

NGARRINDJERI NATION YARLUWAR-RUWE PLAN

Caring for Ngarrindjeri Sea Country and Culture



Kungun Ngarrindjeri Yunnan

(Listen to Ngarrindjeri People Talking)

Acknowledgements

The following groups and individuals are gratefully acknowledged for their contributions to the development of the Ngarrindjeri Nation Sea Country Plan:

- ~ Ngarrindjeri Tendi (Rupelli George Trevorow, chairperson)
- ~ Ngarrindjeri Heritage Committee (Tom Trevorow, chairperson)
- ~ Ngarrindjeri Native Title Management Committee (Matt Rigney, chairperson)
- ~ Ngarrindjeri Land and Progress Association (Tom Trevorow, chairperson)
- ~ Ngarrindjeri Governance Working Party (George Trevorow, chairperson)
- ~ Ngarrindjeri Natural Resource Management Committee (George Trevorow, chairperson)
- ~ All Ngarrindjeri Elders and people who had input into this plan.
- ~ Steve Hemming (Flinders University), Dermot Smyth (Smyth and Bahrdt Consultants), Margaret Ayre (National Oceans Office), Shaun Berg (Hunt and Hunt), Professor Diane Bell, Patrick Byrt (Roma Mitchell Community Legal Centre), David Sjoberg (Camp Coorong: Race Relations and Cultural Education Centre)

Funding

Funding for the development and publication of this document was provided by the Australian Government's National Oceans Office, as part of the implementation of the South-east regional Marine Plan, with the additional support from the Department of Communications, Information Technology and the Arts, and the South Australian Department for Environment and Heritage.

Photographs

Cover photo courtesy of South Australian Department for Environment and Heritage. Unless otherwise indicated, photos throughout the text were provided by Camp Coorong: Race Relations and Cultural Education Centre (photographers: David Sjoberg and Vespa Tjukonai).

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NGARRINDJERI NATION

SEA COUNTRY PLAN

Caring for Ngarrindjeri Country and Culture

Prepared on behalf of the Ngarrindjeri Nation by

The Ngarrindjeri Tendi

The Ngarrindjeri Heritage Committee

The Ngarrindjeri Native Title Management Committee

Supported by the Ngarrindjeri Land and Progress Association (Inc.)

2007

Dedication

This Sea Country Plan is dedicated to all Ngarrindjeri
Past, Present and Future.

Our respect for all living things and our fight for Truth, Justice and
Equity within our Lands and Waters guides us in the development of this
Sea Country Plan.

May our Spirits find rest and peace within our Lands and Waters.



'A burying of past differences'
Members of the Ngarrindjeri nation at the re-burial ceremony at Goolwa Wharf 17th October 2002¹

¹Photo courtesy of The Times, Victor Harbor, South Australia

Ngarrindjeri Concern for Country

The land and waters is a living body.

We the Ngarrindjeri people are a part of its existence.

The land and waters must be healthy for the Ngarrindjeri people to be healthy.

We are hurting for our Country.

*The Land is dying, the River is dying, the Kurangk (Coorong) is dying
and the Murray Mouth is closing.*

What does the future hold for us?

(Tom Trevor, Ngarrindjeri Elder, Camp Coorong, 2002.)

Ngarrindjeri Vision for Country

Kungun Ngarrindjeri Yunnan

(Listen to what Ngarrindjeri people have to say)

Our Lands, Our Waters, Our People, All Living Things are connected. We implore people to respect our Ruwe (Country) as it was created in the Kaldowinyeri (the Creation). We long for sparkling, clean waters, healthy land and people and all living things. We long for the Yarlumar-Ruwe (Sea Country) of our ancestors. Our vision is all people Caring, Sharing, Knowing and Respecting the lands, the waters and all living things.

Our Goals are:

- *For our people, children and descendants to be healthy and to enjoy our healthy lands and waters.*
- *To see our lands and waters healthy and spiritually alive.*
- *For all our people to benefit from our equity in our lands and waters.*
- *To see our closest friends - our Ngartjis (special animals) - healthy and spiritually alive.*
- *For our people to continue to occupy and benefit from our lands and waters.*
- *To see all people respecting our laws and living in harmony with our lands and waters.*

The Indigenous People of the Lower River Murray, Lakes and Coorong, known as the Ngarrindjeri, first flew and adopted this flag on 21st November 1999 on *Kumarangk* (Hindmarsh Island)



Ngarrindjeri Flag designed by Matt Rigney.

The 18 dots represent the 18 *Laklinyeris* (tribes) that make up the Ngarrindjeri Nation. The spears represent the traditional fishing spears of the Ngarrindjeri. The Boomerang is the Sacred Boomerang that when thrown circles the *Laklinyeris*, informing their clan leaders to attend a Nation Meeting called *Tendi* (which makes and interprets Ngarrindjeri Law). The Blue represents the waters of Ngarrindjeri Country. The Sun gives life. The Ochre colour of the Boomerang represents our Mother - Mother Earth.

About the *Ngarrindjeri Sea Country Plan*

The *Ngarrindjeri Sea Country Plan* has been prepared by Ngarrindjeri people to help government agencies, natural resource managers, researchers, industry and the wider Australian community to better understand and recognise rights and responsibilities to our *Yarluwar-Ruwe* (Sea Country), including the lower Murray River, Lakes, Coorong and adjacent marine and land areas.

Our vision for our Sea Country is based on the relationship between our people and our Sea Country which goes back to Creation. The river, lakes, wetlands/nurseries, Coorong estuary and sea have sustained us culturally and economically for tens of thousands of years.

Owing to the abuse and misuse of Ngarrindjeri lands and waters by non-Indigenous people, and the denial of Ngarrindjeri rights and interests, we now find that, as the Traditional Owners of our lands and waters and all living things, we must stand up and speak out to save our *Ruwe* (Country) before we reach the point of no return.

Part 1 of the *Sea Country Plan* introduces our people and culture and explains our relationship with our Sea Country. Over the last 200 years, there have been attempts to break that relationship with our *Yarluwar-Ruwe* and we continue to feel the pain of these onslaughts.

We have been witnessing the destruction of our precious lands and waters by newcomers who do not understand their new surroundings and who do not or will not respect our rights and obligations to Country.

Part 2 describes the background and processes that led to the development of this *Sea Country Plan*, and outlines the major issues that are addressed later in the document. It explains that this is the second *Sea Country Plan* to be funded by the Australian Government's National Oceans Office² as part of the implementation of the *South-east Regional Marine Plan* that was released in 2004.

Part 3 outlines the issues, objectives, strategies and priority actions that we intend to address to realise our vision for the future of our Sea Country. While some of these strategies and actions may challenge existing management arrangements, they are all consistent with our human rights, cultural rights and cultural obligations, and they are laid out here in keeping with our values of caring and sharing that always has been the Ngarrindjeri way.

Part 4 explores opportunities for partnerships for implementing our *Sea Country Plan*. We review other major plans, policies and laws that have been developed for our Sea Country by government agencies and other organisations. We look for areas of common ground and explain how support for our *Sea Country Plan* can assist government agencies and others to meet their own objectives and commitments, and work towards a more sustainable future for humankind and all living things of creation.

We invite you to read our *Sea Country Plan* carefully and commit yourself to working with us for the benefit of our shared future and for our land and waters upon which we all depend.

George Trevorrow
Rupulle
Ngarrindjeri Tendi

Tom Trevorrow
Chairperson
Ngarrindjeri Heritage
Committee

Matt Rigney
Chairperson
Ngarrindjeri
Native Title
Management
Committee

August 2006

²Now part of the Department of the Environment and Heritage

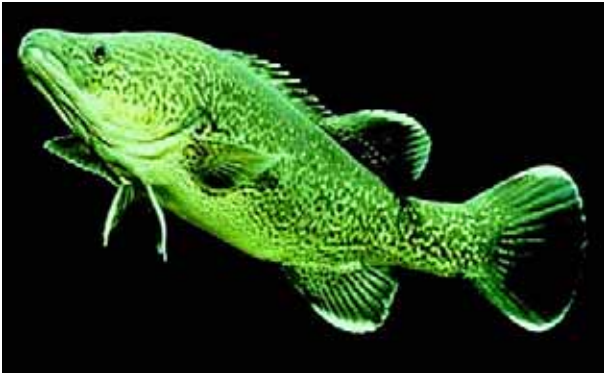
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PART 1: NGARRINDJERI PEOPLE AND COUNTRY

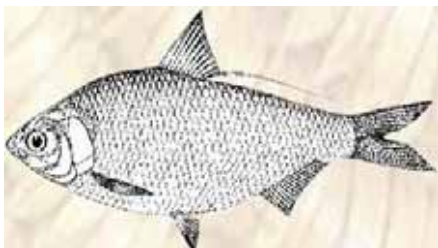
Ngurunderi the Creator

A long, long time ago Ngurunderi our Spiritual Ancestor chased Pondi, the giant Murray Cod, from the junction where the Darling and Murrundi (River Murray) meet. Back then, the River Murray was just a small stream and Pondi had nowhere to go. As Ngurunderi chased him in his bark canoe he went ploughing and crashing through the land and his huge body and tail created the mighty River Murray. When Ngurunderi and his brother-in-law Nepele caught Pondi at the place where the fresh and salt water meet they cut him up into many pieces, which became the fresh and salt water fish for the Ngarrindjeri people. To the last piece Ngurunderi said, “you keep being a Pondi (Murray Cod)”.



Pondi (Murray Cod)

As Ngurunderi travelled throughout our Country, he created landforms, waterways and life. He gave to his people the stories, meanings and laws associated with our lands and waters of his creation. He gave each Lakalinyeri (clan) our identity to our *Ruwe* (country) and our *Ngarrjtis* (animals, birds, fish and plants) - who are our friends. Ngurunderi taught us how to hunt and gather our foods from the lands and waters. He taught us, don't be greedy, don't take any more than what you need, and share with one another. Ngurunderi also warned us that if we don't share we will be punished (see the *Thukeri* story in the box on the right).



Thukeri (Bony Bream)

THUKERI (Bony Bream) Story

A long time ago two Ngarrindjeri men went fishing in a bay near Lake Alexandrina to catch the thukeri mami (bream fish). They set off in their bark canoe to catch the big fat thukeri. They fished and fished until their canoe was over full and they said we have plenty of thukeri we will paddle to shore before we sink. As they paddled to shore they saw a stranger coming towards them so they covered up the thukeri with their woven mats they said this man might want some of our thukeri, when they approached the shore the stranger said to them hey brothers I'm hungry have you got any fish to share, but the two Ngarrindjeri men said no we haven't got many fish we only have enough to feed our families. So the stranger began to walk away then he turned and said you have plenty of fish and because you are greedy and don't want to share you will not enjoy the thukeri fish ever again. As the stranger walked away the two Ngarrindjeri men laughed at him. When the two Ngarrindjeri men unloaded the thukeri on to the banks to scale and clean them, they saw that their nice big fat thukeri were bony and they didn't know what had happened. The two Ngarrindjeri men went home to the campsite in shame and told the Elders what had happened. The Elders were angry and said the stranger was Ngurunderi our Spirit Ancestor and because you two were greedy and would not share with him he has put a curse on our thukeri mami. Now all the Ngarrindjeri people will be punished.

Ngarrindjeri respect the gifts of Creation that Ngurunderi passed down to our Spiritual Ancestors, our Elders and to us. Ngarrindjeri must follow the Traditional Laws; we must respect and honour the lands, waters and all living things. Ngurunderi taught us our *Miwi*, which is our inner spiritual connection to our lands, waters, each other and all living things, and which is passed down through our mothers since Creation.

Our Great Grandmothers, Grandmothers and mothers fought to protect our Spiritual waters from desecration when a bridge to Kumarangk (Hindmarsh Island) was to be built. Now we fear a new proposal to build a twin lakes system in Lake Alexandrina which would further destroy the creation of our lands and waters.



Ngurunderi's Creation Journey

Ngurunderi taught us how to sustain our lives and our culture from what were our healthy lands and waters. Our lands and waters must be managed according to our Laws to make them healthy once again. As the Ngarrindjeri Nation we must maintain our inherent sovereign rights to our *Yarluwar-Ruwe*. Ngarrindjeri people have a sovereign right to make our living from the lands and waters in a respectful and sustainable way.

We are asking non-Indigenous people to respect our traditions, our rights and our responsibilities according to Ngarrindjeri laws.



Pellampellamwallah
Ngarrindjeri woman wearing a rush and fibre cloak. She is carrying fire and a bundle of bulrushes - an important food and fibre source.³



A man of the Milmandura tribe wearing a seagrass cloak⁴



Ngori (pelicans)

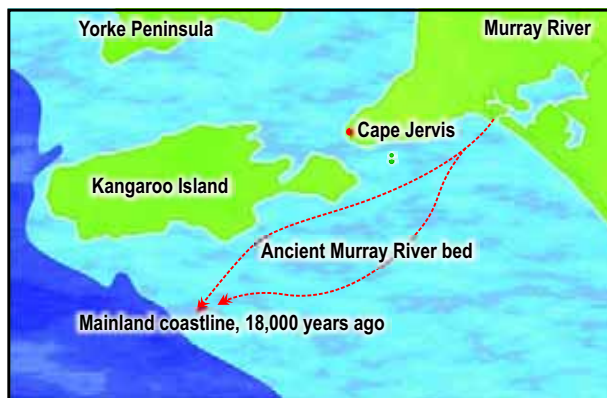
³Artist G.F. Angas (courtesy of South Australian Museum)

⁴Artist G.F. Angas (courtesy of South Australian Museum)

Tens of thousands of years looking after Yarluwar-Ruwe

Ngarrindjeri have occupied, enjoyed, managed and used our inhabited lands and waters, since Creation.

We were here when the sea level began rising about 18,000 years ago, and our ancestors watched the sea flooding over our coastal plains (see map below). We were here when the sea stabilised at its current level about 5,000 years ago. Our Creation stories record these dramatic changes. We were here when the European invaders began stealing our land and our resources; killing our people and our *Ngartjis*, such as *Kondoli* (whale) and *Paingal* (seal); polluting our rivers, lakes and Coorong; and draining our wetlands/nurseries. And we are still here!



Changing coastline over 18,000 years



Making a fishing net at Encounter Bay in 1844. The seated woman is softening the bulrush-root fibre by chewing it; the man is rolling the fibre to make cord for a net like the one on the roof of the whale-bone hut.⁵

⁵Artist G.F. Angas (courtesy of South Australian Museum)

Because of the richness of our natural resources and our sustainable use and management of them, our Sea Country supported among the highest density of Aboriginal population anywhere in Australia prior to European invasion. Our population at that time has been estimated to be about 6,000 people.

