape reduction initiative;
- strengthen the South Australian 'One Stop Shop' model for assessment of mineral resource developments;
- promote more efficient and innovative mining operations in South Australia by providing clear pathways for mid-project changes to operations;
- establish South Australia as a leading e-business practitioner in the world rapidly evolving digital economy;
- further improve transparency and land access engagement, negotiation and court resolution processes;
- implement flexible financial assurance models that increase community confidence in mine closure and environmental rehabilitation performance and outcomes;
- reinforce the existing leading practice environmental protections offered under the *Mining Act 1971* (SA)

The three Leading Practice Mining Acts Review Discussion Papers on the respective Mining Acts have been released for consultation and are available online via the Minerals website: [minerals.statedevelopment.sa.gov.au](http://minerals.statedevelopment.sa.gov.au) or the YourSAy website: [yoursay.sa.gov.au](http://yoursay.sa.gov.au)

Comments on all Discussion Papers will be open until 24 February 2017.

Your views are important to the Department and we welcome your feedback on the Discussion Papers. We also welcome any comments or formal submissions on the Review, or to request a meeting with members of the Review Team, by sending an email to: [DSD.miningactreview@sa.gov.au](mailto:DSD.miningactreview@sa.gov.au)



## Leading Practice Review of South Australia's mining laws

We are encouraging all South Australians to provide input into a review of the laws that guide the development of our State's mineral resources industry.

This is your opportunity to contribute to shaping the future of our mineral resources and quarrying industries and have your say on improvements to our framework of mining laws.

South Australia has an international reputation for providing a transparent, thorough and rigorous assessment process for the mining industry but it is vital that we continuously improve and review our regulatory environment.

The Mineral Resources Division has commenced the Leading Practice Mining Acts Review of the *Mining Act 1971*, the *Mines and Works Inspection Act 1920* and the *Opal Mining Act 1995*.

This review will allow for the modernisation of these laws to ensure South Australia stays a leader in adopting modern and efficient practices for exploration and mining activities.



The Discussion Papers and advice on how to make a submission on the Mining Acts are on the YourSAy website: [yoursay.sa.gov.au](http://yoursay.sa.gov.au)

More information on the comprehensive Review can be found on the Minerals website at: [http://minerals.statedevelopment.sa.gov.au/exploration/leading\\_practice\\_mining\\_acts\\_review](http://minerals.statedevelopment.sa.gov.au/exploration/leading_practice_mining_acts_review)

Some public consultation meetings will be held in the near future with dates and locations to be published on our website. We welcome all Traditional Owners, native title holders and Aboriginal landowners to contribute to the Review to ensure the State's mining laws are clear and fair, and to ensure that Aboriginal communities can fully participate in the social and economic opportunities offered by the minerals industry.

# Too much sugar, not enough greens!

According to the Australian Bureau of Statistics (ABS), Aboriginal and Torres Strait Islanders' diets include too much sugar and not enough fruit or vegetables.

This is not to say the rest of the population is healthier. Data from the ABS found most Australian's diets fail to meet the 2013 Australian Dietary Guidelines.

However, ABS Director of Health, Louise Gates said the latest results showed Aboriginal and Torres Strait adults consumed an average of 2.1 serves of vegetables per day, which is less than half of the 5-6 serves recommended by the guidelines.

In remote Australia, Aboriginal and Torres Strait Islander people consumed less than one serve (0.9) of fruit (e.g. less than one medium sized apple) and less than one serve (0.9) of dairy

products (e.g. less than one cup of milk) per day, which was lower than those living in urban areas (1.3 serves for both fruit and dairy products).

On the other hand, Aboriginal and Torres Strait Islander people living in remote areas consumed around half a serve more of grain foods and lean meats and alternatives than people living in urban areas.

Ms Gates said the latest data demonstrated a large percentage of people relied on sugary foods and drink as their main source of food and hydration.

"The data also shows that 41 per cent of the population's total daily energy intake came from energy-dense, nutrient-poor 'discretionary foods', such as sweetened beverages, alcohol, cakes, confectionery and pastry products," said Ms Gates.



