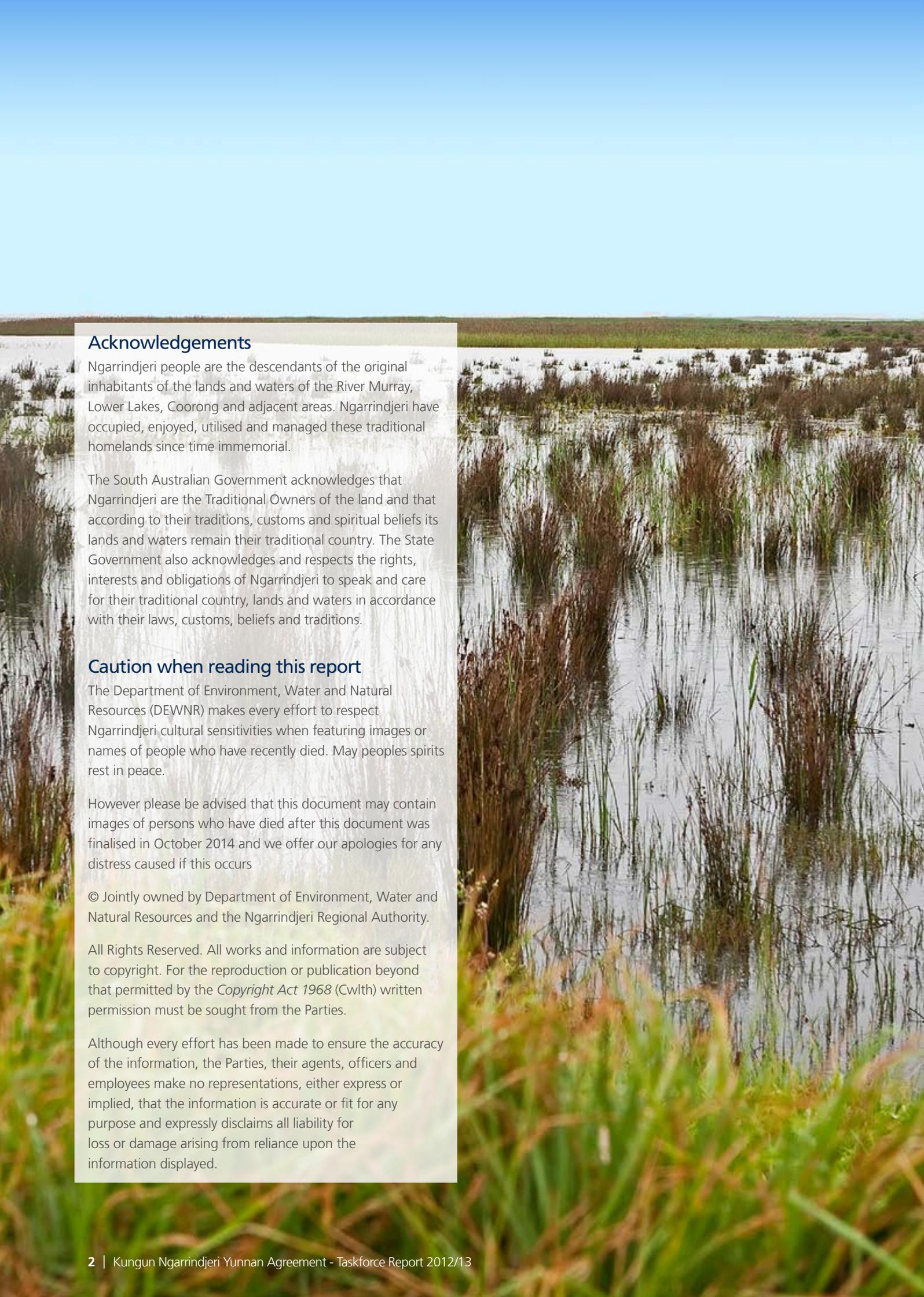


# Kungun Ngarrindjeri Yunnan Agreement (KNYA)

Listening to Ngarrindjeri People Talking

**Annual Report 2012 and 2013**





## Acknowledgements

Ngarrindjeri people are the descendants of the original inhabitants of the lands and waters of the River Murray, Lower Lakes, Coorong and adjacent areas. Ngarrindjeri have occupied, enjoyed, utilised and managed these traditional homelands since time immemorial.

The South Australian Government acknowledges that Ngarrindjeri are the Traditional Owners of the land and that according to their traditions, customs and spiritual beliefs its lands and waters remain their traditional country. The State Government also acknowledges and respects the rights, interests and obligations of Ngarrindjeri to speak and care for their traditional country, lands and waters in accordance with their laws, customs, beliefs and traditions.

### Caution when reading this report

The Department of Environment, Water and Natural Resources (DEWNR) makes every effort to respect Ngarrindjeri cultural sensitivities when featuring images or names of people who have recently died. May peoples spirits rest in peace.

However please be advised that this document may contain images of persons who have died after this document was finalised in October 2014 and we offer our apologies for any distress caused if this occurs

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# Contents

In memory of Tom Trevorrow	4	KNYA contribution to the South Australian Strategic Plan for 2012 / 13	18
Opportunities and challenges for 2014 and beyond	5		
Utilising the KNYA to progress broader Ngarrindjeri community matters	5	Our engagement in 2012-13 Taskforce meetings	20
Ngarrindjeri engagement strategy in water planning and policy	5		20
KNYA leading the way for South Australia's Aboriginal regional authorities policy	5	Highlights of 2012 and 2013	21
Strategic overview	6	Case study project FLOW: Life Giving Lands and Waters	24
KNYA Taskforce Report 2012 and 2013	6	Background	24
Messages from the co-chairpersons of the taskforce	7	Outcomes	24
		Contributions	24
Background to the KNYA	9	Case study project – Negotiating Ngarrindjeri partnerships to describe the character of Yarluwar Ruwe	25
KNYA – A Ngarrindjeri perspective	9		
The NRA's vision is:	10		
Ngarrindjeri Regional Authority	10		
Where we operate	10	Acronyms/abbreviations/terms	26
KNYA Taskforce	12		
How we operate	12		
Working group of the taskforce	12		
Our performance in 2012-13	14		

# In memory of Tom Trevorrow, past Ngarrindjeri Chair of the KNYA Taskforce

On 18 April 2013 Ngarrindjeri Elder Tom Trevorrow, dedicated and respected leader of the Ngarrindjeri Nation, Chairperson of the Ngarrindjeri Regional Authority (NRA) and Ngarrindjeri Chair of the KNYA Taskforce passed away suddenly and unexpectedly. This came as a great shock to the Ngarrindjeri and broader community, many of whose lives Tom influenced.

