Fallout continues over mining destruction to the ancient Aboriginal site Juukan Gorge, with executives sacked, a Senate inquiry and both shareholders from mining companies and the Aboriginal community calling for action. But is this enough to stop it from being repeated?

Following the destruction of two 46,000-year-old sacred rock caves in the Pilbara’s Juukan Gorge by mining company Rio Tinto in late May, condemnation and alarm has sounded throughout not just Indigenous communities but wider Australia also. But the inquiry has heard that Rio Tinto is likely to destroy 124 more Aboriginal heritage sites at a new iron ore mine development under 100km away from Juukan Gorge, with approval already in place for 26 of these sites under section 18 of WA’s Aboriginal Heritage Act 1972.

Under these approvals, the Yinhawangka Aboriginal Corporation (YAC), which was attempting to prevent those additional sites from destruction, is unable to oppose the works.

This is going on behind the scenes whilst Indigenous leaders from land councils across the country band together in the new First Nations Heritage Alliance, pursuing national reform to prevent further destruction of cultural heritage.

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Here in South Australia, one of the largest inland salt lakes in the country, Lake Torrens, is both a national park and a site of cultural significance to the Barrangarla, Kokatha and Adnyamathanha people, but it does not have native title protection and is under review for exploratory drilling.

The South Australian Government is currently reviewing Lake Torrens, 70km south east of Roxby Downs, for exploratory drilling by Kelaray, an Australian subsidiary of mining company Argonaut Resources.

The Kokatha, Barrangarla and Adnyamathanha people have undergone a 10-year legal battle to protect the lake from mining and exploration, culminating in the Lake Torrens Overlap Proceedings in 2016, when the Federal Court determined that native title would not be given to any group.

"I am not persuaded that a determination of native title in favour of any of the three applicants should be made in respect of any part of the claim area," said Justice John Mansfield in his determination.

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Innes National Park name change to Dhilba Guuranda – Innes National Park under new Co-Management Board

Innes National Park will be co-managed by the Narungga Nation Aboriginal Corporation (NNAC) and is officially changing its name to Dhilba Guuranda – Innes National Park this year, the 50th anniversary of the Park, with official celebrations taking place during NAIDOC Week.

It’s taken nearly three years to get to this point from when the Buthera Agreement was signed in February 2018 by the South Australian Government and the Narungga Nation, the First Peoples of the Yorke Peninsula, to recognise their connection to Country, provide them with resources to build capacity to implement the benefits of the agreement, and to have greater input into key policy areas.

A key component of the Buthera Agreement was that the Department of Environment and Water and the Narungga Nation Aboriginal Corporation (NNAC) would come to an agreement on the co-management of Innes National Park. Another was dual naming of the Park in Narungga language.

“We started looking at a name change back when the agreement was signed to officially acknowledge the Narungga peoples’ heritage in this area,” said Doug Milera, Chair of NNAC.

Dhilba is the name of the Southern clan group of Narungga people and Guuranda means southern land, or southern territory. The new name was chosen by the NNAC and was signed off by both their board and the Ngan Aak-Kunch Aboriginal Corporation (NAK) Board before the Minister for Environment, David Speirs approved it in late September.

A Co-Management Board has now been established to manage the Park consisting of eight members; four Narungga men and women, and four government representatives, with each member serving a term of four years.

“Initially there was going to be a government representative as Chair, but we questioned that, why couldn’t it be a Narungga person?” said Mr Milera. The members went back to the drawing board and Mr Milera was voted in as inaugural Chair.

The new Co-Management Board joins eight others in South Australia which replace the Director of National Parks and Wildlife as the management authority for a park. These are:

- Ikara-Flinders Ranges National Park Co-management Board, established in 2011 with the Adnyamathanha Traditional Lands Association
- Kagku-Breakaways Conservation Park Co-management Board, established in 2013 with the Antakirinya Matu-Yankuntjatjara Aboriginal Corporation
- Lake Gairdner National Park Co-management Board, created in 2011 with the Gawler Ranges Aboriginal Corporation
- Maralinga Lands Unnamed Conservation Park Board, established in 2004 with the Maralinga Tjarutja, and Pila Nguru Aboriginal Corporations
- Ngaut Ngaut Conservation Park Co-management Board, established in 2014 with Mannum Aboriginal Community Association Incorporated
- Vulkathunha-Gammon Ranges National Park Co-management Board, created in 2005 with the Adnyamathanha Traditional Lands Association
- Witjira National Park Co-management Board, established in 2007 with the Irrwanyere Aboriginal Corporation
- Yumbarra Conservation Park Co-management Board, created in 2013 with the Far West Coast Aboriginal Corporation.

“We’re also looking into what other opportunities will be available for Narungga people within the Park, including a place where they can repatriate their Elders,” Mr Milera said with excitement, in the lead up to the celebrations during NAIDOC Week.

“While the Park turns 50 this year, we haven’t been an official part of its management over those years. It’s only taken us half a century to officially become part of it, but better late than never!”

Above, from top: Pondalowie Bay in Dhilba Guuranda – Innes National Park. Image by Matt Turner, Department of Environment and Water photographer; A mock-up of new entry signage to Dhilba Guuranda – Innes National Park. Image courtesy of Department of Environment and Water; Back row, left to right: Jeffrey Newchurch, Klynton Wanganeen, John Buckskin, Cyril Kartinyeri, Garry Goldsmith Jnr. and John Buckskin. Front row, left to right: Eddie Newchurch, Anne Newchurch, Doug Milera, Lynette Newchurch and Carlo Sandbury. Image supplied; Doug Milera (Chair of the Dhilba Guuranda – Innes National Park Co-Management Board and Chair of Narungga Nations Aboriginal Corporation), Hon David Speirs MP (Minister for Environment and Water) and Professor Peter Buckskin, signing the agreement. Image supplied.
Traditional owners voices not heard and rights stripped over nuclear waste dump

Not only have traditional owners voices not been heard in relation to the nuclear waste dump near Kimba on the Eyre Peninsula, a recent Senate Inquiry that recommends agreeing to the site also strips Barngarla traditional owners and other interested parties in the region of their right to a judicial review of the nuclear waste dump proposal.

The Federal Government announced plans in February to create a low and intermediate level radioactive disposal and storage facility at SA farm ‘Napandee’, near Kimba. The recently released Senate Economics Committee report recommends that Parliament pass legislation for the nuclear dump, amending the Act to specify the site at Napandee.

"It is the Barngarla’s position that Schedule 1 of the bill is a blatant and indisputable attempt to prevent any judicial review proceedings which would have been initiated by the Barngarla people (and potentially other members of the Kimba community, some of whom have indicated they were considering it)," read a statement from the Barngarla.

"A removal of the judicial review would ultimately deprive the Barngarla, along with others, of the fundamental legal right to such review of an administrative decision-making process."

Despite the committee as a whole recommending the amendments be passed, three MPs opposed the decision – Labor Senator Jenny McAllister, Independent Senator Rex Patrick and Greens Senator Sarah Hanson-Young, who stated that the inquiry showed that the draft legislation was ‘a highly-flawed bill’.

"There are deep concerns that this bill blatantly seeks to prevent any right to judicial review of this process and sets in stone Kimba as the dump site against strong community opposition," she said.

Another committee member, South Australian Senator Alex Gallacher showed dissent in the Labor party by saying that Ms McAllister’s views did not represent the entire party.

"There’s a variety of views in the Labor party," he said. "My view was that this is as good as it gets – we’ve had a community that’s worked some years to come to this position. It is not a unanimous position, but we’ve been at this since 1975 and sooner or later we have to resolve the issue."

