



Ngarrindjeri
Regional Authority

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Ngarrindjeri Position Paper

Lake Albert Scoping Study

14 November 2013

1. Introduction

The Lake Albert Scoping Study is a SA Government supported project scoping management options for the management of salinity in Lake Albert. The Ngarrindjeri Regional Authority (NRA) has been involved in this project through a number of mechanisms including broader Ngarrindjeri community involvement. The NRA has been supported to undertake the development of a Ngarrindjeri position, through extensive community consultation, on the proposed management options. This Paper presents the Ngarrindjeri position.

2. Context

The NRA has been working with the SA Government on a number of projects for several years. This partnership is documented through a number of commitments and processes contained in agreements and high-level State Government plans such as: the Kungun Ngarrindjeri Yunnan Agreement between SA Government and the NRA (2009); and the State Government's Murray Futures Program through the Long-Term Plan for the CLLMM region and its implementation.

These and other positions, such as those included in the Ngarrindjeri Nation Yarlumar-Ruwe (Sea Country) Plan, incorporate fundamental principles of Ngarrindjeri caring for their lands and waters. These principles inform the NRA position on the Lake Albert Scoping Study management actions

3. Position

The Ngarrindjeri People as descendants of the original indigenous inhabitants of the lands and waters of the Murray River, Lower Lakes and Coorong and adjacent

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areas assert control over these lands and waters by the continuation of their culture upon their traditional lands to pursue their economic, social and cultural development of the land and waters located within the boundary of Claim SC 98/4 being the Ngarrindjeri Native Title Claim as described therein ('the Native Title Claim').

The Ngarrindjeri People are the traditional owners [as that term is defined in the Aboriginal Heritage Act, 1988 (SA)] within the area of the Native Title Claim. The Ngarrindjeri People act through their representative bodies being Ngarrindjeri Tendi Incorporated, Ngarrindjeri Heritage Committee Incorporated and Ngarrindjeri Native Title Management Committee. These bodies, with other representative bodies within the Ngarrindjeri community have formed a peak body called the Ngarrindjeri Regional Authority (NRA) Inc for the purpose of coordinating activities and resources of the Ngarrindjeri community and high level interactions with Governments.

The Ngarrindjeri people continue to occupy, enjoy, manage and use their inherited lands and waters within the area of the River Murray, Lower Lakes, Coorong and adjacent areas and have done so since creation. Creation stories and oral traditions have been passed down from generation to generation and with them a detailed knowledge of *Yarluwar-Ruwe* (sea country).

Ngarrindjeri have a unique philosophy regarding the connectivity of country / body / spirit. Ngarrindjeri Ruwe/Ruwar (country / body / spirit) concerns Ngarrindjeri rights and responsibilities as traditional owners and consideration that all things are connected.

Ngarrindjeri also see their homelands as a cultural landscape, shaped during the creation by Ancestral beings and by the management of Ngarrindjeri as custodians of the land.

Ngarrindjeri histories and creations stories document changes in the ecological character of the region since creation.

Ngarrindjeri participation in natural resource management planning undertaken on Ngarrindjeri lands and waters over the past decades has often been impacted by inappropriate engagement and consultation methodologies, and limited resources. Proper recent engagement has generated good results for both Ngarrindjeri and government.

Ngarrindjeri desire to establish more effective ways of working in partnership to ensure cultural values and Ngarrindjeri aspirations are respectfully, equitably and appropriately integrated into natural resource management planning and subsequently implementation.

These Ngarrindjeri philosophies give rise to the following principles, as supported by the Kungun Ngarrindjeri Yunnan Agreement (2009) (KNYA) with the State of South Australia that guides future interactions between NRA and all partners:

1. Respectful processes, time and support to Ngarrindjeri to care for country (that means caring for people, past, present and future)
2. Ngarrindjeri actively involved in planning and review of all management Plans linked to Ngarrindjeri Ruwe / Ruwar – (country/body/spirit)
3. Cultural knowledge and Intellectual Property protected across Ngarrindjeri engagements with government and research organisations
4. Ngarrindjeri cultural values integral to all planning and future management arrangements.
5. Active Ngarrindjeri participation in planning and future management arrangements through employment, education and training opportunities.