Tom Trevorrow was one of the Ngarrindjeri Elders, along with his brother George Trevorrow and Matt Rigney whose vision and drive created the NRA and Ngarrindjeri Ruwe Contracting Pty Ltd to strive for a sound future for Ngarrindjeri. Together they envisaged and negotiated Kungun Ngarrindjeri Yunnan Agreements, one of which has led to this taskforce. Tom's strong and thoughtful commitment to the KNYA Taskforce helped ensure its effectiveness.

A skilled educator, Tom, with his wife Ellen, worked tirelessly at Camp Coorong for decades to genuinely educate the broader community on indigenous issues. This work, particularly with schools, fostered understanding and brought indigenous and non-indigenous people closer together.

As an educator and leader he nurtured Ngarrindjeri spirituality and culture while negotiating for rights and justice for indigenous South Australians, such as recognition of the 1836 Letters Patent, Native Title and pursuing a treaty.

Tom's belief in and advocacy for indigenous rights, Ngarrindjeri culture, the health of Ngarrindjeri lands and waters (Yarluwar Ruwe) and the Ngarrindjeri Nation were constant.

The results of his strength, vision and kindness live on and others continue his cultural, political and educative work towards a healthy Yarluwar Ruwe and a proud Ngarrindjeri Nation.



# Opportunities and challenges for 2014 and beyond

## Utilising the KNYA to progress broader Ngarrindjeri community matters

The KNYA establishes a commitment for quarterly 'leader to leader' meetings between the signatory ministers and Ngarrindjeri leadership. These meetings enable high level discussion of natural resources management issues, as well as broader Ngarrindjeri community matters. The NRA believe the tangible benefits achieved through the KNYA for natural resource management can be replicated across other sectors, such as health and housing.

The NRA is engaged in nation building and is strengthening Ngarrindjeri communities by working regionally and globally. Broadening the use of the KNYA across other sectors will progress the interests, health and wellbeing of the Ngarrindjeri people.

## Ngarrindjeri engagement strategy in water planning and policy

Ngarrindjeri are water people and believe their rights to water are rights a-priori, or prior rights passed to them during the time of the Kaldowinyeri (Creation). Like their sovereignty, Ngarrindjeri have never given up these rights to water but have been excluded from water allocation and access through colonisation.

Ngarrindjeri long for sparkling clean waters, and healthy land, people and all living things (Ngarrindjeri Nation 2006). Ngarrindjeri recognise that in order to support these aspirations and to press their rights they must engage in water planning and policy.

The KNYA Taskforce Strategic Plan seeks to develop and deliver forums between the NRA and state and Commonwealth water policy and planning officers to discuss how Ngarrindjeri interests can be better addressed in water resources and environmental water planning. There is an opportunity for NRA and the State Government to lead

Murray-Darling Basin states in considering and supporting Aboriginal engagement in water planning. The NRA sees the development of a statement of commitment or endorsed engagement strategy as a key opportunity for proper engagement for 2014-15.

## KNYA leading the way for South Australia's Aboriginal regional authorities policy

In July 2013 the State Government launched a discussion paper entitled Aboriginal regional authorities: A regional approach to governance in South Australia, heralding a major shift in indigenous policy.

The consultation paper recognised the Ngarrindjeri Nation's leadership in the development of an indigenous regional authority. The KNYA 2009 whole-of-government agreement acknowledged the NRA as the peak Ngarrindjeri Nation body and led to the establishment of the KNYA taskforce as an important innovation in South Australian indigenous affairs. Ngarrindjeri have developed regional governance through a focus on Caring for Country (Yarluwar Ruwe) – locating the unique traditional-owner responsibility for Country at the centre of the Ngarrindjeri Nation's strategy for a healthy future.

KNYA Taskforce offers a unique opportunity to inform the direction of Aboriginal regional authorities policy, particularly regarding engagement in Caring for Country.

# Strategic overview

## **KNYA Taskforce Report 2012 and 2013**

The first KNYA Taskforce Report was released in 2010 to improve communication about the achievements made since the KNYA was put in place. The report outlined the valuable outcomes that were emerging from the KNYA and the priorities for future years. The KNYA Taskforce Report for 2010-11 can be viewed at:

[www.environment.sa.gov.au/managing-natural-resources/river-murray/river-restoration-and-environmental-water/Coorong\\_Lower\\_Lakes\\_Murray\\_Mouth/Ngarrindjeri\\_engagement](http://www.environment.sa.gov.au/managing-natural-resources/river-murray/river-restoration-and-environmental-water/Coorong_Lower_Lakes_Murray_Mouth/Ngarrindjeri_engagement)

The 2012-13 KNYA Taskforce Report is presented in the same structure but also reports on contributions towards targets in the South Australia Strategic Plan. The taskforce is a mechanism for the Ngarrindjeri and State Government departments to contribute to a wide range of initiatives that help to achieve meaningful and beneficial outcomes for the Ngarrindjeri Nation, and for South Australia more broadly.

## Messages from the co-chairpersons of the taskforce

### NRA Chairperson

As I look back at the work of this unique program I feel sadness at the loss of key Elders and community members but also a sense of achievement at the way we have dealt with potential difficulties. The partnership between Ngarrindjeri and the Government of South Australia and the work of the KNYA Taskforce has grown in depth and focus. Forged in the times of drought and now exercised as an ongoing method operating this equal partnership is producing solid results and bringing community and government closer together. I am sure the Taskforce will continue to improve.

The Yarlular Ruwe Program works effectively within the NRA and informs the work of the taskforce. Over the past year I have been particularly impressed by our joint work on the important issue of water. The two water workshops developed and conducted by the taskforce are a great example of the ground breaking results we are achieving. Joint presentations at major conferences and the formation

### DEWNR Program Leader, Business and Strategy Unit

I take great pleasure in being able to co-present the 2012 and 2013 KNYA Taskforce Report. Firstly though I want to acknowledge my personal sadness at the passing of Uncle Tom Trevor in 2013 - his wisdom and compassion will be sorely missed. I also want to take this opportunity to welcome the new NRA Leadership.

The last two years has seen a steady increase in the commitment of both the NRA and government representatives in participating in KNYA Taskforce. A full representation of State Government departments has seen a number of new faces.

The Honourable Minister Ian Hunter met with the taskforce in mid-2013 to experience the engagement process. One departmental representative reflected to the minister that the taskforce is the most rewarding part of their public sector work. The taskforce continues to be a valuable experience for public sector staff, building knowledge and awareness of cross-cultural engagement.