More than 60 percent of the Kimba community were in support of the facility being established there, a community ballot in 2019 found. But the ballot was only open to people living in the Kimba region, meaning that many Barngarla People did not have their voices heard. The Barngarla then engaged the Australian Election Company to conduct another ballot which found unanimous opposition among traditional owners.

The Barngarla Determination Aboriginal Corporation (BDAC) appealed a Federal Court decision ruling that excluding the Barngarla People from the Kimba Council ballot was not a breach of the Racial Discrimination Act 1975. This was dismissed by the Full Federal Court. However, earlier this year a cross-party parliamentary committee found ‘significant risk’ that the Barngarla People were not consulted about the facility to a standard required under international law.

Resources Minister Keith Pitt stated that Barngarla native title does not currently exist at the proposed site but conceded there is potential for “unregistered cultural heritage to exist in the area”.

Chairperson of Yankunytjatjara Native Title Aboriginal Corporation (YNTAC) Karina Lester says, “The two key issues that I’m quite concerned about are the lack of consent from the traditional owners; and that they want to take away judicial review. No Barngarla person or anyone in that Kimba region can take it to the courts for it to be properly heard. That’s a given right for any Australian; to take an issue through a judicial process and they’re now trying to shift the goalposts away from Aboriginal people and people from the Kimba region so it can’t be challenged.”

Four Aboriginal groups submitted their concern about the lack of Indigenous community engagement in the consultation and selection process, as well as potential violation of those communities’ rights, these were the Yankunytjatjara Native Title Aboriginal Corporation (YNTAC), Tjayuwara Unmuru Aboriginal Corporation (TUAC), De Rose Hill-Ilpalka Aboriginal Corporation (DRHAC) and the First Nations of South Australia Aboriginal Corporation (FNSSAC). They acknowledged that the specified site has significance for a wider group of Aboriginal People than just the Barngarla, and that the proposed use is a matter of significance for Aboriginal People right across the state.

“They’ve been saying that this is just a Barngarla issue, just a Kimba issue – but it’s not. No, this is an issue for First Nations people everywhere. We need to stand in solidarity and send a strong message as the First Nations people of South Australia to say that no dump is wanted in our state,” said Ms Lester, who is the daughter of anti-nuclear and Indigenous rights advocate, Yami Lester.

“We have been pressured to be the ‘solution’ to waste management; it’s not been clear why the Federal Government keeps coming back to our state. I think that’s part of the problem.”

“The process has been flawed from the very beginning. The risk is that if we open the door to this, we could well be opening the door to a permanent solution here in SA. Why put a temporary solution here when the facility says they can keep storing it at Lucas Heights in Sydney?

“There’s so much history of Aboriginal people’s activism against this in South Australia. For it to come back to our state, after leaving our state so many years ago, it feels like an ongoing generational battle for us to put an end to this issue in South Australia.”
New Closing the Gap targets

The new National Agreement on Closing the Gap came into effect on 30 July this year, resetting the agenda established in 2008, and promising a higher level of Indigenous involvement throughout its implementation and in measuring its success.

16 new targets have set out agendas in justice, out of home care, suicide, language, housing and land rights for the first time. The fundamental shift from the original framework is that the new Closing the Gap agreement has been driven by Aboriginal and Torres Strait Islander organisations represented by the Coalition of Peaks, which was formed specifically for this purpose.

The 12th Closing the Gap report released in February this year indicated that just two of the seven original targets from 2008 were on track to be met. These targets were to have 95% of all Indigenous four year olds enrolled in early childhood education by 2025, and to halve the gap for Indigenous Australians aged 20–24 reaching Year 12 attainment or equivalent by 2020. While there have been slight improvements in areas such as literacy and numeracy over the last 12 years, more progress is still needed to reach targets. Indigenous outcomes in other areas such as child mortality, life expectancy and employment still trail far behind the rest of the country.

“We were concerned we’d go another 12 years, more progress is still needed. But instead of looking into why this is, it’s to see more change in: ‘What we really want to see through this agreement is justice, out of home care, suicide, language, housing and land rights, and we are determined to ensure that this area in the work being done. And on the flipside, at least we have justice targets in the agreement this time.’”

The new agreement has been built around changing the way the government does business with Indigenous Peoples through four Priority Reforms.

“We wanted to have more than just targets – we also needed priority reforms to ensure real change, and a commitment between the Government and the different state bodies. There’s independent reporting from each body as well as the national body through the Coalition of Peaks,” said Ms Axleby.

The four Priority Reforms are: establishing formal partnerships with Aboriginal and Torres Strait Islander people and sharing decision making within them; building Indigenous community-controlled sectors delivering services to support Closing the Gap; transforming mainstream government organisations to better respond to Indigenous peoples’ needs (including a commitment to ‘identify and eliminate racism’) and finally, to share access to location specific information at a regional level to enable decision making.

“SA the state body that’s been developed to drive these reforms and targets is SAACCON. I want to encourage our Aboriginal-controlled community sector to become members of SAACCON. The more organisations we have on board, the more strongly we’ll be able to advocate. Each organisation will be seen as an equal partner around the table,” said Ms Axleby.

“Walking side by side to make positive change – this is the way of the future. If we get this right, this will be the way forward.”

For more information on being a SAACCON member, go to www.alrm.org.au or call the Aboriginal Legal Rights Movement on (08) 8113 3777 and ask for Tanya Axleby-Blake.

 Fallout continues from Juukan Gorge mining destruction

Continued from page 1

Pressure from Superannuation companies appeared to have had the impact needed in early September, with Rio Tinto Chair Simon Thompson acknowledging that shareholder concern played a significant role in the decision to stand down three senior Rio Tinto executives; CEO Jean-Sébastien Jacques, head of iron ore Chris Salisbury and corporate affairs chief Simone Niven. This followed public criticism from investors calling for greater accountability and assurance such destruction will not happen again.

“We have listened to our stakeholders’ concerns that a lack of individual accountability undermines the group’s ability to rebuild that trust and to move forward to implement the changes identified in the board review,” Mr Thompson said in a statement.

“What happened at Juukan was wrong and we are determined to ensure that the destruction of a heritage site of such exceptional archaeological and cultural significance never occurs again at a Rio Tinto operation.”

At the recent Senate inquiry, the National Native Title Council (NNTC) pointed out the lack of rights and resourcing for traditional owners through their Prescribed Bodies Corporate (PBCs), and the legislative deficiencies that led to the destruction of the sacred caves.

“Cultural heritage destruction is an almost daily occurrence for traditional owners. Mining companies are almost never held accountable,” said NNTC CEO James Lowe.

“We need an overhaul of Indigenous cultural heritage legislation at all levels of government and this must be led by the Commonwealth. When agreements are struck under the Native Title Act, this doesn’t offer sufficient rights for traditional owners to protect their heritage. If traditional owners don’t consent to mining, the mining company can make an application to the National Native Title Tribunal, which almost always rules in industry’s favour. That’s not free, prior and informed consent, and it’s certainly not self determination.”

The NNTC is calling for the Commonwealth to adopt national best practice standards, and for greater resourcing for PBCs. It is also calling for best practice standards within the mining sector, and for cultural heritage law reform in the states and territories if an incident like Juukan Gorge is to be prevented.

“Rio Tinto might have been the sacrificial lamb, but the Juukan Gorge catastrophe could have happened to any mining company. For too long they’ve been operating with free rein and few consequences. Rio must now commit to a forensic review and overhaul of its company culture if it is to have any hope of rebuilding its brand and its trust with traditional owners,” wrote Mr Lowe in an Opinion Piece in The Guardian.