Our culture and economy have always depended on the resources of our *Yarluwar-Ruwe*. We used and continue to use the resources of the land, but it was the saltwater and freshwater environments that provided us with most of our needs. Such was the wealth of sea and marine life such as fish, shellfish, eels, waterbirds and water plants that we have always lived a settled lifestyle. Our knowledge of our Sea Country will continue to underpin our survival and our economy. Tendi, our formal governing council, ensured and will continue to ensure our stable and sustainable society, which maintains our obligations to Sea Country.

Our creation stories and oral traditions have been passed down from generation to generation and with them a detailed knowledge of our *Yarluwar-Ruwe*. We developed many tools and other equipment to harvest and process our Sea Country resources, including fish nets, fishing weirs, spears, lines, snare traps, decoys, bark canoes, reed rafts, large floating fishing platforms and

woven baskets. Our capacity for storing food enabled us to organise large gatherings of Ngarrindjeri people to engage in trade, ceremonies and other social activities with neighbouring nations.

Ngarrindjeri people speak a common Ngarrindjeri language. We comprise several peoples, each with particular knowledge about areas of Ngarrindjeri Sea Country. We are all linked through creation stories, creation trails and sites, ceremonies and sacred places. Central to our shared culture is our creator ancestor Ngurunderi whose travels and actions created the River Murray, the lakes, the Coorong and coastal Hummocks, our lands, waters, fish and resources.

Towards the end of his journey Ngurunderi placed his *Yuke* (canoe) into the dark night sky where it became *Warriewar* (the Milky Way). Like other creation stories, Ngurunderi's journey ended at Kangaroo Island from where he ascended into the sky and became the bright star in *Warriewar*. Ngurunderi's story also refers to the role of ancestral women (in this case Ngurunderi's two wives) in creating the Country we know today.

Both men and women hold special cultural and environmental knowledge and both men and women have always been involved, and continue to be involved, in passing down our knowledge between generations and in decision-making about Ngarrindjeri affairs, land waters and resources.

Ngarrindjeri people hold cultural and spiritual connections to particular places, to particular species of animals and plants, and all elements of the environment are part of our kinship system. Particular animal and plant species are the *Ngartji* (totem or special friend) of Ngarrindjeri people, who have special responsibility to care for their *Ngartji*. To care for *Ngartji* is to care for country.



Ngarrindjeri rafts with windbreaks and fires (1840)⁶

⁶Artist A.C. Kelly (courtesy of State Library of South Australia)

The Ngarrindjeri vision for Sea Country has always been the same

The waters of the seas, the waters of the *Kurangk* (Coorong), the waters of the rivers and the lakes are all spiritual waters. The Creation ancestors taught us how to respect and understand the connections between the lands, the waters and the sky. The place where the fresh and salt waters mix is a place of creation where our *Ngartjis* breed. Our women fought to protect these spiritual waters by objecting to the building of the bridge to *Kumarangk* (Hindmarsh Island). Any future plans affecting these waters must respect our cultural traditions and beliefs. We implore non-Indigenous people to respect the *Yarluwar-Ruwe* as it was created in the *Kaldowinyeri* (the Creation).

Our Old People have rejoiced the return to Ngarrindjeri *Yarluwar-Ruwe* of *Kondoli* our whale ancestors. Some of our *Ngartjis* have not returned to our lands and waters. We mourn the loss of our closest friends. We fear for the animals, fish, birds and all living things in our seas and waterways. We hope that the growing awareness of non-Indigenous people will not be too late. We know that many of our *Ngartjis* travel to other countries during certain times of the year and therefore we have a cultural responsibility to care for each other's *Ngartji*, and to care for each other's lands and waters. We have always recognised our responsibilities and connections to other parts of Australia and to distant lands. In

recent times we have learned that our *Ngartjis* travel to places such as Great Turtle Island (North America) and various other countries.

Our Ngarrindjeri Vision for Our Sea Country must remain strong, for the health and survival of our brothers and sisters in distant lands that rely on our Ngartjis - birds, fish and other animals - that are nourished by our Yarluwar-Ruwe and travel over long distances.

The land and waters is a living body. We the Ngarrindjeri people are a part of its existence.

The land and waters must be healthy for the Ngarrindjeri people to be healthy. We say that if *Yarluwar-Ruwe* dies, the waters die, our *Ngartjis* die, then the Ngarrindjeri will surely die.

We ask non-Indigenous people to respect and understand our traditions, our rights and our responsibilities according to Ngarrindjeri laws and to realise that what affects us, will eventually affect them.



Ellen Trevor, Ngarrindjeri Basket Weaver

Impact of European Invasion and Settlement

Since European arrival, terrible crimes have been committed against the lands, the waters and all living things, and against the Ngarrindjeri People. Ngarrindjeri are living with the pain and suffering from the acts of terror and violence that were inflicted upon our Old People. This pain has been passed down to us through the generations. Our lands and waters were stolen, our children were stolen and our Old People's bodies were stolen from our burial grounds.

The first Europeans to arrive on our Country were supposed to make Treaties with Ngarrindjeri for the use, purchase and occupation of our lands and waters. The *Letters Patent of 1836* that authorised the British colonisation of the “Province of South Australia” expressly sought to protect our traditional rights to land and resources in the following words:

.....*Provided Always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.*

These provisions of the *Letters Patent* were the foundation on which the Ngarrindjeri vision for Sea Country could have been built, but sadly the South Australian Company ignored the written orders from King William IV of England.



Letters Patent of 1836 establishing the Province of South Australia



A large Ngarrindjeri *ngowanhi* (hut) on the hill overlooking Raukkan (Point McLeay Mission) on the shores of Lake Alexandrina in about 1880. The hut is a solid construction, with a timber frame and a windbreak extension. Fishing nets and spears can be seen.⁷

⁷Photographer: S. Sweet (Courtesy of South Australian Museum).

In 2003, based on provisions of the *Letters Patent* and similar protections provided in legislation relating to the establishment of the Colony of South Australia, we petitioned the South Australian Government to transfer title of Crown land to Ngarrindjeri people and to negotiate a Treaty with us. So far there has been no response to our genuine request as Traditional Owners of our lands and waters for a Treaty and just settlement. A full transcript of our Ngarrindjeri Proclamation of Dominion is provided on page 52.



Presenting the Ngarrindjeri Petition to the South Australian Governor, Marjorie Nelson-Jackson in 2003

Our contact with Europeans began in about 1810, when sealers operating from Kangaroo Island kidnapped Ngarrindjeri women and introduced venereal diseases. Soon after, other introduced diseases such as smallpox took a heavy toll on our people.

The stealing of our land by the South Australian authorities was illegal according to the instructions of the British Crown. Farmers and other settlers began occupying these stolen lands in about 1840. This was swiftly followed by destructive changes to our environment, the effects of which continue to impact on us today.

Since the 1860s successive South Australian governments have supported the construction of a huge network of agricultural drains in the south-east of our Country. Water that once brought life to a vast expanse of wetlands was drained into the sea, and the Coorong and other inland wetlands have been denied their major source of freshwater. As a result of this destructive land management, the Coorong, for thousands of years a major focus of our culture and economy, began to deteriorate and is rapidly dying today. According to recent

scientific studies two thirds of the Coorong is irreparably damaged.

From 1935 to 1940 the South Australian Government funded the construction of five barrages at the southern end of Lake Alexandrina for the purpose of preventing the flow of saltwater into Lake Alexandrina and the Murray River. Until that time, saltwater mixed with fresh water and sometimes travelled great distances up the river and the ecosystems of the lakes and the river had depended on the mixing of saltwater and freshwater.



Tauwichee Barrage near Murray River mouth

The barrages were built at the request of European landowners and without the consent of Ngarrindjeri people. For the last 65 years we have witnessed the decline in the health, wildlife and other resources of the lakes and the river, made worse by the deliberate introduction of exotic species, such as the European Carp and destructive farming practices such as dairy farming, irrigation, land clearing and cattle and sheep grazing.

In 1859 a Christian Mission was established by the Aborigines' Friends Association at Point McLeay (now Raukkan Community), which provided a refuge for some Ngarrindjeri people who had been forced from their lands. However, missionaries such as George Taplin believed that the only way for Ngarrindjeri people to survive was to adopt European traditions and to become Christians. This meant that our language, traditional belief systems, culture and heritage was not valued by the South Australian government and the majority of the non-Indigenous community, and was undermined by the missionaries. We know that in 1836 the British Crown

recognized our human rights through the *Letters Patent* and our equitable rights as British subjects. We also recognise that some South Australians have long supported, and continue to support, our human rights.

Threats to our traditional beliefs and sacred places have continued into recent times. The proposal to build a bridge to Kumarangk (Hindmarsh Island) during the 1990s directly threatened Ngarrindjeri women's and men's cultural beliefs and cultural sites. The majority of Ngarrindjeri people rejected the unjust outcome of the 1995 Hindmarsh Island Bridge Royal Commission. In 2001, a Federal Court decision by Justice Von Doussa completely contradicted the findings of the Royal Commission, but by then the bridge had been built, our beliefs desecrated and our sites destroyed.

Although Ngarrindjeri have watched the continuing destruction of our lands and waters we will always respect Our Laws of Sharing, Caring and Respect. Because of our knowledge, our inherent rights to our lands and waters, and our Cultural Spiritual responsibility we must be recognised as equal partners in caring and sharing for Country. Until our rights and responsibilities are acknowledged and respected this pain, suffering and continued denial of our inherited rights will be passed down to our children and their children's children.

We seek a just settlement of the past, recognition of our inherent rights in our *Yarlumar-Ruwe* (Our Country), an apology for the pain and suffering inflicted upon us, and compensation that will provide us with the resources to build a healthy future for our children and our grandchildren.

We want to build partnerships, through *Kungun Ngarrindjeri Yunnan Agreements*, on foundations of trust and respect - this is the path our leaders have chosen. We congratulate the vision of the Alexandrina Council in signing the first ever *Kungun Ngarrindjeri Agreement* with the Ngarrindjeri Nation which includes a "sincere expression of sorrow and apology to the Ngarrindjeri people" (reproduced on the following page).

We have long understood that for our rights, culture and heritage to be respected we must actively help the wider community to

understand our history, our traditions, our beliefs and way of life. For more than 20 years we have operated a unique residential cross-cultural awareness and education facility at Camp Coorong, near Meningie. Many thousands of Australian's of all ages and backgrounds have attended courses and workshops at Camp Coorong and we have been encouraged by their willingness to listen to our side of the story and to reassess their own understanding of Australia's history and peoples. To counter ongoing challenges and threats to our cultural beliefs, special places and traditional practices, we will continue to engage in cross-cultural awareness teaching and we look forward to sharing our knowledge of culture and Country with many more Australians and international groups in the years ahead.



Tom Trevorrow, Ngarrindjeri Elder, teaching Ngarrindjeri traditions on *Ruwe*

Our Old People taught us to Share with others. We invite all who respect us to join with us in our responsibility and duty to Care for Country. Let us walk together to build a healthy future for our children, our grandchildren and all generations to come.



Sincere expression of sorrow and apology to the Ngarrindjeri People

To the Ngarrindjeri people, the traditional owners of the land and waters within the region, the Alexandrina Council expresses sorrow and sincere regret for the suffering and injustice that you have experienced since colonisation and we share with you our feelings of shame and sorrow at the mistreatment your people have suffered.

We respect your autonomy and uniqueness of your culture. We offer our support and commitment to your determination to empower your communities in the struggle for justice, freedom and protection of your Heritage, Culture and interests within the Council area and acknowledge your right to determine your future.

We commit to work with you. We acknowledge your wisdom and we commit to ensuring our actions and expressions best assist your work. We accept your frustrations at our past ways of misunderstanding you.

We are shamed to acknowledge that there is still racism within our communities. We accept that our words must match our actions and we pledge to you that we will work to remove racism and ignorance.

We will recognise your leadership, we honour your visions, and we hope for a future of working together with respect for each other.

We look forward to achieving reconciliation with justice.

We ask to walk beside you, and to stand with you to remedy the legacy of 166 years of European occupation of your land and waters and control of your lives.

The work of the Alexandrina Council will be guided by your vision of a future where reconciliation through agreement making may be possible and we may walk together.

The Alexandrina Council acknowledges the Ngarrindjeri People's ongoing connection to the land and waters within its area and further acknowledges the Ngarrindjeri People's continuing culture and interests therein.

Signed for and on behalf of the Alexandrina Council by Mayor
Mr Kym McHugh

Witnessed for the Council by the Chief Executive,
Mr John Coombe

8/10/02

Witnessed for the Ngarrindjeri People by the Rupelle of the Ngarrindjeri Tendi,
Mr George Trevorrow

Witnessed for Ngarrindjeri People by the Chair of Ngarrindjeri Native Title Committee
Mr Matthew Rigney

Witnessed for the Ngarrindjeri People by the Chair of Ngarrindjeri Heritage Committee
Mr Tom Trevorrow

ALEXANDRINA COUNCIL ABN 20 785 405 351 Preserving the Past – Securing the Future

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Climate Change

Ngarrindjeri have long experience with climate change and sea level changes. Our Creation stories tell us about the flooding of our lands and the changes to rivers and coast lines. Our Old People have watched the impacts of the degradation of our lands and waters since European invasion. We recognise the huge impacts of global warming on our lands and waters and all living things.

In recent years we have observed changes in our local environment that tells us that climate change is a reality. We see that the breeding behaviour of birds is changing, and the fruiting and flowering of our bush foods is changing. We have watched our fresh water holes dry up or turn salty and we've seen our coastal camping places and middens washed away by rising sea levels. When we lose these places we lose not only part of our cultural heritage, but we also lose an irreplaceable record of Ngarrindjeri adaptation to climate change in the past.

We have also noticed that some of our animal and plant species have declined in size and abundance, and some species have disappeared altogether.

We support the Kyoto Protocol, and the Ngarrindjeri Nation is willing to work with all levels of governments to reverse the damage done by industrialization, bad farming practices and unsustainable lifestyles.