2013 in particular has seen a range of additional working groups formed under the taskforce to progress activities in our Strategic Implementation Plan. The working group between the NRA and Natural Resources South Australian Murray-Darling Basin (SAMDB) is of particular note and

of working groups around particular issues are other highlights. Most important of all though is that we have an equal partnership committed to the protection of Yarlular Ruwe.

Last year the NRA determined a new vision for its future. This vision builds on past work and encapsulates our ideas for the future of our nation.

I took over the role of chairperson of NRA and co-chairperson of the KNYA Taskforce in sudden and difficult circumstances. Thanks to all on the taskforce and in government and my own organisation who have made that task easier. I congratulate all on the work of the last few years and look forward to continuing that work.

### Tim Hartman

Chairperson  
Ngarrindjeri Regional Authority (NRA)

I commend the parties on their efforts, particularly on establishing the Murray Bridge Aboriginal Learning on Country program.

The Government of South Australia's discussion paper on Aboriginal regional authorities was released in 2013. The NRA and its successes are a significant influence behind this new policy direction. I believe the KNYA Taskforce can also provide a significant case study in terms of how to engage and support positive outcomes between Traditional Owners and government across the state.

In late 2013, the KNYA Taskforce undertook an internal survey and review of its role, the way it operates and its strategic priorities. A range of additions to the way it does business as a group have been adopted, and with the review of our Strategic Implementation Plan, it will refocus on progressing its strategic priorities in 2014.

I look forward to continuing to work closely with the Ngarrindjeri during 2014 to achieve progress towards this shared objective.

### Janice Goodwins

Program Leader, Strategy and Business Unit  
River Murray Operations and Major Projects Branch  
Department of Environment, Water and Natural Resources (DEWNR)



# Background to the KNYA

Meaning ‘agreement to listen to Ngarrindjeri people talking’, the Kungun Ngarrindjeri Yunnan Agreement (KNYA) is a consultation and negotiation arrangement between the Government of South Australia and the Ngarrindjeri Regional Authority (NRA). The full agreement can be viewed at [www.environment.sa.gov.au/about-us/aboriginal-partnerships](http://www.environment.sa.gov.au/about-us/aboriginal-partnerships)

The KNYA enables Ngarrindjeri cultural values to become integral to all planning and management arrangements for land and water, assuring active Ngarrindjeri participation in caring for the region. It also supports Ngarrindjeri gaining economic benefit and employment from the management of parks and reserves in their region.

The agreement was signed in 2009 on behalf of the Government of South Australia by the:

**Hon. Jay Weatherill** Minister for Environment and Conservation  
Minister for Aboriginal Affairs and Reconciliation

**Hon. Karlene Maywald** Minister for the River Murray

**Hon. Paul Caica** Minister for Agriculture, Food and Fisheries

and on behalf of the Ngarrindjeri people and representing the NRA by:

**Mr George Trevorrow** Chair, Ngarrindjeri Tendi Inc. (deceased)

**Mr Tom Trevorrow** Chair, Ngarrindjeri Heritage Committee Inc. (deceased)

**Mr Matt Rigney** Chair, Ngarrindjeri Native Title Management Committee (deceased)

## KNYA – A Ngarrindjeri perspective

The KNYA is a Ngarrindjeri Elders and Leaders initiative that was launched after the events of the Kumarangk (Hindmarsh Island) Royal Commission. Ngarrindjeri wanted to build a new relationship with government based on respect and recognition of Ngarrindjeri as the Traditional Owners of their country.

The KNYA progressed the aspirations of the Ngarrindjeri as documented in the Ngarrindjeri Yarluwar-Ruwe Plan. It also builds upon the objectives and intent of the Ngarrindjeri Regional Partnership Agreement 2008, between the NRA and the South Australian and Australian governments. The NRA has reviewed and developed a report on the great successes it has achieved under the Ngarrindjeri Regional Partnership Agreement.

Mr Tom Trevorrow spoke about how the KNYA creates a corporate memory in government about their commitments and a stepping stone for future working relationships with Ngarrindjeri. Mr Trevorrow said:

“Government people come and go but we are Ngarrindjeri and we will always be here because this is where we live,

this KNYA is written in black and white on paper so it will outlast changes in government.”

Ngarrindjeri see the KNYA as pivotal to securing support for their community after the loss of the Aboriginal and Torres Strait Islander Commission and then the Community Development Employment Project. Natural resource management (NRM) industry objectives are similar to Ngarrindjeri aspirations to care for country. Investment in NRM in the Ngarrindjeri region is seen as an opportunity for community development.

Ngarrindjeri see the KNYA Taskforce as the key forum for embedding Ngarrindjeri values, interests and long-term objectives into government policy and planning relating to the Ngarrindjeri Ruwe/Ruwar. Mr Matt Rigney said it also allows for one government (Ngarrindjeri Elders) to consult and negotiate with another government (ministers). The Government of South Australia confirms that the taskforce provides an interface between Ngarrindjeri and the government to discuss policy and planning matters relevant to the KNYA.



## Ngarrindjeri Regional Authority

The NRA represents the communities and organisations that make up the Ngarrindjeri nation and the individual Native Title claimants of the Ngarrindjeri and Others Native Title Claim. The NRA was established in 2007 and the structure is based on the traditional governance of the Ngarrindjeri Tendi.

This is being done whilst maintaining the unique Ngarrindjeri culture, cultural knowledge and materials. The NRA represents the Ngarrindjeri people in implementing the KNYA. The NRA website can be viewed at [www.ngarrindjeri.org.au](http://www.ngarrindjeri.org.au)

## Where we operate

The KNYA applies over all land and water in the Ngarrindjeri and Others Native Title Claim Area (6027/98). The native title claim was lodged in 1998 and covers 10,353 square kilometres in the Lower Murray, Lakes, Coorong, eastern Fleurieu Peninsula and Encounter Bay region (Figure 1). The claim area extends up to 2.7 kilometres out to sea.

## The NRA's vision is:

*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.



# KNYA Taskforce

## How we operate

A KNYA Taskforce is a roundtable forum that supports whole-of-government engagement between the Ngarrindjeri Nation and the Government of South Australia. It comprises representatives from the NRA and nominated State Government officers under the portfolios of the signatory ministers. The taskforce meets monthly and is guided by terms of reference and a strategic implementation plan. The following State Government agencies are represented:

- Department of Environment, Water and Natural Resources (DEWNR)
- Department of Manufacturing, Innovation, Trade, Resources and Energy (DMITRE)
- Department of Premier and Cabinet - Aboriginal Affairs and Reconciliation Division (AARD)
- Environment Protection Authority (EPA)
- Natural Resources Adelaide Mount Lofty Ranges (NR AMLR)
- Natural Resources South Australian Murray-Darling Basin (NR SAMDB)
- Natural Resources South East (NR SE)
- Primary Industries and Regions SA (PIRSA)
- SA Water

Other parties participate in the taskforce forum in *ex officio* capacity, including the Australian Government's Department of Families, Housing, Communities and Indigenous Affairs – Adelaide Indigenous Coordinating Centre. The Attorney General's Department, Crown Solicitor's Office attends KNYA Taskforce meetings and supports the State Government representatives with legal advice. The NRA is also supported by a legal advisor at taskforce meetings from time to time.

