

Coorong South Lagoon Flows Restoration Feasibility Investigations

**Ngarrindjeri Regional Authority Inc and Murrapeena Heritage Committee
Position Paper for the Coorong South Lagoon Flow Restoration Project
Feasibility Investigations**

Prepared for:

The Ngarrindjeri Regional Authority Inc.
Ngarrindjeri Caring for Country Program

The Murrapeena Heritage Committee

South Australian Murray Darling Basin Natural Resource Management Board

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15th June 2008

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 Trevorrow, Ngarrindjeri Elder, Camp Coorong 2002)

Table of contents

<i>Ngarrindjeri Concern for Country</i>	2
Table of contents	3
Abbreviations, Acronyms and Translations.....	4
Executive summary	5
Background.....	7
Project Brief	10
Ngarrindjeri Regional Authority Position – Coorong South Lagoon Flow Restoration Project	12
Ngarrindjeri Regional Authority Engagement Strategy and Protocol.....	14
Protocol	14
Engagement Strategy.....	14
Ngarrindjeri Vision for Country (Lands and Waters)	18
Murrapeena Heritage Committee Position - Coorong South Lagoon Flow Restoration Project	19
Murrapeena Heritage Committee Engagement Strategy and Protocol	21
Broad Ngarrindjeri/Aboriginal value of the project: a discussion	23
Native Title Issues	25
Final Discussion	26
Bibliography	27

Abbreviations, Acronyms and Translations

AMLNRMB	Adelaide Mount Lofty Natural Resource Management Board
CSLFRP	Coorong South Lagoon Flows Restoration Project
KNY	Kungun Ngarrindjeri Yunnan – Listen to Ngarrindjeri People
Kurangk	Ngarrindjeri term for Coorong
MHC	Murrapeena Heritage Committee
NEPL	Ngarrindjeri Enterprises Pty Ltd.
Ngarrindjeri Yarluwar-Ruwe	Sea Country - Lands and Waters
NHC	Ngarrindjeri Heritage Committee
NNTMC	Ngarrindjeri Native Title Management Committee
NRA	Ngarrindjeri Regional Authority Inc.
NRM	Natural resource management
NT	Ngarrindjeri Tendi (Traditional Ngarrindjeri Governance Body)
SAMDNRMB	South Australian Murray Darling Basin Natural Resource Management Board

Executive summary

This report provides an initial response by the Ngarrindjeri Regional Authority Inc (NRA) and the Murrapeena Heritage Committee (MHC) to the Coorong South Lagoon Flow Restoration Project Feasibility Investigations. The Ngarrindjeri Regional Authority Inc. represents the interests of the Ngarrindjeri Nation in the Lower & Mid-Murray Murray, Lakes and Coorong (Kurangk) region (see Ngarrindjeri Nation 2006) and the newly formed Murrapeena Heritage Committee represents the Aboriginal families of the South-East of South Australia.¹ Both representative organizations strongly support the proposed Coorong South Lagoon Flow Restoration Project (CSLFRP). They argue that existing drains in the south east have re-directed fresh water from the traditional flow paths that fed the Coorong, the associated 'Ephemeral Lakes', wetlands and important fresh water wells and soaks. Projects that restore these traditional flow paths without causing adverse impacts on the wetlands and lakes of South Australia's South-East, are strongly supported and encouraged by the NRA and MHC.

The NRA and MHC have traditional ties to the Coorong South Lagoon and the associated Ephemeral Lakes and wetlands.² These areas have cultural, spiritual, social and economic significance and their revitalization will be a potential outcome of the CSLFRP. This revitalization will lead to broad benefits for the NRA and the MHC. Cultural education, Aboriginal tourism ventures, Aboriginal social, spiritual and cultural heritage programs can all emerge from a Flow Restoration Project. A Ngarrindjeri/Aboriginal engagement strategy that includes significant Ngarrindjeri/Aboriginal involvement in research, planning, implementation and long-term management will also have direct educational, training, cultural and economic benefits to the NRA and MHC.

The flow path proposed in Option 3 is favoured by the NRA and the MHC due to the benefits of fresh water flows moving through the 'ephemeral lakes'. The revitalization of this area as part of the planned increase of flows into the Coorong South Lagoon will be of great cultural, social, economic and ecological benefit to NRA and the MHC. Options 1 & 2 are also considered beneficial due to the urgent need to address the hyper-saline conditions of the Coorong South Lagoon. This part of

the Coorong was once a primary reproductive system for Ngarrindjeri ngartjis (totems). Its rehabilitation is a long-term objective of the NRA (see Ngarrindjeri Nation 2006). Modifications to the flow paths of Options 1 & 2 were also suggested to include fresh water moving into the 'ephemeral lakes' system at strategic points.

The following excerpt from the *Ngarrindjeri Nation Yarluwar-Ruwe Plan* provides an important, public explanation of the Ngarrindjeri philosophy of ruwe/ruwar – land and body:

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.

(Ngarrindjeri Nation 2006: 7)

The NRA and the MHC follow the Traditional Laws of their Old People and these laws inform their proposed engagement strategies and protocols for the CSLFRP. As a mark of respect the NRA and MHC suggest changing the name of the project to include the Ngarrindjeri pronunciation/spelling of Coorong – Kurangk.

Background

The River Murray Environmental Manager initiated the *Coorong South Lagoon Flows Restoration Project* in early 2007. A pre-feasibility study was funded by the Murray-Darling Basin Commission's Environmental Works and Measures Program. This study focussed on the hydrology and ecology of the region and provided preliminary costs and an assessment of engineering requirements to restore flow paths to the Coorong South Lagoon.

In September 2008 the *Coorong South Lagoon Flows Restoration Project Pre-feasibility Study - Summary Report* was produced by the Department of Water, Land and Biodiversity Conservation (DWLBC). This report contained a section on cultural considerations – based on a meeting with the SE Natural Resource Management Aboriginal Focus Group (12 June 2008) and other discussions at Camp Coorong. The report clarified the limitations of these consultations:

Formal consultation with the traditional owners of the South East and the Coorong regions did not take place during the Coorong South Lagoon Flows Restoration Pre-feasibility study. A formal consultation process and the establishment of a recorded position of the traditional owners has been deferred until more details are known about potential flow paths, available volumes of water and the benefits and/or risks of the project.