“Let this be a wake-up call to them all: our people were on this continent long before mining companies arrived, and we’ll be here long after they’ve gone. The decisions made now will determine how much of what makes Australia profoundly unique will still be standing when they go.”
Creating jobs for Indigenous young people in South Australia’s seafood industry

“We just have this vision of a full fleet of young Indigenous men and women on our boats, in our cages, diving, working in the processing plant; right through the whole company. Then coming out and selling the Indigenous story to shops, restaurants, factories. That’s what really excites me, the employment opportunities that are available.”

The director of Aboriginal Programs at Port Adelaide Football Club, Wirangu man Paul Vandenbergh, has formed a new Port Adelaide Football Club, Wirangu man

Mr Vandenbergh is now in the process of finalising 60 training placements at the Australian Maritime and Fishing Academy in Port Adelaide, which was founded in the 1990s by Mr Stehr. His goal is to ultimately have those qualified through the training program working at Wanna Mar Produce, and potentially even rotating through the three rising areas in South Australia’s seafood and aquaculture industry; Goolwa PipCo who are commercial partners with the local Ngarrindjeri People, seaweed farming on Narungga Country and this new tuna company.

The training package will begin during NAIDOC Week with two weeks of intensive training in Port Adelaide, finishing by sailing into Port Lincoln on the One and All ship just before tuna season kicks off at the beginning of December. Trainees will be able to decide where their strengths lie; whether they enjoy being out on the sea on a boat; diving in with the tuna; in the processing plant, or even potentially on the road selling the tuna.

“Tuna’s quite an exciting industry to get involved in. It’s got not only a big international reach, but where we want to come in as an Indigenous brand is to bring it into the domestic market. I think for a long time tuna’s been seen as cat food! We want to try and change that mentality to have high-end restaurants selling our fish – but also to understand our story as Wiringu Mining Kokatha people; as coastal people, that sea country and sea rights have always been part of us.”

“The ultimate goal is to have operations out of Ceduna and create local employment. That’s the dream but that’s probably five years away. Slow process, but we’ll get there.”

A Facebook page will be up and running soon with more information under the name Wanna Mar Produce.

South Australian sacred site Lake Torrens under review for mining exploration

Continued from page 1

Kelaray seeks an authorisation for mining activity under Section 23 of the Aboriginal Heritage Act 1988 (SA), which makes it an offence to damage, disturb or interfere with Aboriginal sites, objects or remains without authorisation to do so from the Minister for Aboriginal Affairs and Reconciliation, currently Premier Steven Marshall.

Section 23 is effectively our state’s equivalent of Section 18 of Western Australia’s Aboriginal Heritage Act 1972, under which Rio Tinto was given authorisation to conduct blasts in Juukan Gorge.

“The Juukan Gorge tragedy in Western Australia is a reminder that mining impacts on Aboriginal heritage must receive the highest level of sensitivity from the mining industry and the South Australian Government,” said South Australian Native Title Services CEO Mr Keith Thomas.

South Australian Mining Minister Dan van Holst Pellekaan told the ABC that the State Government would get expert advice on whether drilling, which is far more delicate on a salt lake than onshore, would harm Aboriginal culture at Lake Torrens.

“Just because Aboriginal people might object to an activity doesn’t mean that it ceases. It is then, of course, extremely seriously considered,” he said.
Indigenous jobs are taking off right across South Australia’s aquaculture industry, with seaweed farming the next big thing in Narungga Country.

The Narungga People will be working to farm a species of seaweed native to their waters at Point Pearce on the Yorke Peninsula in a joint venture with US-based aquaculture company, CH4 Global. The seaweed species produces a compound that can be added to livestock feed, where it’s been proven to reduce methane emissions by up to 99%.

Methane emissions result not only from the production and transportation of coal, natural gas and oil, but from domestic livestock as part of their normal digestive process and the decay of organic waste in lagoons, holding tanks or solid waste landfills.

“We have a major contribution to global greenhouse gas emissions, this is a positive step forward for both the Narungga People and the environment,” said Doug Milera, Chair of Narungga Nation Aboriginal Corporation (NNAC).

“The Narungga People are well positioned for this industry as the right type of seaweed grows in our waters and we can harvest it.”

While the venture will begin with 100–200 people for the first growing season from October to May, CH4 Global’s five-year plan is to have between 2,000–3,000 people working fulltime in the industry.

“We’ve been committed to working with First Nations communities right from the start and signed an agreement of this commitment with the Narungga Nation Aboriginal Corporation in the early months of 2020,” said CH4 Global SA General Manager Dr Adam Main, who’s come from PIRSA, where he was General Manager of Aquaculture to work alongside other aquaculture specialists and senior scientists from Australia, New Zealand and the US.

“We’re working with the Narungga community to establish what we hope will become a regenerative economy that will lead to longer term capacity building, progression and opportunities. In New Zealand we’re working with Maori communities and aim to have Indigenous traineeships and cultural exchanges with them in coming years.”

The company, which has been working on this venture with CSIRO for two years, says it’s using sustainable aquaculture to produce greener agriculture by cutting methane emissions from livestock, using a seaweed by-product known as asparagopsis. One of the two species of this by-product, Asparagopsis armata, is a red seaweed native to the southern coast of Australia, and Point Pearce is one of few places in the world to have a cross section of both species, armata and taxiformis, growing in its waters.

Asparagopsis works by disrupting the enzymes of gut microbes living in cows’ stomachs that produce methane gas as waste during digestion.

In trials carried out in both Australia and the USA by the CSIRO, James Cook University, University of Pennsylvania and University of California, Davis, Asparagopsis was added as a feed supplement for beef and dairy cattle and sheep, and was proven to reduce their methane emissions by between 90–99%, with no adverse effects to the livestock, their products or the environment.

This venture came about through a component of the Buthera Agreement, signed by NNAC and the State Government in February 2018, for the creation of business opportunities in primary industries for the Narungga People, including participation in the commercial fishing and aquaculture industry.

CH4 Global will also be growing and harvesting the seaweed in Kangaroo Island and Port Lincoln.
Every day across Australia, children as young as 10 can be arrested by police, taken before a court and locked in detention.

In the space of just one year, approximately 600 children between the ages of 10 and 13 were locked up and held in detention, and Aboriginal and Torres Strait Islander children, who are disproportionately impacted, make up around 65 percent of these young people in prisons. Experts say that children who are arrested before the age of 14 are three times more likely to commit offences as adults.

A recent national push to raise the age stalled when federal, state and territory attorneys-general agreed that more work needs to be done to find alternatives to dealing with young offenders.

“Change the Record developed a blueprint for changing the record on the disproportionate imprisonment rates and rates of violence experienced by Aboriginal and Torres Strait Islander people back in 2015, and this included dealing with young people at risk of incarceration,” said Cheryl Axleby, Co-Chair of the Aboriginal body, CEO of the Aboriginal Legal Rights Movement and Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services, a group for all legal bodies to come together three times a year, driving change on national justice issues.

“We recommended changes for the Government to take on board back then. We need real leadership in this area. Black Lives Matter shone a light on Aboriginal incarceration – it opened people’s eyes that this is happening in Australia. But there have been still, I think, five incarnations since June. If there’s such an overrepresentation why isn’t funding changed to meet that overrepresentation, rather than being based only on our population. And nothing has changed for young people. The brain development of children in understanding the consequences for their actions is just not there at this young age but we still treat them like adults. We have a real punitive, colonial mindset when it comes to criminalisation in this country.”