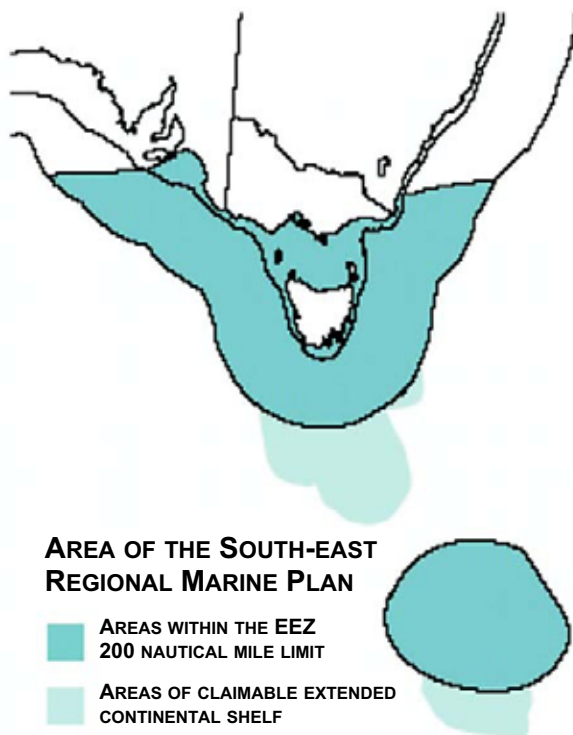
Major Sumner junior netting at *Dapung Talkinjeri* (Long Point) for *Kunmuri* (Coorong Mullet) in 2006⁸

⁸Photo Major Sumner

PART 2: SEA COUNTRY PLANNING

Background

We have developed this Sea Country Plan with the support of the National Oceans Office⁹ as one of the implementation actions of their South-east Regional Marine Plan¹⁰, which covers Australia's ocean waters out to 200 nautical miles from the far south of New South Wales to Kangaroo Island in South Australia (see map below).



The following extract from the National Oceans Office website provides further information on the development of pilot Sea Country Plans in south-eastern and northern Australia.

Development of Sea Country Plans as part of Regional Marine Planning in Australia¹¹

Australia's Oceans Policy recognises the responsibilities and interests of Indigenous peoples in ocean environments. The Policy's objectives include "to involve Aboriginal and Torres Strait Islander peoples in the use, conservation and management of Australia's marine jurisdiction".

The Australian Government, through the National Oceans Office, has taken measures to engage Indigenous people in progressing key goals of Australia's Oceans Policy.

Australia's first Regional Marine Plan - the South-east Regional Marine Plan (SERMP) - was released in 2004. One of the actions identified in the Plan is the development of Sea Country Plans as a potential vehicle for Indigenous involvement in natural resources uses and management.

Sea Country planning aims to help Indigenous people negotiate with other marine managers and users to develop policies and institutional arrangements that are respectful of Indigenous peoples' rights, interests and responsibilities in Sea Country. A Sea Country Plan seeks to marry Indigenous communities' priorities and aspirations with those of other oceans stakeholders to enhance shared investment in sustainable oceans management.

In summary, Sea Country Plans aim to:

- improve Indigenous participation in marine planning and management;
- address a range of cultural, ecological and economic issues and enable Indigenous people to identify opportunities to derive greater social and economic benefit from the management of Sea Country;
- facilitate Indigenous participation in Sea Country management at appropriate geographical and cultural scales; and
- help others develop greater understanding of Indigenous peoples' Sea Country interests and responsibilities.

⁹Now part of the Marine Division of the Australian Government's Department of the Environment and Heritage.

¹⁰http://www.oceans.gov.au/se_implementation_plan.jsp

¹¹http://www.oceans.gov.au/Sea_Country.jsp

In developing the South-East Regional Marine Plan, the National Oceans Office consulted with Indigenous groups around the coast of south-eastern Australia, including Ngarrindjeri people, who were also represented on the Indigenous Uses and Values Working Group established to advise the National Oceans Office during the development of the South-east Regional Marine Plan. In 2002 the National Oceans Office published an Assessment Report titled '*Sea Country - an Indigenous perspective*' which summarised the outcomes of the consultations and provided a review of recent literature on Indigenous interests in marine resource management in southeast Australia.

A clear outcome of the consultation process was that coastal Indigenous peoples wanted a greater role in speaking and caring for the land and sea environments to which they have cultural attachments and obligations. This required developing a planning tool that is appropriate to the cultural and geographic scales that are meaningful to Indigenous people, rather than the jurisdictional or ecological boundaries that have been used in the past.

In response to this need, the National Oceans Office initially funded two pilot Sea Country Plans in south-eastern Australia. *The Kooyang Sea Country Plan* was developed by the Framlingham Aboriginal Trust and the Winda Mara Aboriginal Corporation in south-western Victoria and launched in April 2004.

Preliminary work on the *Ngarrindjeri Sea Country Plan* began in late 2004 and the plan was completed in 2006. The National Oceans Office also funded the development of Sea Country plans at three locations around the coast of the

Gulf of
Carpentaria
as part of the
development
of a Northern
Regional
Marine Plan
in northern Australia.



Pilarki (Callop)

Developing the *Ngarrindjeri Sea Country Plan*

The choice of Ngarrindjeri Country as a possible site for a Sea Country plan was made on the advice of an Indigenous Reference Group for the South-east Regional Marine Plan. The Aboriginal Legal Rights Movement of South Australia (the Native Title Representative Body for South Australia) referred the proposal to Ngarrindjeri Native Title Management Committee for consideration. In November 2004 the Native Title Management Committee (chaired by Mr Matt Rigney) agreed to proceed with the development of a Sea Country Plan with the assistance of a planning consultant (Dermot Smyth) funded by the National Oceans Office and in collaboration with the Ngarrindjeri Heritage Committee (chaired by Mr Tom Trevorrow).

A series of planning meetings, chaired by Mr Tom Trevorrow, were held at Camp Coorong during 2005. A draft version of the *Ngarrindjeri Sea Country Plan* was presented to a working group made up of representatives of Ngarrindjeri people from the Ngarrindjeri Native Title Management Committee, Ngarrindjeri Heritage Committee and Ngarrindjeri Tendi in 2006. The draft plan has also been discussed and developed by the Ngarrindjeri Governance Working Party. Suggestions and amendments made during these discussions were then incorporated into this final version of the plan.



Rangaraltie (Egret) and *Throkuri* (Seagulls)

¹²The Ngarrindjeri representative on the Indigenous Uses and Values Working Group was Mr Henry Rankine from the Point Macleay Community Council.

¹³www.oceans.gov.au/pdf/indigenous_perspective.pdf

¹⁴www.oceans.gov.au/Sea_Country.jsp

Ngarrindjeri Native Title and Sea Country Planning

The Ngarrindjeri Native Title Claim and the development of the *Ngarrindjeri Sea Country Plan* are separate processes. However, because the information and strategies developed in the *Sea Country Plan* are relevant to the exercise of native title it was necessary to involve and seek guidance from the Ngarrindjeri Native Title Management Committee during the planning process.

The Ngarrindjeri native title claim, lodged in 1998, was registered by the National Native Title Tribunal in 2000 (Tribunal File No. SC98/4). The claim area is located approximately 100km east of Adelaide, commencing at a point just north of Murray Bridge, heading west to Cape Jervis and going east along the coast to a point just north of the township of Kingston in the south-east, then east, north-east and then north to the Dukes Highway to Coomandook, then north over Moorlands to Wy-not. The boundary heads north-west passing Fenley Downs before heading north and then due west to just north of Murray Bridge. The claim area extends 1.5 nautical miles (2.7 km) out to sea at the western end, and 1.2 nautical miles (2.2 km) at the eastern end.

We see the development and implementation of our Sea Country Plan as an opportunity to apply our full range of cultural rights and interests, including our native title rights and interests, to the process of looking after Ngarrindjeri Country.

Ngarrindjeri people are aware that we are obliged to share our Country with others who settled here and hence in our native title claim we are not asserting exclusive rights and interests over the claimed area. However, we are seeking proper recognition of our continuing, inherited native title rights and interests, including the right to:

- Full beneficial ownership of the claim area, including possession, occupation, use and enjoyment rights;
- Take, use, enjoy and develop the natural resources of the claim area;
- Make a living and derive economic benefit from the claim area, including to dispose of resources or products of the claim area by commerce or exchange;
- A share of the benefit of resources taken on the claim area by others;
- Make decisions over, manage and conserve the claim area and its natural resources;
- Control access, occupation, use and enjoyment of the claim area and its resources by others;
- Obtain, control, maintain, transmit to others, protect and prevent the dissemination and misuse of cultural knowledge associated with the claim area;
- Conduct social, cultural and religious activities including burials on the claim area.



Map of Ngarrindjeri Native Title Claim area

PART 3: FUTURE MANAGEMENT OF NGARRINDJERI COUNTRY

This section of the *Sea Country Plan* sets out our intentions with regards to the future management of coastal lands and waters. For ease of explanation and to help develop strategic and priority actions we discuss future management under several **Issues**. All these issues are interrelated and they all reflect our intention to meet our cultural obligations to protect and conserve our Country, and our intention to achieve a fair economic benefit from the sustainable use of our Country. For each issue we clearly state our objectives and outline strategies and priority actions to achieve those objectives. Part 4 of the *Sea Country Plan* explores further how those strategies and actions can be implemented through partnerships with government agencies and other organisations.

ISSUE 1: PROTECTED AREAS

The South Australian Government has established numerous protected areas (particularly national parks and conservation parks) over portions of our Country. The Government is also currently developing proposals to establish a network of marine protected areas in coastal waters around South Australia, which will include marine protected areas in our Sea Country.

We acknowledge that the objectives of protected area management have much in common with our own intentions for Caring for Country, and that we are now consulted in some aspects of managing some protected areas. However, none of the existing protected areas on Ngarrindjeri Country were established with our consent and the management arrangements in place do not adequately reflect our rights and obligations to Country.

Some advances have been made towards appropriate Aboriginal involvement in the governance and day to day management of protected areas elsewhere in South Australia, elsewhere in Australia and internationally. We note that current international best practice requires governments to negotiate with and obtain the consent of Indigenous peoples

before protected areas are established on their traditional land and sea areas¹⁵.

Management plans of protected areas tend to focus almost exclusively on their biodiversity values and some archaeological values, with little or no recognition that animals, plants, landscapes and seascapes also possess cultural values which are vitally important to Ngarrindjeri people and which must be taken into account in protected area management.

A further shortcoming of some existing government-managed protected areas is that they establish separate protection and management regimes over terrestrial, marine and freshwater environments, rather than providing integrated management of all these ecologically and culturally interrelated environments.

Existing protected areas within Ngarrindjeri Country include:

- Tilley Swamp Conservation Park
- Gum Lagoon Conservation Park
- Bunbury Conservation Park
- Martin Washpool Conservation Park
- Mount Boothby Conservation Park
- Carcuma Conservation Park
- Ferries-McDonald Conservation Park
- Coorong National Park
- Coorong, Lake Alexandrina and Lake Albert Ramsar Site.



Of these, the Coorong National Park and the Coorong, Lake Alexandrina and Lake Albert Ramsar Site are particularly important to

¹⁵This was one of the recommendations developed at the IUCN World Parks Congress held in Durban, South Africa in 2003. This and other recommendations are further developed in Borrini-Feyerabend, G., Kotharia, A. and Oviedo, G. 2004. *Indigenous and Local Communities and Protected Areas Towards Equity and Enhanced Conservation*, IUCN/WCPA Best Practice Series No. 11 (<http://www.iucn.org/themes/wcpa/pubs/pdfs/guidelinesindigenouspeople.pdf>)

Ngarrindjeri people as they include environments and resources that have been central to our cultural survival for thousands of years. Proposed new protected areas include the Encounter Marine Park, which is discussed further in Part 4 of this *Sea Country Plan*.

Objectives for Protected Areas

Our prime objective is to secure the appropriate recognition of our rights, interests and values in all matters relating to the establishment and management of protected areas within our Country. Such recognition includes:

- Negotiation with and consent by Ngarrindjeri people prior to the establishment of any new protected areas within our Country;
- Hand-back of all existing and future protected areas on our Country (a priority is the hand-back of the Coorong National Park) with agreements setting the terms of future management;
- Recognition of Ngarrindjeri values and knowledge in the development and implementation of all protected area management plans on Ngarrindjeri Country;
- Economic benefit from the management of protected areas, including training and employment of rangers and other staff, and the delivery of cultural interpretation services.



The Narrows
between Lake Albert and Lake Alexandrina

Strategies and priority actions for Protected Areas

1. Negotiate a *Kungun Ngarrindjeri Yunnan Agreement* with the South Australian Department for Environment and Heritage for the recognition of Ngarrindjeri rights, interests and values with respect to all protected areas within Ngarrindjeri Country, including steps towards achieving the objectives listed above.
2. Obtain information and independent advice relating to protected area management arrangements elsewhere in Australia and overseas to assist Ngarrindjeri people to achieve the above objectives.
3. Seek support from other Indigenous organisations, non-government conservation groups and the general public to assist Ngarrindjeri people to achieve the above objectives.
4. As a matter of urgency, negotiate amendments to the plans of management for Coorong National Park and The Coorong, Lake Alexandrina and Lake Albert Ramsar Site to include recognition of Ngarrindjeri rights, interests and values and to incorporate such recognition into a *Kungun Ngarrindjeri Yunnan Agreement*. This will require resources for the Ngarrindjeri governing bodies to conduct research and planning to produce Ngarrindjeri policies and strategies for the new management plans.
5. Explore options for acquiring ownership of Ngarrindjeri Ruwe for management by Ngarrindjeri people as a protected area, either as part of the Coorong National Park or as an Indigenous Protected Area.
6. Request support from the Commonwealth Department of the Environment and Heritage and the South Australian Department for Environment and Heritage to explore opportunities for establishing Indigenous Protected Areas on Ngarrindjeri Country.

ISSUE 2: FISHERIES

Freshwater and saltwater fishing have been fundamental to our cultural economy since time immemorial, and we continue to depend on our freshwater and saltwater resources for our cultural and economic wellbeing. Our knowledge of marine, intertidal, estuarine and freshwater environments has enabled us to sustainably harvest many species of fish and shellfish. Many of these species are *Ngartji* (totems or special friends) for us, are significant for their part in our creation stories and have other cultural values.

Over thousands of years we developed a sophisticated array of fishing technology, including:

- Several different types of nets made from *manangkeri* (bulrush *Typha* sp.) for catching different species of fish;
- Fish hooks made from bone and shell;
- Spears and clubs;
- Stone fish traps;
- Fishing weirs made from branches, stakes or woven rushes.



Kurangk marte marmi winmin (stone fish trap)

We catch fish to feed our people. We also have a long established tradition of smoke-drying fish for trading with our neighbours, and hence commercial fishing has always been part of our cultural economy. In the early days of non-Indigenous settlement we operated a commercial fishing enterprise at Point McLeay (Raukkan) and many Ngarrindjeri people have been employed in the fishing industry over the last 150 years.

We are aware that the Australian Law Reform Commission recommended in 1986¹⁶ that fisheries and other natural resources should be allocated and managed according to the following priorities:

1. Conservation and other identifiable overriding interests;
2. Traditional hunting and fishing;
3. Commercial and recreational hunting and fishing.

Despite these recommendations and our strong cultural and economic connection to the marine and freshwater fisheries in our Country, we have received little recognition in fisheries management in this region and we have benefited little from the economic use of our traditional fisheries resources by others.

Over the years, fisheries laws, regulations and management plans have restricted our traditional use of fishery resources (for example equating our rights, interests and values with those of recreational fishers), while favouring access and unsustainable use of these resources by others. Environmental damage to the Coorong and Murray River has further reduced our access to our traditional fishery resources.

