



Aboriginal Way

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Above: Thousands turned out to protest. Article continues on page 8.

Black Lives Matter in Tarntanyangga

On Saturday 6 June, a crowd of over five thousand people filled Adelaide's Tarntanyangga (Victoria Square) and marched down King William Street to protest the police killing of Black American man George Floyd and the deaths in custody of hundreds of Indigenous people in Australia in recent decades.

Indigenous group SOS Blak Australia led the event as anger and protest over Black deaths at the hands of authorities swept the world. The large rally went ahead despite coronavirus restrictions, after the event was granted an exemption by the Commissioner of Police. The Adelaide rally was only one of many across Australia on that day, with an estimated

20,000 people protesting in Sydney and 10,000 in Brisbane and Melbourne.

Many signs at the protest referred to 432 deaths since the Royal Commission into Aboriginal Deaths in Custody delivered its final report in 1991.

Samara Fernandez, cousin of Mr Walker who died after being shot by a police

officer in 2019 spoke to the crowd about this loss of life and a lack of accountability.

"There have been 432 Aboriginal and Torres Strait deaths and not a single conviction. 432! Shame! 432 deaths. 432 individuals. 432 families that are hurting. And not a single conviction."

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Aboriginal voices leading the way to Close the Gap



Aboriginal voices are leading the way in a changed approach to Closing the Gap, community leader Pat Turner has told an audience attending the first online Reconciliation Week Breakfast.

Pat Turner, Arrente and Gurdanji woman, CEO of the National Aboriginal Community Controlled Health Organisation (NACCHO) and the Lead Convener of the Coalition of Aboriginal and Torres Strait Islander Community-Controlled Peak organisations (Coalition of Peaks) delivered the annual Reconciliation week keynote speech via video conference. The annual Reconciliation SA hosted event usually sees an audience of over 1,000 people gather at the Adelaide Convention Centre.

Ms Turner explained in her address that Aboriginal peak organisations had been working with Australian governments to create a new National Agreement on Closing the Gap which “will be a platform to address the structural inequalities Aboriginal and Torres Strait Islander people face arising from years of unmet need”.

Under the previous arrangements with governments on Closing the Gap planning “to be frank... we did not consider we were ‘In This Together’ with them” Ms Turner said.

“Over four thousand Aboriginal and Torres Strait Islander people across Australia had

been consulted by the Peaks about their ideas for the new National Agreement. Having Aboriginal organisations leading the consultation was a significant change to the way governments worked with Indigenous groups on Closing the Gap” Ms Turner said.

“While the rhetoric was about partnership, there was no real commitment to it and the refresh was proceeding on the basis that COAG would make all the decisions” she explained.

The Coalition of Peaks insisted on changes, arguing for the effectiveness of self-determination, Ms Turner said in her address.

“When Aboriginal and Torres Strait Islander peoples are included and have a real say in the design and delivery of services that impact on them, the outcomes are far better” she said.

A special COAG Council, the Joint Council on Closing the Gap, gave Aboriginal Peaks a strong voice to create a new way forward according to Ms Turner. However COAG has been dismantled recently and replaced with the new ‘National Cabinet’. Shortly after the replacement of COAG with the National Cabinet, the Coalition of Peaks announced that it been advised by the Commonwealth that National Cabinet remain committed to the implementation of the National Agreement on Closing the Gap.

The new National Agreement on Closing the Gap is expected to be released by July 2020 and will be based on four priorities, Ms Turner explained. These are:

- establishing formal partnerships between governments and Aboriginal and Torres Strait Islander representatives across the country on closing the gap
- building and strengthening our community-controlled organisations to deliver the services we need
- transforming mainstream agencies and institutions of governments, such as the police and universities, to make a much bigger contribution to Closing the Gap; and

- ensuring government data and information is shared with Aboriginal and Torres Strait Islander organisations and communities to support us being able to make good decisions about our lives.

It has been agreed that the new Agreement will be signed by the Coalition of Peaks on behalf of Aboriginal and Torres Strait Islander people along with First Ministers.

“That is incredibly significant for our people and for Australia” Ms Turner said.

COVID-19 response

In her Reconciliation Week address, Ms Turner also reflected on Aboriginal community controlled health organisations’ rapid and effective responses to the COVID-19 pandemic.

“The Aboriginal Community Controlled Health sector began actively preparing to respond to a possible COVID-19 outbreak in January 2020, in advance of the public response by the government. As a result, many of our ACCHOs had a level of preparedness prior to the pandemic which many general practices could not match.

“Before the first case of coronavirus in Australia our communities were preparing to close borders, and Aboriginal and Torres Strait Islander health experts were discussing measures needed to protect our mob across the nation.

“This is despite Aboriginal community-controlled organisations having borne the brunt of repeated funding cuts and a roller coaster of policy and administration changes” she said.

“The quick response had been very effective in protecting people’s health” Ms Turner said.

“Up to now, as a sector, together, we have done exceptionally well, keeping infections out of our communities. As of 3 May 2020, only fifty-five cases (have been people identifying as Aboriginal and/or Torres Strait Islander). There have been absolutely no cases in our remote or very remote communities.”

However, Ms Turner said there is still a long way to go to address the health issues raised by the pandemic.

“The pandemic has highlighted the fault lines of disadvantage endured by Aboriginal and Torres Strait Islander peoples for generations, from health and education to housing.

“Also as we know, there will be long-term social, economic, health and cultural costs of the pandemic.

“NACCHO continues to advocate for greater federal, state and territory investment in housing for our people, and for housing initiatives to be developed in genuine partnership with us.

“COVID-19 has been a whole new stark reminder to us all just how vulnerable the health of our people is” she said.

To conclude her Reconciliation Week speech, Ms Turner called on Australian Governments to maintain their commitment to the National Agreement on Closing the Gap, despite the many challenges that the pandemic has created.

“This pandemic cannot and should not be used by anyone as a reason to delay the finalisation of the new National Agreement on Closing the Gap. (It) has disrupted governments, but it has disrupted us also. Nevertheless, we have continued to work to finalise the National Agreement and we expect governments to do the same.

“Our response to the pandemic can and must galvanise our collective efforts and sharpen our focus to the task of Closing the Gap” said Ms Turner.

Read Pat Turner’s speech in full here: www.naccho.org.au/naccho-ceo-pat-turners-keynote-speech-at-the-national-reconciliation-week-virtual-breakfast-2020-presented-by-reconciliation-sa/

Visit the Coalition of Peaks Facebook page for more information on the National Agreement and Closing the Gap: www.facebook.com/CoalitionofPeaks/

NAIDOC Week 2020 has a new date

The National NAIDOC Committee has re-scheduled NAIDOC Week 2020 to 8–15 November due to the impacts and uncertainty caused by the Coronavirus pandemic.

The November dates follow the decision by the Committee to postpone NAIDOC Week from the original July to protect elders and those in communities with chronic health issues from the disastrous impacts of COVID-19. As cooler weather approaches the need to protect our most susceptible remains, they said.

The Committee has also announced the winner of the National NAIDOC Poster Competition. Tyrown Waigana, a Perth-based artist and designer, has been

named as this year’s winner. His winning entry – Shape of Land – was judged by the National NAIDOC Committee to have best illustrated the 2020 NAIDOC theme: *Always Was Always Will Be*.

Waigana, a proud Noongar and Saibai Islander, has previously been named as one of Western Australia’s best new and emerging Indigenous artists.

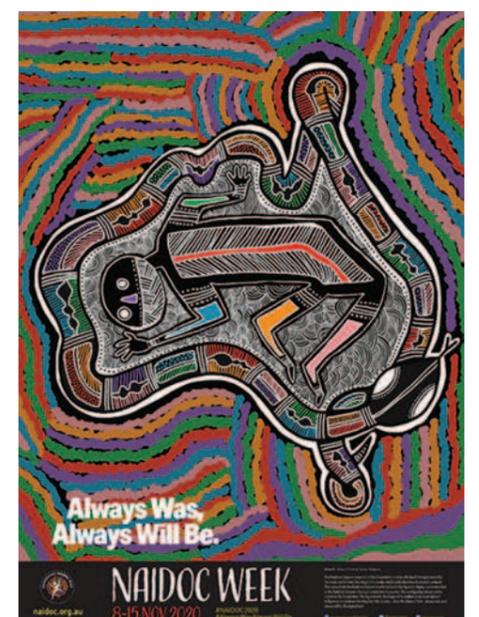
According to the 23-year-old, his winning entry depicts the Rainbow Serpent coming out of the Dreamtime to create this country and how we are strongly connected to it.

“The Rainbow Serpent is represented by the snake and it forms the shape of

Australia, which symbolises how it created our lands. The colour from the Rainbow Serpent is reflected on to the figure to display our connection to the Rainbow Serpent, thus our connection to country. The overlapping colours on the outside is the Dreamtime.

“The figure inside the shape of Australia is a representation of Indigenous Australians showing that this country - since the dawn of time – always was, and always will be Aboriginal land” Mr Waigana added.

Committee Co-Chairs Pat Anderson and John Paul Janke congratulated Mr Waigana on his winning entry and thanked all of the talented artists who submitted their artwork in this year’s competition.



Aboriginal leaders call for action to protect cultural heritage

Aboriginal leaders from across Australia representing Land Councils, Native Title Corporations and Aboriginal and Torres Strait Islander Community Controlled Organisations have expressed outrage at the destruction of an ancient site at Juukan Gorge and vowed to pursue national reforms to the current process.

The June meeting of concerned organisations came after mining company Rio Tinto destroyed two significant rock caves at Juukan Gorge in the Pilbara in late May to widespread community condemnation.

The leaders have formed the *First Nations Heritage Alliance*, issuing a strong statement of concern which said that the destruction at Juukan Gorge went ahead because Aboriginal Heritage is not valued.

“We find ourselves in this situation because governments, of both political persuasions and at all levels, have rarely been prepared to put the protection of Aboriginal heritage ahead of development and in the past 20 years, other than in the rarest of cases.