More details are available in *Australian Aboriginal and Torres Strait Islander Health Survey: Consumption of food groups from Australian Dietary Guidelines* available for free download from the ABS website: [abs.gov.au](http://abs.gov.au)

# Happy New Year from South Australian Native Title Services



I am delighted to wish our readers a happy and fulfilled 2017 and trust you all enjoyed your Christmas break. Summer is a marvellous opportunity to catch up with families and friends, to share memories, celebrate past achievements and set exciting new goals for the new year.

According to the Chinese Horoscope, 2017 is the Year of the Rooster, a time when loyalty, commitment and hard work are rewarded.

Wise words indeed and ones that SANTS is proud to continue in the coming year.

In 2017, I aim to continue in the vein of our past, seeking to progress and resolve native title determinations through negotiation rather than litigation.



I look forward to delivering more outstanding outcomes for Aboriginal people in South Australia.

I am also keen to continue meeting with Aboriginal Nations to discuss issues of importance to them and how SANTS may assist them to achieve their aspirations. This means building even deeper relationships with these organisations – relationships based upon mutual respect and co-operation. In particular, I look forward to seeing active participation in Aboriginal issues from the statewide native title body in 2017. Further, SANTS will continue to foster future economic development opportunities to assist Aboriginal nations to achieve sustainability and actively participate in the South Australian economy.

The SANTS Board gives great support and direction to the work conducted by its employees and I am certain that this approach will see SANTS open up even more opportunities for Aboriginal people in South Australia throughout 2017 and beyond.

Again, to our readers, my very best wishes for a happy and prosperous 2017.

**SA Native Title Services Annual Report 2015/2016 is now available at [www.nativetitlesa.org](http://www.nativetitlesa.org)**

## New Board members for SANTS



**SA Native Title Services' Annual General meeting was held on 28 November 2016. At the meeting, April Lawrie was reappointed as Chair of the Board and Damien Coulthard was appointed as Deputy Chair.**

Paul Case, John Briggs, Lavene Ngatokorua and Allan Hunter all continue as Directors.

Two additional Board Members were appointed – taking the number of people on the Board from seven to nine. This change means that the majority of Board positions on the SANTS Board are now designated for Aboriginal people. The new Board Members are Troy McNamara (pictured left) and Craig Allen.

### Introducing Troy McNamara

Troy has spent most of his life on the Eyre Peninsula mainly in Whyalla but younger years in Port Lincoln.

Troy is a Barngarla man and also has connection to the Narungga people on the Yorke Peninsula.

Troy's connection to country is very strong and he often visits the Gawler Ranges where he has strong family ties.

Troy also gave evidence in the Federal Court in 2014, and in January 2015 Justice Mansfield ruled that the Barngarla people were the only native title holders for that area, and Barngarla had satisfied the requirements of the Native Title Act.

Troy currently works as Aboriginal Engagement Officer for WALGA Mining

and Services which is 100% Aboriginal Owned. Troy has also been fortunate to work with two other Aboriginal owned Mining companies in Ngarda Civil and Mining (WA) and Rusca Bros (NT).

Troy's work experience is very broad having worked as a builder's labourer in his teens, to working for the SA Ambulance Service for three years in his early 20s.

Troy has also advocated on behalf of Aboriginal prisoners and their families through his employment as an Aboriginal Liaison Officer at Yatala Labour Prison and also with the Aboriginal Prisoners and Offenders Services (APOSS).

Troy has been a member of numerous Boards over the past 20 years, and found his role as a Director on the Aboriginal Legal Rights Board very satisfying.

In this role he was given exposure at an International level with a visit to the United Nations in New York, and also to Geneva in Switzerland for a Conflict Resolution workshop.