While recent government management plans (such as the *Lakes and Coorong Fishery Management Plan* - discussed further in Part 4) refer to the cultural significance of our environments and resources to Ngarrindjeri people, these plans are grossly inadequate in addressing our rights, interests and values, nor do they provide adequate mechanisms to protect our values and resources from further damage.

Current fisheries management arrangements treat Ngarrindjeri people as “recreational fishers”, with the same rights and interests as a tourist from anywhere in Australia or overseas. The only exception is that an exemption is provided to allow the use of one gill net for the purposes of cultural education activities conducted at our cross-cultural awareness training facility at Camp Coorong. While that exemption is of course welcome, it is far short of adequate recognition of our full rights,

¹⁶Australian Law Reform Commission 1986. *The Recognition of Aboriginal Customary Laws* (Vol 2), pages 200 & 201, Australian Government Publishing Service, Canberra.

interests and values. This arrangement continues to deny the vast majority of Ngarrindjeri people the right to freely practice their culture on their own traditional Country.

Objectives for Fisheries

Our prime objective is to secure the appropriate recognition of our rights, interests and values in all matters relating to the use and management of fisheries resources within our Country. Such recognition can be achieved by:

- Promoting understanding of Ngarrindjeri rights, interests and values within fisheries management agencies, advisory committees, commercial and recreational fishers and the wider community;
- Acceptance in fisheries management plans, legislation and other legal and policy instruments of the Australian Law Reform Commission's priorities for fisheries resource allocations;
- The design and implementation of fisheries management arrangements that truly reflect our cultural obligations to our Country and resources, including appropriate opportunities for Ngarrindjeri people to:
 - ~ continue cultural fishing practices;
 - ~ exercise our traditional decision-making authority over our Country and resources;
 - ~ benefit from the commercial use of those resources;
- A long term commitment by all levels of government and the wider community to repair the appalling damage to our environments resulting from management decisions and actions taken by successive governments since British colonisation.



Kuti (cockles)

Strategies and Priority Actions for Fisheries

We note that the South Australian Government is currently engaged in statewide negotiations to address Indigenous peoples' rights and interests in fisheries use and management, including the revision of the *Fisheries Act 1982*. While we welcome the fact that the Government is at last acknowledging that the Indigenous fishery is distinct and separate from commercial and recreational fisheries, our obligations to our culture and Country require us to directly negotiate the recognition of Ngarrindjeri rights, interests and values with government agencies and others. It is not appropriate or acceptable to address our interests solely via a state-wide negotiation process.

We intend to achieve the objectives listed above through the following strategies and priority actions:

1. Negotiate a *Kungun Ngarrindjeri Yunnan Agreement* between Ngarrindjeri people and the Fisheries Division of Primary Industry Resources, South Australia (PIRSA) stating principles and processes leading to the full recognition of Ngarrindjeri rights, interests and values in the management and sustainable use of fisheries resources in our Country;
2. Implement the above *Kungun Ngarrindjeri Yunnan Agreement* through a series of negotiation meetings, adequately resourced through government funding and independently facilitated. Such a negotiation processes must include a comprehensive review of fisheries management arrangements and options to account for all values associated with fisheries resources (not just ecological and commercial values) and not limited to minor readjustments of existing arrangements (such as merely providing for Indigenous representation on advisory committees);
3. Seek support from PIRSA, commercial fishers and other fisheries stakeholders for the establishment of the Ngarrindjeri Caring For Country Centre, so that we can play an equitable role in the management of fisheries within our region;

4. Seek investors and partners for the establishment of a fish processing plant at Meningie, to provide employment and economic benefits to Ngarrindjeri people and the region;
5. Explore opportunities for the development of aquaculture enterprises on Ngarrindjeri Country and employing Ngarrindjeri people, e.g. cockle farming, fish farming;
6. Host a meeting, or series of meetings, with Fisheries Division of PIRSA and Department for Environment and Heritage with the aim of securing the holistic management of coastal, marine and freshwater environments and resources within our Country;
7. Deliver a cultural awareness program for commercial fishers, recreational fishers and fisheries managers to assist them to understand Ngarrindjeri values associated with Coorong and Lakes fisheries.



Southern Ocean

ISSUE 3: HERITAGE PROTECTION AND MANAGEMENT

We have an enduring obligation to protect and look after Ngarrindjeri cultural heritage throughout our Country. Our cultural heritage includes:

- Our lands and waters and all living things associated with our Country;
- Our sacred sites;
- Our burial sites;
- Our story places and Creation trails;
- Our camping, hunting and gathering places;
- Our language, stories and sacred knowledge;
- Our knowledge of the animals, plants, environments, traditional skills and other cultural practices that have sustained us for thousands of years;
- Our ancient and recent history and our struggle for cultural survival and recognition.

Since the early days of colonisation, our heritage has been threatened by the stealing of our lands and resources, by the removal of our children, by the forced introduction of foreign beliefs and languages, by destructive changes to our environments, by the loss of access to much of our Country, by the spread of settlements and other developments, and by the laws that protect the interests of those who threaten our heritage.

Despite these threats and impacts over the last 200 years we have taken our own measures to ensure that as much Ngarrindjeri cultural heritage as possible will survive into the future, for the benefit of our descendants and for the benefit of the wider Australian community. We have:

- Passed on our cultural knowledge from generation to generation;
- Kept our language alive;
- Continued our unique traditions of weaving, basket-making and other cultural practices;
- Retained our knowledge of the Coorong, the sea, the lakes and the river;

- Continued to know about and use the plants and animals of our Country;
- Maintained our family connections, even when some people have moved far from their Country;
- Negotiated a *Kungun Ngarrindjeri Yunnan Agreement* with Alexandrina Council to protect Ngarrindjeri heritage within Alexandrina Council Area (see Part 4 for further details);
- Achieved the repatriation of the ancestral remains of many of our Old People, who were illegally removed from our burial grounds and stolen from our families by museums, scientists, governments and other institutions and private 'collectors' in Australia and overseas;
- Established and run a unique cross cultural education facility at Camp Coorong that has educated and changed the lives of thousands of children and adults from all over Australia and overseas over the last 20 years.

In spite of these efforts our heritage remains under threat throughout much of our Country. The long legal and political battle over the bridge to Kumarangk (Hindmarsh Island) is a reminder that our heritage continues to be threatened and damaged, and that our struggle to gain adequate protection for our heritage is not over. The Hindmarsh Island business took a devastating emotional and cultural toll on our people, and now we are living with the reality of yet another destroyed Ngarrindjeri sacred site, as well as the legacy of fighting such a public battle over matters that relate to the core of our identity as Ngarrindjeri people. We take some satisfaction that the 2001 report¹⁷ by Federal Court Justice Von Doussa confirmed that the Ngarrindjeri sites and beliefs were threatened and damaged by the building of the Hindmarsh Island Bridge, but we are saddened that such recognition came too late to protect our heritage and still today we have not received an apology or any form of compensation.

While the Hindmarsh Island business is still painful for us, we hope that never again will our heritage be subjected to such willful,

politically sanctioned destruction. We take this opportunity to build collaboration with civilized government agencies and other parties to work with us to protect all aspects of Ngarrindjeri heritage for the good of our shared future.

Objectives for Heritage Protection

Our overriding objective is to protect all Ngarrindjeri heritage values, places and objects. As we no longer control all of Ngarrindjeri Country, we understand that the protection of Ngarrindjeri heritage will require the negotiation of agreements and partnerships with governments at all levels, as well as non-government organisations. To achieve this overriding objective we must:

- Work in partnership with government agencies and the wider community to build respect for Ngarrindjeri heritage as a vitally important component of the heritage of South Australia and Australia;
- Secure sustainable funding and other resources to enable Ngarrindjeri people to properly look after their cultural heritage. This includes, as a matter of urgency, the State government's support for the establishment of a properly resourced Ngarrindjeri Caring for Country Centre;
- Achieve security for all Ngarrindjeri burials and burial grounds in perpetuity;
- Reform cultural heritage management in South Australia to recognise Ngarrindjeri authority over the protection of our heritage values, places and objects.



Talkanjeri Dance Group
Major Sumner, Ken Sumner and Craig Sumner

¹⁷Von Doussa, J., 2001. *Chapmans vs Luminis & Ors*, *Federal Court of Australia*

Strategies and priority actions for Heritage Protection

To achieve the above objectives we propose to work with all levels of government to:

1. Continue and expand our cross-cultural education programs to provide government decision-makers, legislators and the wider community opportunities to understand and respect Ngarrindjeri people and our cultural heritage;
2. Negotiate *Kungun Ngarrindjeri Yunnan Agreements* with all local governments within our Country, and all other agencies with decision-making powers that effect Ngarrindjeri people and heritage;
3. Negotiate heritage agreements with all landholders within our Country to enable us to meet our cultural obligations to protect our heritage and conduct our cultural practices;
4. Negotiate secure burial grounds for repatriated Old People throughout Ngarrindjeri Ruwe. Work with all levels of Government to determine the most appropriate legal method for protecting burial grounds in perpetuity.
5. Negotiate with, and secure funding and other resources from, government agencies to make the South Australian *Aboriginal Heritage Act 1988* workable, enabling the Ngarrindjeri nation to protect our cultural heritage;
6. Seek investment partners from research institutions, governments and others to establish a Ngarrindjeri Wetlands/Nurseries Research Centre, linked to the Caring for Country Centre to become the major research and interpretation centre for our lands and waters, thus providing an opportunity to combine Ngarrindjeri knowledge with scientific knowledge for the better management of our environments.
7. Ensure that the Ngarrindjeri vision for Country is reflected in all Local Area Plans (LAPs) and other NRM plans over Ngarrindjeri Country.
8. Seek public and government support for the reinstatement of the Hindmarsh Island ferry or other water transport to enable Ngarrindjeri people to freely access the island.

ISSUE 4: ECONOMIC BENEFITS FROM COUNTRY

Ngarrindjeri culture developed in one of the most resource-rich regions of Australia, resulting in a population density before British colonisation among the highest anywhere in the country. Our economy has always been based on the sustainable use and trade of our natural resources. Since colonisation, however, Ngarrindjeri people have been marginalised from the economic benefits of those resources, and the resources themselves have deteriorated through unsustainable use and destructive environmental management practices. Commercial fishers, farmers, irrigators and tourism operators have built their industries and wealth from our Country and our resources, while we were forced onto reserves, missions and into fringe camps and to survive in a welfare economy.

We recognise that the new industries are here to stay and we insist that our future must be guaranteed through a just and rightful share in the economic benefits from our Country across all industries.

We welcome training, knowledge, skills and other support to build our economic future. We also recognise that our cultural knowledge and skills will be the foundations of this economic development. Our knowledge of environments, resources, language, cultural practices, history and cross-cultural communication are essential in developing enterprises and partnerships in many industries, including:

- Cultural education and cross-cultural education;
- Research;
- Protected area management;
- Ecological restoration;
- Art and craft teaching and production;
- Museum management;
- Natural resource management, including fisheries management;
- Eco-tourism and cultural tourism;
- Commercial fisheries;
- Fish processing and marketing;
- Aquaculture.

We believe that a just settlement of Ngarrindjeri Country, based on the principles of the *Letters Patent*, will provide the Ngarrindjeri nation with a secure, economically and culturally sustainable future. This will greatly benefit the broader regional economy - a strong, healthy and secure Ngarrindjeri nation will be a driving force in the Lower Murray regional economy.

Cultural and Economic Sustainability

We know that cultural sustainability and economic development must be achieved together. A secure economic future for Ngarrindjeri people must be achieved through the sustainable and culturally appropriate use of our resources, environments, skills and knowledge. To provide the best opportunities for Ngarrindjeri people to use their existing skills and knowledge, and to gain and apply new skills and knowledge our goals are to:

- Ensure that the environments and natural resources within Ngarrindjeri Country are managed according to Ngarrindjeri laws/lore and traditions and respecting Ngarrindjeri rights and interests, thereby ensuring long-term roles for Ngarrindjeri people in the management of Country;
- Strengthen Ngarrindjeri infrastructure, management and controls over the natural and cultural resources in Ngarrindjeri Country (including Ngarrindjeri Sea Country);
- Achieve substantial and sustainable Ngarrindjeri employment in all government agencies with responsibilities for decision-making and management of environments and resources in our Country;
- Achieve substantial and sustainable Ngarrindjeri employment in all industries occurring on our Country;
- Acquire financial support and/or joint venture partners for establishing new commercial enterprises on our Country;
- Develop partnerships with other Indigenous Nations both nationally and internationally.

Strategies and Priority Actions for Economic Benefits from Country

To achieve these goals our intention is to implement the following strategies and priority actions:

1. Negotiate *Kungun Ngarrindjeri Yunnan Agreements* with environmental and natural resource management agencies to ensure that Ngarrindjeri people have the opportunity to be employed in the protection and management of all cultural and natural values of our Country;
2. To enhance the participation of Ngarrindjeri people in all industries in our Country we will collaborate with government agencies and industry associations to negotiate training and employment strategies;
3. Ngarrindjeri will seek investors and partners for the establishment of new commercial enterprises within our Country, offering opportunities for the training and employment of Ngarrindjeri people, including
 - ~ commercial fishing licences
 - ~ fishing processing plants;
 - ~ aquaculture ventures;
 - ~ tourism;
 - ~ the re-establishment of the Hindmarsh Island ferry or other transport, to be operated by Ngarrindjeri people;
 - ~ management of levee banks and re-vegetation of wetland areas;
 - ~ establishment of a Ngarrindjeri Research Centre;
4. Ngarrindjeri will develop a Caring for Country Centre to strengthen culturally appropriate and economically sustainable management of Ngarrindjeri Country.



Ngarrindjeri Elder Neville Gollan
With next generation Phoebe Kartinyeri

ISSUE 5: COLLABORATION WITH OTHER INDIGENOUS PEOPLES

We are mindful that the challenges we face in protecting and managing our environments and resources, and in developing ecologically and culturally sustainable development for Ngarrindjeri people, are shared by many other Indigenous peoples elsewhere in Australia and overseas. Furthermore, we know that we are custodians of migratory animals (for example birds and eels) that are culturally significant not only to Ngarrindjeri people, but also to other Indigenous peoples on whose environments these migratory species depend far away from our Country in northern Europe, in the Pacific and in North America.

We therefore see the benefit of building links with other Indigenous peoples who share our challenges and who share responsibility for our culturally significant species. We have aligned ourselves with all the Indigenous Nations throughout the Murray Darling Basin and have developed alliances, and made exchange visits, with Indigenous groups in the United States of America, Canada and New Zealand. We will maintain and strengthen these alliances and plan to engage with Indigenous groups elsewhere in the world.