“They have let their legislation, supposedly to protect our heritage, to fall into disuse or to focus on regulating destruction, rather than protecting, enhancing and educating about our living cultures unique to this country” the statement said.

Under current Aboriginal heritage laws, landowners and exploration companies can apply to damage, disturb or destroy a cultural site for operation expansion.

In the case of applicants being knocked back by state-based Aboriginal heritage committees, they have the right to appeal the decision to the state Minister.

South Australian Native Title Services (SANTS) CEO Keith Thomas explained that there is a clear Aboriginal Heritage process in place in South Australia, but that it can end in the destruction of significant sites when mining becomes a priority.

“When it comes to actually mining, when they do a production agreement, that’s when you can get sites destroyed.

“The miners can approach directly the Aboriginal group to say, ‘Can we destroy the site?’ It used to be the Minister’s decision alone, but now there’s that process. But even if they say no, it still goes back to the Minister and the Minister can make that decision to destroy the site” he said.

Mr Thomas agrees that the process puts development ahead of Aboriginal heritage.

“It doesn’t seem to be doing what it’s supposed to do for Aboriginal people to protect Aboriginal heritage, it is actually creating the opposite.



Juukan Gorge. Photo: Puutu Kuntj Kurrama And Pinikura Aboriginal Corporation.

“It’s saying, ‘Yes, we’re destroying the site, but we’ve gone through the process’. Which at the end of the day is a minister saying, ‘You can mine.’” he said.

As the new *First Nations Heritage Alliance* pointed out in its statement, a Federal Minister also has a role to play in the protection of Aboriginal Heritage.

“While the Federal Environment Minister has the power to issue emergency declarations under the Aboriginal and Torres Strait Islander Heritage Protection Act, this is rarely ever done. It failed again in respect to Juukan Gorge” the statement said.

For Mr Thomas, valuing culturally significant sites is about valuing Aboriginal people and culture.

“It’s historical evidence of the strength of Aboriginal culture. For some people who have lost culture because of colonisation, these sites are an important remnant of that culture.

“It’s very difficult in Aboriginal culture to separate the people from the land and from the spiritual aspect of things. Everything is linked and everything is related. If you destroy a site, you can cause things to happen. You can call sickness to the group or to the people associated with it. Usually with sites that are people who are given authority to look after those sites. So they then get questioned, ‘What did you do to protect that site?’

“Stories have been around associated to those sites for thousands of years and have gone from family to family, person to person, and through the law, through the cultural practices. The men’s stories, the ladies’ stories, all in the country and the sites” he said.

The organisations in the *First Nations Heritage Alliance* have pledged to work together to develop and implement reforms to Australia’s Aboriginal heritage systems.

“We are determined to work together to develop a united national approach to this serious problem and insist all governments at all levels work with us to develop and implement reforms led by Aboriginal and Torres Strait Islander communities.

“Governments must partner with us to develop best-practice standards and implement broader reforms that support self determination” they said.

The Alliance has asked for a moratorium on the destruction of any sites until reforms could be considered.

“Our leaders propose to meet with responsible Ministers from the Commonwealth, States and Territories as soon as possible to discuss a process for reviewing heritage protection legislation across Australia, to engage with our communities and traditional owners about what they want to see in these laws.

“In the meantime, all governments are asked not to make any decisions that will damage our heritage sites.

“We urge people from all backgrounds and all sections of Australian society to support our call for greater protection of Australia’s cultural heritage”.

More information: National Native Title Council website nntc.com.au

The National Native Title Council is hosting an Indigenous Cultural Heritage Conference in November 2020.

Board members appointed

The Minister for Environment David Spiers has announced membership of new regional landscape Boards for all regions across South Australia.

The new Boards were created with the reform of the state’s natural management system and the introduction of the new Landscape South Australia Act 2019. Members of Boards for the following regions have been announced:

Eyre Peninsula, Hills and Fleurieu, Kangaroo Island, Limestone Coast, Murraylands and Riverland, Northern and Yorke and South Australian Arid Lands and Green Adelaide.

The membership of the Alinytjara Wilurara, board, which covers an area around the Anangu Pitjantjatjara Yankunytjatjara (APY Lands) was retained from the previous landscape management system. All members of that Board are Aboriginal people.

Kurna man Jeffrey Newchurch is a member of the board of Green Adelaide.

The Green Adelaide Board will oversee the environmental management of the metropolitan area.

The Chief Executive Officer of South Australian Native Title Services (SANTS) Keith Thomas welcomed the appointment of Mr Newchurch, however noted that despite calls by the Government for nominations from Aboriginal people, very few Aboriginal community members were included across the full range of the Boards.

“We know that Aboriginal people care for and hold knowledge about country right across South Australia’s landscape.

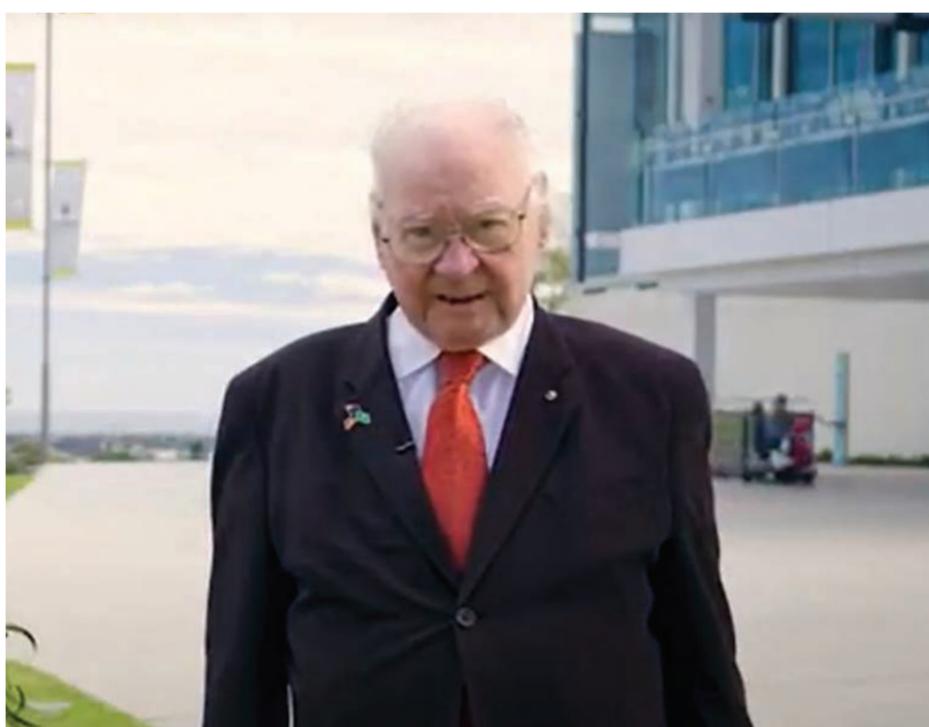
“I trust that the Boards will seek to meaningfully include and consider this perspective and that the makeup of future Boards will evolve to a more inclusive model” Mr Thomas said.

Full information on the new Boards and their membership can be found here: statewide.landscape.sa.gov.au

Reconciliation and referendums and co-design



Professor Tom Calma.



Uncle Lewis Yaluburka O'Brien.

A Co-chair of the Advisory Group tasked with developing an Indigenous Voice to the Australian Government has said that critics who are deriding the process should give it an opportunity to work.

In the inaugural Uncle Lewis Yaluburka O'Brien Lecture, Co-chair of the Indigenous Voice co-design process, Professor Tom Calma said that too many opportunities for Indigenous people to be listened to meaningfully had been missed in recent years.

"Too often, decision makers across the country have failed to hear us, and to work genuinely with us. They fail to commit to having decisions driven by those best placed to inform and influence the outcomes needed to improve the lives of Aboriginal and Torres Strait Islander Australians" he said.

However, Professor Calma said that the current co-design initiative is an "opportunity to work constructively with those of us who have toiled for decades to improve the laws of Indigenous peoples" and should not be missed.

"If we do not collectively grasp this opportunity, it may not come around again for a long time.

"We must focus on common ground, the need to finally work together and put behind us decades of underachievement in Indigenous policy making.

"The opportunity for a voice is now."

A call for an Indigenous Voice enshrined in the constitution came from the Uluru Statement from the Heart. The Prime Minister rejected the call for the Voice to be included in the constitution, however Indigenous Affairs Minister Ken Wyatt has instead established a process to design and propose a Voice to government.

In November 2019 Professor Calma, along with Professor Marcia Langton were appointed as Co-chairs for the Senior Advisory Group of the Indigenous voice co-design process.

They oversee two groups, the local Regional Co-design Group and the National Co-design Group.

The Regional Group, chaired by South Australian Professor Peter Buckskin

is looking at what local and regional structures are currently in place across the country.

"It will examine what works and where we can find improvement, and importantly, how we can better harmonise these models to ensure we have the best forms of engagement possible. As part of this, Minister Wyatt has made it clear that there won't be a one size fits all approach. Every community has different needs, so there will be different answers to the questions of how we can help" Professor Calma explained in his lecture.

At the same time, the National Co-design Group will look at overall models for the Indigenous voice. Dr Donna Odegaard, from Darwin, has been appointed as Co-chair of that group.

Professor Calma explained that the next steps in the process will involve both Indigenous and non-Indigenous people exploring options for Voice models.

"The second stage of the co-design process will see models tested across the country, with Indigenous and non-Indigenous Australians across urban, regional, and remote Australia.

The co-design groups will continue to refine models throughout this process ahead of presenting final recommendations to the government in the first half of 2021.

"We are committed to presenting Minister Wyatt with a range of models to give our peoples a voice to address the needs of Indigenous Australians in relation to employment, education, health, housing, culture, and land rights, to name just a few.