Equitable engagement is a key objective of the KNYA. The taskforce was established to address this, and to enable structured meetings, capacity building and practical achievement towards the commitments made under the agreement. The taskforce has also been crucial in building the relationship and understanding between government and Ngarrindjeri.

## Working group of the taskforce

The KNYA Taskforce utilises joint NRA and State Government working groups to progress matters relevant to the agreement. In late 2011, the taskforce established a working group to develop the following key documents:

- KNYA Taskforce Terms of Reference 2012
- KNYA Taskforce Strategic Implementation Plan 2012

The terms of reference were endorsed by the taskforce on 7 June 2012. The strategic implementation plan was endorsed by the taskforce on 4 October 2012. The plan is a deliverable of the terms of reference.

The taskforce has identified a range of issues through its regular meetings and the 2011 KNYA Taskforce Planning Workshop and it wishes to address. The plan was developed to provide guidance on how the taskforce can support and implement positive outcomes to these issues and can be viewed at [www.environment.sa.gov.au/about-us/aboriginal-partnerships](http://www.environment.sa.gov.au/about-us/aboriginal-partnerships)

The plan has six high level objectives that cover the breadth of issues identified by the Taskforce and align with the intent of the KNYA:

- 1: Build on and promote the significance of the KNYA Taskforce
- 2: Support Ngarrindjeri education, training and capacity building
- 3: Support Ngarrindjeri and the Government of South Australia to care for country
- 4: Support Ngarrindjeri economic development opportunities
- 5: Support coordinated and appropriate engagement with Ngarrindjeri on water related planning and management issues that affect the Ngarrindjeri Nation
- 6: Encourage respectful and best practice research engagement with Ngarrindjeri.

High level outcomes have been identified for each objective as well as a range of strategies and associated actions.



# Our performance in 2012-13

The KNYA obliges the Government of South Australia to a range of one-off commitments as well as numerous ongoing matters for good faith consultation and negotiation. The commitments are presented in Table 1, with summaries of their progress and indications of performance.

KNYA clause	Commitment	Progress summary	Performance score
General KNYA commitments			
3.1.1	An amount of no less than \$2.5M of Ngarrindjeri involvement in Lower Lakes Bioremediation and Revegetation Project	Funding agreement signed in August 2010. Project now completed.	
3.2.1	Consultation regarding cultural water requirements and flows	<ul style="list-style-type: none"> <li>The Government of South Australia consulted with the NRA in 2012 regarding the Murray-Darling Basin (MDB) Plan and Ngarrindjeri positions on the policy document.</li> <li>NRA participation in two South Australian public forums during 2012 on MDB Plan.</li> <li>2013 KNYA Taskforce Water Workshop.</li> </ul>	
3.2.2	Public acknowledgement of Federal Court Decision on Hindmarsh Island	Hon. Paul Caica MP made the acknowledgement at NAIDOC Week event in July 2010.	
4.3	Commit \$600K over three years to support NRA development and participation	<ul style="list-style-type: none"> <li>The 3rd and final instalment of funds was delivered in June 2011.</li> <li>NRA has sought a continuation of State Government funding for the KNYA during late 2012 and 2013.</li> </ul>	



**Achieved**  
Commitment met



**On track**  
Progress ahead of what was expected



**Ahead**  
Progress as expected



**Limited progress**  
Some progress but commitment not likely to be met with current trend

KNYA clause	Commitment	Progress summary	Performance score
KNYA matters for consultation			
5.1.1	Gaining economic benefit from management of parks and reserves	<ul style="list-style-type: none"> <li>• NRA secured Australian Government Working on Country program funds for three Ngarrindjeri ranger positions to work in Coorong NP from 2013-2018.</li> <li>• As of end 2013, three Ngarrindjeri Rangers are employed to work with DEWNR on Coorong NP.</li> <li>• Natural Resources SAMDB has contracted works to NRA in a number of Conservation Parks and this has contributed to a Murray Bridge ALOC project employing 3 people.</li> </ul>	
5.1.2	Management planning for protected areas, water resources and water	<p>The taskforce enabled consultation regarding the following initiatives:</p> <ul style="list-style-type: none"> <li>• KNYA Water Workshop in February 2013, and planning for follow up workshop in early 2014 to consider Ngarrindjeri interests in water planning and policy.</li> <li>• The NRA input to The Living Murray LLCMM Icon Site Environmental Water Management Plan 2012-13.</li> <li>• AMLR, SE and SAMDB NRM Boards' regional NRM plan and business plan reviews.</li> <li>• River Murray Water Allocation Plan.</li> <li>• Encounter Bay Marine Park Management Plan.</li> <li>• State Government response to the MDB Plan in January, March and May 2012.</li> <li>• Roonka Conservation Park fencing and stock access during 2013.</li> <li>• NRA input and support for the SA River Murray Environment Water Management Plan 13/14 (consultation in March 2013).</li> <li>• State Government engagement in the COAG National Water Report project – engaging Indigenous people in water planning module in April 2013.</li> <li>• Participation in the CLLMM Lake Albert Scoping Study Reference Group in 2013.</li> <li>• Wetland management plans under the Riverine Recovery Project.</li> </ul>	