We also intend to maintain and build our contacts and cooperation with other Indigenous peoples in Australia, particularly those that are involved with Sea Country management, so that we can exchange ideas and experiences and provide mutual support.

Objectives for Collaboration with other Indigenous Peoples

Our objectives for collaborating with other Indigenous peoples elsewhere in Australia and overseas are to:

- Create opportunities through exchanging ideas, knowledge and experiences in the protection and management of migratory species of shared cultural significance;
- Create opportunities through exchanging ideas, knowledge and experiences in building Indigenous peoples' capacity to protect and manage their environments, resources and cultural heritage;
- Create opportunities through exchanging ideas, experiences and knowledge in building partnerships with government agencies and others in protecting and managing our respective environments and resources;
- Negotiate a Pacific Rim Indigenous Peoples' Treaty for Environmental and Cultural Protection;
- Develop joint projects with other Indigenous nations around Sea Country management.



Rupelli George Trevororrow speaking at the launch of the International year of Eco-tourism on the Coorong in 2001

Strategies & Priority Actions for Collaboration with other Indigenous Peoples

1. We will provide copies of this *Sea Country Plan* to other Indigenous groups in Australia and to Indigenous groups in USA, Canada and New Zealand with whom we are already in contact and with whom we wish to collaborate in future.
2. We will develop a visit/exchange program with other Indigenous groups elsewhere in Australia and overseas to create opportunities through the exchange of ideas, experiences and knowledge relating to:
 - ~ protecting and managing migratory species of shared cultural significance;
 - ~ building our capacities for environmental, natural resource and heritage management;
 - ~ salt and fresh water management, water quality, environmental and cultural flows and negotiating water rights;
 - ~ building partnerships with government agencies, industries and others;
 - ~ options for ecologically and culturally sustainable economic development.
3. We will develop our relationships with other Indigenous nations engaged in Sea Country planning and management, and provide mutual support in the implementation of Sea Country Plans.
4. We will further develop and strengthen our relationships with the Murray Lower Darling Rivers Indigenous Nations (MLDRIN).
5. We will continue to further develop and strengthen our relationships with Indigenous peoples around the Pacific Rim as part of negotiations for an Indigenous Peoples' Treaty for Environmental and Cultural Protection.
6. We will strengthen our formal relationship with the Confederated Tribes of the Umatilla Indian Reservation (Umatilla, Cayuse, Walla Walla).

ISSUE 6: RESEARCH

Ngarrindjeri Country and resources have been researched by universities, museums and government agencies over many decades, for the most part conducted without the informed consent of Ngarrindjeri people. While we have been the subject of research from the early days of British colonisation, we have rarely been full and equal research partners.

In recent years, anthropologists and archaeologists have become more attuned to the need to take a collaborative approach to researching Ngarrindjeri cultural heritage, but most other research disciplines either ignore our rights and responsibilities to the Country and resources that are subject to their research, or engage with us merely as members of the public.

Because of the uniqueness of Ngarrindjeri Country and culture, and because of the severe environmental stresses that have been placed on our Country, we are certain that there will be ongoing research effort by many institutions and many disciplines in the years ahead. Research will therefore continue to be a significant industry within our region. As part of our commitment to the future wellbeing of our Country, all research within our region must adhere to the appropriate Ngarrindjeri cultural protocols and Ngarrindjeri intellectual and cultural property rights. Ngarrindjeri support and approval will only be given to research institutions and disciplines that are prepared to become full and equal research partners. In recent times, Ngarrindjeri have developed a collaborative working relationship with Flinders University.



Grant Rigney and Cyril Trevorow inspecting a midden at Toora Irrigation Area on Murray River¹⁸

¹⁸Photo: Steve Hemming, 2005.

Policy for Research on Ngarrindjeri Country

Policy objectives for research on our Country and resources include:

- To be fully informed about past and present research on Ngarrindjeri Country;
- Mandatory access to outcomes and benefits of research occurring on our Country;
- To approve and participate in any research that occurs on our Country;
- For Ngarrindjeri people to be full and equal research partners;
- For Ngarrindjeri people to be equitably resourced to participate in research;
- To protect Ngarrindjeri Intellectual and Cultural Property Rights;
- To conduct our own culturally appropriate research that is vitally significant to our Country and culture;
- To set the terms of reference for the priorities and programs of institutions conducting research on Ngarrindjeri Country;
- To develop a Ngarrindjeri Nation Research Centre linked to the Ngarrindjeri Caring for Country Centre.



Lake Albert

Strategies and Priority Actions for Research on Ngarrindjeri Country

The following strategies and priority actions are proposed to achieve the above policy objectives for research on Ngarrindjeri Country:

- Negotiate protocols/agreements with key research institutions regarding the conduct and ownership of research on Ngarrindjeri Country;
- Negotiate support from key research institutions, government and non-government organisations for the establishment of Ngarrindjeri Nation Research Centre linked to the Ngarrindjeri Caring for Country Centre;
- Establish mandatory cross-cultural awareness training programs for researchers proposing to conduct research on Ngarrindjeri Country;
- Negotiate protocols/agreements with key research institutions and/or researchers regarding teaching and training on Ngarrindjeri Country that benefits all parties;
- Seek partners to establish cadetships, scholarships and mentoring programs to support young Ngarrindjeri people wishing to train as researchers, managers and cultural educators;
- Establish educational exchange programs with Indigenous nations in Australia, USA, Canada, New Zealand and the Pacific Rim;
- Seek support from key research institutions for the establishment of the Ngarrindjeri Caring for Country Centre.

ISSUE 7: IMPLEMENTING THE SEA COUNTRY PLAN

This *Sea Country Plan* sets out a variety of initiatives and reforms aimed at a more respectful, equitable and sustainable future for Ngarrindjeri people, culture and Country. To achieve these aims we have committed ourselves to engage and negotiate with Local, State and Australian Government agencies, industries and other organisations all of which have access to far greater resources than are currently available to us. We believe that our efforts of protecting culture and Country over thousands of years, including the last 160 years in the face of overwhelming odds, and more recently our efforts in developing this *Sea Country Plan*, demonstrate that we are serious in meeting our commitments. We must have the support of governments and others in building our capacity so that we can negotiate on an equitable basis.

The development of this *Sea Country Plan* has been undertaken by members of the Ngarrindjeri Heritage Committee, the Ngarrindjeri Native Title Management Committee, the Ngarrindjeri Natural Resource Management Committee, the Ngarrindjeri Governance Working Party and the Ngarrindjeri Tendi. While members of these groups have been willing to donate their time and expertise to guide this planning process, it will not be possible to implement the *Ngarrindjeri Sea Country Plan* relying on Ngarrindjeri volunteers alone. We urgently need to establish a formal, properly resourced administrative and management structure (the Ngarrindjeri Caring for Country Centre) to achieve the environmental, natural and cultural resource management initiatives and negotiations outlined in this plan.



Pomeroi (Catfish)

One of the keys to implementing the *Ngarrindjeri Sea Country Plan* will be the nurturing of productive partnerships with a range of government and non-government organisations. The potential for building such partnerships, and building on commitments already made in existing policy and planning documents, is explored further in Part 4 of this plan.

Objectives for Implementing the Sea Country Plan

Our objectives for achieving the mechanisms and resources for implementing the *Ngarrindjeri Sea Country Plan* are:

- To establish the Ngarrindjeri Caring for Country Centre, as part of, or in collaboration with, existing Ngarrindjeri organisations. The functions of the Ngarrindjeri Caring for Country Centre will be to progress the implementation of this plan through negotiation and collaboration with government agencies, industry and non-government organisations and to engage in protection and management of Ngarrindjeri Country under the direction of Ngarrindjeri people.
- To build long-term partnerships with government agencies, research institutions, industries and non-government organisations in recognition of the shared responsibility to achieve the objectives outlined in the *Ngarrindjeri Sea Country Plan*.
- To develop sustainable long-term funding to support the Ngarrindjeri Caring for Country Centre and to support our participation in the partnerships referred to above.

Strategies and priority actions for implementing the Sea Country Plan

The following strategies and priority actions are proposed to implement the *Ngarrindjeri Sea Country Plan*.

1. Seek support from the Commonwealth Department of the Environment and Heritage and the South Australian Department for Environment and Heritage to assist us in the initial stages of implementing this plan through:
 - ~ contributing to the cost of appointing a Caring for Country Coordinator, as the first stage of establishing the Ngarrindjeri Caring for Country Centre;
 - ~ assisting in liaison with government agencies to build partnerships for implementing this plan.
2. Distribute copies of the Plan to all Ngarrindjeri organisations and encourage

all interested Ngarrindjeri people to become involved in the implementation of the Plan;

Negotiate with the South Australian Indigenous Coordination Centre for the development of a Shared Responsibility Agreement or a Regional Partnership Agreement to provide resources for implementing this Plan, including the appointment of the Caring for Country Coordinator and the establishment of the Ngarrindjeri Caring for Country Centre.

3. Distribute copies of the Plan to, and seek support from, all government agencies, industries and non-government organisations with an interest in, and responsibilities for, environmental and resource management on Ngarrindjeri Country in resourcing and supporting the Ngarrindjeri Caring For Country Centre;



Younghusband Peninsula, Southern Ocean, at *Parnka*
- narrow section of ocean side of the Coorong

PART 4: OPPORTUNITIES FOR PARTNERSHIPS

Many environmental and resource management policies and plans have been developed for our Country by government agencies and other resource management groups. We have been involved in the development of some of these plans and policies, but others have been developed with little or no Ngarrindjeri involvement. Nevertheless, most recent plans and policies include some reference for the need to involve Ngarrindjeri people in future environmental and resource management. This section of the *Sea Country Plan* explores opportunities to meet our objectives through building partnerships based on commitments made in existing environmental and resource management plans and policies. In this way, our *Sea Country Plan* not only assists Ngarrindjeri people to exercise our rights and obligations to Country, but it will also assist government agencies and others to meet their commitments to involve Ngarrindjeri people in environmental and resource management.

Over time we wish to be involved in the implementation of every plan and policy that affects Ngarrindjeri Country. In the immediate future we will be seeking to build partnerships based on commitments made in the plans and policies discussed below.



Krawli (Blue Crane)

Natural Resource Management Regional Plans and Investment Strategies

Under the Australian Government's Natural Heritage Trust Phase II arrangements, Australia has been divided into Natural Resource Management (NRM) Regions for the purposes of developing and implementing NRM plans. As the boundaries of the NRM regions have been decided on the basis of ecological and jurisdictional considerations rather than Indigenous cultural perspectives, Ngarrindjeri Country is covered by parts of the following three NRM Regions shown on the map below:

- Mount Lofty Ranges and Greater Adelaide NRM Region (which includes the south-western portion of Ngarrindjeri Country);
- South Australian Murray Darling Basin NRM Region (which included most of Ngarrindjeri Country); and
- South East NRM Region (which includes the south-eastern portion of Ngarrindjeri Country).



NRM Regions in southern South Australia

Mount Lofty and Greater Adelaide NRM Region

The Mount Lofty and Greater Adelaide NRM Regional Plan, released in 2003, covers only a small portion of Ngarrindjeri Country in the vicinity of Cape Jervis (see map below), and to date we have had little involvement in either the development or implementation of the Plan.



Mount Lofty and Greater Adelaide NRM Region

Nevertheless, the Mount Lofty and Greater Adelaide NRM Regional Plan acknowledges the presence of Indigenous cultural values within the region and the need to involve Indigenous people in natural resource management. The NRM Regional Plan specifically refers to the interests of Ngarrindjeri people and the role of the Ngarrindjeri Heritage Committee in protecting heritage values within Ngarrindjeri Country.

The Mount Lofty and Greater Adelaide NRM Regional Plan has a strong focus on the management of various categories of Aboriginal sites (sacred, burial, mythological etc.) and very little emphasis on the broader cultural and economic connection between Aboriginal people and the environments and

natural resources of the Region. However, one of the Goals and associated proposed Key Outcomes of the NRM Regional Plan clearly identifies the need for broad recognition of Indigenous cultural values in NRM management:

Goal¹⁹

Cultural values of Indigenous people in the region recognised and safeguarded in natural resource management programs in the region by Traditional Owners and Non-Indigenous communities.

Key Outcomes Towards Achievement of Goal²⁰

- a) Processes in place to ensure that Indigenous people are consulted and involved in relation to any NRM actions that could have impact upon their cultural values.*
- b) Safeguards in place to ensure that NRM actions do not have negative impact upon Indigenous culture.*

The Mount Lofty and Greater Adelaide NRM Regional Plan also notes that Indigenous cultural values are vulnerable to several threatening processes and that although there is wide community recognition of the need to protect Indigenous cultural values, the regional (largely non-Indigenous) community has not demonstrated the skills or commitment to ensure that Indigenous cultural objectives are taken into account in NRM programs²¹.



Kundawie (Sweet Apple-Berry)

¹⁹Mt Lofty & Greater Adelaide NRM Regional Plan p119

²⁰Mt Lofty & Greater Adelaide NRM Regional Plan p120

²¹Mt Lofty & Greater Adelaide NRM Regional Plan p119

The Mt Lofty and Greater Adelaide NRM Regional Plan identifies the following Recommended Actions²² to meet the above Goal and Outcomes:

- *Identify, record, protect, restore and monitor known or relocated sites and items of archaeological and anthropological, cultural and historical significance in cooperation with Traditional Owners, recognised Heritage Committees, Native Title groups and AARD (Aboriginal Affairs and Reconciliation Department); AARD is now undertaking the role of DOSAA;*
- *Encourage and support archaeological and anthropological studies within the region. All sites located during these surveys should be recorded to the standards agreed between the Traditional Owners, recognised Heritage Committees, Native Title groups and DOSAA;*
- *Empower Indigenous groups to manage their own lands, by providing adequate resources to undertake training and infrastructure development, and ensure that non-indigenous land managers, and communities have an adequate awareness of indigenous cultural values and a commitment to ensuring that those values are taken into account: by June 2004;*
- *Develop and implement protocols for consultation between Indigenous communities and non-indigenous stakeholders regarding natural resource management actions in the MLRGA region: by June 2003;*
- *Ensure that indigenous communities have input to relevant NRM actions to safeguard cultural values and that non-indigenous stakeholders have an understanding of relevant NRM actions to recognise and safeguard indigenous cultural values.*

The implementation of the strategies and actions proposed in this *Ngarrindjeri Sea Country Plan* are largely consistent with the above goals, desired outcomes and recommended actions. We therefore look forward to the support of the Mt Lofty and Greater Adelaide NRM Group in implementing our *Sea Country Plan*, which

will not only assist us in meeting our goals, but will assist the NRM Group to meet their own goals and implement their own recommended actions. We note in particular the recommendation to “Empower Indigenous groups to manage their own lands” is entirely consistent with the establishment of the proposed Ngarrindjeri Caring for Country Centre, and we look forward to the support of the Mt Lofty and Greater Adelaide NRM Group to achieve this goal.