"We don't know what a voice or voices would look like yet, but for the first time we have a coalition government that is acknowledging the need for an Indigenous voice, and is committed to working in partnership with Aboriginal and Torres Strait Islander peoples, to give us that voice, through a process

of genuine co-design" Professor Calma said in the address.

The Voice is seen as a part of the wider movement towards constitutional recognition of Indigenous people, which the Federal Government committed to putting to referendum in its current term of government. Minister for Indigenous Australians Ken Wyatt promised a referendum by mid-2021 on whether to recognise Indigenous people in the constitution, but ruled out including a question on an enshrined voice.

Shortly before Professor Calma's lecture, Minister Wyatt said that a vote on recognition of Indigenous Australians in the constitution is "unlikely in this term of government" because it is "too important to fail" and has been delayed by the response to COVID-19.

Minister Wyatt told *The Guardian Australia* the government's "first priority is ensuring the safety and wellbeing of all Indigenous Australians throughout the COVID-19 pandemic".

Professor Calma called on Aboriginal and Torres Strait Islander people to be involved in the Voice co-design process for the sake of future generations.

"Now I encourage Aboriginal and Torres Strait Islander people and communities to focus on the here and now, securing a future voice for our children and their children, that affords the same opportunities and expectations as their non-Indigenous counterparts, is the ultimate goal. Let's not wait another 10 years or 100 years. Let's continue this now. Help us, engage with us, and let's create a future together."

Further information about the co-design process is available at: [voice.niaa.gov.au/#](https://www.niaa.gov.au/#)

The Inaugural Uncle Lewis Yaluburka O'Brien lecture *Reconciliation Thinking and You* by Professor Tom Calma can be found here: www.flinders.edu.au/engage/culture/national-reconciliation-week

Uncle Lewis honoured by new lecture

At the Inaugural Uncle Lewis Yarluburka O'Brien Public Lecture, Associate Professor Simone Tur, Pro Vice-Chancellor (Indigenous) Professor Simone Tur began by acknowledging the contribution of the new lecture's namesake.

On behalf of Flinders University, I'm delighted to announce the inaugural Uncle Lewis Yarluburka O'Brien Public Lecture.

We're genuinely honoured and pleased to name an annual lecture after Uncle Lewis Yarluburka O'Brien, to formally recognise Uncle Lewis's eldership, senior knowledge and cultural scholarship, commitment to education, in particular, higher education, and generosity of spirit to the South Australian community, and specifically to Flinders University.

Uncle Lewis Yarluburka O'Brien was born at Point Peace Mission, on the Yorke Peninsula, South Australia, on 25 March, 1930. Although born on Naraungga country, Uncle Lewis is Kurna. As a Kurna elder, Uncle Lewis has provided three decades of cultural and pastoral support to Aboriginal children, families, and inmates.

His face-to face-work has been complemented by substantial contributions to scholarly and creative domains, particularly with respect to the maintenance and promotion of Kurna language and culture.

His body of work, however, includes significant political and community contributions that range from Aboriginal Advancement League involvement in the 1960s, to leading organisations or committees concerned with heritage, arts, sport, reconciliation and all levels of education.

His tertiary level contributions have involved Kurna language support at the University of Adelaide, research support at the University of South Australia, and student support as a Visiting Elder at Flinders University. Uncle Lewis's demonstrations of Aboriginal pedagogical modes, using the mechanism of string games, are well known and mesmerising.

University-wide, he's provided input as a Kurna language speaker, and offered a Kurna Welcome to Country at Flinders University events. Many staff and students, Aboriginal and non-Aboriginal alike, acknowledge his mentorship and counsel. As a respected elder, he's provided cultural advice and expert knowledge around general matters.

Reconciliation Week under COVID-19 restrictions – 20 years after the Bridge march

Reconciliation Week 2020 was a very different affair to past years, with the nation under COVID-19 restrictions.

However individuals and organisations found creative ways to support reconciliation and Aboriginal cultures.

Neporendi Community Centre responded to the challenge of a reconciliation week during the pandemic by creating videos for kids. Many remain available on the Neporendi Facebook page: www.facebook.com/Neporendi/ including:

Feather Flowers – Making Feather Flowers (with Asta Wanganeen)

Sharing Stories (with Kaitlyn, Onkaparinga Libraries and Elijah, Neporendi Aboriginal Community Centre)

Interview and Song (with Uncle Eddie Peters)

Aboriginal Art – Guided Tutorial (with Daphne Rickett)

Basket Weaving tutorial (with Aunty Janice Rigney)

Dreaming Story (with Radical Reptiles)

Become familiar with the Yolngu instrument, the Yidaki (Didgeridoo) (with Isaac Hannam)

The **Reconciliation in the West** celebration at Tauondi could not take place this year, but instead the committee created several opportunities for online

celebrations. They commissioned the recording of a special song 'In This Together' by Nancy Bates, performing with local musician Ryan Martin John. Local singer songwriter Nathan May performed in a live stream from his living room via Facebook live. Reconciliation in the West also conducted a 'digital bunting' art project where community members created their own images to express the theme of 'In This Together'.

You can enjoy the Reconciliation in the West music and artworks on their Facebook page: www.facebook.com/ReclntheWest

Reconciliation South Australia hosted the annual Reconciliation Breakfast online this year, featuring Pat Turner AO speaking about the new Closing the Gap strategy. They also ran a virtual event called 'Stepping It Up for Reconciliation' to mark the 20th anniversary of the day when a record number of people marched across the Sydney Harbour Bridge for reconciliation. The challenge was to walk, run, or ride across the virtual Sydney Harbour Bridge (1,600 steps) at least once a day for every day of National Reconciliation Week (27 May to 3 June) and to log that on the Reconciliation SA website. Nearly 500 people participated in the initiative, and collectively walked 11,785 km.

Flinders University launched their Reconciliation Action Plan online during Reconciliation Week and launched the inaugural Uncle Lewis Yarluburka O'Brien

lecture, where Professor Tom Calma explored the idea of reconciliation.

We are currently celebrating National Reconciliation Week, and 28 May marked the 20th anniversary of the Bridge Walks, when over 300,000 people walked across the Sydney Harbour Bridge, and thousands more walked across bridges elsewhere, in support reconciliation.

We still have not arrived. And that brings me to Captain James Cook. It involves another anniversary, this one, 250 years. Since the earliest time, there's been a predominant narrative in history, our history, that Cook came and found us, that we were somehow nonexistent, until we were discovered. Wrong.

We were here. We have been here for at least 80,000 years. We have histories, complex societies, commerce, laws, agriculture, belief systems, and so on. It was we, who in 1770, discovered Cook had landed, a visitor, but not the first in our time of custodianship of this continent.

What was different this time was that Cook claimed the land, ignoring our existence and our existing connection to country, our communities and our governance systems. It was a grave injustice, and remains so to this day, because it remains unaddressed. We have no treaty. We have no constitutional voice.

250 years on, there were plans for a cruise recreating Cook's journey, his circumnavigation that he didn't do, but it was going to be a circumnavigation of the

continent, celebrating his achievements. Now I don't denigrate the fortitude it would have required to be an explorer in that era. But would we not be rich as a nation, if we were to celebrate the people with the history, stretching back millennia, whose knowledge is and capacities and resourcefulness and creativity saw them thrive? It was these First Peoples of Australia, with this established and enduring society, who looked outwards to discover Cook cruising in a replica vessel, and looking from the sea to the land, is looking the wrong way.

We have an opportunity as a nation to reverse the perspective, and see things differently, to hear the voice of those who lived here long before many of us featured in the Western consciousness, to learn, to trust, to understand, and to share. To share.

Sharing is a reciprocal act, and not give or take. Sharing was understanding, and to be understood, we must be heard. This brings me back to the theme of this lecture, 'Reconciliation Thinking And You'. To have a voice and to be heard requires someone to listen. It's a shared process, just like reconciliation.

I'll invite you to think long and hard about your individual roles in reconciliation. At its heart, reconciliation rests with us as individuals. It is our personal commitment to a fairer, equitable, culturally enriched and accepting nation that will determine whether reconciliation is achieved.

Mabo Day celebrated on 3 June

On 3 June, 2020, many people celebrated Mabo Day, the anniversary of the day in 1992 that the High Court handed down the the Mabo decision, which recognised that Aboriginal and Torres Strait Islander peoples have a special relationship with the land.

When Mr Eddie Koiki Mabo and other people from the island of Mer in the Torres Strait received legal recognition of their traditional ownership of their country, they paved the way for a similar recognition to be given to other Indigenous Australians.

From that historic decision, the Native Title Act, which governs native title today was created by the Federal Government and the states.

The Prime Minister Paul Keating spoke about the significance of the Mabo decision in a national address in 1993.

“The Court’s decision was unquestionably just. It rejected a lie and acknowledged the truth. The lie was terra nullius, the convenient fiction that Australia had been a land of no one. The truth was native title. The fact that the land had once belonged to Aboriginal and Torres Strait Islander Australians, and that in some places, our

legal right to it had survived the 200 years of European settlement.

Mr Keating said that the Court had issued a challenge that “the country could not ignore, either legally or morally”. He explained that it created “another form of title that had to become part of the way we managed land in Australia”.

Mr Keating also acknowledged Australia’s history that had preceded that decision.

“Over tens of thousands of years, Aboriginal people had developed a complex culture, built on a profound attachment to the land. The land nourished them spiritually, as well as materially. In the landscape and the life upon it, they saw evidence of the epoch of creation. Down through the generations, they passed on laws, customs, traditions, and ceremonies, reflecting an obligation to care for the land, which went to the heart of their society. Yet this most remarkable fact about Australia, this oldest continuous civilisation on earth, has until now been denied by Australian law.

“The first European settlers declared that the land had belonged to no one, and the Indigenous Australians were shunted

aside, often with appalling brutality. Much of the despair and degradation, conflict and disease, and many of the problems which Aboriginal Australians face today are a consequence of this dispossession” he said.

Mr Keating then laid out the basic structures of the Native Title Act, which had been negotiated with the States.