(DWLBC 2008: 29)

The following Aboriginal issues/concerns were identified in the 'Cultural Considerations' section of the 2008 report:

- Aboriginal employment should be provided where possible, not just for surveys and monitoring but also as operators and labourers.
- This project needs to understand and define the different family groups affected by the project to ensure that consultation is comprehensive and inclusive of all the groups involved.
- The ecological, engineering and hydrological investigations need to include cultural consultation in their next stages.
- An equal / real / equitable / face to face consultation and involvement structure needs to be put in place to ensure that there is early project support and guidance in the right direction.
- The quality of diverted water was of concern to the group and the potential for future water quality changes due to development in the South East. An example of a coal mine near Kingston was given.

- Cultural benefits, and therefore the resulting flow paths, should be considered. If there is an opportunity to restore flow paths to areas of cultural significance, they should be considered.

(DWLBC 2008: 29)

The following recommendations were also made:

- Continued involvement within the Project Steering Committee
- Continued consultation to ensure that the project progresses in the appropriate direction
- Regular reporting at the South East Aboriginal Focus Group and Camp Coorong
- Opportunity to read and comment on draft reports
- The commissioning of a report to determine the view, concerns and position of the traditional owners and to identify any possible additional benefits within the project. This report should also identify the family groups that need to be consulted with.
- Employment opportunities for workers where possible.
- Proactive support and input from the SA MDB NRM Board Icon Site Facilitator
- Involvement of the Murray Lower Darling Rivers Aboriginal Nations (MLDRIN)

(DWLBC 2008: 29-30)

We have taken as a starting point the issues, concerns and recommendations of the DWLBC Report (2008). The majority of the SE Aboriginal Focus Group (informally consulted in June 2008) were represented at the two meetings (21st May & 5th June 2009) of the SE Aboriginal Heritage Committee/Murrapeena Heritage Committee that we attended (along with representatives from the DWLBC and the SAMDBNRM Board). At the first meeting we provided the SE Aboriginal Heritage Committee with some background on our engagement to develop a position paper re: Ngarrindjeri engagement for the NRA. We made it clear that we had a very short timeline to prepare something, but we argued that the development of an SE Aboriginal position on the CSLFRP would be very valuable in support for project funding and would ensure that SE Aboriginal interests were built into the project.

Out of the 21st May meeting a newly incorporated committee was formed – the Murrapeena Heritage Committee (MHC) – and the Chair, Des Hartman informed us that they would like us to

include their interests and perspectives in the position paper. It was decided that a further meeting, staged separately from the NRA, would be held on the 5th June at Naracoorte. At this meeting we discussed the project in more detail. This included further discussion relating to: an Aboriginal engagement strategy; the potential benefits of the CSLFRP; and preferred flow path options. Similar discussions were held with the leadership of the NRA in late May and early June, and we conducted a presentation and discussion at a formal NRA and Ngarrindjeri Enterprises Proprietary Limited (NEPL) Board meeting at Hack's Point on 11th June 2009. Senior members of the NRA Caring for Country Program were also present at this meeting and made suggestions in response to our presentation.

Project Brief

Project Title

Ngarrindjeri Regional Authority and Murrapeena Heritage Committee Position Paper for the Coorong South Lagoon Flow Restoration Project Feasibility Investigations

Project Tasks

Milestone 1 - Project Inception – due May 18th 2009

- Inception Meeting
- Data exchange
- Contractual agreement signed

Milestone 2 – Consultation & Draft Position Paper Delivered – due June 1st 2009³

The position paper will present the initial views, concerns and comments raised during consultation with the Ngarrindjeri Regional Authority and Murrapeena Heritage Committee, surrounding the proposed Coorong South Lagoon Flow Restoration Project. Highlighting, where appropriate, cultural values associated within the study area that are likely to benefit or suffer from the proposed water management infrastructure and associated flows.

The paper will also describe in detail the preferred Aboriginal engagement framework and process and an indication of costs for future Aboriginal engagement and consultation if the Coorong South Lagoon Project is to proceed past feasibility investigations.

The paper will be incorporated in the Coorong South Lagoon Flow Restoration Project Feasibility Investigation Report that will be submitted to the current and potential future funding bodies.

Milestone 3 – Final Position Paper Delivered – due June 12th 2009

Consideration of comments for inclusion into final Ngarrindjeri regional Authority and Murrapeena Heritage Committee position paper.

Project Products

1. Draft Position Paper

2. Final Position Paper

The Project contract included a clause and definition relating to 'cultural knowledge'.⁴ This was included to protect the cultural knowledge of the NRA and MHC in the production of this position paper. The relevant definitions and associated clause are included below:

1.1.10 "Cultural Knowledge" means all and any cultural knowledge, whether such knowledge has been disclosed or remains undisclosed of the Ngarrindjeri, including all but not limited to:

- (a) traditions, observances, customs and beliefs;
 - (b) songs, music, dances, stories, ceremonies, symbols, narratives and designs;
 - (c) languages;
 - (d) Spiritual knowledge;
 - (e) Traditional economies and resources management;
 - (f) Scientific, spatial, agricultural, technical biological and ecological knowledge;
- and includes documentation or other forms of media arising there from including but not limited to archives, films, photographs, videotapes or audiotapes

7.10 Cultural Knowledge

7.10.1 Notwithstanding any other clause in the Agreement it is acknowledged that:

- a) The Ngarrindjeri Regional Authority (NRA) for and on behalf of the Ngarrindjeri people and nation (hereafter "Ngarrindjeri") own all and any cultural knowledge; and
- b) Flinders and the Client undertake not to collect, use, disclose or handle Cultural Knowledge without prior written consent of the Ngarrindjeri; and
- c) Flinders and the Client, and each of their Personnel who records Cultural Knowledge in material form does so as a mere amanuensis which does not give right in copyright over the record.

Ngarrindjeri Regional Authority Position – Coorong South Lagoon Flow Restoration Project

The Ngarrindjeri Regional Authority (which includes the Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee), strongly support the restoration of fresh water flows from South Australia's South-East into the South Lagoon of the Kurangk (Coorong). The NRA sees merit in the three flow paths options presented in the Coorong South Lagoon Flows Restoration Feasibility Investigations. The re-direction of fresh water flows through the Ephemeral Lakes, and then into the South Lagoon of the Kurangk, provides particular advantages through the revitalization of these lakes and wetlands. These areas are of great importance to the NRA.

The NRA would like to see the maximum amount of fresh water returned to the South Lagoon of the Kurangk and the associated Ephemeral Lakes without adversely impacting on the wetlands and lakes of the South-East. The existing drains in the South-East have re-directed fresh water from the traditional flow paths that fed the Kurangk, the associated 'Ephemeral Lakes', wetlands and important fresh water wells and soaks. This fresh water brought life to Ngarrindjeri Yarluwar-Ruwe (Sea Country/Lands and Waters) and therefore ensured the wellbeing of Ngarrindjeri people.