KNYA clause	Commitment	Progress summary	Performance score
KNYA matters for consultation - continued			
5.1.3	Ngarrindjeri interests built into CLLMM Long-Term Plan and Business Case	<ul style="list-style-type: none"> <li>Long-term funding and service agreement signed between the NRA and Minister for Sustainability, Environment and Conservation in 2012.</li> <li>DEWNR continued to grant funding to NRA's contracting organisation to undertake on-ground delivery of CLLMM management actions during 2012-13.</li> </ul>	
5.2	Quarterly leader (Ngarrindjeri) to leader (ministers) meetings	<ul style="list-style-type: none"> <li>Six meetings occurred in 2012 and 2013.</li> <li>NRA also met with the Minister for the River Murray separately regarding the MDB Plan in January, March and May 2012.</li> </ul>	
5.3	Leader to leader meeting reports	<ul style="list-style-type: none"> <li>Chief executives and agency advisors attended meetings in 2012 and supported reporting to agencies.</li> </ul>	
KNYA Matters for Negotiation			
6.1.1	Hand-back and co-management of national parks and conservation parks in the context of native title claim resolution	<ul style="list-style-type: none"> <li>Co-management negotiations regarding Coorong National Park continued during 2012.</li> <li>Co-management workshop held at Camp Coorong on 23-24 July 2012.</li> <li>Ngarrindjeri community co-management meeting held on 25-26 October 2013.</li> </ul>	
6.1.3	Agreement regarding Ngarrindjeri ownership and management of cultural knowledge	<ul style="list-style-type: none"> <li>Cultural Knowledge and Intellectual Property clause included in CLLMM and RRP Long-term Ngarrindjeri Partnerships funding agreements.</li> <li>Clause also included in the joint Living Murray/ NRA Indigenous Partnerships Project (IPP) funding agreement.</li> <li>NRA presentation of clause at the DEWNR Traditional Ecological Knowledge (TEK) seminar on 25-26 June 2013.</li> </ul>	

KNYA clause	Commitment	Progress summary	Performance score
KNYA Matters for Negotiation - continued			
6.1.4	Good faith negotiations regarding other matters relating to the KNYA	<p>Key matters for 2012 and 2013:</p> <ul style="list-style-type: none"> <li>• CLLMM Long-term Ngarrindjeri Partnerships funding agreement.</li> <li>• CLLMM South East Flows Restoration Program (SEFRP) Project Plan and Business Case.</li> <li>• Continuation of The Living Murray IPP funding agreement.</li> <li>• RRP Ngarrindjeri Partnerships funding agreement.</li> <li>• Continuation of funding under clause 4.3 of the KNYA.</li> <li>• Clayton and Currency Creek regulator removal process as part of the NRA's delegation of authority under Section 6 of the Aboriginal Heritage Act 1988.</li> <li>• Establishment of Working Group between NRA and the SAMDB NRM Board.</li> <li>• NRA involvement in DEWNR TEK seminar.</li> </ul>	
6.2	Negotiation process	<ul style="list-style-type: none"> <li>• Taskforce follows principles of negotiation process set out in Schedule 1 of the KNYA.</li> </ul>	

# KNYA contribution to the South Australian Strategic Plan for 2012 / 13

The KNYA and the whole-of-government roundtable forum created by the KNYA Taskforce meetings support important contributions to the South Australian Strategic

Plan's Aboriginal-related targets. Given the scope of the KNYA, summaries of the contribution being made are only presented for selected targets.

Target	Target description	Contribution
5	Unemployment rate	<p>The KNYA contributed to the reduction in unemployment rates of Ngarrindjeri in 2012 and 2013:</p> <ul style="list-style-type: none"> <li>• 9 Ngarrindjeri FTE under CLLMM, RRP and TLM funding and service agreement.</li> <li>• 10 FTE Ngarrindjeri employed through Ngarrindjeri Ruwe Contracting servicing predominantly State Government contracts and grants (including a pool of 15 casual workers utilised for seasonal planting work during 2012 and 2013).</li> <li>• 1 FTE Ngarrindjeri employed by DEWNR in SE region.</li> <li>• 3 FTE through Australian Government Working on Country program contract to work in Coorong National Park.</li> <li>• Ngarrindjeri Lands and Progress Association (NLPA) continued to employ 9 FTE under Working on Country contract with the Australian Government, with support from the NRA.</li> </ul>
6	Labour force participation rate	<p>The KNYA facilitated local and State Government contracts and grants that supported Ngarrindjeri Ruwe Contracting (NRC) increasing Ngarrindjeri labour force participation rates</p>
7	Aboriginal public sector employment (proportion)	<p>The KNYA facilitated DEWNR recruitment of an additional Ngarrindjeri ranger in the South East region during 2012, increasing the proportion of Aboriginal employment in the Department in the SE region.</p> <p>DEWNR recruited two Aboriginal Administration staff in 2012 through Aboriginal Employment Initiatives at ASO2 level for business sectors focussing on the River Murray and CLLMM region.</p> <p>DEWNR established new Ngarrindjeri Liaison Officer role in 2013.</p>
9	Vocational education and training attainment (load pass rate)	<p>NRA's Research, Policy and Planning Unit (RPPU) is supporting NRA revision of Certificate 3 in Conservation and Land Management modules to include cultural heritage. Amendments seek to better reflect Ngarrindjeri situation and make learning more relevant to the direction of the NRA's Yarlwar-Ruwe Program.</p> <p>NRA supported 20 Ngarrindjeri through accredited vocational training units during 2012 and 2013 as part of Certificate 3 in Conservation and Land</p>

Target	Target description	Contribution
17	Number of Aboriginal people on government boards and committees	<p>A number of key NRA Board members and Elders on government boards and committees:</p> <ul style="list-style-type: none"> <li>• Clyde Rigney Jnr member on the South Australian Aboriginal Advisory Council.</li> <li>• Derek Walker member on SAMDB NRM Board and the Aboriginal Lands Trust Board.</li> <li>• Grant Rigney member of the MDB Community Committee.</li> <li>• Eunice Aston member on the Premier's Council for Women.</li> <li>• Clyde Rigney Snr is Chair of the SA Aboriginal Health Advisory Committee.</li> </ul>
18	Number of Aboriginal people undertaking Aboriginal heritage site recording training (per annum)	The NRA facilitated the delivery of a tailored heritage training program to more than 20 Ngarrindjeri in 2012 and 2013, with an emphasis on the involvement of Elders and cultural knowledge transmission.
19	Number of National Park Co-Management Agreements signed	The KNYA helped progress the negotiation of a Co-management Agreement for Coorong National Park. A series of negotiation meetings and broader Ngarrindjeri community meetings were held during 2012 and 2013.
20	Proportion of schools with Aboriginal cultural studies in curriculum	NRA is working towards building on the language and cultural studies curriculum at Murray Bridge North and Murray Bridge South primary schools, Victor Harbour High School, Raukkan Primary School, and Unity College.
21	Native title claims resolved	<p>The NRA funded the Ngarrindjeri Connection Report, submitted it to the Crown, and received a positive response from their Independent Assessor in 2012. Now awaiting response from Crown.</p> <p>Limited progress in the negotiation of the Ngarrindjeri and Others Native Title claim in 2013.</p>
28	Aboriginal leadership: Increase the number of Aboriginal South Australians in community leadership and in community leadership development programs	<p>Note progress against Target 17.</p> <p>In addition, NRA supported three Ngarrindjeri enrolments and participation in a year-long Arizona State University Indigenous Governance course.</p> <p>Two NRA employees undertook the Institute of Company Directors workshop on governance in 2013.</p>
51	Aboriginal unemployment: Halve the gap between Aboriginal and non-Aboriginal unemployment rates by 2018.	On Ngarrindjeri country, Federal Government withdrawal of funding from the region has significantly impacted on this employment gap during 2012/13.