“The legislation which we will introduce... will enable us to determine who has native title, where, and the rights involved.

“It will give Aboriginal people holding native title, the right to negotiate about actions affecting their land, are right, but not a veto.

“It will permit governments to step in and decide in the final analysis, whether an important economic project should proceed.

“It will have the Commonwealth government play its proper role in setting clear rules and standards for dealings, which affect native title.

“It will leave land management to the state and territory governments, if they accept the national standards.

“It will set up a system of courts and tribunals in effect as an umpire on matters of native title. It will to the extent practicable, preserve native title from extinguishment, and where it is extinguished insure, just compensation.

“And it will provide security so that no one who owns a home, a farm, a mine, a tourist operation, no one need to have concern about their tenure.”

Mr Keating acknowledged that the Act was a compromise in many ways.

“No one group will get all they want from this legislation. Not Aboriginal people, not industry, not governments.

“There’s only one way to provide certainty, and that is with a single uniform national approach, a fair and predictable set of rules which everyone can work with.”

The Native Title Act has undergone challenge and amendments since its enactment in 1993, but remains as the basis of widespread recognition of Indigenous peoples connection with their traditional country.

Vale Mr Peter De Rose

Yankunytjatjara and western desert people have recently faced the sad loss of a senior elder and leader.

Mr Peter De Rose passed away in Adelaide in May following a long battle with illness. He was a strong community leader, beloved by his family and community.

Kunmanara De Rose was a strong supporter of native title for Anangu. He worked with other Anangu leaders and garnered support around securing native title recognition. In doing so, he and other Anangu leaders left a remarkable legacy in the recognition of native title in South Australia and nationally.

In December 1994, Kunmanara De Rose was one of a group of 12 Yankunytjatjara traditional owners to file an application in the Federal Court of Australia for a determination of native title over the De Rose Hill pastoral station. This was just the third application filed in South Australia. The property and claim covered some 1865 square kilometres of land adjacent to the Anangu Pitjantjatjara Yankunytjatjara freehold lands in the far north west of South Australia.

The De Rose Hill application was made on behalf of *nguraritja* – Anangu from this country. This included Mr De Rose, who was born on the station under an ironwood tree in the mid 1940s. Mr De Rose grew up, lived and worked with his and other Anangu families on the

station. His skills and passion for horses and cattle led to him being head stockmen for the station in the mid 1970s. His cultural knowledge of country and *Wapar* or *Tjukurpa* developed immensely over this time, living with and learning from old people – *tjilpi tjuta*.

By the late 1970s, Mr De Rose and other Anangu families all left the station property to live at Indulkana and other APY communities. De Rose Hill station, however, remained home for *nguraritja*, with Mr De Rose and families continuing to return to the station to utilise and look after country and culture.

Twenty years on in the late 1990s, the strength of cultural knowledge and ongoing cultural practices of Mr De Rose and others was challenged as the De Rose Hill native title application was listed for trial as a test case for South Australia. The Federal Court trial took place over 68 hearing days between June 2001 and February 2002. Following a series of appeals and judgements, a positive determination of native title by the full Federal Court in 2005 was upheld after an appeal by the pastoralists was dismissed in February 2006.

The Court held that native title exists on De Rose Hill and is held by Aboriginal people who are *nguraritja* according to the relevant traditional laws and customs of the Western Desert. This was the first determination of native title in South Australia. The case provided an



important foundation for later native title determinations, including those across the western desert and pastoral areas in South Australia.

The leadership of Mr De Rose was extremely important in supporting Anangu participate in this difficult legal process. His evidence drawing on his cultural knowledge and practices was also extremely important in demonstrating to the Federal Court of the native title rights and interests held by De Rose Hill *nguraritja*.

In 2013, a further milestone was achieved for De Rose Hill *nguraritja* when a positive determination for compensation was made by the Federal Court. This was the first positive determination for native title compensation in Australia.

Mr De Rose again provided valuable leadership and gave important evidence in achieving this outcome.

For SANTS and our staff, we have worked with Mr De Rose across three decades. Over this time, he shared much of his life, his culture and country with us in fighting for the recognition of Anangu rights and interests. Those times spent on country with Mr De Rose will remain in our hearts. Kunmanara De Rose will be sadly missed.

SANTS are currently working with family to support sorry business and to return Kunmanara De Rose to home.

(Name and photos used with permission of family.)

Let's Talk: Race Relations in SA with ALRM and Reconciliation SA

Following outrage around the world sparked by the murder of George Floyd by a police officer in Minneapolis, Aboriginal Legal Rights Movement and Reconciliation SA have co-hosted a forum – *Lets Talk: Race Relations in SA & the Impact of Black Lives Matter*.

According to Reconciliation SA CEO Shona Reid, the online forum aimed “to provide the broad South Australian community an opportunity to hear from a range of experts in their fields how on race relations here in South Australia and ...how South Australia has responded to the 1987 Royal Commission into Aboriginal Deaths in Custody recommendations”.

She said that the question was particularly relevant given recent debates around Black Lives Matter internationally and here in South Australia.

Speaking at the forum, Police Commissioner Grant Stevens acknowledged at that recent events in America had highlighted longstanding issues in Australia.

“The events in the US a few weeks ago with the murder of George Floyd ...has horrified everyone who saw that, including my colleagues in law enforcement. We're left scratching our heads as to how a culture can develop where the taking of a life can become almost par for the course for a law enforcement response to relatively low level criminal activity.

“And it has shone a light on the issue of First Nations people in Australia and the difficulties associated with systemic racism and I completely understand the focus on the Royal Commission findings and recommendations and the view that not enough has been done to implement those recommendations.

Equal Opportunities Commissioner Nikki Vincent explained further the background of Black Lives Matter and why the movement resonates in Australia.

“Black Lives Matter started in the US with that terrible shooting of Trayvon Martin, a 17 year old, by a police officer who then was acquitted. It was a simple hashtag then people took to the streets to protest police violence.

“It resonates here because Black Lives Matter here, obviously, and there are so many strong parallels in the triggers in the US and here in Australia.

“Since white settlement, our First Nations people have endured land seizures, massacres, servitude and well into the 20th century children removed by government agencies and church missions in the name of racial assimilation, the stolen generations.

“So as a direct result of Australia's colonisation and its devastating intergenerational trauma, Aboriginal and Torres Strait Islander people are 3% of the population but 20% of the prison population” Commissioner Vincent said.

Commissioner for Aboriginal Children and Young People April Lawrie said that she approached the issue of race relations in the state through a lense of the wellbeing of Aboriginal children.

“The topic for me is about the compelling evidence of Aboriginal children and young people's overrepresentation in care and protection systems, youth detention and youth justice systems.

“When you look at the narrative sitting behind the Black Lives Matters, the impact has been about amplifying the failure of the state to change the trajectory of Aboriginal children and young people and we know that's a trajectory that's about the pathway into the criminal justice system.

“The whole narrative amplifies the brutality of the law and justice system which continues to lock up children, young children and mostly they are Aboriginal young children in youth detention. The whole situation amplifies the excessive intervention by the state into the lives of Aboriginal children and families” she said.

Commissioner Lawrie said that the movement demonstrates “the lack of accountability of the state in doing anything properly about these matters despite state and national initiative taking place”.

Speaking about the Royal Commission, Police Commissioner Stevens said that all recommendations from the Commission

relating to policing in South Australia had been implemented.

“From the South Australian perspective ...our review of the Royal Commission into Aboriginal Deaths in Custody and the recommendations that relate to policing certainly put me to the position where I am of the view that we have actually actioned the 82 recommendations that relate to deaths in custody from a police perspective.

“We've done a review and we've also been independently reviewed and those actions as they relate to police in South Australia have been implemented and we maintain a commitment to ensuring that we honour the outcomes of the Commission by adhering to those findings.

Mr David Brown, CEO of the Department of Corrections acknowledged that there had sometimes been critical reviews of Corrections staff behaviour, but that the Department had implemented many improvements.

“I would be the first to acknowledge that following critical reviews of deaths in custody, whether they be our own reviews or coronial inquests, findings from coronial inquests, that there are times and occasions when staff compliance with procedures or application of training are not in strict adherence with policies and procedures.

“I think though that those reviews that we undertake are very important both in acknowledging factors associated with the death in custody but also in identifying opportunities for improvement.”

He said that training for Corrections Officers and services for Aboriginal inmates had dramatically improved since the 1980s.

“We invest heavily in improving policies and procedures and training and in putting in place additional services and programs that certainly did not exist prior to the Royal Commission and continue to develop and evolve even today.

Mr Brown also emphasised that there had been a reduction in the number of deaths in custody each year due to ‘unnatural causes’ since the Royal Commission.



CEO of Aboriginal Legal Rights Movement Cheryl Axleby said that our state is lacking a real commitment to realising the hopes expressed in the Royal Commission recommendations.

“The issue for SA is the lack of ongoing commitment since the mid 80s, when there was a great investment after the Royal Commission of having the Aboriginal Watch committee, the Aboriginal Justice advocacy committee where there was the monitoring and being involved in the development of policy design in how we actually map the situation better for our people.

“The other aspect of it is that we still have the ongoing legacy of violence that has been perpetrated against our mob since colonisation. And we also have in Australia a blaming mentality of our mob for our own situation, which is a result of past policies practices and laws which are still not being addressed.

“So we're not still addressing and putting supports in for our communities to self-determine our own programs, our own community development, our own priorities. Those rights and responsibilities are continually taken away from us.

“I think we need to get real. We need political commitment but we also need all of our areas working together collaboratively so that we actually are ripping off the bandaid and looking realistically at what is happening here” Ms Axleby said.

View the full forum Lets Talk: Race Relations in SA & the Impact of Black Lives Matter hosted by Reconciliation SA and Aboriginal Legal Rights Movement (ALRM) here: reconciliationsa.org.au/uncategorized/lets-talk-race-relations-in-sa-webinar/

National Native Title Conference 2020 at Tweed Heads

This year's National Native Title Conference titled Bumalehn Balang – Fight Strong! acknowledges the past 250 years of colonisation and creates a space for ideas and discussion about decolonisation of Aboriginal and Torres Strait Islander land, waters and resources.