The NRA has traditional ties to the Kurangk South lagoon and the associated Ephemeral Lakes and wetlands.⁵ These areas have cultural, spiritual, social and economic significance and their revitalization will be a potential outcome of the CSLFRP. This revitalization will lead to broad benefits for the NRA and Aboriginal families of the South-East. It is important to understand that cultural education, Ngarrindjeri tourism ventures, social, spiritual and cultural heritage programs can all emerge from a flow restoration project. Ngarrindjeri recommend the development of an engagement strategy that includes significant Ngarrindjeri involvement in research, planning, implementation and long-term management. This will produce direct educational, training, cultural and economic benefits to the NRA. It is hoped that the State government can work in partnership with the NRA to achieve these outcomes.

The flow path proposed in Option 3 is favoured by the NRA due to the benefits of fresh water flows moving through the 'Ephemeral Lakes'. The revitalization of this area as part of the planned increase of flows into the Kurangk South Lagoon will be of great cultural, social, economic and ecological benefit to NRA and the MHC. Options 1 & 2 are also considered beneficial due to the urgent need to address the hyper-saline conditions of the Kurangk South Lagoon. This part of the Kurangk was once a primary reproductive system for Ngarrindjeri ngartjis (totems). Its rehabilitation is a long-term objective of the NRA (see Ngarrindjeri Nation 2006). Modifications to the flow paths of Options 1 & 2 were also suggested to include fresh water moving into the 'Ephemeral lakes' system at strategic points.

As stated in the Executive Summary of this report the following excerpt from the *Ngarrindjeri Nation Yarlumar-Ruwe Plan* provides an important, public explanation of the Ngarrindjeri philosophy of ruwe/ruwar – land and body:

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.

(Ngarrindjeri Nation 2006: 7)

The NRA follows the Traditional Laws of their Old People and these laws inform their proposed engagement strategy and protocol for the CSLFRP. As a mark of respect the NRA suggest changing the name of the project to include the Ngarrindjeri pronunciation/spelling of Coorong – Kurangk.

Ngarrindjeri Regional Authority Engagement Strategy and Protocol

Protocol

Ngarrindjeri leaders have developed a Kungun Ngarrindjeri Yunnan (KNY) Agreement process in all major projects and engagements with outside parties (see Hemming & Trevorrow 2005; Ngarrindjeri Nation 2006; Hemming, Rigney & Hattam 2007; Hemming & Rigney 2008). These agreements set the terms of partnerships and provide protection for Ngarrindjeri interests such as cultural knowledge, cultural heritage, native title and intellectual property. KNY agreements have been signed with the State government at a range of levels. A KNY agreement specific to the Coorong South Lagoon Project would be sought by the NRA to enable a culturally appropriate, equitable and professional approach to research, planning, implementation and management. Such an agreement enables the NRA and its core programs - Ngarrindjeri Caring for Country and Ngarrindjeri Economic Development - to conduct the relevant research and planning required to engage with major projects. The newly emerging Ngarrindjeri Yarluwar-Ruwe Research Institute will also provide input into project planning and research partnerships. KNY agreements have been submitted to the South Australian Murray Darling Basin Natural Resource Management Board (SAMDBNRMB) and the Adelaide Mount Lofty Natural Resource Management Board (AMLNRMB). These broader agreements will provide the context for project-specific agreements and support the development of long-term NRM planning.

Engagement Strategy

In March 2007 the Ngarrindjeri Nation and the Hon. Jay Wetherill, the South Australian Minister for Aboriginal Affairs and Reconciliation launched the *Ngarrindjeri Nation Yarluwar-Ruwe Plan: Caring for Ngarrindjeri Sea Country and Culture* (2006) at Goolwa, near the mouth of the River Murray.⁶ The Plan was part of the implementation of the Australian government's South-east Regional Marine Plan, supported by the National Oceans Office (see Smyth 2007; Hemming *et al*

2007; Muller 2008). The Yarluwar-Ruwe Plan is now a foundational Ngarrindjeri document, providing a co-ordinated response to a vast array of government planning interests. Its complex and challenging agenda is translated into practical implications for new partnerships and changes to management regimes. This approach is summarized in the following:

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.

(Ngarrindjeri Nation 2006: 7)

Although the Yarluwar-Ruwe Plan provides a strong statement of Ngarrindjeri rights, identity, authority and responsibility, it is a conciliatory document charting a vision for future, just collaborations between Ngarrindjeri and non-Aboriginal institutions, governments, business and individuals. In recognition of this strong but practical approach, it has been officially recognised at State and federal levels, and importantly the *Coorong and Lakes Alexandrina and Albert Significant Ecological Asset Management Plan* (DWLBC 2007) locates it alongside the Ramsar management plan (see South Australia Department of Environment, Heritage and Affairs 2000) as the foundational documents in the hierarchy of management plans for the region.

In the language of NRM the Yarluwar-Ruwe Plan is referred to as a 'Tool of Knowledge'. It provides a detailed management plan and engagement strategy for Ngarrindjeri Yarluwar-Ruwe (Sea Country/Lands and Waters). The NRA advises all government agencies that this plan is the starting point for all projects and programs on Ngarrindjeri lands and waters. This plan includes the following objectives that make clear the Ngarrindjeri recognition that significant research, planning and management is required to rehabilitate Ngarrindjeri lands and waters:

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 our rights to our 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-Aboriginal 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 *Yarluwar-Ruwe* (Country) before we reach the point of no return.

(Ngarrindjeri Nation 2006: 7)

With the establishment of the NRA, and the 2008 signing of an Indigenous Regional Partnership Agreement between the NRA, the State and Federal Governments focusing on Caring for Country and Economic Development, a new way of doing business has been established (Hemming & Rigney 2008). The Yarluwar-Ruwe plan stands as the foundational document in this new relationship between the Ngarrindjeri Nation and the Government - the NRA and its programs have become the new Ngarrindjeri Nation 'engagement strategy'. This has specific implications for the Coorong South Lagoon Project and highlights the new formal Ngarrindjeri process to be followed by Government.