Change the Record’s blueprint for change specifies that punitive approaches to offending youth fail to acknowledge that young people are still developing and that exposure to youth detention substantially increases the likelihood of crime as an adult.

It recommends focusing on solutions that offer positive reinforcement and support instead, and suggests policy changes such as increasing the age of criminal responsibility and ensuring the presumption of legal incapacity continues to apply up to age 14; ensuring legislation mandating detention should be used only as a measure of last resort until age 17; ensuring that legislation in each jurisdiction that dictates bail considerations and presumptions presumes favour of bail for young people; support for the development of specialist youth courts and ensuring exclusion from school is a last resort to help children focus and succeed in their studies.

Others vocal in this area agree that instead of the first response being to lock up young offenders for the ‘protection’ of both the community and the child, we should focus on early prevention instead, followed closely by preventive interventions built around keeping children in the community, with family.

This response recognises that children are going through significant growth and development in their formative pre and early teen years and forcing them through criminal legal proceedings when they should be in school can seriously affect their ongoing health, wellbeing and future.

The Raise the Age national campaign states that when a child between 10 and 13 is alleged to have caused harm to another, it’s a sign that something has gone wrong in that child’s life. “Violent actions or behaviour in young children are often directly linked to experiences of trauma, neglect, and harm or unaddressed mental or physical health problems. Rather than criminalise trauma, it is the responsibility of our governments to provide that child with the services needed to address the underlying causes of their behaviour and to set them onto a better path. The worst place for a child to be is in prison.”

Specialists in this area include the Hon Dr Robyn Layton AO QC, a former South Australian Supreme Court Judge whose own interest began when she authored the South Australian Child Protection Review in 2003, which has since become known as the “Layton Report”.

“I believe the minimum age should be what is recommended by the United Nations Committee on the Rights of the Child, which in 2019 said the minimum age should be 14. The statistics show that very young offenders keep on repeating and it becomes cyclical if we keep sending them to detention. Raising the age to 14 fits in with their cognitive capacity and capability; children under that age are really not able to reflect on what they are doing, to understand the nature and quality of their actions and be able to understand consequences,” said Dr Layton.

“In Japan, Portugal and Spain the minimum age is 16; in Belgium it’s 18; Scandinavian countries and Iceland, 15; Austria, Germany and other Eastern European countries, 14 and in New Zealand it’s 14, with the exception of murder and manslaughter which is 10. The ACT recently became the first jurisdiction to endorse raising the criminal age to 14 and there’s no reason the other states and territories couldn’t do that.”

Dr Layton has spent the better part of 20 years researching the issue, advocating for better ways of dealing with offenders in this age group and, in particular, researching Aboriginal statistics and involving Aboriginal People in what the responses should be.

“We have tended to dictate as a white community how Aboriginal People ought to deal with the situation, even bearing in mind the overrepresentation of Aboriginal children in detention. But the new Closing the Gap agreement indicates that there’s a groundswell by Aboriginal People to make sure their voices are heard.

“One of the new Closing the Gap targets announced at the end of July is the reduction of the rate of Aboriginal and Torres Strait Islander young people (aged 10–17 years) in detention by at least 30 percent by 2031.”

Although she’s only seen incarceration rates going up over her years of work in this area, including for youth, Dr Layton believes these new targets, and initiatives at the community level by justice reinvestment programs and Aboriginal involvement being key to drive better outcomes.

A Patron of Junction Australia, Dr Layton supports their work in the area, and is also working with the Tiraapendi Wodli group in Port Adelaide, which is driven by Aboriginal leaders and taking a wholistic approach to try to stop incarceration of children.

“The approach they take is to keep children and young people engaged in their community and staying with family, so they have various programs to engage students to keep up with their schooling; men’s groups to encourage men be more connected with their children; a family connection group for families who are having problems so they can work with mentors and have various services brought in to ensure they are best supported to have their children stay with them, in community.”

Dr Layton urges people to write to their local members, particularly senior figures such as the Premier and the Attorney-General to show that the community agrees with raising the age and thinks that children under 14 should not be held criminally responsible for their acts.

“The sooner we do it, the better it will be. Keeping children out of detention is primary; they’re the most vulnerable members of our community and locking them in detention is not a good way to let them know that what they are doing is wrong.”

Sign the petition to Raise the Age at www.raisetheage.org.au

Aboriginal Way, Spring 2020
From 12-year-old documentary subject to youth detention activist

Last year was a big year for 12-year-old Dujuan Hoosen, who’s from Alice Springs and Borroloola. First, he was the subject of a new documentary, *In My Blood it Runs*, about the challenges he faced in school and on the streets of Alice Springs. Then, he found himself in Northern Territory Parliament, urging the Government to raise the age of criminal responsibility. This led to him becoming the youngest person ever to address the United Nations Human Rights Council in Geneva, Switzerland, on behalf of the Human Rights Law Centre, where his message was simple: “I want adults to stop putting 10-year-old kids in jail.”

The young Arrernte and Garawa boy himself avoided youth detention at the age of 10 when he started skipping school and found himself in trouble with police. An angangkere (healer) who speaks three languages, Hoosen still felt like a failure in the Western school system, where he was getting bad marks. In his speech to the NT Government read aloud by Labor backbencher Chansey Paech, Hoosen told Parliament to remember him “when you are making big laws about us”.

He wrote about how confused and disengaged he felt in school, where “history is for white people”.

“I think this would have helped me from getting into trouble and getting locked up or taken away from welfare.”

Dujuan appeared before the United Nations Human Rights Council in September 2019 and still, no changes have been made to laws around the age of criminal responsibility in the NT, SA or anywhere else in Australia, except for the ACT whose Legislative Assembly voted in August to raise the age to 14, making it the first Australian jurisdiction agreeing to bring its laws into line with United Nations standards.

Freeing the Aboriginal flag

When will Aboriginal people be able to freely use the Aboriginal flag again?

Originally designed for the land rights movement in 1971, the Aboriginal flag has come to represent Aboriginal People Australia-wide since being adopted as an official ‘Flag of Australia’ in July 1995. But when Harold Thomas, a Luritja artist who designed the flag and holds its copyright, granted non-Indigenous company WAM Clothing the exclusive worldwide licence to use the design on clothing, physical and digital media in November 2018, organisations and companies using the flag on merchandise began being served cease and desist letters. This included both the AFL and NRL ahead of their Indigenous rounds, with both making the decision not to enter into an agreement with WAM Clothing to continue using the flag.

WAM Clothing is owned by Ben Wooster, who used to run a now defunct Queensland art gallery called Brubi Art, which was fined $2.3 million in 2018 by a Federal Court for selling fake Aboriginal artwork made in Indonesia. Mr Wooster has since admitted in the September Senate inquiry that WAM Clothing products are also produced and printed in Bali.

Indigenous Australians Minister Ken Wyatt says the Federal Government is in conversation with Mr Thomas, who has held the copyright of the flag since 1997, and is attempting to broker a deal around its use.

A Senate committee chaired by Labor senator Malarndirri McCarthy has been established to investigate the copyright and licensing arrangements and look at options available to allow the design to be freely used by all Australians.

“It is a delicate and sensitive matter, and the Government respects the copyright of Mr Thomas and the interests of all parties,” a spokesperson for the minister told the ABC.

The Free the Flag movement has gained the support of some of Australia’s biggest Indigenous sporting stars such as Nova Peris, Michael Long and Eddie Betts, and every AFL club has now joined many Australians in signing the #FreetheFlag campaign.

The consensus of the Senate inquiry is that the flag should be controlled by an Aboriginal body in the future.