The Conference will be held from 19 to 21 October 2020 on Minjungbal Bundjalung country in Tweed Heads with the support

of the co-convenors AIATSIS, NTSCorp and traditional owner hosts.

Registration for the conference is now open. Aboriginal and Torres Strait Islander people are also encouraged to consider applying to attend as a sponsored delegate.

For more information, visit the Conference website here: aiatsis.gov.au/news-and-events/events/national-native-title-conference-2020



Black Lives Matter in Tarntanyangga

Continued from page 1

“If you’re not angry, then you’re not paying attention” Ms Fernandez said to cheers of support from the protestors.

CEO of Aboriginal Legal Rights Movement Cheryl Axleby spoke at the rally and also emphasised the lack of accountability for Aboriginal people’s deaths.

“No one’s been held accountable for all of these deaths in this country. It’s shameful. Black lives matter – yesterday, today, tomorrow and always.”

Susie Dixon, whose brother Kingsley Dixon died in custody in 1987 also spoke passionately to the large crowd. She pointed out that while this issue was receiving widespread public attention after the death of Mr Floyd, it had been a cause of pain and struggle for Aboriginal people for many years.

“I want to pay my respects to the past ancestors who fought about Aboriginal deaths in custody. Aunty Joan, Yvonne and Cheryl were a part of that movement, along with my mother. When my brother died in the Adelaide Goal he was 19 years old.

“My mother’s tree’s over there – go and have a read about it and about her fight about deaths in custody, 30-odd years ago.

“This is my mother’s t-shirt here – do you know what it says? ‘You’ll kill our fighters but you’ll never kill our fight for justice!’”

Elder Aunty Yvonne Aguis joined the speakers on the stage in front of the large crowd.

“We’ve been protesting about this for years, but you fellas are a whole new audience, you are the next generation, don’t let it happen again!” she called.

Natasha Wanganeen hosted the event and also acknowledged the pain of Elders and the emotion of seeing so many people supporting the important and longstanding cause.

“That’s what we’re fighting for today that’s one of the many families we’re fighting for today” she said

“Some of the Elders are coming up to me – they’re crying their eyes out. You do not know what healing you’re doing for us today, thank you” she said.

Uncle Moogy Sumner sang to welcome the ancestors to the event and spoke about the deaths, calling for people to work together to heal.

“We’re here to talk about death we’re here to talk about one man that brought it up for the whole world to look at. George Floyd, someone who shouldn’t have died. All the deaths in custody

across this land who shouldn’t have died. All the people that died at the hands of the people that should be looking after you. It’s a shame yeah. It’s a form of genocide for us.

“Over the past 14 years I’ve been doing dancing, travelling from south west Queensland to the Murray Mouth, dancing in different places and hearing the spirit of this land, me and my family, my grandchildren, my great grandchildren.

“I’ve said to people who question me – how come you invite people of a different race to dance with you? I said well they live in this country now. We can go along and look after and heal it by ourselves, but why not everyone look after the country. Why not everyone do the healing?”

Following the protest, Opposition Aboriginal Affairs spokesman Kyam Maher drafted legislation to create a Custody Notification Service – ensuring that an Aboriginal organisation is notified any time an Indigenous person is taken into custody.

“These matters require a bipartisan approach and a strong commitment from the government to want to change the tragic record for Aboriginal people” Mr Maher told *The Advertiser*.

A Custody Notification Services was one of the 339 recommendations from

the Royal Commission into Aboriginal Deaths in Custody almost 30 years ago.

In late June, the state government announced that the creation of such a Custody Notification Service.

Attorney-General Vickie Chapman said that the service will help ensure Aboriginal people receive culturally appropriate support and legal advice as soon as possible.

“While we have had similar arrangements in place for quite some time, there have never been any formalised legislative measures” Ms Chapman said.

“This will also bring us in line with other jurisdictions around the country who have legislated for these measures” she said.

Mrs Axleby called such a service a ‘crucial scheme’ in an opinion piece in *The Advertiser*.

“Having clear, transparent oversight of the police is good for all of us. It increases community confidence and should provide police with the reassurance that complaints or allegations will be handled independently and at arm’s length” she argued.

Ms Chapman said the government would continue to work closely with the Aboriginal Legal Rights Movement to determine the proposed scope and model of the service.





We must hold authorities accountable

The truth is the police's role as first responders is often harmful or fatal for our people. We must hold police, prisons and authorities accountable and criminally liable for our deaths, future and historic. We must also end the perverse conflict of interest that arises when authorities like police and corrections officers investigate themselves.

The truth is we live oppressed by our racist legal system. Low-level offences like public drunkenness contribute to our mass imprisonment and deaths. All low-level offences that are used to target and over-police our people must be repealed.

The truth is that we are more likely to die in custody because we are over-imprisoned. Despite being only 2% of the population, we are 28% of the adult prison population, no right-thinking person can allow this to continue.

Instead of building prisons we need to build futures by providing excellent public hospitals, schools and homes. Experiencing homelessness is a key contributor to our people being criminalised, social housing waiting lists can be decades long. We need to strengthen our income support systems, provide culturally safe support for our people, particularly our women feeling family violence and provide strong healing programs that connect our people back to country and culture.

By Cheryl Axleby, CEO of ALRM and Nerita Waight, CEO of Victorian Aboriginal Legal Service, Co Chairs of National Aboriginal and Torres Strait Islander Legal Services (NATSILS). Excerpt from an article which first appeared in The Guardian 29 June 2020. Printed with permission of the authors.



The figure of '432' was sourced from The Guardian Australia, which has created a database and tally of every known Indigenous death in custody in Australia from 2008 to 2020 – the Deaths Inside database. In reporting these deaths, the paper says:

First of all, it's not just about numbers

Every single square in the Deaths Inside database represents a person, and a family who mourn them. The traumatic effects of a death in custody are felt across generations. They can shatter families, who are left to deal with long, complex legal processes that do not yield results.

You can find the database, containing the stories of each person who died here: <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>

Whose country am I on?

Many people and organisations want to know whose country they are on to recognise and show their respect for traditional owners.

To check whose country you are on in native title terms, you can check an interactive map tool Native Title Vision maintained by the Native Title Tribunal. You search for your address or town and then click on the area around that and it shows the determined or claim area.

It's here: www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx

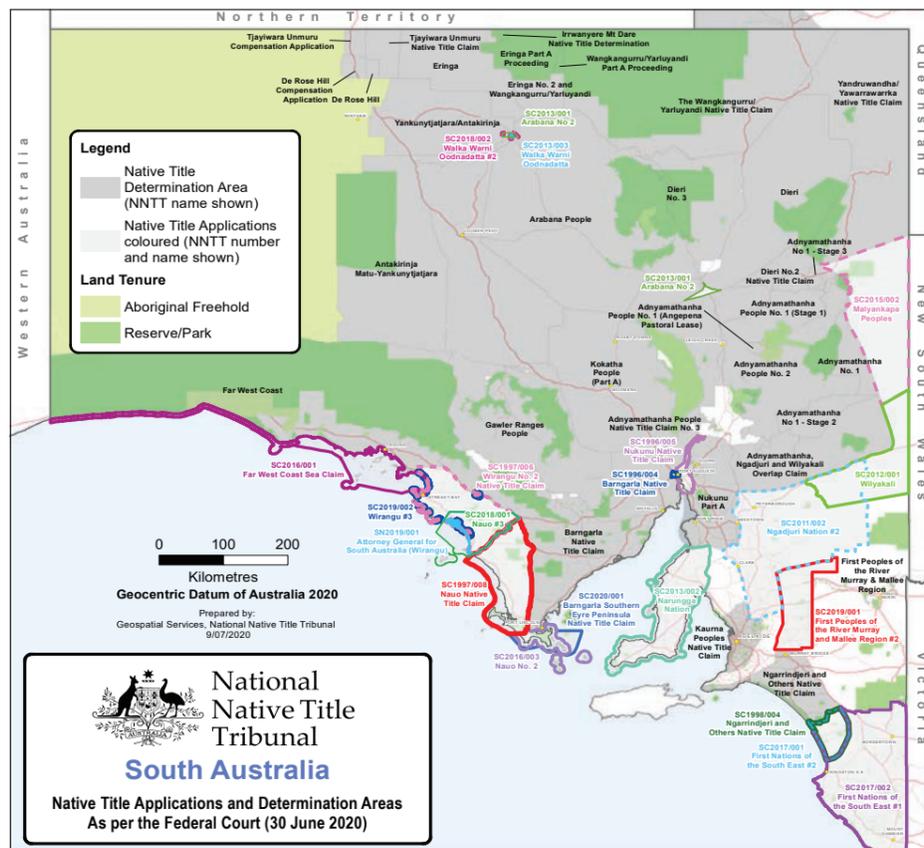
Some areas in Australia are not yet determined for native title purposes or are the subject of overlapping native title claims. In this case you can consult with local Aboriginal people to consider their perspectives on who should be recognised as local traditional owners.

Welcomes to Country and Acknowledgements of Country

When you know whose country you are on you may want to have a public recognition of those people's connection to their country at a public event or in a publication.

Welcome to Country

A Welcome to Country is a ceremony performed by traditional owners to welcome visitors on to their land.



A Welcome to Country has been part of Indigenous cultures in Australia for many thousands of years and are of great significance to many Aboriginal people. The ceremony may take many forms, including singing, dancing, language, smoking ceremonies or a speech, depending on the particular culture and approach of the custodian.

Only a person from that particular traditional country, recognised and authorised by their community can do a Welcome to Country. Usually an elder is called on, but a younger person may be nominated by their community.

A Welcome to Country is conducted before any other activity or speeches at an event commences.