It is recommended that at the next stage of the CSLFRP planning the appropriate Government agencies make a formal approach (in writing) to the Chairperson of the NRA. This approach will be directed to the CEO of the NRA for distribution to the appropriate NRA programs for consideration, comment and recommendation. It is expected that the a detailed NRA assessment of the Project proposal will require research, coordinated planning and then recommendations relating to cultural heritage, native title implications, NRM, economic development, training and education. These recommendations will be provided to the CEO and brought together into an appropriate briefing document for consideration of the Board of the NRA. The Board will make decisions relating to a project-specific engagement process for the Coorong South Lagoon Project and seek the negotiation of a KNY agreement to formalise this partnership. It is important to note that the NRA is already in a position to conduct on-ground revegetation/bioremediation programs and some engineering works.

The following provides a summary of the fundamental principles informing the proposed NRA engagement strategy for the South Coorong Lagoon Flows Restoration Project:

- NRA should be a formal part of project at all levels – conception, research, planning, inception and management;
- Ngarrindjeri engagement requires informed decision-making – this requires appropriate resourcing;
- A Ngarrindjeri/Aboriginal management plan should be developed in association with the SCLFRP as part of the Government's NRM process;
- Recognition and facilitation of the fundamental connection between NRM/Water management projects, cultural heritage, education, economic development and training;
- Engagement in government programs must benefit Aboriginal organisations – not be a drain on resources – this needs to be properly monitored;
- Formal protection of intellectual property and cultural knowledge is required;
- All research projects should include appropriate ethics clearances;
- A Kungun Ngarrindjeri Yunnan Agreement (Protocol) is required to ensure all the core principles of engagement and partnership are understood and secured.

During a NRA/NEPL meeting (12 June 2009) the following issues were discussed as part of a consideration of the NRA position on the CSLFRP - economic development; cultural issues; education and training; research; and management planning. All of these issues emerge from a culturally appropriate and just Ngarrindjeri engagement strategy, and opportunities for Ngarrindjeri community development should be built into projects such as the CSLFRP. It was emphasized that new flow path planning will require Ngarrindjeri cultural heritage, native title and NRM research to ensure that sensitive areas are protected and the full potential of the project maximized. Subsequent monitoring programs will need to be developed to facilitate the NRA plans.

Ngarrindjeri Vision for Country (Lands and Waters)

The following excerpts from the *Ngarrindjeri Nation Yarluwar-Ruwe Plan* (2006) are included here to provide a clear reminder of the NRA's Vision Statement and associated Goals. We believe that they are largely consistent with, and supportive of, the stated aims of the Coorong South Lagoon Flows Restoration Project.

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 Yarluwar-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 Yarluwar-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 – 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.

Murrapeena Heritage Committee Position - Coorong South Lagoon Flow Restoration Project

This report provides an initial response by Murrapeena Heritage Committee (MHC) to the Coorong South Lagoon Flow Restoration Project Feasibility Investigations. The Murrapeena Heritage Committee represents the Aboriginal families of the South-East of South Australia. The MHC is strongly supportive of the proposed Coorong South Lagoon Flow Restoration Project (CSLFRP).⁷ Along with the NRA the MHC argue that existing drains in the south east have re-directed fresh water from the traditional flow paths that fed the Coorong, the associated 'Ephemeral Lakes', wetlands and important fresh water wells and soaks. MHC supports and encourages projects that restore these traditional flow paths without causing adverse impacts on the wetlands and lakes of South Australia's South-East.

The MHC have traditional ties to the Coorong South Lagoon and the associated Ephemeral Lakes and wetlands.⁸ These areas have cultural, spiritual, social and economic significance and their revitalization will be a potential outcome of the CSLFRP. This revitalization will lead to broad benefits for the MHC. Cultural education, Aboriginal tourism ventures, Aboriginal social, spiritual and cultural heritage programs can all emerge from a Flow Restoration Project. An Aboriginal engagement strategy that includes significant Aboriginal involvement in research, planning, implementation and long-term management will also have direct educational, training, cultural and economic benefits to the MHC.

The flow path proposed in Option 3 is favoured by the MHC due to the benefits of fresh water flows moving through the 'ephemeral lakes'. The revitalization of this area as part of the planned increase of flows into the Coorong South lagoon will be of great cultural, social, economic and ecological benefit to the MHC. Options 1 & 2 are also considered beneficial due to the urgent need to address the hyper-saline conditions of the Coorong South Lagoon. Modifications to the flow paths of Options 1 & 2 were also suggested to include fresh water moving into the 'ephemeral lakes' system at strategic points.

The MHC follow the Traditional Laws of their Old People and these laws inform their proposed engagement strategy and protocol for the CSLFRP. As a mark of respect the NRA and MHC suggest changing the name of the project to include the Ngarrindjeri pronunciation/spelling of Coorong – Kurangk.

Murrapeena Heritage Committee Engagement Strategy and Protocol

MHC have only very recently formed and are in the process of developing policies, goals and plans based on their new constitution. They have a close working relationship with the SE Aboriginal NRM Focus Group – and share committee members. The MHC are also in the process of considering the nature of their relationship with the NRA. This may be as a member organization which would give them access to the growing NRA capacity and infrastructure in cultural heritage, NRM and economic development areas. If the CSLFRP progresses to the next stage of development further discussions will need to be undertaken by the SAMDNRMB to determine the direction the MHC has taken in relation to relationships and partnerships with other Aboriginal organisations with interests in the region.

In September 2008 the following Aboriginal issues/concerns were identified in the 'Cultural Considerations' section of the *Coorong South Lagoon Flows Restoration Project Pre-feasibility Study - Summary Report* (DWLBC 2008) produced by the Department of Water, Land and Biodiversity Conservation (DWLBC):

- Aboriginal employment should be provided where possible, not just for surveys and monitoring but also as operators and labourers.
- This project needs to understand and define the different family groups affected by the project to ensure that consultation is comprehensive and inclusive of all the groups involved.
- The ecological, engineering and hydrological investigations need to include cultural consultation in their next stages.
- An equal / real / equitable / face to face consultation and involvement structure needs to be put in place to ensure that there is early project support and guidance in the right direction.
- The quality of diverted water was of concern to the group and the potential for future water quality changes due to development in the South East. An example of a coal mine near Kingston was given.
- Cultural benefits, and therefore the resulting flow paths, should be considered. If there is an opportunity to restore flow paths to areas of cultural significance, they should be considered.

(DWLBC 2008: 29)

These issues and concerns were reiterated in recent meetings as part of this project. This discussion was supplemented with a structured discussion of issues associated with: economic development; cultural concerns; education and training; research; and management planning. All of these issues emerge from a culturally appropriate Aboriginal engagement strategy and opportunities for Aboriginal community development should be built into projects such as the CSLFRP.

