

Case studies of KNYA implementation

HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

To enable recognition of the significance of Ngarrindjeri cultural values to the Land the signatory Ministers to the KNYA committed to a public acknowledgement of the positive findings of the Federal Court decision in *Chapman v. Luminus* (No. 5) by von Doussa J. The KNYA commitment sought to acknowledge the findings that the cultural beliefs held by Ngarrindjeri persons were genuine beliefs based upon Aboriginal tradition and that this matter had not been fully or properly explored in the Hindmarsh Island Bridge Royal Commission.

In July 2010 during NAIDOC week, former Minister for Water, the Hon. Paul Caica MP made the public acknowledgement of the Federal Court findings to over 100 Ngarrindjeri and local people gathered at Jekejere Park, Goolwa. As part of the acknowledgement Ngarrindjeri Elders led a symbolic walk across the bridge to go some way towards healing the pain and grief caused by the Royal Commission and the construction of the bridge.

CLLMM NGARRINDJERI PARTNERSHIPS PROJECT

The KNYA underpinned the high level of Ngarrindjeri engagement and participation in the Coorong, Lower Lakes and Murray Mouth (CLLMM) Recovery Project. The KNYA committed the Department of Environment, Water and Natural Resources (DEWNR) to engage the Ngarrindjeri Regional Authority (NRA) in the development of the Ngarrindjeri Partnerships Project (NPP), one of the 20 management actions under CLLMM Recovery.

The NRA was supported to lead the development of the NPP's business case to the Commonwealth Government, which ensured the project met the requirements and interests of the CLLMM region's Traditional Owners.

The NRA leads the implementation of the NPP, after both the NRA and DEWNR entered into a long-term \$4.7 million funding and service agreement in 2012. The NPP was designed in line with the intent of the KNYA as well as the Ngarrindjeri Yarluwar-Ruwe (Sea Country) Plan. The NPP is coordinated by the NRA's Yarluwar-Ruwe (NY-R) Program and assists Ngarrindjeri engagement across the CLLMM Recovery Project. The program coordinates Ngarrindjeri natural resource and cultural heritage management matters on behalf of the NRA Board.

CULTURAL KNOWLEDGE CLAUSE BETWEEN NRA AND DEWNR

The KNYA has driven the establishment of a landmark Cultural Knowledge (CK) clause between NRA and the Government of South Australia in 2012 as part of the NRA's engagement in the CLLMM Recovery Project. The KNYA committed the signatory Ministers to negotiate with the Ngarrindjeri to develop an agreement that acknowledges Ngarrindjeri ownership of CK. It ensures that the knowledge is managed consistently with that ownership.

As per the clause, DEWNR acknowledges Ngarrindjeri interests in their own knowledge and endeavours to not knowingly share to other parties, any CK shared with it as part of Ngarrindjeri engagement in the CLLMM Recovery Project. The clause also establishes a categorisation process for any jointly developed publications between DEWNR and the NRA, to ensure that any CK shared is protected and managed appropriately.

CLLMM Recovery Project has developed an internal procedure to guide staff in appropriately implementing the CK clause as well as information sessions. The CK clause is now being replicated in other government engagements with the NRA.

MURRAY BRIDGE ABORIGINAL LEARNING ON COUNTRY

Establishing a new relationship between Ngarrindjeri and the Government of SA is a key aim of the KNYA. In 2013 the KNYA underpinned the establishment of a working group between the NRA and Natural Resources South Australian Murray-Darling Basin (Natural Resources SAMDB). The working group enables Ngarrindjeri engagement across relevant parts of the SAMDB Regional NRM Plan and has also contributed to the establishment of the Murray Bridge Aboriginal Learning on Country (ALoC) project.

This collaboration between Ngarrindjeri, the Rural City of Murray Bridge, NR SAMDB and two local action planning groups is implementing numerous land and water management activities, building partnerships, and increasing the NRM skills and capability of the Ngarrindjeri nation.