Acknowledgement of Country

At an event, an Acknowledgement of Country is a speech delivered by any person, Indigenous or non-Indigenous to recognise the traditional owners of the country where a gathering is taking place.

An Acknowledgement of Country would only take place where there is not a member of the local Aboriginal traditional owner group present or available to do a Welcome to Country.

Acknowledgements of Country may also be included in publications such as reports or websites.

There is no mandatory wording for an Acknowledgement of Country, though often a statement may take the following forms:

General: I'd like to begin by acknowledging the traditional owners of the land on which we meet today. I would also like to pay my respects to elders past, present and emerging.

Specific: I'd like to begin by acknowledging the traditional owners of the land on which we meet today, the (people) and pay my respects to their elders past, present and emerging.

Similar to a Welcome to Country, an Acknowledgement of Country is presented at the beginning of an event.

Story, song, sound at dusk at Dalhousie Springs

The Irrwanyere Aboriginal Corporation has gained Commonwealth funding to create a unique installation to highlight and teach about a significant site on their country.

Dalhousie Springs at Witjira National Park, an important permanent source of water from the Great Artesian in the desert in the state's far north, will be illuminated with digitally projected stories, song and sound to promote the Indigenous heritage of the area.

The Commonwealth Government recently announced that a project 'Story, Song, Sound at Dusk Illumination Project, Dalhousie Springs' would be funded under the National Heritage Grants. The project will receive in kind support from South Australian Native Title Services.

Co-chair of the Irrwanyere Aboriginal Corporation Bernadette Shields said that the project would provide important information to visitors about the site and the traditional owners from the area.

The project would include an upgrade of the existing interpretive material at Dalhousie Springs Witjira National Park to showcase the oldest continuous culture on earth using the newest technology to create an immersive cultural experience for visitors.

A dusk display of digitally projected story, song, sound and illumination will provide



Dalhousie Springs – Witjira NP.

an innovative installation of interpretive material that tells the creation stories and cultural perspectives of the Lower-Southern Arrernte and Wangkangurru people.

The project will create a significant facility for cultural interpretation and storytelling of Lower Southern Arrernte and Wangkangurru culture using digital light and sound

projection. It is a modern approach to providing interpretive signage to showcase the culture, history and story of the traditional owners and educate tourists.

The project will be developed by the Irrwanyere Aboriginal Corporation and South Australian Native Title Services in consultation with community and

other stakeholders, including the Witjira National Park Co-Management Board and Department for Environment and Water.

More information on the National Heritage Grants here: www.environment.gov.au/heritage/grants-and-funding/australian-heritage-grants/2019-20

SA native title claims proceed despite pandemic



There are currently 22 active native applications from across South Australia before the Federal Court. The COVID-19 pandemic has created significant challenges for the progress of these claims in recent months, with the Court forced to restrict public access to courtrooms and defer a number of hearings. SANTS closed its office and staff were unable to travel to consult with clients for over three months. Despite these challenges, solid work has continued towards the finalisation of many native title claims, with video and phone technology used to discuss and advance claims where possible.

To follow is an overview of the background and next steps in some active claims. This information is general only, for more detailed information refer to the National Native Title Register, Native Title Vision and the map on the back page of this publication.

Far West Coast Sea Claim

Location: On the west coast of the state from Streaky Bay to the NT border.

Background: The claim was registered in 2016. A native title connection report has been provided to the State Government.

Wirangu No.2 and No.3 Claims

Location: On the western side of the Eyre Peninsula, from Elliston to Streaky Bay.

Background: The Wirangu No.2 Claim was registered in 1997. The Wirangu No.3 Claim, which covers small areas inside the Wirangu No.2 Claim, was registered in 2019. The entire claim has now been split into Part A and Part B.

After agreement between Wirangu and the State of SA and other parties, Wirangu Part A (the northern, un-overlapped part of the claim) was listed for a consent determination in June 2020, but that event was delayed due to COVID. Since that delay to the determination, an issue over tenure of a small part of the claim area has arisen and will be considered by the Court in an upcoming hearing.

Next steps: Wirangu Part B, and the Nauo No.3 Claim has been listed for trial in July 2021. Negotiations also continue toward a possible consent determination.

Nauo Native Title Claim and Nauo No.2 Claim

Location: The western side of the Eyre Peninsula, from Elliston to the end of the Peninsula.

Background: Nauo Native Title Claim was registered in 1997 and Nauo No.2 in 2017. Native title reports have been provided to the State for their consideration. In February 2020, a new overlapping claim, the Barnjarla Southern Eyre Peninsula Claim.

Next steps: Discussion and negotiation on a possible consent determination continue between parties. A strike out application by the State Government on the Barnjarla Southern Eyre Peninsula Claim is being heard by the Federal Court in July 2020.

Nauo No.3 Claim

Location: The western side of the Eyre Peninsula from Port Kenny in the north to Elliston.

Background: Nauo No.3 Claim was lodged in 2018. The claim overlaps the Wirangu Part B Claim.

Next steps: The Nauo No.3 Claim with the overlapping Wirangu Part B Claim has been listed for trial in July 2021 with a potential consent determination also under negotiation.

Nukunu Native Title Claim

Location: From the top of the Yorke Peninsula along the Spencer Gulf coast and to Cradock in the north.

Background: The Nukunu Native Title Claim was registered in 1996. The application was overlapped by both the Kokatha No 3 Claim and part of the Barnjarla Claim. The non-overlapped area of the Nukunu application (Area 1) was determined at Port Germein in June 2019. All overlaps have now been resolved.

Next steps: The State have agreed to negotiate a consent determination with the Nukunu over the remainder of their claim.

Narungga Nation Claim

Location: The Yorke Peninsula from Port Broughton in the north to the end of the Peninsula.

Background: The Narungga Nation Claim was registered in 2013. The State received and considered a connection report and an agreement was made between parties with a consent determination scheduled by the Federal Court for June 2020. That event was delayed due to COVID-19 restrictions.

Next steps: The claim is next in Court in July 2020 when a new consent determination date may be set.

Walka Wani Oodnadatta, Walka Wani Oodnadatta No.2 and Arabana No.2 Claims

Location: Around and over the township of Oodnadatta.

Background: The Walka Wani Oodnadatta Claim was filed in 2013 and Walka Wani Oodnadatta No.2 in 2017. The Arabana No.2 Native Title Claim was registered in 2013. In 2018 the Court ordered that the three claims be considered together and known as the 'Oodnadatta Common Overlap Proceeding'. They were sent to trial by the Federal Court and were part heard in September 2019.

Next steps: Trial of these overlapping claims is scheduled to continue in October 2020.

First Nations of the South East No.1 Claim

Location: The south eastern corner of the state from near Tintinara to the coast and to the Victorian border.

Background: First Nations of the South East No.1 was registered in 2017. The State has received native title reports for this area.

Next steps: The State are assessing the reports.

First Nations of the South East No.2 Claim and Ngarrindjeri and Others Claims

Location: Southern part of the Coorong from a line near Tintinara

Background: First Nations of the South East No.2 was registered in 2017. Ngarrindjeri and Others Claim

was registered in 2000. First Nations of the South East No.2 overlaps part of Ngarrindjeri Claim. The non-overlapping part of the Ngarrindjeri Claim (Part A) was determined in 2018.

Next steps: The Federal Court has referred the overlapping claims to trial in May 2021.

Ngadjuri No.2 and Wilyakali Claims

Location: An area north of Adelaide from the Gawler through the Southern Flinders Ranges to Orroroo and Olary and to the Victorian border.

Background: Ngadjuri No.2 Claim was registered in 2012. Wilyakali also registered in 2012, with part overlapping Ngadjuri No.2. Native title reports have gone to the State, with discussions over potential consent determinations.

Next steps: The Federal Court has referred the overlapping parts of the claims 'Wilyakali and Ngadjuri Overlap Proceeding' to trial in 2021. Discussions on potential consent determinations continue.

First Peoples of the River Murray and Mallee Region No.2 Claims

Location: An area around the River Murray from near Mypolonga in the South to Gluepot in the north.

Background: First Peoples of the River Murray and Mallee Region No.2 Claim was registered in 2019. A native title report is currently being prepared for the Court, with some delay expected due to COVID-19.

Next steps: The native title report will be provided to the State.

Further information on native title claims in South Australia can be found via Native Title Vision, an interactive map tool to view native title applications and determination areas: www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx

Or on the National Native Title Tribunal Register: www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-National-Native-Title-Register.aspx

SA Aboriginal Corporations continue activities despite COVID-19 challenges

Restrictions introduced to prevent the spread of COVID-19 in recent months have created many challenges for native title corporations working to continue their business. Restrictions on large gatherings and travel have affected corporations' abilities to meet and make decisions.

With the support of South Australian Native Title Services (SANTS), many native title corporation Boards have been adapting to meeting remotely and using different technologies. Native title groups have adapted to new ways of doing business to fulfil obligations and continue to meet Board and community goals.

The Office of the Registrar of Indigenous Corporations developed a set of special rules designed to help corporations during this time.

The special rules allow a corporation to:

- postpone or cancel a meeting after it's been called
- more easily pass resolutions without meeting
- meet virtually.

Several South Australian native title groups applied to the Office of the Registrar of Indigenous Corporations (ORIC) for an exemption to convening Annual General Meetings this year, given that it was unlikely that large scale community meetings could be held in face of the COVID-19 restrictions.

ORIC granted extensions to all groups only through to the end of June 2020. It is possible that further extensions will need to be sought by all these PBCs.