**Flinders Ranges Aboriginal Corporation under police investigation**

Adnyamathanha Traditional Lands Association (ATLA) has been under special administration since March this year, and SA Police recently confirmed it will remain that way while its governance and financial record-keeping is investigated.

ATLA is the peak body for matters relating to Native Title, land, culture, heritage and language for the Adnyamathanha People of the Flinders Ranges. It has roughly 850 members and receives royalties from mining operations in the area.

The Office of the Registrar of Indigenous Corporations (ORIC) placed the corporation under special administration in March, which has since been extended twice while the Sydney-based administrators try to work out the related transactions and entities.

“The special administrators have uncovered an intricate network of related entities and interests within the ATLA corporate structure,” ORIC registrar Selwyn Button told the ABC.

“The lack of record keeping has made it difficult for the special administrators to determine why some of these entities were created or even how they came to be. It’s unclear if members even knew of the existence of some entities.
Vincent Namatjira, the great-grandson of acclaimed artist Albert Namatjira, has become the first Indigenous artist to win the Archibald Prize in its 99-year history.

His winning artwork, titled Stand Strong for Who You Are, is a self-portrait of Namatjira with former AFL player and 2014 Australian of the Year, Adam Goodes.

2020 marks the fourth year running the Western Arrernte artist who now lives in the APY Lands has been a finalist in the prestigious $100,000 Prize. Last year his winning streak began when he took out the Ramsey Art Prize, winning the same amount of money, and earlier this year he received an Order of Australia for his contribution to Indigenous visual arts.

Namatjira first met Goodes in 2018, when the footy star visited Indulkana promoting Indigenous literacy. He chose to paint him after watching his recent documentary The Final Quarter, and realising how much they had in common.

“We share some similar stories and experiences – of disconnection from culture, language and Country, and the constant pressures of being an Aboriginal man in this country. We’ve also both got young daughters and don’t want them to have to go through those same experiences,” said Namatjira.

“When I was younger and growing up in the foster system in Perth, Indigenous footballers were like heroes to me. Goodesy is much more than a great footballer though, he took a strong stand against racism and said, ‘enough is enough’. I stand strong with you too, brother.”

A message from Goodes was read when the prize was announced: “I am thrilled that an Indigenous artist, Vincent Namatjira, has won the Archibald prize for the first time, and I’m so pleased that it shines the light on all Indigenous art. We have a 60,000-year history of art and culture in our people and we share this knowledge and gift of culture with all Australia. Vincent and I are also countrymen. I’m so proud of Vincent and his family, their journey has been shared through art of generations.”

Namatjira’s win marked a record year for Indigenous talent in the Prize with other portraits by Blak Douglas, Thea Anamara Perkins and Tiger Yaltangki, and portraits of 10 Indigenous Australians lining the walls including Sydney Elder Uncle Charles ‘Chick’ Madden, rapper and writer Adam Briggs, author Bruce Pascoe and teen activist Dujuan Hoosen, known as the subject of the recent documentary, In My Blood it Runs. A few weeks earlier, Wongutha-Yamatji artist and actor Meyne Wyatt became the first Indigenous artist to win in any of the Archibald’s categories when he was awarded the Packing Room Prize for his self-portrait, Meyne Wyatt has become well-known for both his performance on ABC’s Mystery Road, and for his monologue on racism on Q&A earlier this year.

Aboriginal bone ‘inheritors’ encouraged to contact authorities

People who are left old human remains are being urged to contact authorities after the skull of an Aboriginal woman found in the 1970s was handed into SA police by someone who ‘inherited’ it.

The skull brought in to police in September was believed to have been found when West Lakes was being developed for housing in the 1970s, and has been in a family’s possession ever since.

“The man recently ‘inherited’ the skull from his father and was unsure and uneasy about what to do with it so he contacted police,” said SA Police in a statement.

They went on to say that some workers on the housing project took remains home as souvenirs.

“SAPOL and our Community Constables are working with Aboriginal Affairs and Reconciliation, Department of the Premier and Cabinet to ensure the repatriation of the remains to Country.”

Forensic examination confirmed that the skull was a pre-European settlement adult female.

Police urge anyone who possesses or uncovers skeletal remains to treat them with respect and contact SAPOL immediately, without disturbing the remains. This comes after members of the Kaurna community reburied remains of their ancestors uncovered during construction works for a major new road project, the Northern Connector earlier this year, and follows last year’s efforts to repatriate more than 4,500 Aboriginal remains stored in the South Australian Museum for close to 200 years.

**Aboriginal Way, Spring 2020**

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**Vincent Namatjira**

**Meyne Wyatt**

**Mystery Road**

**Q&A**

**SA Police**

**Northern Connector**

**South Australian Museum**
Lake Bonney Aboriginal Ranger Program

Aboriginal rangers have been employed under a Memorandum of Understanding (MOU) by the River Murray and Mallee Aboriginal Corporation (RMMAC) and the Berri Barmera Council, dedicating the land around Lake Bonney for Aboriginal cultural heritage and conservation.

The Berri Barmera Council is currently developing the foreshore as part of the Lake Bonney Nature and Cultural Tourism Project, also developed under the MOU, and the two part-time rangers are playing an important role to identify, protect and manage areas of cultural significance around the lake, a site of Aboriginal importance that is today actively promoted to tourists.

Lake Bonney is a popular spot for camping, horse riding and cycling as well as water-based activities such as jet skiing, sailing, swimming, boating and fishing. The impact of visitors coming and going for these activities is taking a toll on the native flora, fauna, water and soil conditions in the area. The Council has a five-year plan underway to upgrade and preserve the area, including developing specific day sites for visitors to utilise instead of using the whole region.

The Lake Bonney Nature and Cultural Tourism Project gives RMMAC joint responsibility with the Berri Barmera Council for the care, control and management of Lake Bonney, particularly around protecting, preserving and promoting the First Nations of the River Murray and Mallee Region’s cultural heritage.

“The rangers are there to protect our country and do the right thing by our ancestors so that we can pass down our knowledge to the next generation after us and the ones after that. We want to ensure our Elders can take their grandchildren down to the lake and tell them stories about the past there for generations to come. That’s really important,” said RMMAC Chairperson, Julie Cook.

“Our culture is one of the oldest cultures recorded, but it’s not just for the Aboriginal people now – today, we share this land with the wider community. Sharing our dreaming and stories helps other people understand the importance of looking after this beautiful country we are so lucky to live in here in the Riverland.”

“We all need to work together as one to protect it, so RMMAC placed our rangers there to do just that – to protect the land and keep our culture strong. Heidi and Bill who have been employed as the Rangers are both really enjoying it so far!”

In the long-term, the Rangers will establish Aboriginal Cultural Awareness and Education programs; conduct walking tours, special events and cultural orientation as needed and manage operations around the lake.

They will also provide guidance and support for the Council for activities in and around the lake and help with natural resource management duties such as rehabilitation of areas of significance; monitoring species, habitats and ecological communities and help with weed and pests control.

Native title claims update

We currently have 20 native title applications for determinations of native title (and one non claimant application) in South Australia.

Claims update
(claims listed for trial)

Walka Wani Oodnadatta No.1 and No.2 and Arabana No.2
Trial is part heard with closing submissions in March 2021.

Wirangu No.2 and Wirangu No.3
These claims are divided into Part A and Part B. Part A was listed for a consent determination in June.

This has now been delayed due to the COVID-19 pandemic. Part B (an overlap with Nauo No.3) is listed for trial starting July 2021. Compliance with Court orders is ongoing. It is hoped that this area of overlap will be resolved by consent.