The MHC were in agreement with the following fundamental principles (included in the NRA section of this report) informing a proposed Aboriginal engagement strategy for the South Coorong Lagoon Flows Restoration Project:

- MHC should be a formal part of project at all levels – conception, research, planning, inception and management;
- MHC engagement requires informed decision-making – this requires appropriate resourcing;
- A Ngarrindjeri/Aboriginal management plan should be developed in association with the SCLFRP as part of the Government's NRM process;
- Recognition and facilitation of the fundamental connection between NRM/Water management projects, cultural heritage, education, economic development and training;
- Engagement in government programs must benefit Aboriginal organisations – not be a drain on resources – this needs to be properly monitored;
- Formal protection of intellectual property and cultural knowledge is required;
- All research projects should include appropriate ethics clearances;
- An agreement (Protocol) is required to ensure all the core principles of engagement and partnership are understood and secured.

During discussions the MHC emphasised that new flow path planning will require MHC to conduct cultural heritage, native title and NRM research and planning to ensure that sensitive areas are protected and the full potential of the project maximized. Subsequent monitoring programs will need to be developed to facilitate the MHC plans.

Broad Ngarrindjeri/Aboriginal value of the project: a discussion

During meetings with the NRA and MHC regarding the CSLFRP the following opportunities and issues were discussed and highlighted⁹:

1. Ngarrindjeri/Aboriginal Economic development:

- Heritage research, surveys and monitoring
- Contracts to conduct works associated with project – engineering, NRM etc
- Employment with other contractors
- Long-term monitoring and management of drainage systems
- Environmental monitoring and research
- Wetland rehabilitation programs
- Tourism developments associated with rehabilitated wetlands

2. Ngarrindjeri/Aboriginal Training and Education:

- Heritage research and monitoring incorporates training and cultural education
- Opportunities for Elders teaching and transmission of knowledge
- NRM, engineering and other works – training and further education opportunities
- NRM scholarships – tertiary sector
- Project provides opportunities for management, administration and business training

3. Ngarrindjeri/Aboriginal Cultural Issues:

- Identify broad cultural issues that need to be considered in current plans
- Identify a process for research and planning re these issues
- Some issues will be covered through heritage research and monitoring.
- Avoid narrow definition of cultural – cultural includes economic, social, political, historical and most importantly it includes the lands, waters and all living things

4. Research:

- Ngarrindjeri/Aboriginal organisations need to carry out research to develop positions, plans and recommendation in all areas
- NRA is establishing a Ngarrindjeri Research Institute which facilitate, coordinate, and conduct research
- Ngarrindjeri/Aboriginal organisations should be part of ecological/environmental research programs
- Projects such as this provide opportunities to conduct Ngarrindjeri/Aboriginal historical and cultural research
- Ngarrindjeri/Aboriginal plant foods, medicines, hunting etc – opportunities for teaching and research

Management Planning:

- A strategy for SE Aboriginal management planning needs to be developed.
- Aboriginal Management plan for the project – NRM, heritage, economic development and training/education
- Long-term management of the water diversions, monitoring of system – ecological etc

Native Title Issues

There is an active native title claim over a significant part of the CSLFRP area. This is the Ngarrindjeri and Others Native Title Claim 98/4 which is managed by the Ngarrindjeri Native Title Management Committee (NNTMC). This committee has a formal agreement with the Ngarrindjeri Heritage Committee (NHC) and both are founding members of the NRA. Members of the Murrapeena Heritage Committee and the SE Aboriginal NRM Focus Group are part of the claimant group for the Ngarrindjeri and Others claim. Areas of the CSLFRP not covered by this claim are still covered by native title legislation.

The SAMDBNRMB is developing formal partnerships with the NRA (and the NNTMC as a founder member) but at this stage the South East NRM Board does not have a formal relationship with the Ngarrindjeri and Others native title claim management committee.



Figure 1 Ngarrindjeri and Others Native Title Claim 98/4

Final Discussion

This final discussion briefly raises further issues of significance to the Coorong South Lagoon Flow Restoration Project (CSLFRP). The NRA and MHC argued in discussions that a more coordinated Government approach to re-flows projects in South Australia's South-East would make it easier for Indigenous organisations to plan their responses and engagement programs. The NRA made it clear that they were attempting to take into account other relevant government plans when making recommendations relating to the CSLFRP.

The NRA and the MHC hoped that the SAMDNRMB and other relevant organizations would consider formal partnerships when pursuing the development of projects such as the CSLFRP. The authors of this report argue that this would lead to greater success in securing investments, and that increased investment opportunities would emerge with a more sophisticated understanding of the significance of NRM programs to Indigenous community development and wellbeing (see Hemming, Trevorrow & Rigney 2002; Hemming, Rigney & Hattam 2007; Birckhead *et al* 2008; Hemming & Rigney 2008).