Prescribed Bodies Corporate in South Australia as at 30 June 2020

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC
Antakirinja Matu – Yankunytjatjara Aboriginal Corporation RNTBC
Arabana Aboriginal Corporation RNTBC
Barnarla Determination Aboriginal Corporation RNTBC
De Rose Hill – Ilpalka Aboriginal Corporation RNTBC
Far West Coast Aboriginal Corporation RNTBC
Gawler Ranges Aboriginal Corporation RNTBC
Irrwanyere Aboriginal Corporation RNTBC
Kurna Yerta Aboriginal Corporation RNTBC
Kokatha Aboriginal Corporation RNTBC
Ngadjuri Adnyamathanha Wilyakali Native Title Aboriginal Corporation RNTBC
Ngarrindjeri Aboriginal Corporation RNTBC
Nukunu Wapma Thura (Aboriginal Corporation) RNTBC
The Dieri Aboriginal Corporation RNTBC
The River Murray and Mallee Aboriginal Corporation (RMMAC) RNTBC
Tjauwara Unmuru Aboriginal Corporation RNTBC
Walka Wani Aboriginal Corporation RNTBC
Wankangurru Yarluyandi Aboriginal Corporation RNTBC
Yandruwanha Yawarrawarrka Traditional Land Owners (Aboriginal Corporation) RNTBC
Yankunytjatjara Native Title Aboriginal Corporation RNTBC

APY artists recognised in Queen's Birthday Honours

Artists from South Australia's Anangu Pitjantjatjara Yankunytjatjara (APY) Lands have been recognised in the Queen's Birthday 2020 Honours List.

The APY Arts Centres where the recipients work reported that Mr Peter Mungkuri and Mr Vincent Namatjira, from Iwantja Arts and Mrs Nyurpaya Kaika Burton who is a Director of Tjala Arts in Amata all received an Order of Australia Award on Monday 8 June.

Mrs Nyurpaya Kaika Burton

is an artist and longstanding Director of Tjala Arts, and is the current Chairperson of the APY Art Centre Collective.

Mrs Burton has enjoyed a career as a committed practising artist for over 50 years, first working in Ernabella Community and later in Amata. Nyurpaya is a respected elder and cultural leader from her region. She is a multi-disciplinary artist, working as a visual artist, wood carver and weaver and is a published writer, writing in her language Pitjantjatjara.

She began her career as a teacher at Ernabella School, and in regional leadership through her position as a Director of NPY Women's Council and artist with Tjanpi Desert Weavers.

Alongside her peers at NPYWC, Nyurpaya worked to help secure alcohol restrictions in the roadhouses neighbouring the Lands and was crucial in lobbying government for support during the petrol sniffing epidemic.



Tjala artist Nyurpaya Kaika Burton with the *Kulata Tjuta* installation by artists from the APY Art Centre Collective, Tarnanthi 2017, Art Gallery of South Australia; photo: Rhett Hammerton.



Mr Peter Mungkuri. Courtesy of Iwantja Arts, photo: Rhett Hammerton.

Nyurpaya and her sister Langaliki De Rose were two of the driving forces in establishing Minymaku Arts, the art centre that would become Tjala Arts.

Through her leadership, Nyurpaya has watched Tjala Arts and the APYACC



Mr Vincent Namatjira. Ramsay Art Prize 2019, Art Gallery of South Australia, Adelaide; photo: Nat Rogers.

grow strong and is passionate about the importance of Aboriginal-owned businesses in supporting Anangu self determination.

As an artist, Nyurpaya draws upon her history and personal narratives and is

proudly political, incorporating her first language Pitjantjatjara with messages and teachings in protecting culture and instructing the younger generation to follow in the legacy of their elders.

Elder, artist and director **Mr Peter Mungkuri** has received this award for his services to Indigenous visual art, and to the community.

Based in the remote Indigenous community of Indulkana in South Australia's APY Lands, **Mr Vincent Namatjira** was the winner of the 2019 Ramsay Art Prize, and was Highly Commended in the 2018 Archibald Prize. In 2018 he was the first Indigenous Australian artist to present a solo exhibition at the prestigious international art fair Art Basel Miami (USA)

"I'm proud to be recognised for being a leader for my community – for using my art practice to put forward a strong, positive voice from a remote Indigenous community" Iwantja Arts reported Mr Namatjira said.

"I've done a lot of research into my great-grandfather Albert Namatjira's story, and I knew that in his time, he met the Queen and received the Coronation medal. So I feel proud to accept this award and continue the Namatjira legacy as important artists and strong, proud representatives for our people and our country."

SANTS' direction from 2020 to 2025

With the majority of our now state determined for native title, South Australian Native Title Services (SANTS) has strengthened its focus on supporting Aboriginal Nations to manage and build on their native title rights.

In South Australia many native title corporations now hold and manage native title rights and interests in their country.

This means that for those Aboriginal Nations, the native title journey has shifted from the struggle to get native title to building on native title.

This presents challenges, but also presents new and exciting opportunities.

In SANTS' new Strategic Plan one of the three key focus areas is to Support Aboriginal Nations to manage and build on native title. This includes:

- Support good decision making by providing legal and other professional advice
- Support establishment and maintenance of sound governance and business practices
- Support development and implementation of corporate and community plans and strategies
- Work with native title corporations to build independence, capability and self determination.

SANTS CEO Keith Thomas said that in making this commitment, SANTS recognises that native title provides an important foundation for First Nations

to strengthen their nationhood and to achieve diverse community aspirations.

“At SANTS, we seek to listen to and work with native title claimants and native title holders so that they can self determine, govern, lead, grow and succeed” Mr Thomas said.

The Strategic Plan for 2020–2025 also maintains the organisation’s commitment to secure recognition of native title rights and interests. With 22 native title claims currently active across the state, SANTS remains committed to drawing on a depth of experience in successfully preparing and prosecuting native title and compensation claims.

South Australia’s native title service provider will also continue to offer leadership and innovation in the native title sector. This will happen through SANTS continuing to promote positive change and reform through contribution of ideas and strategies but also through encouraging and strengthening the leadership of Aboriginal Nations.

“Overall, SANTS aims to be a provider of choice to support Aboriginal Nations to recognise and protect their native title rights and interests and to realise their aspirations.

“We’ll continue to offer flexible services in line with our overall vision of strengthening culture, country and community clearly in mind” Mr Thomas said.

South Australian Native Title Services Strategic Plan 2020–2025 is available to download from the SANTS website: www.nativetitlesa.org



South Australian Native Title Services Ltd

Strategic Plan 2020–2025

The *Native Title Act 1993* (Cth) was introduced following the landmark *Mabo* decision to provide for the recognition of the prior rights and interests held by First Nations in Australia’s lands and waters. South Australian Native Title Services (SANTS) Ltd, as the native title service provider for South Australia, is committed to the recognition and protection of native title rights and interests. The acknowledgement of culture, kinship and country of First Nations is fundamental in rectifying past injustices. Native title provides an important foundation for First Nations to strengthen their nationhood, their regional presence and to achieve diverse community aspirations. At SANTS, we seek to listen to and work with native title claimants and native title holders so that they can self-determine, govern, lead, grow and succeed. These are principles we hold close in fulfilling our purpose and role.

Our Vision

Empower Aboriginal Nations to strengthen culture, country and community

Our Mission

Be a provider of choice to support Aboriginal Nations to recognise and protect their native title rights and interests and to realise their aspirations

Our Values

Respectful

We recognise and value people, country, culture, diversity and ideas

Collaborative

We work together ethically and professionally to ensure leadership and growth

Aspirational

We aim high, challenge ourselves and strive for excellence



Key Focus Areas

Secure recognition of native title rights and interests



- Prepare and prosecute native title and compensation claims
- Pursue agreement making and negotiated outcomes
- Assist with dispute resolution and other functions under the Native Title Act

Support Aboriginal Nations to manage and build on native title



- Support good decision making by providing legal and other professional advice
- Support establishment and maintenance of sound governance and business practices
- Support development and implementation of corporate and community plans and strategies
- Work with native title corporations to build independence, capability and self-determination

Demonstrate leadership and innovation in the native title sector



- Promote positive change and reform through contribution of ideas and strategies
- Encourage and strengthen leadership of Aboriginal Nations
- Provide leadership in our services and participate in initiatives which will further the aims and interests of Aboriginal Nations
- Provide strong and capable services that will support Aboriginal Nations and native title corporations to secure opportunities and to further their interests

Banner image: 'My Country, My Home' ('Ngayalu Ngura'), created by Aboriginal artist Elizabeth Close.

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The Stolen Generations *family, friends and community*

Free luncheon to honour and respect the achievements and experiences of the Stolen Generations

Where

Hilton Adelaide Grand Ballroom
Tarntanyangga (Victoria Square)

When

Thursday 29 October 2020, 12–3pm

Supported by the Healing Foundation

For bookings and information please call Aboriginal Health Council of South Australia on (08) 8273 7200



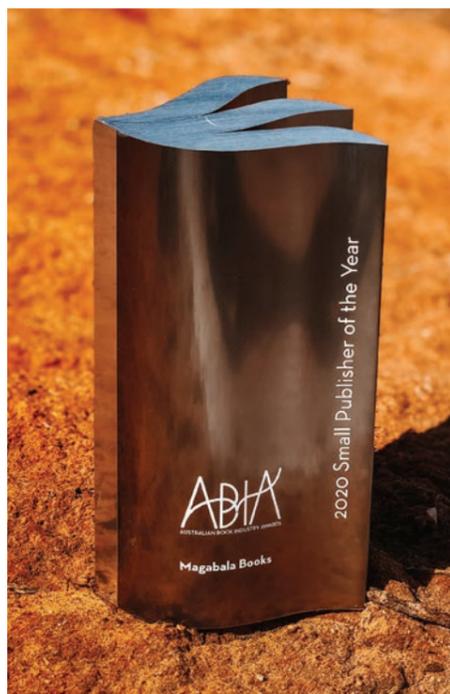
Magabala Books recognised

On 13 May, 2020 the Australian Book Industry Awards (ABIA) recognised Magabala Books as Small Publisher of the Year during an awards ceremony hosted online due to COVID-19.

Edie Wright, Chair of Magabala's Board said the recognition was the outcome of many years of hard work.

"This award is the culmination of 33 years of hard work.

"All those years ago, our elders and cultural leaders showed such courage, vision and determination to establish Magabala Books.