# Our engagement in 2012-13

The KNYA commits the Government of South Australia to consult and negotiate with the Ngarrindjeri over a number of matters. The engagement process occurs at three levels:

- Leader to Leader
- KNYA Taskforce
- KNYA Taskforce Working Groups

## Taskforce meetings

The KNYA Taskforce has met on 21 occasions during 2012 and 2013, including the KNYA Water Workshop on

14 February 2013. A total of 420 attendees (238 State Government, 172 NRA, 10 Alexandrina Council) participated in over 1470 meeting hours during 2012 and 2013.

DEWNR estimated the cost of State Government attendance at each KNYA Taskforce meeting at \$3,200, with a total of approximately \$35,000 per annum (based on 11 meetings). DEWNR also funds the government's Executive Officer to Taskforce at approximately 0.2 FTE at ASO7 level.

State Government engagement in the KNYA Taskforce has been variable and is presented in Table 2.

Table 2: Summary of South Australian Government engagement in KNYA Taskforce

Year	DEWNR	PIRSA	DMITRE	AARD DPC	SA Water	EPA	CSO	NR AMLR	NR SE	NR SAMDB
2012-13	F	P	P	F	F	P	F	F	F	F

Participation levels:

**F** Full time    **P** Part time

The Australian Government's Department for Families, Housing, Community and Indigenous Affairs, the Commonwealth Environmental Water Office, the Victorian Government's Department of Sustainability

and Environment, as well as Flinders University, Griffith University, Cambridge University, and Alexandrina Council also participated at KNYA Taskforce meetings during 2012 and 2013.

# Highlights of 2012 and 2013

The KNYA and the taskforce that was established to coordinate its implementation have been highly successful in building a new relationship between Ngarrindjeri and the Government of South Australia, and delivering on-ground benefits to the Ngarrindjeri community.

## Full-time employment secured

The KNYA has facilitated the full-time employment of 16 Ngarrindjeri during the period within the NRA. Up to ten Ngarrindjeri were also employed as casual staff to support the operations of the NRC.

## Research

The NRA was engaged in a number of research partnerships to analyse and publicise the effectiveness of the KNYA, or matters subject to the agreement in 2012-13. The NRA's Research, Policy and Planning Unit based in Flinders University, continues to provide advice and expert input to the NRA. A number of projects, including one funded by an Australian Research Council (ARC) Linkage grant and one by an ARC Discovery (Indigenous) grant are also pending.

## Research projects

ARC Linkage Project title 'Return, Reconcile, Renew Project: Understanding the history effects and opportunities of repatriation and building an evidence base for the future'. Research organisations: Australian National University, Flinders University, University of Queensland, University of Melbourne, University of Otago. Partner organisations: Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS), Australian Government Office for the Arts, Kimberley Aboriginal Law and Culture Centre, NRA, National Museum of Australia, Association of American Indian Affairs, Museum of New Zealand Te Papa Tongarewa, Gur A Baradharaw Kod Torres Strait Sea and Land Council.

Research Cluster Grant title 'Indigenous Nation Building: An international research collaboration'. Research organisations: University of Melbourne School of Government, Charles Sturt University, Native Nations Institute, Flinders University, Royal Melbourne Institute of Technology, University of Arizona, University of Technology Sydney.

Goyder Institute Research Project title 'River Murray Catchment Program'. NRA Research, Policy and Planning Unit in Flinders University partners in considering the Indigenous engagement in water. Goyder is a partnership between SARDI, University of South Australia, Flinders University and CSIRO.

## State Government funding secured during 2012 and 2013

Approximately \$3.98 million in funding from the State Government was secured by the NRA through the KNYA (including NRA member organisations and advisors). Delivery of the funding has been achieved through funding agreements, service agreements and commercial contracts:

<b>\$3,819,254</b>	<b>DEWNR</b> contracts and grants with NRA/NRC
<b>\$76,102</b>	<b>AGD</b> payments for Ngarrindjeri co-management negotiations
<b>\$84,760</b>	<b>SA Water</b> contracts with NRA/NRC
<b>\$3,980,116</b>	<b>TOTAL</b>

## Conference presentations

- 2013 Rigney, D. Invited speaker, 'Ngarrindjeri Futures – The NRA', Session: Sovereignty and Self-Determination in Action, NC13, National Congress of Australia's First People Annual Delegates Forum, Cairns, 19-21 July.
- 2013 Rigney, D. Keynote speaker, 'Knowledge, Indigenous People and Nation-building', Traditional Ecological Knowledge Seminar, DEWNR, National Wine Centre, June, 2013.
- 2013 Trevorrow, T (deceased)., Hartman, T., Hemming, S., Rigney, D., Rigney, C., Rigney, G., and Sutherland, L. 'Ngarrindjeri Yunnan: Caring for Ngarrindjeri lands, waters, people and all living things', DEWNR, Traditional Ecological Knowledge Seminar, National Wine Centre, June, 2013.
- 2013 Trevorrow, T., Hemming, S., Rigney, D., and Rigney C. Jnr., 'Ngarrindjeri Yarluwar-Ruwe (Sea Country) and Ngarrindjeri Futures', Kungun Ngarrindjeri Yunnan Agreement Yarluwar-Ruwe (Meeting of fresh and salt waters) Workshop, Camp Coorong: Race Relations and Cultural Education Program, February 2013.
- 2012 Rigney, D. Keynote speaker, 'Caring for Country: Ngarrindjeri Engagements with Cultural and Natural Resource Management', Symposia: Water Governance, Energy Development, and Indigenous Rights, Lister Centre, Edmonton, Alberta. Co-hosted and sponsored by Treaty 8, the Keepers of the Athabasca and Makere Stewart-Harawira (Energy Development and the Prosperity and Wellbeing of Aboriginal Communities in Northern Alberta SSHRC-funded research project) University of Alberta, 11-12 October, 2012.
- 2012 Rigney, D. Invited speaker, With Kevin Rudd MP & Jackie Huggins., 'Acknowledgment and Healing – the Australian Experience', Caux Forum on Human Security, Initiatives of Change 8-15 July 2012, Caux, Switzerland.
- 2012 Hemming, S. & Rigney, D. 'Negotiating the return of Ngarrindjeri Old People: Repatriating Aboriginal South Australians', Public Seminar, Natural History Museum, 29 June, London, UK.
- 2012 Goyder Institute for Water Research, Inaugural Annual Water Forum, Member of Expert Panel (by invitation), Goyder Pavilion, 28-29 May, Adelaide.
- 2012 Hemming, S. Rigney, D. and Macgill, B. 'Indigenous Knowledge, Place and Pedagogy', American Education Research Association (AERA) Annual conference, 14-17th April, Vancouver, Canada.
- 2012 Rigney, D. Invited speaker, Australian Government and Murray Darling Basin Authority (MDBA), Adelaide Public Meeting on the MDB Plan, Key Stakeholder: The NRA, Other invited speakers: Hon Tony Burke, Minister for Sustainability, Environment, Water, Population and Communities; Craig Knowles, MDBA Chair; Neil Shillabeer, Chair, Lower Lakes and Coorong Infrastructure Committee; Peter Duggin, Presiding Member, Renmark Irrigation Trust & A/Prof David Paton, University of Adelaide, 3 April, Adelaide Convention Centre.
- 2012 Rigney, D. Invited participant, Government of South Australia's Premier's Community Leaders Forum, Developing a Coordinated South Australian Response to the Murray-Darling Basin Plan (MDBP), Premier, Hon Jay Weatherill MP (Chair), Minister for Water and the River Murray, Hon Paul Caica MP (Deputy Chair), 16 March 2012.