Bibliography

- Aboriginal Legal Rights Movement (SA). 2005. Statewide Aboriginal Land Use Agreement negotiations, 2005.
<http://www.iluasa.com/who/alm/asp> (accessed 10 January 2006).
- Alfred, T. 2005. *Wasase: Aboriginal pathways of action and freedom*. Peterborough: Broadview Press.
- Altman, J.C. 2001. Exploring sustainable development options on land: The hybrid economy in the twenty-first century. *CAEPR Discussion Paper no. 226*. Canberra: ANU.
- Altman, J., and M. Hinkson, eds. 2007. *Coercive reconciliation: Stabilise, normalise, exit Australia*. North Carlton: Arena Publications Association.
- Anderson, I. 1995. Reclaiming Tru-ger-nan-ner: De-colonising the symbol. In *Speaking positions: ity, gender and ethnicity in Australian cultural studies*, ed. P. van Toorn and D. English, 31–42. Melbourne: VUT.
- Appadurai, A. 1990. *Global culture: Nationalism, globalisation and modernity*. London: Sage.
- . 2001. *Globalization*. Durham, NC: Duke University Press.
- Armstrong, R., J.H. Morrison, and P. Yu. 2006. *Aboriginal land and sea management and sustainable business development in Northern Australia*. Darwin: North Australian Aboriginal Land and Sea Management Alliance.
- Attwood, B., and J. Arnold, eds. 1992. *Power, knowledge and Aborigines*. Melbourne: La Trobe University Press.
- Baker, R., J. Davies, and E. Young, eds. 2001. *Working on country – Contemporary Aboriginal management of Australia's lands and coastal regions*. Melbourne: Oxford University Press.
- Barker, J. 2005 ed. *Sovereignty matters: Locations of contestation and possibility in Aboriginal struggles for self-determination*. Lincoln: University of Nebraska Press.
- Barrett-Ohia, O. 2006. Engaging Maori in research about land: Some challenges to achieving acceptable outcomes for both Maori and a Crown agency. In *Practice change for sustainable communities: Exploring footprints, pathways and possibilities*, ed. R.J. Petheram and R.C. Johnson. Proceedings of APEN International Conference, 6–8 March 2006, La Trobe University, in Beechworth, Victoria, Australia. <http://www.regional.org.au/au/apen/2006> (accessed 20 October 2007).
- Behrendt, L. 2006. Aboriginal self-determination: Rethinking the relationship of rights and economic development. In *Sharing spaces: Aboriginal and non-Aboriginal responses to story, country and rights*, ed. G. Worby and L.-I. Rigney, 275–90. Perth: API Network.
- Bell, D. 1998. *Ngarrindjeri Wurruwarrin: A world that is, was, and will be*. North Melbourne: Spinifex.
- , ed. 2008. *Kungun Ngarrindjeri Miminar Yunnan: Listen to Ngarrindjeri women speaking*. North Melbourne: Spinifex.
- Bennett, T. 1998. *Culture: A reformer's science*. St Leonards: Allen & Unwin.
- Berndt, R.M., C.H. Berndt, and J.E. Stanton. 1993. *A world that was: The Yaraldi of the Murray River and the Lakes, South Australia*. Melbourne: Melbourne University/Miegunyah Press.
- Birckhead, J., J. Collins, H. Sakulas, and J. Bauer. 2000. Caring for country today: Towards an ecopolitics of sustainable Aboriginal land management regimes. In *Nature conservation in*

- production environments: Managing the matrix*, ed. J.L. Craig, N. Mitchell, and D.A. Saunders, 594–605. Chipping Norton: Surrey Beatty.
- Birckhead, J., D. Greiner, S. Hemming, M. Rigney, G. Trevorrow, T. Trevorrow, and D. Rigney. 2008. Economic and cultural values of water to the Ngarrindjeri people of the Lower Lakes, Coorong and Murray Mouth. CSIRO Water-For-A-Healthy-Country, Flagship Report. Canberra: CSIRO.
- Cape York Institute for Policy and Leadership. 2007. From hand out to hand up: Cape York welfare reform project, design recommendations, May 2007. Cairns: Cape York Institute for Policy and Leadership.
- Cornell, S., C. Curtis, and M. Jorgensen. 2004. The concept of governance and its implications for First Nations. Joint Occasional Papers on Native Affairs. Arizona: Native Nations Institute. <http://www.jopna.net> (accessed 2 August 2006).
- de Certeau, M. 1984. *The practice of everyday life*. Berkeley: University of California Press.
- Deloria, V. Jr. 1995. *Red earth, white lies: Native Americans and the myth of scientific fact*. New York: Scribner.
- Dodson, M., and D.E. Smith. 2003. Governance for sustainable development: Strategic issues and principles for Aboriginal Australian communities. *Centre for Economic Policy Research Discussion Paper no. 250*. Canberra: ANU.
- Escobar, A. 2001. *Culture sits in places: Reflections on globalism and subaltern strategies of localization*. *Political Geography* 20, no. 2: 139–74.
- Fabian, J. 1983. *Time and the other: How anthropology makes its object*. New York: Columbia University Press.
- Foucault, M. 1972. *The archaeology of knowledge*. London: Tavistock.
- . 1973. *The order of things: An archaeology of human sciences*. New York: Vintage Books.
- . 1991. Governmentality. In *The Foucault effect: Studies in governmentality*, ed. G. Burchell, C. Gordon, and P. Miller, 87–104. London: Harvester Wheatsheaf.
- Frankenburg, R. 1993. *White women, race matters: The social construction of whiteness*. Minneapolis: University of Minnesota Press.
- Freire, P. 1972. *Pedagogy of the oppressed*. Harmondsworth: Penguin.
- Gruenewald, D. 2003. The best of both worlds: A critical pedagogy of place. *Educational Researcher* 43, no. 4: 3–12.
- Haraway, D. 1988. Situated knowledges: The science question in feminism as a site of discourse in the privilege of partial perspective. *Feminist Studies* 14, no. 3: 575–600.
- Hattam, R., D. Rigney, and S. Hemming. 2007. Reconciliation? Culture and nature and the Murray River. In *Fresh water: New perspectives on water in Australia*, ed. E. Potter, A. Mackinnon, S. McKenzie, and J. McKay, 105–22. Carlton: Melbourne University Press.
- Hemming, S. 1996. Inventing ethnography. *Journal of Australian Studies* 48: 25–39.
- . 2002. Taming the colonial archive: History, native title and colonialism. In *Through a smoky mirror: History and native title*, ed. M. Paul and G. Gray, 49–64. Canberra: Studies Press.
- . 2006. The problem with Aboriginal heritage. In *Sharing spaces: Aboriginal and non-Aboriginal responses to story, country and rights*, ed. G. Worby and L.-I. Rigney, 305–28. Perth: API Network.
- . 2007. Managing cultures into the past. In *Taking up the challenge: Critical race and whiteness studies in a postcolonising nation*, ed. D.W. Rigg, 150–67. Adelaide: Crawford House.
- Hemming, S., D. Rigney, and M. Pearce. 2007. 'The meeting of the waters': Towards a just partnership in the use, management and enjoyment of Ngarrindjeri Ruwe (lands and waters).