We recommend that an agreement between the Ngarrindjeri nation and the other nation groups making up the Mt Lofty and Greater Adelaide NRM Group is signed to establish the terms of reference for the Indigenous input into the NRM Group. There should be a Kungun Ngarrindjeri Yunnan agreement with the Mt Lofty and Greater Adelaide NRM Board and the Ngarrindjeri Nation to clearly establish the Ngarrindjeri relationship to this body and its functions.



Karla Coastal wattle

²²Mt Lofty & Greater Adelaide NRM Regional Plan p121

South Australian Murray Darling Basin NRM Region

The South Australian Murray Darling Basin NRM Region includes a significant part of Ngarrindjeri Country (see map below). We have had some involvement in the development of the Integrated NRM Group for the South Australian Murray Darling Basin NRM Plan and the subsequent development and implementation of NRM Investment Strategy (Phase 1 published in 2003; Phase 2 published in 2004).



South Australian Murray Darling Basin NRM Region

Under the heading “Recognising the region's Indigenous Custodians”, the NRM Plan acknowledges Indigenous peoples' connection to Country and the benefits of developing partnerships with the region's Indigenous peoples. The NRM Plan refers specifically to continued presence of Ngarrindjeri people and other Indigenous peoples in the region, and notes that:

Much can be learnt from the Aboriginal communities who were the original inhabitants and custodians of this land and its natural resources²³.

This *Sea Country Plan* explains Ngarrindjeri rights and interests to lands and waters and that Ngarrindjeri people will decide what knowledge to share with the non-Indigenous community.

In relation to the protection of Indigenous cultural sites, the NRM Plan also notes that:

There are thousands of known Aboriginal sites in the basin, many of which are listed on the Register of the National Estate. While many of these sites are not found on Aboriginal managed land, all are protected under the Aboriginal Heritage Act 1988. The sites provide archaeological evidence from shell middens, quarries, rock shelters, open camp sites, rock paintings and engravings, burial grounds and the sacred and ceremonial sites. (Processes exist to consult with indigenous groups and to protect these sites, which will form an important early part of planning and implementing projects under this plan.)²⁴

Ngarrindjeri lands and waters are vital to Ngarrindjeri existence. Ngarrindjeri heritage places have spiritual, religious, cultural, social, economic and political importance. This includes 'sites' that are sometimes described as archaeological/anthropological by non-Indigenous people.

Among the recommended actions within the SA Murray-Darling Basin NRM Plan, some initial strategies for Indigenous governance have been identified:

Action CB.2.7: Enhance communication and awareness of Indigenous people available in the region and the input they can provide in NRM;

²³ SA Murray-Darling Basin NRM Plan page 26

²⁴ SA Murray-Darling Basin NRM Plan page ?

Action C2.1: ensure local Indigenous community involvement in managing the coastal zone;

Action I.1.2: Ensure that Indigenous groups are represented on all sub-regional groups.

In this *Sea Country Plan* we have made it clear that recognition of Ngarrindjeri rights and interests in land and waters is a critical step for the development of just agreements.

Phase 2 of the *Investment Strategy* developed by the Integrated NRM Group for the South Australian Murray Darling Basin identifies as one of its Investment Priorities the need to develop strategic partnerships with Indigenous communities to achieve integrated NRM objectives. This commitment to develop Indigenous partnerships is reflected in the following investment acts for 2004/2005:

A12.13: Develop and implement a community driven consultative process to empower local groups to talk for their particular country;

A12.14: Establish strategic investment linkages to integrate Indigenous participation in integrated NRM with other social and economic programs;

A12.15: Identify sites of cultural and spiritual heritage across the region and link with opportunities for economic development;

A12.16: Support ongoing strategic planning to progress investment from planning to action in Indigenous partnership.

Any NRM research or planning relating to Ngarrindjeri lands and waters will require negotiation with the Ngarrindjeri Nation and cultural knowledge and intellectual property will be owned by the Ngarrindjeri Nation.

The *Investment Strategy* also identifies Ngarrindjeri involvement in the implementation of the Coorong and Lower Lakes Ramsar Management Plan as one of its proposed Actions (A11.1) for 2004/2005.

As the South Australian Murray Darling Basin Integrated NRM Plan *Investment Strategy* for 2004/05 to 2006/07 is currently rolling out, it presents an excellent opportunity for collaboration between the South Australian Murray-Darling Basin NRM Board and Ngarrindjeri people on the implementation of our *Sea Country Plan*. In particular we look forward to support from the Board in the establishment of the Ngarrindjeri Caring for Country Centre as an essential capacity-building mechanism for the implementation of the both the *Sea Country Plan* and the NRM Plan.

The *Ngarrindjeri Sea Country Plan* provides a framework plan for Ngarrindjeri *Yarluwar-Ruwe*. It is the primary planning document for the Ngarrindjeri Nation. We have asked the South Australian Murray Darling NRM Board to sign a Kungun Ngarrindjeri Yunnan (KNY) Agreement that provides a basis for a formal relationship between the Ngarrindjeri and the State of South Australia in the care, control and management of Ngarrindjeri *Yarluwar-Ruwe*. The KNY Agreement and the *Sea Country Plan* have been proposed as the Ngarrindjeri 'protocol' document and 'tools of knowledge'.



Pranggar (Freshwater Reeds)

The South East NRM Region

The South East NRM Region includes the eastern portion of Ngarrindjeri Country (see map below). In developing the Integrated NRM Plan for this Region, the Integrated NRM Group chose to base its goals and objectives with respect to Indigenous issues on consultations previously undertaken for the development of *Sustainable Resource Management: A Strategy for Aboriginal Managed Lands in South Australia* (SAMLISA)²⁵, and hence we have had no direct involvement in the development of the Integrated NRM Plan for this Region.



The South East NRM Region

The South East Integrated NRM Plan recognises the need to protect Indigenous cultural sites both on and off Indigenous-managed lands, and also recognises the importance of environments and resources generally to Indigenous people. The Integrated NRM Plan identifies the following goals, objectives and key outcomes with respect to Indigenous people in the South East Region:

Overall Goal

To protect the land and biodiversity from further degradation whilst recognising and respecting Indigenous interests through the involvement of Indigenous people in natural resource management.

Outcomes Required to Achieve Goal

Outcome 1: Sustainable natural resource management.

Management of land must recognise the priorities and actions set out in the SAMLISA document. This requires increased awareness within the non-Indigenous community about issues affecting Aboriginal managed lands. It includes the management of biodiversity, which is essential to maintain the capacity of the land and waters to sustain Indigenous communities.

Outcome 2: Recognition of Indigenous cultural values.

Recognition by non-Indigenous landholders that within Indigenous society, natural and cultural values of land and waters are interwoven. Consequently these cannot be separated as occurs in non-Indigenous society.

Outcome 3: Management support.

Increased support to access funds for land management projects that address Indigenous land management priorities. In particular, frameworks that allocate land management funds must address and respect the social, environmental and economic benefits that are delivered by funding such projects.

Outcome 4: Building partnerships.

A successful outcome in any project requires the cooperation of all the relevant stakeholders. The application of this principle also applies to Aboriginal communities. Stakeholders must recognise that Aboriginal communities are equally concerned about sustainable natural resource management issues, and that they wish to be involved in addressing any problems. To achieve this goal, effective communication is necessary as well as improving networks with government and non-government organisations. In developing strong effective partnerships with other agencies, non-Indigenous people will recognise the challenges that Aboriginal people face with social and economic issues, in that they differ from those of the wider Community. It will also highlight the benefits

²⁵<http://www.atns.net.au/biogs/A001186b.htm>

that flow to Aboriginal people by addressing sustainable natural resource management, particularly the priorities of Aboriginal people.

In addition, Aboriginal organisations need to recognise the responsibilities and obligations of government agencies and advisory committees relating to natural resource management.

The collaboration of both Indigenous and non-Indigenous parties is the key to successful land management projects.



Wartchi pulyeri (Blue Wren)

With respect to cultural heritage and cultural site management, the South East INRM Plan makes the following observations and commitments:

In addition to many sites located in the South East on Indigenous-held land, there are over four hundred sites recorded for the region that are not found on Aboriginal managed land nor are they recorded on the Aboriginal heritage register. Sites are defined in the Aboriginal Heritage Act 1988 as 'an area of land that is of significance to Aboriginal tradition, Aboriginal archaeology, anthropology or history'. They are protected by that legislation.

Natural resource management should incorporate the understanding that areas that have conservation values often have significant Indigenous cultural heritage values. Development or natural resource management practices can impact on the cultural heritage values of an area. For cultural reasons, sites are often unknown to non-Indigenous people but soil erosion or farming practices may cause archaeological or other materials to become visible. Therefore, to ensure that destruction of these cultural assets does not occur, and to comply

with the Aboriginal Heritage Act 1988, people must engage the assistance of relevant parties.

To achieve this, the following process is recommended:

- 1. Prior to any land management activity or development, landowners and natural resource management personnel should seek advice from the Manager, Heritage Language and the Arts Team at DOSAA (now AARD) to find out if there are any sites on their property.*
- 2. In the event that a site is discovered, it is a requirement of the Aboriginal Heritage Act 1988 that the activity is stopped and reported to DOSAA.*
- 3. DOSAA will provide advice on the management and the appropriate consultation process required with relevant Indigenous custodians of the site.*

Key Threats

- Soil erosion
- Removal of remnant vegetation
- Disturbance by stock
- Developments and management actions without consultation
- Uncontrolled vehicular access, particularly in coastal areas
- Lack of knowledge, understanding and appreciation of cultural values and legal requirements.



Pinyali (Emus)

Overall Goal

To identify, protect and maintain sites of cultural and natural significance to Indigenous people.

Outcomes Required to Achieve Goal
Outcome 1: Indigenous cultural sites protected.

Natural resource management policy makers, planners and managers need to be aware of, and comply with, legislation relating to the protection of cultural sites. There is a requirement to consult with DOSAA (now AARD) for advice and assistance relating to compliance with the Aboriginal Heritage Act 1988, and to consult with Aboriginal Heritage Committees. Details for these committees can be requested from the State Aboriginal Heritage Committee. The involvement of Indigenous people in site protection is important.



Lake Albert

The South East NRM Plan also undertakes to comply with provisions to the *Native Title Act 1993*, with respect to recognising native title rights and interests in all consultation and management processes. As explained in Part 2 of this *Sea Country Plan*, there is a native title claim covering a significant part of the South East NRM region. The Ngarrindjeri Native Title Management Committee and the Ngarrindjeri Heritage Committee have a Memorandum of Understanding to work together on native title and heritage issues and these committees need to be consulted in relation to Ngarrindjeri interests in the region.

We welcome commitments made in the South East NRM Plan and we look forward to working with the South East Integrated NRM Group to achieve the partnerships, cultural heritage management and natural resource management outcomes envisaged in their plan. Similarly, we look forward to the support of the South East Integrated NRM Group in the implementation of our *Sea Country Plan*.

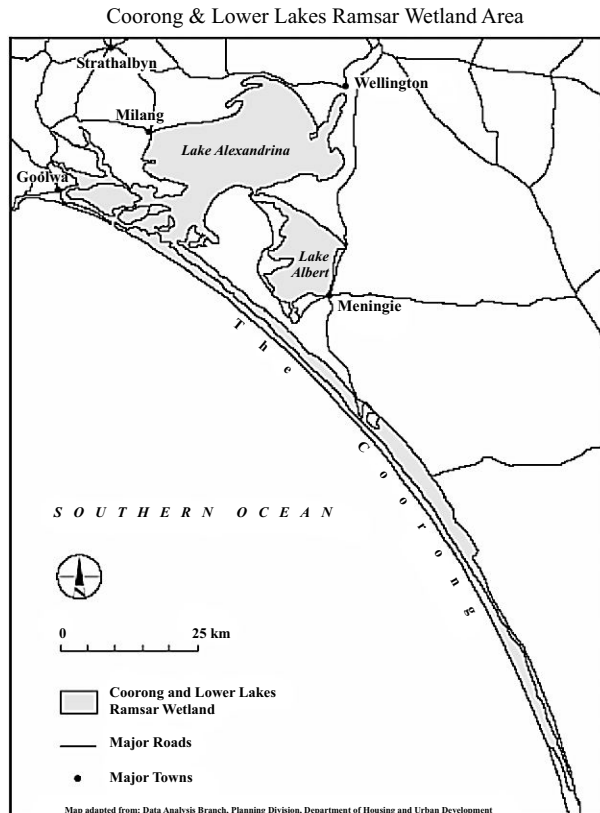
A Kungun Ngarrindjeri Yunnan agreement should be developed with the South East NRM Board .

The Coorong, Lake Alexandrina and Lake Albert Ramsar Management Plan

The Coorong, Lake Alexandrina and Lake Albert were declared a Ramsar site (see map below) in 1985, primarily on the basis of the area's importance as a habitat for migratory birds. The description of the site by the Ramsar Bureau also acknowledges that the site has cultural significance for Ngarrindjeri people.

Ngarrindjeri people participated in the development of the current Coorong, Lake Alexandrina and Lake Albert Ramsar Management Plan (released in 2000) through:

- Representation on the Community Reference Group by Tom Trevorrow, Chair of the Ngarrindjeri Heritage Committee; and
- The submission of a paper providing a consensus of Ngarrindjeri views prepared by the Ngarrindjeri Ramsar Working Group, facilitated by an independent facilitator, and Steve Hemming from Flinders University.



The Ngarrindjeri Ramsar Working Group paper summarises our long cultural and economic attachment to environments within the Ramsar site and our grave concern for its management and decline over the last 150 years. The paper details our particular concerns and recommendations with respect to:

- Water flow and water quality;
- Future management arrangements, including the need for joint management with Ngarrindjeri people;
- Control of future development and public use of the area;
- Cultural heritage and site management;
- Environment and land management;
- Approaches to negotiations with Ngarrindjeri people.

The Ngarrindjeri Ramsar Working Group paper endorses the goals and objectives of Ramsar listing and management, and points out that the implementation of the management plan presents an opportunity for reconciliation. We understood during the Ramsar planning process that the Ngarrindjeri Ramsar Working Group paper would be attached as an Appendix to the final Coorong, Lake Alexandrina and Lake Albert Ramsar Management Plan, and we were extremely disappointed that this did not occur. We were also disappointed that the final Ramsar Management Plan does not adequately explain the extent of our concerns. For example, the section on “*Conflicts of Use*”²⁶ fails to acknowledge ongoing uses and management decisions that directly conflict with Ngarrindjeri rights, interests and values.

Nevertheless we welcome that Objective 2 and associated Strategies and Actions in the Ramsar Management Plan explicitly endorse our requirement for a greater say in the management of our Country, including negotiations towards co-management of Coorong National Park:

²⁶Coorong, Lake Alexandrina and Lake Albert Ramsar Management Plan (2000), page 18.