- 2012 Rigney, D. Invited speaker, 'The MDBP: from the past into the future' – a panel session to inform and engage the South Australian community, 'The Ngarrindjeri Perspective', Other invited speakers: The Hon Jay Weatherill, Premier of South Australia; Mitch Williams MP, Deputy Leader of the opposition & Shadow Minister for Water Security; Prof Diane Bell, Conservation Council SA; Tony Minns, Director, Goyder Institute for Water Research; Ben Haslett, SA River Communities Group; Susan Marsden, Historical Consultant & Prof Chris Daniels (Chair) Director Barbara Hardy Institute, UniSA. The Bob Hawke Prime Ministerial Centre, University of South Australia, 14 March, 2012, Adelaide.
- 2012 Rigney, D. & Hemming, S. 'Ngarrindjeri Yarluwar-Ruwe (Sea Country) Strategy', International Union for the Conservation of Nature (IUCN), Innovations for 21st Century Conservation, Science Informing Policy Symposium Series, National Wine Centre, 21-22 March 2012, Adelaide.

### Publications completed or in preparation

Kirby M., Bice C., Doody T.M., Hemming S., Holland K.L., Jolly I.D., Mason K., McGinness H., Muller K.L., Nicol J.M., Pollino C.A., Rigney D, Wallace T.A., Ye Q. (2013) Preliminary Systems Inventory and Project Scoping River Murray Catchment, Goyder Institute for Water Research Technical Report Series No. 13/9, Adelaide, South Australia.

Rigney, D. & Hemming, S. (2013) 'Is "Closing the Gap" Enough? Ngarrindjeri ontologies, reconciliation and caring for country', *Educational Philosophy and Theory*,

DOI:10.1080/00131857.2013.

Hemming, S. & Rigney, D. (2012) 'Ngarrindjeri futures: negotiating a future through Caring for Ruwe/Ruwar (lands, waters and all living things)' in Figgis, P., Fitzsimons, J. & Irving, J. (Eds.) *Innovation for 21st Century Conservation*, Sydney: Australian Committee for IUCN, pp. 186-191.

NRA and DEWNR (2012). Chapter 5.7 Other innovations in co-governance: Case study of the Kungun Ngarrindjeri Yunnan Agreements, In *Parks Forum Masterclass Background Document: Exploring Co-Governance and Co-management*.

# Case study project – FLOW: Life Giving Lands and Waters

## Background

The NRA, Change Media and The Living Murray (TLM) program have developed a 26-minute documentary on water management and ecology in the Lower Lakes, Coorong and Murray Mouth (LLCMM) icon site. Flow: Life Giving Lands and Waters was filmed in December 2012, and brings together scientists and water managers from TLM, the NRA and the community to explore western and Ngarrindjeri management and research in the region.

The project started when TLM staff required a short documentary on water management and the interactions between Ngarrindjeri, scientists and the community, to promote TLM. The idea was raised at a KNYA Taskforce meeting, and the suggestion was made that TLM should team up with the NRA media team and Change Media. Through the taskforce process, different programs and funding sources were brought together to produce a high quality, collaborative and educational documentary. 'Flow' can be used as an educational tool to promote the importance of environmental water, monitoring, research and cultural knowledge for future management of the LLCMM.

## Outcomes

Change Media worked with 12 scientists selected by DEWNR and the NRA to address a series of issues about managing the River Murray, the Lower Lakes and the Coorong. Over four days, the film compared the different western scientific and economic approaches with Ngarrindjeri knowledge and cultural practice shared by their Elders, and explored how both sides can work together for a better understanding of the fragile environment.

## Contributions

Funding for the production was sourced from the Australian Government's Indigenous Cultural Support, Office for the Arts, Department of Regional Australia, Local Government, Arts and Sport; Australia Council for the Arts; Arts SA; DEWNR (TLM); NRA; and Tallstoreez Productionz. The documentary was produced in association with the DEWNR and the MDBA.

Flow can be viewed at:  
[www.changemedia.net.au/projects/flow](http://www.changemedia.net.au/projects/flow)



# Case study project – Negotiating Ngarrindjeri partnerships to describe the character of Yarluyar Ruwe

The Ngarrindjeri partnerships formed while reviewing the ecological character of the Coorong, Lakes Alexandrina and Albert Ramsar site provide a case study in negotiating space for Ngarrindjeri interests and philosophies in natural resource management.

Ngarrindjeri have a unique philosophy regarding the connectivity of country, body and spirit. Ngarrindjeri Ruwe/Ruwar (country/body/spirit) reflects Ngarrindjeri rights and responsibilities reinforcing that all things are connected. In contrast, the dominant natural resource management and science discourses have regarded these as separate matters, effectively removing institutional support and recognition of Ngarrindjeri interests, and regarding Ngarrindjeri knowledge not as its own system of understanding, but as a source of facts to be collected to complement existing understandings. This process has affected Ngarrindjeri ability to engage in natural resource management and Ruwe/Ruwar.

In the spirit of the KNYA, the NRA and DEWNR have established a new partnership to investigate how to better include Ngarrindjeri interests and philosophies in the review of Ramsar Ecological Character Description (ECD). DEWNR leads the review process for the current ECD. Through the development of a statement of commitment between the

partners, a series of joint initiatives are in development to influence the application of the ECD guidelines, and negotiate the use of Ngarrindjeri cultural knowledge. These approaches look to merge the ECD framework with Ramsar resolutions relating to taking into account the cultural values of wetlands and better understanding the relationship between Ngarrindjeri values and wetland conservation and wise use.