Nauo No.1, Nauo No.2 and Nauo No.3
State Counsel is considering material provided by the Applicant. See above also for the listing of Nauo No.3 and Nauo. Strike out by State Government and Nauo of Barngarla Southern Eyre Peninsula Claim was heard in July.

Ngadjuri No.2 and Wilyakali
Native title reports and supplementary reports have now been provided to the State. The overlap area (Part B) is listed for trial commencing 8 March 2021.

First Nations of the South East No.1 and No.2 and Ngarrindjeri
State has positively assessed the native title reports from South East applicants. Claim likely to settle by consent. Overlap has now been listed for trial after mediation was unsuccessful. Trial commencing May 2021.

Other claims

Narungga Nation
Claim listed for a consent determination in June 2020 which is postponed due to the COVID-19 pandemic. Now likely to happen early next year.

Nukunu and Barngarla
The overlap with Barngarla in the Port Augusta region was successfully mediated with both claims amending their boundaries to remove their overlap. Both matters likely to be determined by consent.

Far West Coast (FWC) Sea Claim
Consent determination resolutions are ongoing.
A new exhibition has opened at Tandanya National Aboriginal Cultural Institute that takes audiences full circle from the first exhibition there in 1989, to its 30th birthday celebrations and reopening after a six and a half month temporary closure due to COVID-19 this year.

Tandanya first opened its doors to the public in 1989 with an exhibition of batik artwork on silk by women from Utopia community in the NT. This year, the Gallery will be celebrating its 30th birthday (a little late, due to COVID-19) with artwork by some of the same women from the same region again gracing the walls.

Atnwengerrp – Our Apmere, Our Place presents works by four generations of artists from the small community of Atnwengerrp, 270km north-east of Alice Springs within the region of Utopia.

The collection of monochromatic artwork is inspired by Country and showcases the entire community of approximately 100 people.

It features work from artists such as 97-year-old Emily Pwerle, who featured in that opening exhibition at Tandanya, and her sisters. The siblings began developing expressions of their Dreamings passed down from generation to generation through painting when a painting workshop was organised for them by their niece, artist Barbara Weir, whose work also features in the show.

Atnwengerrp – Our Apmere, Our Place is presented in collaboration with Pwerle Gallery, a 100% Aboriginal, family-owned company, founded in 2015 by Jade Torres, daughter of art dealer Fred Torres and granddaughter of Barbara Weir (Emily Pwerle’s niece).

Atnwengerrp – Our Apmere, Our Place runs until 21 December 2020

Tandanya open: Monday–Saturday from 10am to 5pm except Thursday 12 and Friday 13 November.

Celebrate NAIDOC Week at Tandanya

Monday 9 November:
12–2pm: Free BBQ & Acoustic Music featuring Nancy Bates
2pm: Free Weaving Workshop

Tuesday 10 November:
11am: Nunga Screen Films – Session #1
2pm: Free Cultural Dance Workshop
6.30pm: Nunga Screen Films – Session #2

Wednesday 11 November:
2pm: Free Workshop

Friday 13 November:
4–10pm: TREATY – SA’s newest First Nations music event, showcasing our best emerging and established First Nations artists. FREE community event, tickets through Moshtix required due to COVID-19 restrictions.

Emily Pwerle with her work at the Atnwengerrp exhibition.

Barbara Weir in front of her artwork at the Atnwengerrp exhibition.

Jade Torres from Pwerle Gallery with her great grand-aunt, 97-year-old Emily Pwerle and grandmother Barbara Weir at Tandanya.

Atnwengerrp by Charmaine Pwerle.
Toolbox Yarns

Once a fortnight at Lot Fourteen, tools are put down at 10am and construction workers file into the open courtyard or an empty room, where they hear from Aboriginal leaders, educators or anyone with a story to share. The talks are no longer than a smoko break (10–20mins), making them easily digestible; then it’s back to work – with plenty to think about.

While the former Royal Adelaide Hospital site is a hub for the wide range of entrepreneurs and the emerging future and creative industries it houses, it’s also the workplace of many construction workers and sub-contractors employed on the next big projects there, such as the Australian Space Agency, and soon the next big projects there, such as the Aboriginal Arts and Cultures Centre.

Designed to build a greater understanding between Aboriginal and non-Aboriginal cultures, the Toolbox Yarns series was created specifically for construction workers and contractors, after stemming from discussions during Reconciliation Week – “why do we only talk about reconciliation and race during this week?”.

The short fortnightly sessions, a partnership between Aboriginal civil construction company RAWsa; Renewal SA’s Lot Fourteen project team and the Kaurna Nation, are open to all construction workers and sub-contractors on-site, offering the opportunity to learn about Aboriginal culture and history at work.

“We’ve had people come in and talk about the repatriation process, preserving cultural heritage, but even just people talking about their experiences growing up on Country; all kinds of things,” said Shane Wanganee, a Kaurna man who works onsite at Lot Fourteen with RAWsa to ensure cultural heritage is preserved through taking site surveys, undertaking cultural mapping, cultural heritage, repatriation and cultural awareness training.

“It’s a good way for people to get to know others onsite that they might not otherwise. It also gets awareness out about what the Kaurna people have gone through from the White Australia Policy right through to getting our native title determination on 21 March 2018. We even had the Premier Steven Marshall come to a recent session”

Simon Jackson, who used to work onsite for Lendlease and was instrumental in setting up the program, agrees that while cultural mapping, cultural heritage, repatriation and cultural awareness training.

“Toolbox Yarns demystifies what can be heavy subject matter. It gives people the chance to talk through things that aren’t often discussed in our day to day. This idea could 100% be replicated on any site and in just about any industry.”


Premier’s appearance at Toolbox Yarns at Lot Fourteen

Premier Steven Marshall, who has responsibility for Aboriginal Affairs and Reconciliation, emphasised the importance of sharing stories and experiences when he spoke at Lot Fourteen’s Toolbox Yarns in early September. He said the Aboriginal Art and Cultures Centre (AACC), now being planned for Lot Fourteen in close partnership with Aboriginal people, would make a major contribution to reconciliation.

“Some people come to reconciliation very quickly, some people take a long period of time, but the more that we can share stories and share experiences, the better off we will be, so that Aboriginal people can understand our perspective and we can understand their perspective and we can work together on this journey of healing and reconciliation.

“We have an opportunity to do something that is globally significant. It will be very important in the reconciliation that we have with Aboriginal people.

“Art itself is a wonderful expression of culture that can be used to preserve stories and songlines, but it’s also a great celebration of that culture for the rest of the world. That’s one of the motivating factors for me for Lot Fourteen and what we want to establish here with the AACC.”

“When I speak to Aboriginal people, they are very proud of their culture, they are very proud of 65,000 years on this continent, nurturing this continent, looking after this land. When you read some of the history of things that happened before colonisation, you do learn a lot more about the wonderful communities and nations that existed here before. What I hope, with the AACC, we can start to celebrate that 65,000 years of Aboriginal stories and songlines.

“I don’t want it to be a gallery which is just ethnographic, with grainy black and white photos of what has happened over time. I think it’s got to be something which celebrates what has happened in the past, recognises that it hasn’t always been good, in fact it’s actually been very brutal and there has got to be a strong element of truth telling in this gallery.

“I hope that you see that what you’re doing in transforming the old Royal Adelaide Hospital site into its new purpose that you are all participating in a very important process of reconciliation for our State, so I just want to say thank you very much for that.