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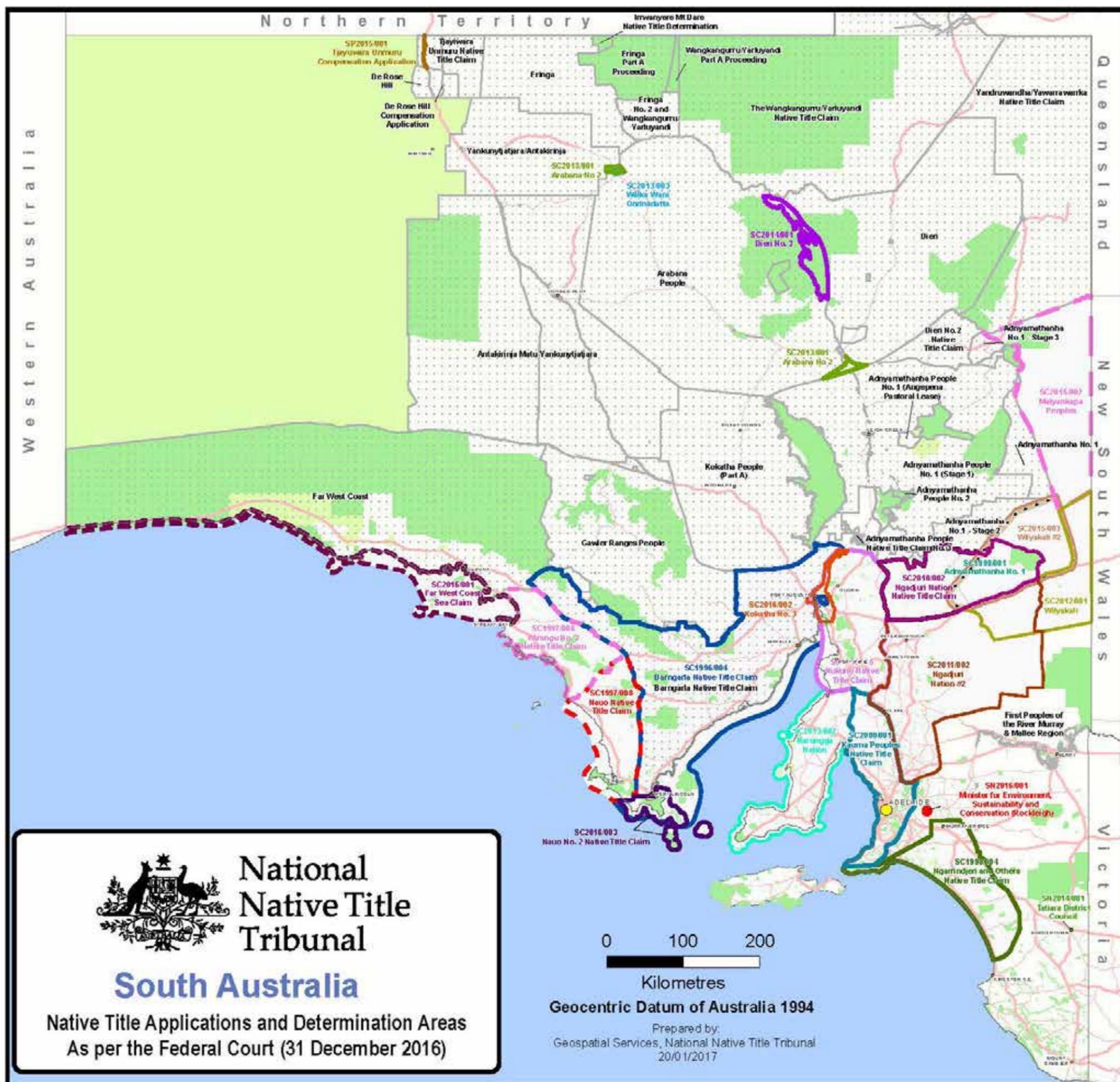
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# Native Title Areas in South Australia



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...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 Tsakalidis or Lucy Kingston on (08) 8110 2800 or email [aboriginalmessage@nativetitlesa.org](mailto:aboriginalmessage@nativetitlesa.org)

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