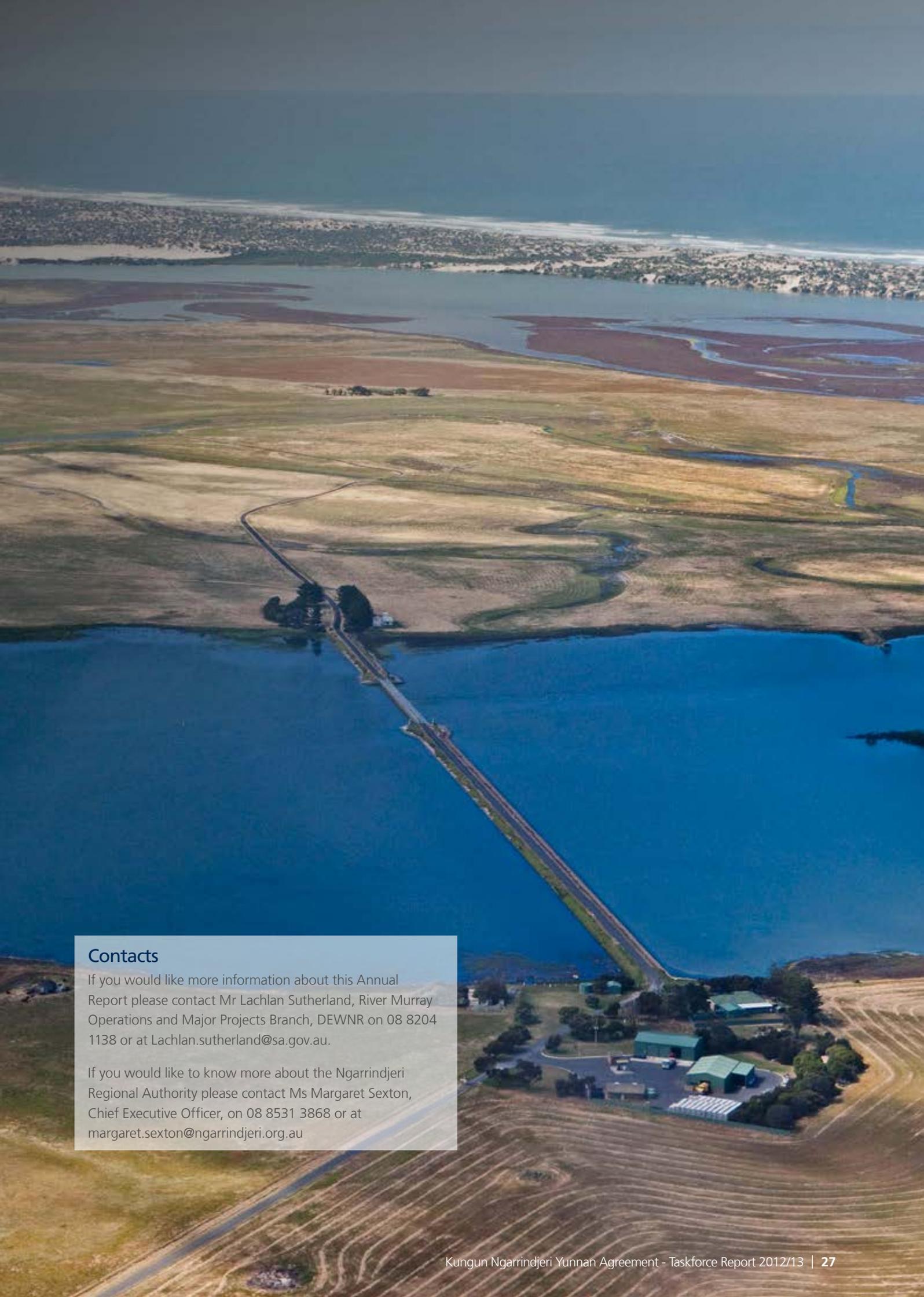
Partners propose to coordinate a series of two-way workshops seeking to jointly develop a character description for the registered Meeting of the Waters site, which is at the centre of Ngarrindjeri country. The workshops bring together two perspectives and sets of knowledge in a step to understand, respect and articulate the wellbeing of this special place.

This partnership challenges NRM science to value and respect different ways of understanding and include Ngarrindjeri interests in wetland policy to support long-term Ngarrindjeri Caring for Country objectives. These activities are set to roll out in 2014 and 2015.



# Acronyms/abbreviations/terms

AARD	Aboriginal Affairs and Reconciliation Division of DPC (SA)	KNYA	Kungun Ngarrindjeri Yunnan Agreement (listening to Ngarrindjeri people speaking)
AGD	Attorney General's Department (SA)	MDB	Murray Darling Basin
ARC	Australian Research Council	MDBA	Murray Darling Basin Authority (Aus)
Caring for Country	Aboriginal English term regarding Aboriginal peoples relationships to, and their rights and responsibilities to look after, their country	NP	National Park
CfoC	Australian Government's Caring for our Country Program	NRA	Ngarrindjeri Regional Authority
CLLMM	Coorong, Lower Lakes and Murray Mouth	NRM	Natural Resource Management
CoAG	Council of Australian Governments	PIRSA	Department of Primary Industries and Resources (SA)
Closing the Gap	Closing the Gap on Indigenous Disadvantage Statement, CoAG, 2008	Rupelle	Elected head of the Ngarrindjeri Tendi
CSO	Crown Solicitor's Office of AGD (SA)	Ruwe/Ruwar	Land / body / spirit
DEWNR	Department of Environment, Water and Natural Resources (SA)	SAMDB	
DFW	Department for Water (SA)	NRM Board	South Australian Murray Darling Basin NRM Board (SA)
DPC	Department of Premier and Cabinet (SA)	SARDI	South Australian Research and Development Institute
DSEWPAC	Department for Sustainability, Environment, Water, Population and Communities (Aus)	SA Water	
DTEI	Department of Transport, Energy and Infrastructure (SA)	SE	
ICC	Adelaide, Indigenous Coordination Centre (Aus)	NRM Board	South East NRM Board (SA)
IHP	Australian Government's Indigenous Heritage Program	Tendi	Ngarrindjeri traditional governing council
IPA	Australian Government's Indigenous Protected Areas Program	TLM	The Living Murray
		Uni SA	University of South Australia
		WoC	Australian Government's Working on Country Program
		Yarluwar	
		Ruwe	Ngarrindjeri term meaning Sea Country



## Contacts

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