- In *Fresh water: New perspectives on water in Australia*, ed. E. Potter, A. Mackinnon, S. McKenzie, and J. McKay, 217–33. Carlton: Melbourne University Press.
- Hemming, S., D. Rigney, L. Wallis, T. Trevorrow, M. Rigney, and G. Trevorrow. 2007. Caring for Ngarrindjeri country: Collaborative research, community development and social justice. *Aboriginal Law Bulletin* 6, no. 27: 6–8.
- Hemming, S., D. Rigney, and C. Wilson. 2008. Listening and respecting across generations and beyond borders: The Ancient One and Kumarangk (Hindmarsh Island). In *Perspectives on the Ancient One*, ed. H. Bourke, C. Smith, D. Lippert, J. Watkins, and L. Zimmerman. San Francisco: Left Coast Press.
- Hemming, S., and T. Trevorrow. 2005. Kungun Ngarrindjeri Yunnan: Archaeology, colonialism and reclaiming the future. In *Aboriginal archaeologies: Decolonizing theory and practice*, ed. C. Smith and H.M. Wobst, 243–61. London: Routledge.
- Hemming, S., T. Trevorrow, and M. Rigney. 2002. Ngarrindjeri culture. In *The Murray mouth: Exploring the implications of closure or restricted flow*, ed. M. Goodwin and S. Bennett, 13–19. Adelaide: Department of Water, Land and Biodiversity Conservation.
- Howitt, R. 2001. *Rethinking resource management: Justice, sustainability and Aboriginal peoples*. London: Routledge.
- Jackson, S., ed. 2006a. *Recognising and protecting Aboriginal values in water resource management. A report from a workshop held in Darwin, NT 5–6 April 2006*. Darwin: CSIRO and Northern Land Council.
- . 2006b. Compartmentalising culture: The articulation and consideration of Aboriginal values in water resource management. *Australian Geographer* 37, no. 1: 19–32.
- Jenkin, G. 1979. *Conquest of the Ngarrindjeri: The story of the Lower Murray lakes tribes*. Adelaide: Rigby.
- Kartinyeri, D., and S. Anderson. 2008. *Doreen Kartinyeri: My Ngarrindjeri calling*. Canberra: Studies Press.
- Keen, I., ed. 1988. *Being black: cultures in 'settled' Australia*. Canberra: Studies Press.
- . 1999. Cultural continuity and native title claims, land rights, laws: Issues of native title. *Native Title Research Unit. Issues Paper no. 28*. Canberra: AIATSIS.
- Langton, M. 1981. Urbanizing Aborigines: The social scientists' great deception. *Social Alternatives* 2, no. 2: 16–22.
- . 2006. Earth, wind, fire and water: The social and spiritual construction of water in societies. In *The social archaeology of Australian Aboriginal landscapes*, ed. B. David, B. Barker, and I. McNiven, 139–60. Canberra: Studies Press Canberra.
- Langton, M., M. Tehan, K. Shain, and L. Palmer. 2004. *Honour among nations: Treaties and agreements with Aboriginal people*. Carlton South: University of Melbourne Press.
- Macdonald, G. 1998. Master narratives and the dispossession of the Wiradjuri. *Aboriginal History* 22:162–79.
- Massey, D., and P. Jess, eds. 1995. *A place in the world? Places, cultures and globalization*. Oxford: Oxford University Press.
- McNiven, I.J., and L. Russell. 2005. *Appropriated pasts: Aboriginal peoples and the colonial culture of archaeology*. Walnut Creek, CA: AltaMira Press.
- Mohanty, C. 2003. "Under Western eyes" Revisited: Feminist solidarity through capitalist struggles. *Signs. Journal of women in culture and society*. 28, no. 2: 499–536.
- Moreton-Robinson, A. 2000. *Talkin up to the white woman: Aboriginal women and feminism*. St Lucia: University of Queensland Press.

- . 2003. I still call Australia home: Aboriginal belonging and place in a white postcolonizing society. In *Uprootings/regroundings: Questions of home and migration*, ed. S. Ahmed, C. Castaneda, A. Fortier, and M. Sheller, 23–40. Oxford: Berg.
- . 2007. The possessive logic of patriarchal white sovereignty: The High Court and the Yorta Yorta decision. In *Taking up the challenge: Critical whiteness studies in a postcolonising nation*, ed. D.W. Riggs, 109–24. Belair, SA: Crawford House.
- Morgan, M., L. Strelein, and J. Weir. 2004. Aboriginal rights to water in the Murray Darling Basin. In support of the Aboriginal final report to the Living Murray initiative. Research Discussion Paper no. 14. Canberra: AIATSIS.
- Morrison, J. 2007. Caring for country. In *Coercive reconciliation: Stabilise, normalise, exit Australia*, ed. J. Altman and M. Hinkson, 249–62. North Carlton: Arena Publications Association.
- Muller, S. 2008. Community-based management of saltwater country, Northern Australia. *Development* 51: 139–43.
- Murray-Darling Basin Commission (MDBC). 2006a. *The Chowilla floodplain and Lindsay-Wallpolla Islands icon site environmental management plan 2006–2007*. Canberra: Murray-Darling Basin Commission.
- . 2006b. *The Lower Lakes, Coorong and Murray mouth icon site environmental management plan 2006–2007*. Canberra: Murray-Darling Basin Commission.
- Murray-Darling Basin Ministerial Council (MDBMC). 2002. *The living Murray: A discussion paper of restoring the health of the River Murray. Stage 1: Informing and engaging the community*. Canberra: Murray-Darling Basin Ministerial Council.
- Ngarrindjeri Nation. 2006. *Ngarrindjeri Nation Yarlumar-Ruwe Plan: Caring for Ngarrindjeri sea country and culture*. Prepared by the Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee, Ngarrindjeri Native Title Management Committee. Camp Coorong: Ngarrindjeri Land and Progress Association.
- Ngarrindjeri/Ramsar Working Group. 1998. Ngarrindjeri perspectives on Ramsar Issues. Unpublished working paper, Camp Coorong, South Australia.
- Pihama, L. 2005. Asserting Aboriginal theories of change. In *Sovereignty matters: Locations of contestation and possibility in Aboriginal struggles for self-determination*, ed. J. Barker, 191–209. Lincoln: University of Nebraska Press.
- Pihama, L., F. Cram, and S. Walker. 2002. Creating methodological space: A literature review of Kaupapa Maori research. *Canadian Journal of Native Education* 26, no. 1: 30–43.
- Potter, E., A. Mackinnon, S. McKenzie, and J. McKay. 2007. *Fresh water: New perspectives on water in Australia*. Carlton: Melbourne University Press.
- Rigney, D., S. Hemming, and S. Berg. 2008. Letters Patent, native title and the Crown in South Australia. In *Aboriginal Australians and the law*, ed. M. Hinton, D. Rigney, and E. Johnston, 161–78. 2nd ed. Sydney: Routledge-Cavendish.
- Rose, D.B. 1996. Land rights and deep colonizing: The erasure of women. *Law Bulletin* 3, no. 85: 6–13.
- . 2004. *Reports from a wild country: Ethics for decolonisation*. Sydney: UNSW Press.
- . 2005. The redemptive frontier: A long road to nowhere. In *Dislocating the frontier: Essaying the mystique of the outback*, ed. D.B. Rose and R. Davis, 49–66. Canberra: ANU E Press.
- . 2007. Justice and longing. In *Fresh water: New perspectives on water in Australia*, ed. E. Potter, A. Mackinnon, S. McKenzie, and J. McKay, 8–20. Carlton: Melbourne University Press.
- Rose, D.B. and R. Davis, eds. 2005. *Dislocating the frontier: Essaying the mystique of the outback*. Canberra: ANU E Press.