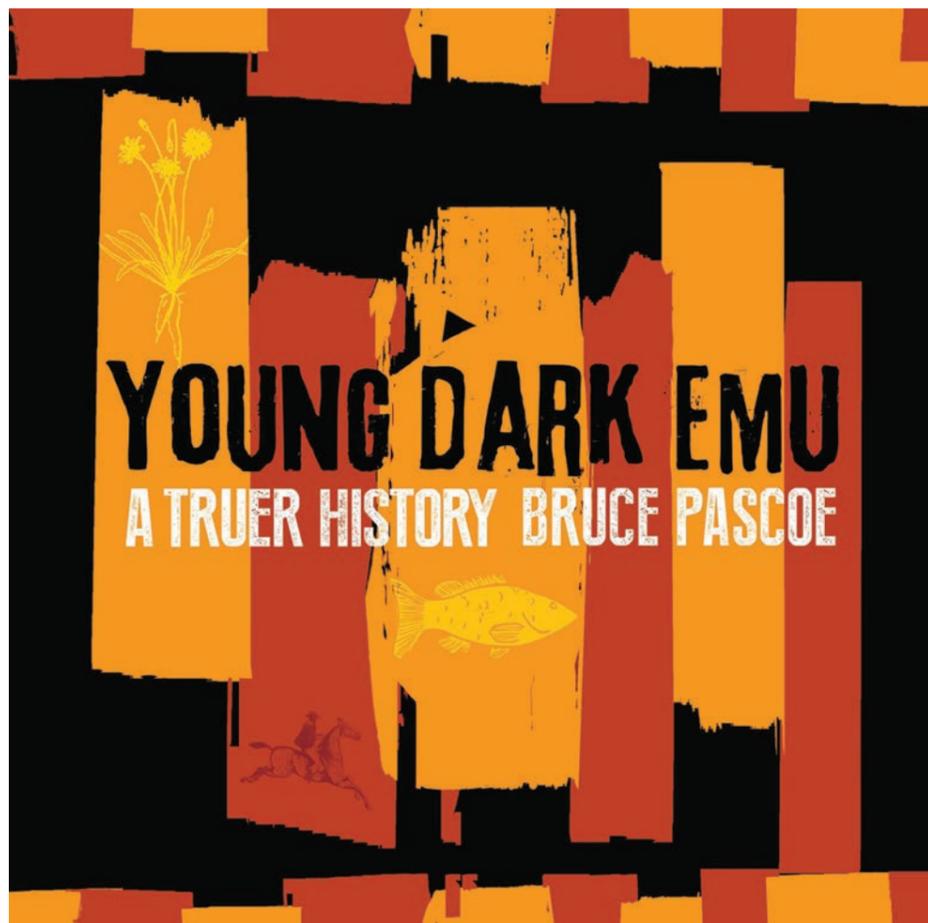
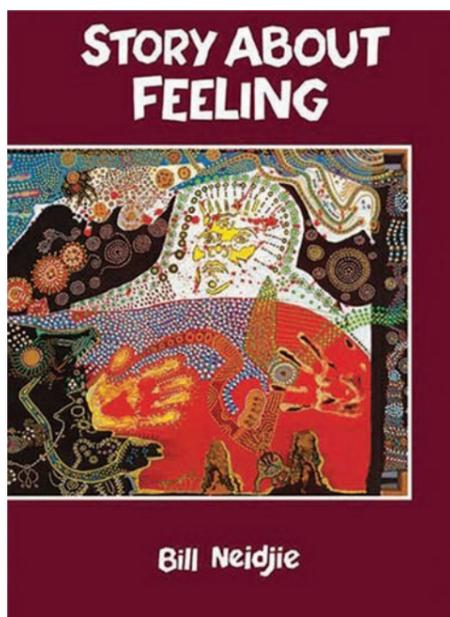
"We dedicate this award to those elders, and to all our storytellers, authors and illustrators from around Australia."

The Broome publishing house came about in the mid-1980s, when a bush meeting of Aboriginal elders from all over the Kimberley resolved to establish two new agencies: a regional centre for law and culture and an independent Aboriginal publishing house. The publishing house conceived in that meeting is Magabala Books (Aboriginal Corporation).

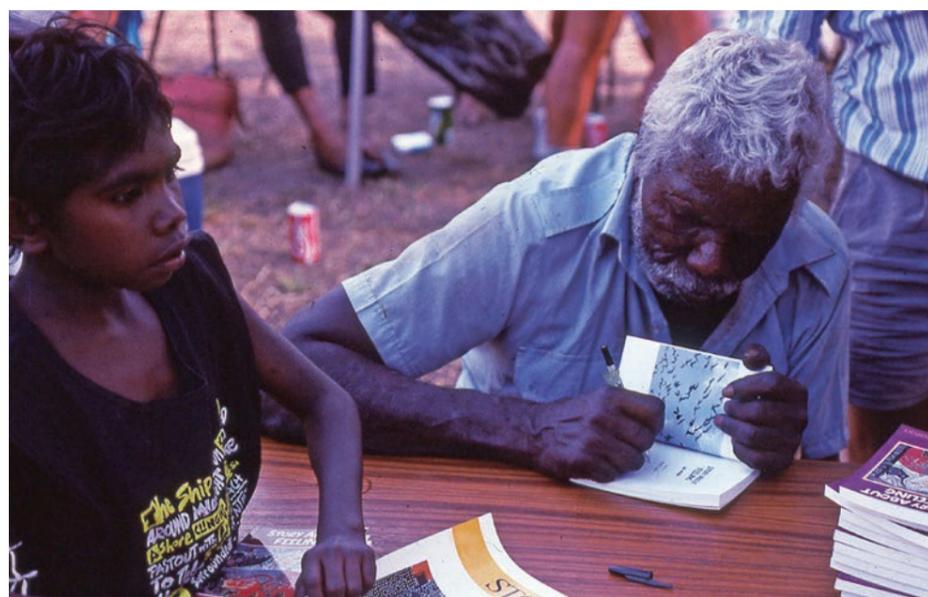
For Edie Wright, those founding elders were bold and visionary.

"What an audacious move that was, to establish their own publishing house in one of the most remote areas in the world, and at a time when the nation was only just beginning to reveal its interest in Aboriginal and Torres Strait Islander stories!

Magabala publishes Aboriginal and Torres Strait Islander stories of all kinds, in all genres. One notable early publication was by 'Kakadu man' Bill Neidjie, titled *Story About Feeling*. It's a poetic, humorous, gentle but urgent call to connect with country, and over the years it has attracted scholarly attention as well as much love from readers.



Edie Wright with granddaughter Harriet and authors Bruce Pascoe and Jasmine Seymour at the 2019 conference of the Children's Book Council of Australia.



Bill Neidjie signing copies of his book *Story About Feeling*, 1989. Photos courtesy of Magabala Books.

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So if you know of a new work about to be published or an artist or musician please contact us on (08) 8110 2800.

More recently, Magabala has become renowned for its children's picture books – and lately for Bruce Pascoe's *Young Dark Emu*, first published in 2014 and now a bestseller.

Commenting on the ABIA Award, Mr Pascoe drew attention to on the calibre of Magabala's governance:

"I've always been amazed by Magabala. The best editorial I've had has always been from Magabala; the design qualities they bring to their books is excellent; and the standard of governance of the company is wonderful. It's a great company, a great Australian story" he said.

The name and emblem of the publishing house comes from the local culture and language. In Nyul Nyul, Nyangumarta, Karajarri and Yawuru languages, magabala is the name of the bush banana found in far north Western Australia. Thanks to their parasol-shaped aerofoils, its seeds travel a long way.

It's an apt name because as publisher Rachel Bin Salleh explains, issuing the stories is just one part of what Magabala achieves.

"Where Magabala excels, like no other publishing house, is how we balance all our objectives – social, cultural and commercial. We work at so many levels and have cultural and political responsibilities to our mob to get things right; whether that's providing a platform

for strong poetic and literary discourse, or how we handle significant, collectively-owned cultural stories.

"In a space where so much has been written about Aboriginal people by non-Aboriginal people, Magabala Books gives people the opportunity to tell their own stories, to ensure that cultural protocols are observed and the benefits flow back to the right people. That original mission is just as important today as it was then, and fortunately Australians are much more interested in Aboriginal perspectives today, and Magabala Books has played a pivotal role in fostering that interest" she said.

Magabala has had its share of financial and governance challenges but the commitment and diverse experiences of Board members have seen the corporation through.

No sitting fees are paid to directors so, as Edie Wright says, "you sign up for the greater good". Tony Lee has served for 17 years and Stephen Kinnane – who sits on

multiple Boards – is a writer who brings outstanding knowledge of Indigenous history and protocols when working with Aboriginal communities.

Other Board members bring a youthful perspective, expertise in housing, adult education, health and law.

All bring a deep connection to country and culture. In short, the Board has extensive networks, knowledge and understanding – in relation to the publishing industry and the culture integral to Magabala's purpose.

You too can invest in the creative, cultural and economic future for Aboriginal and Torres Strait Islander people – make a donation to Magabala or simply buy some books.

www.magabala.com

Thanks to the Office of the Registrar of Indigenous Corporations for allowing us to adapt and reproduce this story.

Magabala Books



SANTS services for your organisation

SANTS is an independent Aboriginal organisation with proven experience and expertise in providing a wide range of professional services to South Australian Aboriginal Nations.

We are responsive to the needs and priorities of Aboriginal Corporations and can bring a unique understanding of and respect for culture and communities in our provision of services.

We offer services in

- Corporate Governance
- Corporate Administration
- Community Development
- Native Title Legal Services

SANTS offers a very competitive fee structure to Aboriginal Corporations to suit their financial circumstances.



Contact our Manager of Corporate and Community Development for a confidential discussion and further information: P (08) 8110 2800 • E info@nativetitlesa.org • W www.nativetitlesa.org



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

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