SUGAR SHACK WETLAND MANAGEMENT PLANNING

The KNYA was a key driver supporting NRA's engagement in the Australian Government and the South Australian Government's Murray Futures Program. The Ngarrindjeri Partnerships Project (described in the CLLMM Recovery Program above) was mirrored in the Riverine Recovery Project (RRP).

The NRA named their involvement in RRP as Murrundi Recovery, and have been actively engaged in reviewing wetland management plans, ensuring Ngarrindjeri cultural heritage is considered in RRP infrastructure design and endorsement, as well as building the skills and experience of the broader Ngarrindjeri nation in river ecology and engaging with government.

The NRA has supported its founding member organisation, Mannum Aboriginal Community Association Incorporated (MACAI), to engage in Murrundi Recovery and employs two MACAI members to lead the project. MACAI members own and manage the Sugar Shack wetland complex just north of Swan Reach and decided to include it in the RRP. In partnership with DEWNR the NRA has hosted an out-posted DEWNR wetland ecologist to assist the Ngarrindjeri developing their own plan for the complex. The objective of the MACAI's Sugar Shack plan is to as close as possible, return the flow conditions as experienced by her

KNYA WATER WORKSHOP

Improving Ngarrindjeri engagement in water related matters is a key objective of the KNYA Taskforce Strategic Implementation Plan. NRA and DEWNR collaborated in 2014 to deliver the second Water Workshop, held at Roonka on the 25-26 February. The workshop had three aims:

- Consider how to better recognise Ngarrindjeri interests in water planning and policy.
- Develop an engagement strategy to assist implementing the Murray-Darling Basin Plan.
- Continue a two way education process between Government and Ngarrindjeri relating to water.

A range of issues were discussed including Aboriginal participation in water decision making processes, Indigenous water allocations, and integrating Aboriginal objectives and values into water planning. The discussions will be used to inform the development of an engagement strategy between the NRA and DEWNR, to guide the implementation of Aboriginal engagement requirements of the Murray-Darling Basin Plan, as well as other matters such as support for ongoing Aboriginal engagement in water management.

SIR RICHARD PENINSULA INDIGENOUS HERITAGE PROJECTS

In later 2013 KNYA Taskforce facilitated a joint project application to the Commonwealth Government's Biodiversity Fund Program, to undertake cultural heritage restoration activities on Sir Richard Peninsula, adjacent to the Murray Mouth. Although the application was unsuccessful, in 2014 the NRA utilised this ground work to reapply to the Commonwealth's Indigenous Heritage Program to support the project idea. The NRA's application incorporated partner arrangements with SA Water, Alexandrina Council, and the Murray-Darling Basin Authority and has been successful.

The project will seek to undertake cultural heritage surveys of the Peninsula, including the Bascham's Beach area, and then develop and implement restoration strategies. As well as addressing immediate cultural heritage needs, the partnership will provide a useful foundation to explore future management arrangements for Sir Richard Peninsula. It is planned that the partnership approach will lead to future joint initiatives between Ngarrindjeri and government to care for public lands in the Ngarrindjeri nation.

REVIEW OF DEWNR'S PROJECT MANAGEMENT FRAMEWORKS

KNYA Taskforce seeks to provide a forum in which early Ngarrindjeri engagement can occur on government-initiated projects. To facilitate this early engagement, KNYA Taskforce's Strategic Implementation Plan included a strategy to investigate departmental project management frameworks (PMFs) and consider how they incorporate cultural heritage and Aboriginal engagement considerations. The taskforce identified that these considerations need to be incorporated into DEWNR processes in order for them to be properly considered.

Taskforce partners have recently presented overviews of the PMFs. These presentations have provided an opportunity for Ngarrindjeri input, but also for sharing DEWNR's innovations amongst partner departments who have yet to consider Aboriginal engagement matters in their PMFs. The discussions have also raised issues about the application of PMFs across agencies like DEWNR. This included the need for centrally developed projects to utilise the PMF of the region in which the project will be implemented.

This initiative demonstrates the value of the KNYA Taskforce in improving Aboriginal engagement across the Government of SA.