- Smith, G.H. 1997. The development of Kaupapa Maori: Theory and practice. PhD diss., University of Auckland.
- Smith, L.T. 1999. *Decolonizing research methodologies*. London: Zed Books.
- . 2005. On tricky ground: Researching the native in the age of uncertainty. In *The Sage handbook of qualitative research*, ed. N.K. Denzin and Y.S. Lincoln. 85–107. 3rd ed. Thousand Oaks, CA: Sage.
- Smyth, D. 2007. Sea country planning. *Waves Magazine* 13, no. 2, http://mccn.org.au/marine_coastal_issues/detail/12356 (accessed 2 May 2008).
- South Australian Department of Environment, Heritage and Affairs. 2000. *Coorong and Lakes Alexandrina and Albert Ramsar management plan*. Adelaide: South Australian Department for Environment, Heritage and Affairs.
- Stevens, I. 1995. *Report of the Hindmarsh Island Bridge Royal Commission*. Adelaide: State Print.
- Stewart-Harawira, M. 2004. The political economy of freshwater rivers and the commodification of the sacred in Aotearoa/New Zealand. Paper presented at the Third Global Conference, Environmental Justice and Global Citizenship, 12–14 February 2004, in Copenhagen. <http://www.inter-disciplinary.net/ptb/ejgc/ejgc3/harawira%20paper.pdf> (accessed 12 November 2007).
- . 2005. *The new imperial order: Aboriginal responses to globalisation*. London: Zed Books.
- Strelein, L. 2006. *Compromised jurisprudence: Native title cases since Mabo*. Canberra: Studies Press.
- Thomas, N. 1994. *Colonialism's culture: Anthropology, travel and government*. Cambridge: Polity Press.
- Tindale, N.B. 1974. *Aboriginal Tribes of Australia: Their terrain, environmental controls; distribution, limits, and proper names*. Canberra: ANU Press.
- Trevorrow v. State of South Australia 2008 (No. 7) [2008] *Supreme Court of SA* 5 (1 February 2008).
- Trevorrow, T., C. Finnimore, S. Hemming, G. Trevorrow, M. Rigney, V. Brodie, and E. Trevorrow. 2007. *They took our land and then our children: Ngarrindjeri struggle for truth and justice*. Meningie, SA: Ngarrindjeri Lands and Progress Association.
- Trevorrow, T., and S. Hemming. 2006. Conversation: Kungun Ngarrindjeri Yunnan – listen to Ngarrindjeri people talking. In *Sharing spaces: Aboriginal and non-Aboriginal responses to story, country and rights*, ed. G. Worby and L.-I. Rigney, 295–304. Perth: API Network.
- United League of Aboriginal Nations (ULIN). 2007. United League of Aboriginal Nations Treaty. <http://www.Aboriginalnationstreaty.org/> (accessed 2 April 2008).
- Von Doussa, J. 2001. *Chapmans v. Luminis and Ors, Federal Court of Australia*, Summary of Judgement, 21 August 2001.
- Walker, R. 1981. *Up, not down, mate! Thoughts from a prison cell*. Kurrulta Park, SA: Catholic Chaplaincy to Aborigines.
- Watson, I. 2002. Aboriginal laws and the sovereignty of Terra Nullius. *Borderlands e-journal* 1, no. 2: 1–8, http://www.borderlandsjournal.adelaide.edu.au/vol1no2/watson_laws.html (accessed 13 March 2004).
- Weir, J. 2006. Making the connection between water and sustaining Aboriginal cultural life, April 2006, Social and institutional research program. *Land and Water Australian Fact Sheet*. <http://www.sirp.gov.au/peoplepracticpolicy/a6.htm> (accessed 20 November 2006).

- . 2007. The traditional owner experience along the Murray River. In *Fresh water: New perspectives on water in Australia*, ed. E. Potter, A. Mackinnon, S. McKenzie, and J. McKay, 44–58. Carlton: Melbourne University Press.
- Williams, C., B. Thorpe, and C. Chapman. 2003. *workers and managers: History, emotional and community labour and occupational health and safety in South Australia*. Henley Beach: Seaview Press.
- Wolfe, P. 1994. Nation and miscegenation: Discursive continuity in the post-Mabo era. *Social Analysis* 36: 93–152.
- Woods, J.D., ed. 1879. *The native tribes of South Australia*. Adelaide: E.S. Wigg.
- Woolmer, G. 1974. *Riverland Aborigines of the past: A history of the Barmera region*. Barmera, SA: G.A. Woolmer.
- Worby, G., and D. Rigney. 2002. Approaching ethical issues: Institutional management of Aboriginal research. *Australian Universities Review* 45, no. 1: 24–33.
- . 2005. Towards an Aboriginal research charter. In *Aboriginal archaeologies: Decolonizing theory and practice*, ed. C. Smith and H.M. Wobst, 369–91. London: Routledge.
- Worby, G., and L.-I. Rigney, eds. 2006. *Sharing spaces: Aboriginal and non-Aboriginal responses to story, country and rights*. Perth: API Network.
- Young, R. 1990. *White mythologies: Writing history and the west*. New York: Routledge.

¹ We use the term " in relation to the South East following advice given at a Murrapeena Heritage Committee workshop. The SE Heritage Committee became incorporated under the new name Murrapeena Heritage Committee during the course of this project.

² NRA and MHC representatives indicated that they considered the 'ephemeral lakes' to be part of the Kurangk.

³ Project dates have been extended by approximately one week to reflect delays in contract finalisation.

⁴ This clause was developed for the Ngarrindjeri CSIRO Water-For-A-Health-Country Flagship Project (see Birkhead *et al* 2008)

⁵ This area is part of the Ngarrindjeri & Ors Native Title Claim SC98/4 (see Figure 1).

⁶ It is important to not that the Ngarrindjeri concept of Sea Country is holistic and treats land, people, all living things, fresh water and salt water as a connected body.

⁷ We use the term " in relation to the South East following advice given at a Murrapeena Heritage Committee workshop. The SE Aboriginal Heritage Committee became incorporated under the new name Murrapeena Heritage Committee during the course of this project.

⁸ It should be noted that MHC members are part of the Ngarrindjeri & Ors Native Title Claim.

⁹ These opportunities and issues are a starting point and should limit further planning.