“Hopefully you will get a great sense of pride as this incredible site rolls out over the years and you will be able to say to your kids and your family members as you’re driving past, I was involved in that fantastic transformation,” said Mr Marshall.
Celebrating OUR MOB with paintings and spoken word poetry

“Art is at the heart of many regional and remote communities and we look forward to supporting South Australian Aboriginal and Torres Strait Islander artists throughout this year and into 2021 – when OUR MOB will return.”

Celebrating OUR MOB 2020 will showcase the work of prominent South Australian Aboriginal artists such as Beaver Lennon, Nellie Coulthard, Tony Wilson and Mumu Mike Williams from previous OUR MOB exhibitions.

In its digital accompaniment, contemporary First Nations poets including Courtney Hebberman, Dominic Guerrera and Mandy Brown share their original poems about survival, history and country, conveying the truth of their words through their own voice and performance.

Since 2006, OUR MOB: Art by South Australian Aboriginal Artists has highlighted the quality of art created by First Nations artists from across South Australia’s regional and remote communities as well as Adelaide, boosting their careers and generating sales that go directly to support artists.

Patrons will be able to view the works in person when attending performances at Adelaide Festival Centre, with select pieces available to view online and new videos of poetry performances will be shared online weekly until 26 November via the OUR WORDS Facebook event.

First Nations artists feature on new music from Midnight Oil

Midnight Oil addresses the struggle of Australia’s Indigenous people for acknowledgement and justice in new music released for the first time in 18 years.

The band’s new EP The Makarrata Project features the Yolngu word meaning “a coming together after a struggle, facing the facts of wrongs and living again in peace”.

First Nations musicians helped write the tracks and feature heavily in all of them – and not just as backing vocals. Jessica Mauboy and Gumbaynggirr rapper Tasman Keith lead the way in ‘First Nations’, ahead of music featuring the likes of Dan Sultan, Sammy Butcher, Alice Skye and Frank Yamma. Even Gurrumul Yunupingu sings posthumously on a track.

Front man Peter Garrett said, “It’s been 250 years since Cook landed, when Aboriginal and Islander peoples’ children, land and waters were first taken away. Yet the impacts of the original dispossession are still widely felt. We urgently need to up the ante on Reconciliation generally and follow through on the groundbreaking Uluru Statement. These songs are about recognising that our shared history needs settlement, and that more than ever, as the Statement From The Heart proclaims, we need to walk together to create a better future.”

Proceeds from The Makarrata Project will be donated to support the mission of the Uluru Statement from the Heart.

The Makarrata Project
First Nation (feat. Jessica Mauboy and Tasman Keith)
Gadigal Land (feat. Dan Sultan, Joel Davison, Kaleena Briggs and Bunna Lawrie)
Change The Date (feat. Gurrumul Yunupingu and Dan Sultan)
Desert Man, Desert Woman (feat. Frank Yamma)
Wind In My Head [Makarrata version] (feat Kev Carmody and Sammy Butcher)
Uluru Statement From The Heart (read by Pat Anderson, Stan Grant, Adam Goodes, Ursula Yovich and Troy Cassar-Daley)
Come On Down (feat. Troy Cassar-Daley)

The Break of Dawn by Beaver Lennon.

The Makarrata Project EP from Midnight Oil.
Tarnanthi: Honouring shared knowledge from generations of women

Like many events this year, Tarnanthi has had to meet the challenges, uncertainty and closed borders that have come hand in hand with 2020 head on, but is now open to the public, celebrating the shared knowledge of generations of women.

Tarnanthi, Adelaide’s annual celebration of contemporary Aboriginal and Torres Strait Islander art, features artwork from 87 artists from communities across Australia in its 2020 exhibition Tarnanthi: Open Hands.

The creativity First Nations’ women use to share knowledge across generations is recognised in this year’s Tarnanthi, with recognition of the deep connections made to Country and culture through the art making process.

“Open Hands celebrates the ongoing and often unseen work that women in communities do to maintain culture,” said Artistic Director and Barkandji artist Nici Cumpston, who was awarded the Medal of the Order of Australia (OAM) for service to the museums and galleries sector and to Indigenous art in this year’s Queen’s Birthday Honours.

“Keeping these stories alive and sharing knowledge is deeply embedded within everyday life across Australia.”

The annual Tarnanthi Art Fair has been specially designed as a ‘COVID-safe’ event this year, meaning there’ll be limited opportunities to sift through canvases on tables as over the previous five years. The Fair will still be held from 4–6 December, displaying artwork for sale that has been hand selected by community art centres.

“Creating art is a vital source of income that supports economic empowerment and cultural resilience in remote communities,” said Art Gallery of South Australia Director Rhana Devenport ONZM.

“Through Tarnanthi Art Fair, buyers are guaranteed that every dollar from sales goes directly back to artists and their communities.”

*Naomi Hobson, Southern Kaantju/Umpila people, Queensland, born 1978, Coen, Queensland, The Birthday Skirt ‘I love this! think I’ll wear it to Puchaanu’s birthday party coming up soon.’ Donna, from the series Adolescent Wonderland, 2019, Coen, Queensland, digital print on paper.*

*Image courtesy of the artist and Maruku Arts.*

*Detail: Niningka Lewis, Pitjantjatjara people, Northern Territory, born 1945, north of Areyonga, Northern Territory, Niningka’s Tjukurpa Board II (2020), Mutitjulu, Northern Territory, pyrography and synthetic polymer paint on plywood.*

*Image courtesy of the artist and Redot Fine Art Gallery.*
Tarnanthi will also be going international this year, in collaboration with the APY Art Centre Collective. New work from 34 APY Lands artists will be exhibited at the Musee des Beaux-Arts in Renes, in Brittany, France, occupying an entire floor.

Tarnanthi:
Open Hands exhibition:
16 October 2020–31 January 2021
Art Gallery of South Australia

Tarnanthi Art Fair: 4–6
December 2020, Lot Fourteen

Tarnanthi 2015–2019

• 1.3 million people have attended Tarnanthi exhibitions and events
• Nearly 4,000 Aboriginal and Torres Strait Islander artists have been supported to create and exhibit their art
• 20,000 people have attended the Tarnanthi Art Fair
• $3.4 million in art sales from the Tarnanthi Art Fair
• Nearly 23,000 students and teachers have attended Tarnanthi exhibitions at the Gallery, fostering generational change towards cultural understanding and reconciliation.
Review of Aboriginal Corporations Law submissions closed

The review into the Corporations (Aboriginal and Torres Strait Islander) Act (CATSI Act), announced by the Minister for Indigenous Australians, Ken Wyatt late last year, has now closed for submissions.

The CATSI Act establishes the role of the Registrar of Indigenous Corporations by law, allowing Aboriginal and Torres Strait Islander groups to form corporations. With more than 3,000 Aboriginal and Torres Strait Islander corporations supporting Indigenous communities around the country by delivering services and aiding economic development, particularly in regional or remote areas, the regulatory framework and support to these corporations provided by the CATSI Act is crucial.

The review is building upon results from a Technical Review of the CATSI Act conducted in 2017, but this time has expanded scope to include an assessment of the effectiveness of the Act as a special measure under the Racial Discrimination Act 1975, and to determine if it can better support opportunities for economic and community development for Aboriginal and Torres Strait Islander people.

For further information on the CATSI Act and to stay updated on progress, go to the Office of the Registrar of Indigenous Corporations (ORIC)’s website: www.oric.gov.au

Stronger Partners, Stronger Futures final report

While new mining regulations are being developed by the Department of Energy and Mining, the Stronger Partners Stronger Futures final report has been released, detailing the measures being put in place in response to concerns about land access and early engagement for low impact exploration.