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In addition the Ngarrindjeri provide the following in relation to the relevance of water, namely:

A. Ngarrindjeri state:

'The Meeting of the Waters is a fundamental aspect of the Ngarrindjeri world where all things are connected, whether they are living, from the past and/or for future generations. The Meeting of the Waters makes manifest core concepts of Ngarrindjeri culture that bind land, body, spirit, and story in an integrated, interfunctional world. The principles that flow from this cultural system are based upon respect for story, country, the old people, elders and family. The pursuit of these principles is contingent upon maintaining a relationship with country. The violation of these respect principles is manifest through the destruction of Ngarrindjeri yarluwar ruwe (a concept that embodies the connectedness and interfunctionality of their culture) and their effect upon the behaviours and survival of ngatji (the animals, birds and fish). According to these principles and contingent beliefs the "environment" cannot be compartmentalised: the land is Ngarrindjeri and Ngarrindjeri are the land. All things are connected and interconnected. Ngarrindjeri philosophy is based on maintaining the integrity of the relationship between place and person. It is the responsibility of the living to maintain this continuity. The past is not and cannot be separated from the here and now or the future. To break connections between person and place is to violate Ngarrindjeri culture. The objective in undertaking activities upon Ngarrindjeri country should be to not cause violence to Ngarrindjeri culture.'

- B. Ngarrindjeri consider that all things are connected, including the land, water and sky. It is Ngarrindjeri cultural principle that nothing can separate or should separate these things from each other. These are the laws that creation ancestor Ngurunderi used to create order and unity for the Ngarrindjeri People. This includes the creation of the flow of water from up river and into Ngarrindjeri country.
- C. Ngarrindjeri are part of the water. It is life, gives life and is living. The cultural and spiritual relevance for Ngarrindjeri of water as a source of life and as part of the living body is that it flows, within, around and, through Ngarrindjeri country. The exercise of Ngarrindjeri culture rights and the fulfilment of Ngarrindjeri responsibilities include being interconnected with and being part of the living water. The flow of water forms part of the interconnectedness of Ngarrindjeri to their country and the failure of water to flow into their country impacts upon their exercise of rights and their fulfilment of responsibilities as custodians of the land, water and sky.
- D. In accordance with Indigenous Law each and every Indigenous community along the river to the Murray Darling junction has a responsibility to ensure that the waters flow through to Ngarrindjeri lands and water. Each group is interconnected in its responsibility and right to ensure that its care and responsibility of country is fulfilled by the flow of water through its country.
- E. Ngarrindjeri consider they have the first right, a right attached to the exercise of their cultural rights, interests and responsibilities, that precedes all other rights including but not limited to the responsibility of the MDBA and other bodies to allocate water to users. The rights and interests of the Ngarrindjeri require that water flows into their country from up river. This is a right *a priori* to all others and consideration of water allocations should proceed without interference or diminishment of this rights.
- F. Notwithstanding the above right, Ngarrindjeri consider that the management of water by non-Indigenous bodies can include uses which result in allocation and priority being given to specific places which support the cultural spaces such as wetlands

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where birds, fish plants and animals live and breed, and for the allocation of use of water by Ngarrindjeri People for the purpose of cultural and other activities.

- G. Ngarrindjeri are the traditional owners of Registered Site No. 6626-4727 'Meeting of the Waters'. This Aboriginal Site is registered under the Aboriginal Heritage Act 1988 (SA). It includes the Goolwa Channel, the Murray Mouth and the Currency and Finnis Rivers. The natural state of this area requires adequate fresh water flows from up river to flush out the Murray Mouth and ensure that the Ngarrindjeri are able to continue to exercise their cultural rights in this area, including the flushing of the Murray Mouth.

Specifically in relation to the Lake Albert Scoping Study management options the Ngarrindjeri position is that:

1. the waters of the River Murray should be allowed to flow to the sea to ensure a healthy Ngarrindjeri Ruwe/Ruwar (country, body, spirit) and that this a right of the Ngarrindjeri under their native title claim,
2. there exists no support for any form of engineering, construction or breaking of the ground as such is inconsistent with the above principles and positions of the Ngarrindjeri and for this particular project no exceptional circumstances have been made out,
3. Lake cycling appears to be the only effective long term management option for Lake Albert, in line with the above positions, and likely should be maximised through enhanced collaborations between various water management organisations across the Basin, and processes including strategic use of environmental flows and appropriate water allocation principles,
4. If irrigation is to continue around Lake Albert then appropriate practices and water sources need to be strengthened so as to eliminate the dependence on Lake water in a manner consistent with Ngarrindjeri principles. Alternatively other productive uses for the land may need to be explored or considered.
5. If any significant amount of resources are to be allocated to the region these resources should target innovative sustainable social and economic development initiatives. Proposed engineering 'solutions' to address human induced problems lack sufficient certainty of outcome and risk negative impacts on Ngarrindjeri culture and heritage.
6. Development of the next steps of this project including any management plans, prioritisations and business cases fit within the broader CLLLM project and the KNYA. As such the NRA requests direct involvement in these decision making processes specifically with respect to what and how decisions are made.
7. any future developments, explorations or projects in the area need to include appropriate resourcing to enable meaningful Ngarrindjeri participation in a manner which is consistent with their cultural principles.