Objective 2²⁷

Increased opportunities for participation by the Ngarrindjeri people in the planning and management of the Coorong and Lower Lakes Ramsar Wetlands, subject to South Australian Government policy relating to the resolution of native title claims.

Strategies

2.1 Increase the participation of the Ngarrindjeri community in the cultural and environmental management of the Coorong and Lower Lakes Ramsar Wetlands.

Actions

2.1.1 Facilitate a dialogue between the Ngarrindjeri community and the Department for Environment and Heritage (DEH) which provides for greater responsibility for the management of Ngarrindjeri cultural resources in the Coorong and Lower Lakes Ramsar Wetlands by the Ngarrindjeri people.

2.1.2 Work with the Ngarrindjeri community to develop cooperative management arrangements between the Ngarrindjeri community and the managers of the Coorong National Park.

2.1.3 Support and promote the development of an improved negotiated system for the management of Ngarrindjeri cultural sites and heritage places.

The Coorong National Park Management Plan

The Coorong National Park Management Plan was released in 1990 and is currently under review. The Management Plan acknowledges Ngarrindjeri interests in the Coorong area and includes the following management actions to address these interests:

- Undertake collaborative research with Ngarrindjeri people on Aboriginal use of plants;
- Consult with Ngarrindjeri people to record and preserve cultural sites, including middens and burial sites;
- Liaise with Ngarrindjeri people regarding future developments in the Park;
- Encourage public appreciation and understanding of Ngarrindjeri cultural heritage;
- Involve Ngarrindjeri people in the cultural interpretation of the Park;
- Employment of Ngarrindjeri people on Park staff;
- Liaise with Ngarrindjeri people to encourage their greater involvement in Park management programs.



Kurangk (Coorong)

²⁷ Coorong, Lake Alexandrina and Lake Albert Ramsar Management Plan (2000), page 24

These provisions are certainly welcome and Ngarrindjeri people have endeavoured to maintain cordial and cooperative relations with Park management staff over many years. Support from Park staff for the protection of our cultural sites has been particularly appreciated. However, the provisions contained in the current Coorong National Park Management Plan fall a long way short of adequate recognition of our cultural rights and obligations to Country. For example, the Management Plan contains no provision for:

- Traditional uses of resources within the Park;
- Protection of Ngarrindjeri cultural/intellectual property rights;
- Ngarrindjeri decision-making with respect to the management of our traditional Country, including joint management of the National Park;
- Targets or strategies for significantly increasing Ngarrindjeri employment with the Park;
- Ngarrindjeri involvement in fire management;
- Ngarrindjeri involvement in research.

In short, the current Coorong National Park Management Plan is in need of a complete revision through a process of negotiation with Ngarrindjeri people. We are ready to enter into those negotiations as soon as possible, and we look forward to building a more equitable partnership with Park staff and the South Australian Department for Environment and Heritage for the better long term management of our Country. We particularly look forward to strong support from Park staff and the Department in the establishment and operation of the Ngarrindjeri Caring for Country Centre.

The Ngarrindjeri Nation is seeking the hand-back of the Coorong National Park. *The Sea Country Plan* and *Kungun Ngarrindjeri Yunnan Agreement* provide the basis for the development of a new Coorong National Park Management Plan.

Marine Planning

The South Australian Department for Environment and Heritage (DEH) is currently engaged in a process of developing Marine Plans for all coastal waters around South Australia. The Marine Plans will be developed for each of the marine bioregions (see the map below) and will adopt a zoning system to accommodate a range of activities within each Marine Section.



South Australian marine bioregions

While there is a commitment to community involvement in Marine Planning, no specific information is available regarding Indigenous involvement in the planning process or the recognition of Indigenous cultural rights and interests in the zoning plans. We take this opportunity through the *Ngarrindjeri Sea Country Plan* to invite the Coast and Marine Branch of the Department for Environment and Heritage to meet and negotiate with Ngarrindjeri people at the very beginning of any marine planning process that involves our Sea Country.

Marine Protected Areas

The South Australian Government is committed to establishing a system of Marine Protected Areas (MPAs) that includes representative areas from each of the eight marine bioregions identified along the South Australian coast.

The first of the new MPAs will be Encounter Marine Park, which includes the western portion of Ngarrindjeri Sea Country, extends into Backstairs Passage and includes the northern coastal waters of Kangaroo Island.

A Ngarrindjeri representative (Tom Trevor) was invited to be a member of the Community Consultative Committee that advised the South Australian Department for Environment and Heritage during the planning of Encounter Marine Park. However, this process only recognised Ngarrindjeri people as one of many “stakeholders” and has not adequately allowed us to exercise our rights and responsibilities as Traditional Owners and custodians of our Sea Country.

A Draft Zoning Plan for the Encounter Marine Park was released in April 2005. The introduction to the Draft Zoning Plan states:

DEH expressly acknowledges in this Zoning Plan the rights and interests of indigenous Australians within the Encounter Marine Park by providing for the traditional use of marine resources, including traditional hunting, in accordance with Aboriginal and Torres Strait Islander custom and tradition.

While we welcome the intent of this statement, we are disappointed and find it unacceptable that there is no specific acknowledgement that the proposed Marine Park is to be created within Ngarrindjeri Sea Country, and hence that it is Ngarrindjeri rights and interests that should be expressly recognised and protected. Furthermore, we were surprised to discover that the Zoning Plan proposes to expressly acknowledge the rights and interests of Torres Strait Islanders within Ngarrindjeri Sea Country, thousands of kilometres from Torres Strait.

Despite the reassuring statement in the introduction to the Draft Zoning Plan expressly acknowledging the rights and interests of Indigenous Australians, Ngarrindjeri rights and interests will in fact be curtailed if provisions in the Draft Zoning Plan become law. It is proposed to allow access by Traditional Owners to all zones within the Marine Park, but traditional use of marine resources will only be allowed in the General Managed Use Zone and the Habitat Protection Zone. Ngarrindjeri hunting and fishing within Sanctuary Zones and Restricted Access Zones will not be allowed.

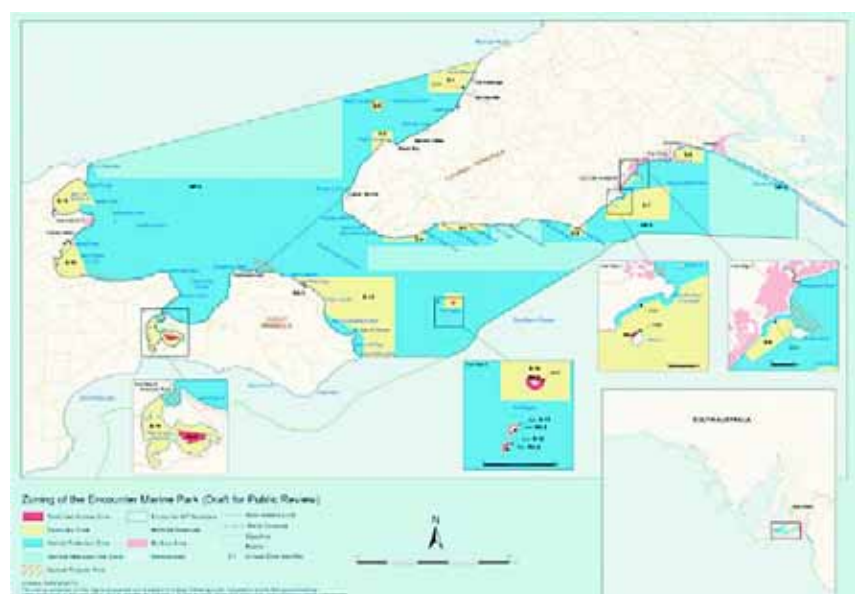
As shown on the zoning map below, there are six proposed Sanctuary Zones in coastal waters between the Murray River Mouth and Cape Jervis, all of which lie within the Ngarrindjeri native title claim area. We are therefore gravely concerned that native title rights and interests, which we expect to be recognised through our native title determination, may be subsequently threatened by provisions in the Encounter Marine Park Zoning Plan.

Other concerns we have about the proposed Encounter Marine Park include:

- The lack of provisions for Ngarrindjeri involvement in the governance and day-to-day management of the Marine Park;
- The absence (so far) of meaningful negotiations to obtain the prior and informed consent of Ngarrindjeri people before proceeding with the declaration of the Marine Park.

The concept of the Encounter Marine Park coincides with many of our goals and responsibilities to look after all the cultural and natural values of our Sea Country, and we have a strong desire to work together with the South Australian Department for Environment and Heritage to bring the concept to fruition. However, for this to happen we must build a partnership based on mutual respect of our values and responsibilities, achieved through sincere and equitable negotiations. Through the implementation of this *Sea Country Plan* we look forward to entering into such negotiations to achieve:

- Mutual consent for declaration of the Marine Park;
- Recognition of Ngarrindjeri rights and interests throughout all areas of the Marine Park that lie within our Sea Country;
- Governance arrangements, including the option of joint management, that truly reflect our rights, interests and obligations to our Sea Country;
- Protection of Ngarrindjeri cultural values as one of the management objectives of the Marine Park;
- Employment and other economic opportunities in the day-to-day management of the Marine Park;
- Strong support from South Australian Department for Environment and Heritage for the establishment of the Ngarrindjeri Caring for Country Centre.



Coorong and Lakes Fisheries Management Plan

The current *Coorong and Lakes Fisheries Management Plan* was released by the Fisheries Division of Primary Industries and Resources, South Australia (PIRSA) in April 2005. The document acknowledges the existence of a Ngarrindjeri fishery that is distinct from the commercial and recreational fisheries, and includes an historical overview of “Traditional Fishing”. The document also acknowledges that Ngarrindjeri people still practice traditional fishing and food gathering in the Lakes and Coorong region.

We are pleased to see that the 'historical' summary includes recognition of the following aspects of Ngarrindjeri interests in fisheries and the Coorong and Lakes environments:

- Our reliance on fisheries goes back tens of thousands of years;
- Our traditional use of fisheries has always included trade in fish resources;
- Our traditional Country includes the lakes and rivers and extends out to sea;
- The use of fish resources by the early [Europeans] settlers (and the commercial and recreational fishers that followed) resulted in competition with Ngarrindjeri people for fish resources throughout the region;
- We continue to practice our traditional fishing today; and
- We also engage in traditional fishing as part of our cross-cultural education programs at Camp Coorong.

The historical summary, however, does not acknowledge our role in commercial fishing since the early days of Europeans, including commercial fishing undertaken by the Raukkan Community and by individual Ngarrindjeri people over many years. The *Coorong and Lakes Fisheries Management Plan* describes the impact of construction of barrages and other developments on the Coorong and Lakes environments, but there is no acknowledgement of the impact of these devastating environmental changes on Ngarrindjeri access to traditional resources, and the wider impacts on Ngarrindjeri life and culture.

Despite acknowledging the existence of a distinct Ngarrindjeri fishery, the *Coorong and Lakes Fisheries Management Plan* is constrained by provisions of the current South Australian *Fisheries Act* and therefore does not provide separate provisions for managing the Ngarrindjeri fishery. As has occurred (unsatisfactorily) for many years, the Ngarrindjeri fishery will continue to be managed as part of the recreational fishery until substantial amendments are made to the *Fisheries Act*.

However, the *Coorong and Lakes Fisheries Management Plan* recognises that:

In a broader context, access to South Australia's fisheries resources by indigenous communities is being considered as part of the current review of the Fisheries Act. It is anticipated that the new legislation will specifically recognise traditional or customary fishing. Furthermore, the State is currently engaged in negotiations with native title claimant representative bodies and the commercial fishing industry in relation to resolving native title claims through negotiated agreements. Both the Act review process and the agreement negotiation process will inform the way that access to fisheries resources by Aboriginal communities is defined and implemented in the Lakes and Coorong Fishery. PIRSA will work closely with the Ngarrindjeri people in the development of any future arrangements.

We look forward to entering into negotiations with PIRSA to meet our objectives outlined in Part 3 of this *Sea Country Plan*, including the establishment and operations of the Ngarrindjeri Caring for Country Centre.



Lake Albert
Ngori (pelican)

Review of the Fisheries Act 1982

The South Australian *Fisheries Act 1982* provides no recognition of Ngarrindjeri fisheries rights and interests, or the existence of any Indigenous fisheries in South Australia. As a result, the traditional Ngarrindjeri fishery is managed as part of the recreational fishery under the Coorong and Lakes Fishery Management Plan. Meanwhile, Ngarrindjeri people continue to fish and gather other resources from the lands and waters according to Ngarrindjeri traditions and laws.

The *Fisheries Act* has been under review for several years and a new Fisheries Bill is anticipated soon. Once completed, the Fisheries Bill will be available for public comment for a period of two months before it goes to State Parliament.

The content of the Draft Fisheries Bill are not known at this stage, but it can be expected that it will contain some form of recognition of Indigenous fisheries, and provide the regulatory mechanism to give effect to Indigenous Land Use Agreement negotiations that are currently underway in South Australia. Ngarrindjeri people have not been involved in those negotiations. We await the Draft Fisheries Bill with great interest and we expect the South Australian Government to negotiate directly with us (as per the *Letters Patent* of 1836) prior to finalisation of the fisheries legislation.



*Kurangk (Coorong)
Kungari (black swans)*

Working with Local Government

We recognise that local governments have a vital role to play in the management of local environments and resources, and we are committed to developing cooperative working relationships with the six local government authorities that operate within the Ngarrindjeri traditional lands and waters (a native title claim covers parts of these lands and waters). These local government authorities are, from west to east:

- Kingston Regional Council
- Coorong District Council
- Rural City of Murray Bridge
- Alexandrina Council
- City of Victor Harbour
- District Council of Yankalilla

In 2003 the South Australian Local Government Association (LGA) adopted the following Policy on Aboriginal Reconciliation, which provides guidance to all local government authorities in the state on their approach to reconciliation and collaboration with Indigenous communities:

LGA Policy 17: ABORIGINAL RECONCILIATION

17.1 Local Government of South Australia reaffirms its commitment to maintaining a culturally diverse, tolerant and open society, united by an overriding commitment to our nation, and its democratic institutions and values.

17.1.1 Local Government acknowledges and recognises:

- *Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.*
- *The loss and grief held by Aboriginal peoples and Torres Strait Islanders caused by alienation from traditional lands, loss of lives and freedom, and the forced removal of children.*
- *The customs and traditions of Indigenous Australians and their spiritual relationship with the land.*
- *The right of Indigenous Australians to live according to their own beliefs, values and customs, and the vital importance of Aboriginal and Torres Strait Islander peoples' contribution to strengthening and enriching the heritage of all Australians.*
- *The need for a partnership approach with Aboriginal and Torres Strait Islander peoples as part of addressing the needs of whole communities throughout Australia.*

17.1.2 Local Government supports:

- The vision as expressed by the Council for Aboriginal Reconciliation of "a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for us all".
- Indigenous and non-Indigenous Australians working together for a national agreement or other instrument of reconciliation.
- The need to improve non-Indigenous understanding of Aboriginal and Torres Strait Islander issues and find new ways to work together in partnership to ensure the principles of equity and access for all members of the Indigenous community to culturally appropriate services and programs.