There’s a particular focus in the report around improving Part 9B provision of the Mining Act, the section explaining the requirements for exploring or mining for minerals on native title land in South Australia, with timeframes increased to align with the Commonwealth Native Title Act 1993.

South Australian Native Title Services has been a part of the process from the beginning, aware of the considerable concern about the ‘low-impact’ exploration regime permitted under the current Part 9B provision of the Mining Act, and mindful that Aboriginal people want more engagement up front.

The Department of Energy and Mining says it aims to produce a clear, consistent process for engagement between explorers and native title groups to ensure early engagement and involvement in the decision-making process for identifying and managing any heritage or native title interests.

The Stronger Partners, Stronger Futures program began in 2016 after the Department for Energy and Mining acknowledged that reform was needed in policy and regulation, capacity building and cultural heritage management.

The aim of the program is to better balance the process of mining exploration activities with Native Title and Aboriginal Heritage, and access to land through landowner rights.

The Statutes Amendment (Mineral Resources) Act 2019 will come into effect as of January 2021.

The final Stronger Partners Stronger Futures report is available to read in full on the SANTS website, or the Department of Energy and Mining’s website: www.energymining.sa.gov.au

After the fallout from the Juukan Gorge destruction, even more consideration should be given to the protection of Aboriginal sites with low-impact exploration still high risk for site damage.

STOP THE SPREAD

STAY STRONG

WHAT IS COVID-19 (CORONAVIRUS)?

Covid-19 is an illness caused by the coronavirus. It can be very dangerous for our community.

IF YOU HAVE ANY OF THESE SYMPTOMS:
- Stay at home
- Phone your local health service, or the 24-hour National Coronavirus Information Line on 1800 020 080
- If you need urgent help, call an ambulance on 000 or your local clinic

FURTHER INFORMATION
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**New SANTS Website**

South Australian Native Title Services has a fresh, easy-to-navigate new website!

Come take a look at [www.nativetitlesa.org/our-publications](http://www.nativetitlesa.org/our-publications). You’ll find out more about Native Title in South Australia, our corporation and our services there.

Aboriginal owned and operated digital services agency who helped design and create our new website.

“We appreciate the ongoing support from NIAA including the additional funding which has ensured SANTS can continue to perform its functions under the Native Title Act,” said Mr Thomas.

“I must also thank the Board for their support and guidance in a year which has tested everyone in some way. The SANTS staff have responded to the many challenges throughout the year and continue to strive to achieve the best outcomes for Aboriginal people in South Australia.”

He went on to point out that the work did not stop, despite those challenges, with two new native title claims lodged and consent determinations have been agreed to by the State which will be finalised in the next financial year. SANTS has also been very busy complying with Federal Court Order with eleven matters listed for trial. That is over half of the current 21 active claims. Significant progress was made in compliance with these Orders and seven native title reports were completed in the reporting period. SANTS continues to work closely with the State Government to reach agreements prior to trial. There has been one trial part heard in the reporting period which was then subsequently delayed by COVID-19,” he said.

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“We appreciate the ongoing support from NIAA including the additional funding which has ensured SANTS can continue to perform its functions under the Native Title Act,” said Mr Thomas.

“I must also thank the Board for their support and guidance in a year which has tested everyone in some way. The SANTS staff have responded to the many challenges throughout the year and continue to strive to achieve the best outcomes for Aboriginal people in South Australia.”

He went on to point out that the work did not stop, despite those challenges, with two new native title claims lodged and consent determinations have been agreed to by the State which will be finalised in the next financial year. SANTS has also been very busy complying with Federal Court Order with eleven matters listed for trial. That is over half of the current 21 active claims. Significant progress was made in compliance with these Orders and seven native title reports were completed in the reporting period. SANTS continues to work closely with the State Government to reach agreements prior to trial. There has been one trial part heard in the reporting period which was then subsequently delayed by COVID-19,” he said.
I wish to express my condolences on behalf of South Australian Native Title Services to the family and friends of Mr De Rose. I appreciate the opportunity to speak to you all today to talk about Mr De Rose and his involvement in native title.

It may not be known by many, but Mr De Rose has left a remarkable legacy in the recognition of native title in South Australia and Australia. He worked with many other senior men and women to secure native title recognition over De Rose Hill Station but today the story is about Mr De Rose. It was December 1994 when the native title claim was lodged. It was just the third native title claim lodged in South Australia.

The Federal Court trial took place 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. 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.

For the trial Mr De Rose was the No.1 witness. He was born on the station under an ironwood tree in the mid-1940s and grew up, lived and worked with his and other families on De Rose Hill station. His cultural knowledge of country and Tjukurpa was central to the success of the native title claim. Before the trial much work was done on country to gather evidence and to work out the places the Court would visit on country and hear evidence and Mr De Rose was central to all of this.

It was Mr De Rose who insisted that the witness evidence be given in language as he saw it as further demonstration of a strong culture. I feel privileged to have heard Mr De Rose give his evidence as it showed De Rose Hill Station was more than just a cattle station, it brought the land to life with kalaya, malu, and papa Tjukurpa criss-crossing the landscape, and we visited sites including water points which were amazing. Everyone could see that Mr De Rose loved his culture and country and provided strong evidence to support the native title claim. A lawyer said to me that Mr De Rose is the type of witness that every lawyer would like to have, his knowledge of culture and country were undeniable, and he didn’t fall for the tricky questions’ lawyers put to him.

To manage their native title the De Rose Hill Ilpalka Aboriginal Corporation was set up and registered in December 2006. Mr De Rose was a Director from the start and only relinquished his position as a Director because of his failing health. Mr De Rose was a strong contributor to the Corporation and was at his happiest going back on country and was really pleased to be able to get some fencing works done to protect many of the rock holes and other water points from further damage by cattle.

In 2013, a further milestone was achieved for De Rose Hill 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.

Mr De Rose went through everything again with the Tjayiwaru Unmuru claim but all benefitted from the hard work in the De Rose Hill claim and did not have to go to trial because Mr De Rose had given excellent evidence that set the precedent for other claims. Mr De Rose was also a Director Tjayiwaru Unmuru AC.

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 family, his culture and country with us in fighting for the recognition of native title rights and interests. Those times spent on country with Mr De Rose will remain in our hearts. I’m sure Mr DeRose will be fondly remembered by everyone for many years to come.

Keith Thomas, CEO
South Australian Native Title Services

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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
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• 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

Artist in residence at Catherine McAuley School

An artist-in-residence program recently inspired primary school students in Adelaide’s North not just to paint, but so much more.

Catherine McAuley School in Craigmore recently welcomed Pitjantjatjara artist Audrey Brumby and Curator of Indigenu Art Gallery, Tony Straccia in to share culture with their classes.

Students were taught how to represent people, animals and narrative through painting. They also learnt Pitjantjatjara terms for English words, how to create their own stories and convert them into language and even did some cooking.

Principal Belinda Bennett said cultural programs were an integral part of the school community.

“It is our desire to have the students share their knowledge of Aboriginal culture by leading their peers in the activities they have experienced” she said.

“We were delighted Audrey could spend quality time with our students, both Indigenous and non-Indigenous.”

Catherine McAuley School is one of Catholic Education SA’s Elizabeth Mercy Schools Cluster, which also includes St Thomas More School and St Mary Magdalene’s School.

Top right: Artist in residence Audrey Brumby and Indigenu Art Gallery Curator Tony Straccia at Catherine McAuley School. Bottom right: Budding artists working on their own art, inspired by artist Audrey Brumby.