17.1.3 Local Government commits to:

- Developing and promoting, as appropriate, Indigenous involvement in events and celebrations of significance which respect the dignity and protocols of the local Indigenous community.
- Taking effective action on issues of social and economic concern where they lie within the sphere of interest and responsibility of local government.
- Participating in education processes which enhance the increased knowledge, understanding and appreciation of Aboriginal and Torres Strait Islander culture and heritage and the needs of Indigenous communities.
- Developing strategies that improve the level of participation of Aboriginal and Torres Strait Islander people in local government at all levels.

Ngarrindjeri people support the spirit and intent of the above reconciliation policy. In 2002 we negotiated an agreement (which we call a *Kungun Ngarrindjeri Yunnan Agreement*) with Alexandrina Council, and we seek to achieve similar *Kungun Ngarrindjeri Yunnan* agreements with each of the other local government authorities operating within our traditional Country.

Negotiation of the *Kungun Ngarrindjeri Yunnan Agreement* between Alexandrina Council and the Ngarrindjeri Heritage Committee, Ngarrindjeri Native Title Management Committee, and the Ngarrindjeri Tendi (on behalf of Ngarrindjeri people) arose out of conflicts between development and the protection of Ngarrindjeri cultural sites within the local government area. The agreement includes the following apology from the Alexandrina Council:

Sincere expression of sorrow and apology to the Ngarrindjeri people

To the Ngarrindjeri people, the traditional owners of the land and waters within the region, the Alexandrina Council expresses sorrow and sincere regret for the suffering and injustice that you have experienced since colonisation and we share with you our feelings of shame and sorrow at the mistreatment your people have suffered.

We respect your autonomy and uniqueness of your culture. We offer support and commitment to your determination to empower your communities in the struggle for justice, freedom and protection of your Heritage, Culture and interests within the Council area and acknowledge your right to determine your future.

We commit to work with you. We acknowledge your wisdom and we commit to ensuring our actions and expressions best assist your work. We accept your frustrations at our past ways of misunderstanding you.

We are ashamed to acknowledge that there is still racism within our communities. We accept that our words must match our actions and we pledge to you that we will work to remove racism and ignorance.

We will recognise your leadership, we honour your visions, and we hope for a future of working together with respect for each other.

We look forward to achieving reconciliation with justice.

We ask to walk beside you, and to stand with you to remedy the legacy of 166 years of European occupation of your land and waters and control of your lives.

The work of the Alexandrina Council will be guided by your vision of a future where reconciliation through agreement making may be possible and we may walk together.

The Alexandrina Council acknowledges the Ngarrindjeri People's ongoing connection to the land and waters within its area and further acknowledges the Ngarrindjeri People's continuing culture and interests therein.

The Kungun Ngarrindjeri Yunnan Agreement with Alexandrina Council also includes commitments for:

- Working together to advance harmonious community relations;
- Developing best practice notification and consultations processes regarding future developments;
- Formulating a strategy for Ngarrindjeri people to access our lands on, and waters around, Kumarangk (Hindmarsh Island);
- Deployment of Ngarrindjeri cultural site monitors during excavations works on new developments;
- Authority of Ngarrindjeri cultural site monitors to issue temporary stop work orders if the Ngarrindjeri cultural site monitors hold the reasonable belief that continued excavation work may damage a cultural site;
- Agreed processes to obtain expert assistance on the assessment and protection of any cultural site discovered during excavation work.

We look forward to working together with all the local government authorities in our region and we seek their support in all aspects of implementing our *Sea Country Plan*.

NATIONAL OCEANS OFFICE

In conclusion we wish to express our appreciation for the opportunity presented to us by the National Oceans Office to develop this *Sea Country Plan*. This is the first time that a government environmental agency has supported Ngarrindjeri people to prepare our own plan for our traditional Country. We look forward to continuing to work with the National Oceans Office and other Australian Government and South Australian Government agencies during the implementation of the plan.

***Stitch by Stitch,
Circle by Circle,
Weaving is like the creation of life,
all things are connected.***

(Ellen Trevorrow, Ngarrindjeri Weaver, 2005)



Ngarrindjeri Sister Basket

Proclamation of Ngarrindjeri Dominium

This proclamation was hand delivered to
Her Excellency Marjorie Jackson Nelson, Governor of South Australia,
by four Ngarrindjeri leaders,
George Trevorrow, Matt Rigney, Tom Trevorrow and Ellen Trevorrow
on the 17th December 2003
for presentation to the State Government.

PROCLAMATION of The time immemorial Ngarrindjeri Dominium

Now Being First Notified to

Her Excellency, Marjorie Jackson-Nelson, Governor of South Australia

FOR THE CROWN IN THE RIGHT OF THE STATE OF SOUTH AUSTRALIA

AS REPRESENTED BY EXECUTIVE COUNCIL

FOR AND ON BEHALF OF THE INHABITANTS OF SOUTH AUSTRALIA

Greetings!

1. WHEREAS by statute assented to in 1834 the Crown of the United Kingdom of Great Britain proposed to declare certain lands wrongly presumed by Preamble to be “*waste and unoccupied*” in a “*province of South Australia*” to be established without notice to its Indigenous inhabitant proprietors, to be “*open to purchase by British subjects*” upon its establishment [s.6, South Australia Act 4&5 William IV, cap.95,]; and,
2. WHEREAS in December 1835 at London, the South Australian Colonizing Commission denied on behalf of the promoters of the said *Province* “*this declaration of the legislature as absolutely rebutting, the title of any aboriginal inhabitants of the proposed Colony to the occupation of the Soil*” [C.O.13/3]; and,
3. WHEREAS on 6 January 1836 at London, the South Australian Colonizing Commission agreed to submit “*arrangements for purchasing the lands of the natives*” of “*the province of South Australia*” to the Colonial Office at the request by letter of the Secretary of State for the Colonies, Lord Glenelg; and,
4. WHEREAS in their First Report to the Parliament of the said United Kingdom the South Australian Colonizing Commission agreed that “*the locations of the colonists will be conducted on the principle of securing to the natives [sic] their proprietary right to the soil*”- so as to require cession of any territory to be “*perfectly voluntary*”
[First Annual Report of the South Australian Colonizing Commissioners, House of Commons, 1836 Sessional Papers 36 No. 491, 39 No. 426, pp. 8-9]; and,

5. WHEREAS the said arrangements proposed that the Crown of the United Kingdom of Great Britain allow the opening for public sale in England of “*those lands uninhabited or not in the occupation and enjoyment of the Native race*” in “*the province of South Australia*”; and,
6. WHEREAS the said arrangements proposed that
“*should the Natives occupying or enjoying any lands comprised within the surveys directed by the Colonial Commissioner not surrender their **right** to such lands by a **voluntary sale***”;

Then in that case the Colonizing Commissioners have two duties, namely:

ONE [The first Duty]

“*to **secure** to the Natives the full and undisturbed **occupation** or enjoyment of those lands*”,

and TWO [The Second Duty]

“*to afford them **legal redress** against depredations and **trespasses***”; and,

7. WHEREAS by Letters Patent of 1836 issued to Governor Hindmarsh in London the Crown of the United Kingdom of Great Britain purported to allow the said Colonizing Commissioner to begin embarking British subjects upon certain commercial terms on ships and sail for South Australia on condition

*'that nothing in these Letters Patent contained shall effect or be construed to effect the **rights** of any aboriginal Natives of the said province to the actual **occupation** or enjoyment in their persons or in the persons of their **descendants** of any lands now actually occupied or enjoyed by such Natives'*
[C.O. 13/3]; and,

8. WHEREAS clause 34 of the Instruction to the Resident Colonizing Commissioner guaranteed that
“*no lands which the natives may possess in occupation or enjoyment be offered for sale until previously **ceded** by the natives*”
[The Select Committee on the Aborigines, Report, 19 September 1860, Legislative Council of the Parliament of South Australia, p.5]; and,

9. WHEREAS clause 35 of the said Instructions to the Resident Colonizing Commissioner required that
“*the aborigines are **not disturbed** in the enjoyment of the lands over which they may possess proprietary rights, and of which they are not disposed to make a voluntary sale*” and required
“*evidence of the faithful fulfillment of the bargains or **treaties** which you may effect with the aborigines for the cessation of lands*”
[op.cit.]; and,

BEING APPRISED OF THE INEQUITY WE THEREUPON SUFFER, TAKE NOTICE THAT:

The fundamental relationship between the governed and government in South Australia has never been achieved in a politically democratic, equal and just process over the life of the State, because Aboriginal people lack due Constitutional recognition for their original land rights in the State.

The Constitution of the Parliament of South Australia was drafted by a 19th Century Premier of South Australia, without the full democratic involvement of the people or the community, and without Aboriginal input.

Of main concern for the better future of South Australia is the just, equal and democratic treatment of all South Australians by government, and especially of all Aboriginal people, and in recognition of their prior equity.

At the heart of the principle of a social contract between the people and Government is the right of the community to determine its future by making society accountable to the State, within a just system of laws.

South Australia began in an 1834 Act of a colonising British Parliament in London half- way around the world, and it determined all local Aboriginal people to be *persona nullius*, despite their inherent proprietary rights.

The founding legislation for South Australia was an ignominious start to a 167 year history of infamy for the Aboriginal people, who have never been asked to establish any form of legal relations with the colonising State.

Central to the Wakefield Plan for colonising the Aboriginal lands of South Australia was a repugnance for slavery and the securing of a privileged English social contract for a few, while dispossessing Aboriginal land owners.

Slavery had been abolished in Britain and its colonies from 1833, and the worst fear of the emigrants to South Australia was being found guilty of enslaving the Aboriginal people. To avoid any legal penalty for slavery and to avoid any allegation of slavery, Aboriginal people were deprived of any right or equity to their lands and were refused a social right to work.

This was a specific design especially incorporated in the establishment of South Australia. Although Aboriginal people were British subjects by law, this was only nominal justice, because taking their lands was justified.

The legal doctrine of *terra nullius* refuted by the Mabo judgment was developed by English law to permanently entrench this injustice in the State's legal and constitutional framework, and to deny Aboriginal equity.

There is an urgent need for the people of South Australia to recognise this ignominy of the past and to go forward together with all local Aboriginal people for a better and more just future in community upholding respect.

It is up to the community to extend the hand of partnership and co-operation to all people and groups in the State, and to reform South Australia to be inclusive of everyone's rights.

The traditional way to achieve unison of this nature, both for Indigenous and immigrant cultures alike, is for a social compact or contract to be formulated to establish the peace.

The whole community must be consulted and all interest groups must have a legal right to negotiate with government in the make-up and terms of a rewrite of the State's Constitution.

A bright and just future for all is only based upon an equal and democratic negotiation by all.

Accordingly, as -

THE NGARRINDJERI HAVE ALWAYS **OCCUPIED** THE TRADITIONAL LANDS OF THE
NGARRINDJERI NATION

and,

NGARRINDJERI HAVE NEVER **CEDED** NOR SOLD OUR LANDS AND WATERS,

We ambassadors of the Ngarrindjeri Nation, George Trevorrow, Rupelli of the Ngarrindjeri Tendi, Thomas Edwin Trevorrow, Chairperson of the Ngarrindjeri Heritage Committee, and Matt Rigney, Chairperson of the Ngarrindjeri Native Title Committee, having been properly authorised in the Ngarrindjeri way to make this proclamation on behalf of all Ngarrindjeri, do hereby:

declare and proclaim

our homeland as traditionally delineated, including all waters, foreshore and riverbed thereof,

is now and always has been occupied by Ngarrindjeri.

THEREFORE WE HUMBLY REQUIRE THAT YOUR CROWN FORTHWITH RECOGNISE THE NGARRINDJERI DOMINIUM IN OUR SOIL AND BENEATH OUR WATERS, AS IS OUR ORIGINAL RIGHT AND DOMINION EVIDENCED BY OUR NATIVE RIGHT, AND -

ONE:

Enter a Social Charter with the Ngarrindjeri Nation to inscribe the mutual recognition of our dominium as between the Ngarrindjeri Nation and the Crown within South Australia;
and

TWO:

Present Parliament with a Bill for a Ngarrindjeri treaty to be enacted by indenture, which secures the Dominium of our Ngarrindjeri lands and waters to the perpetual inheritance of the Ngarrindjeri Nation, and which enshrines a Bill of Rights for the advancement of the human rights of all South Australians, and the particular maintenance of the Ngarrindjeri heritage in perpetuity.

Given under our hand and the Public Seal of Ngarrindjeri

as presented to the Governor of South Australia on Wednesday the 17th day of December 2003.

SIGNED:

.....
George Trevorrow, Rupelli of the Ngarrindjeri Tendi

.....
Thomas Edwin Trevorrow, Chairperson of the Ngarrindjeri Heritage Committee

.....
Matt Rigney, Chairperson of the Ngarrindjeri Native Title Committee

Recorded in Register of Ngarrindjeri Proclamations, Vol 2, Page 1

Copy transmitted this day to

The Governor of South Australia [the Representative of the Crown, acting with the advice and consent of the Executive Council].

Her Majesty Queen Elizabeth II, Queen of Australia and the United Kingdom of Great Britain and Northern Ireland.

The Ngarrindjeri Nation calls on the S.A. Government to meet with the Ngarrindjeri leaders and Elders to negotiate a Treaty between both governments.

The Coorong

By Leila Rankine

Land of my father's people,
Place of my ancestors' past,
Never will I forget you,
For you are dear to my heart.

I've climbed your golden sand-dunes,
And walked through your native scrub,
Swum in your sea-green waters,
Watched the birds, in their evening flight.

Oh how my heart is longing
To hear the song of the surf
From the mighty Southern Ocean
Whose shores I often trod.

The many lovely wild flowers
Whose seeds are scattered by the winds
Like a cloak of many colours
Grow there, within your fields.

The midden heaps around me,
The bleached bones on the shore
are fragments of a lifetime
which I yearn to know once more.

Through the wind and sand around me
At night by camp fire bright,
Midst the blue smoke wafting upwards,
I recall my ancestors' life.

Oh the spirit of the long ago
And guardian of the past
As I stand beside your waters
My soul knows peace at last.



Southern Ocean, Youngusband Peninsula, Coorong, Lake Alexandrina
Ngarrindjeri Yarluwar Ruwe (Sea Country)²⁸

²⁸Photo: Alison Eaton, Coast Protection Board