

Kaurna Nation Cultural Heritage Association
14 Coonong Avenue
POORAKA SA 5095

26 April 2012

Stormwater Management Authority

Presiding Member
Level 1
GPO Box 2834
ADELAIDE SA 5001

ATTN: Mr Barry J Grear AO

Dear Sir

BROWNHILL CREEK

We write to you in our capacity as the Executive members of the Kaurna Nation Cultural Heritage Association concerning the planned dam site at Brownhill Creek.

The Association has a number of concerns regarding the construction of a dam, and this letter will set some of them out.

The Letters Patent have been established since the Province of South Australia on 19 February 1836. From this time, areas have been set aside for Aboriginal Descendants and are identified on the Site Card Aboriginal Affairs Reconciliation Development Register. This acknowledges the rights and responsibilities relating to Kaurna Aboriginal Heritage, social justice, native title and the protection of significant sites, space and places within identified Parks and Reserves.

The Letters Patent supported the provisions of the South Australian Foundation Act 1834. This support included the recognition of the rights of any "Aboriginal Natives" or their descendants to their Lands they 'actually occupied or enjoyed'.

The Letters Patent protected the Aboriginal People of South Australia and their inherited rights as Traditional Owners to caring for our country.

These Rights have never been recognized by past or present South Australian Governments, nor have they been respected and upheld.

Governor Grey set aside Brownhill Creek for public purpose in 1841 predating the Oldest National Parks in the World at Yellowstone USA (1872). In Australia, such national parks exist at the Royal National park NSW (1879) and the Belair State Park of South Australia (1891). The Brownhill Creek Recreation Park is now part of 'Yurebilla', of the Greater Mt

Lofty Parklands NRM Region. For the Kurna Nation, the site is the gateway to Tjribulky/Tjribulkie Warraparinga Windy Place of the Stuart River and Reserve.

The Honourable Jay Weatherill, former Minister for Aboriginal Affairs and Reconciliation, in a speech on Proclamation Day held 28 December 2006, referred to the Letters Patent. In that speech, Minister Weatherill said that the Letters Patent "expressly provide for the rights of any Aboriginal People". He went on to say that Non-Aboriginal South Australians need to recommit to the promise made to Aboriginal People at the time of the establishment of South Australia.

We the Kurna People call for South Australia's King William IV 1836 Letters Patent to be honoured as a Writ of Right or, in the alternative, to form the framework of a Charter, which is a transfer of property, of certain lands to Wix Priory. This relates to the 'Save Brownhill Creek Movement'. We the Kurna people stand together as custodians of Brownhill Creek, a unique and important part of South Australia's Natural and Cultural Heritage. Let it be a present and future Legacy for Generations.

If construction of the dam at Brownhill Creek does proceed, the Association will seek for ethnographic and archaeological surveys to be carried out to identify, assess, manage and interpret any cultural heritage items, objects and places at Brownhill Creek.

We urge the Government to reconsider the plans to build a dam at Brownhill Creek, a significant site to the Kurna people. It is the Association's position that the Government ought to pursue alternative options, options which will not jeopardize the future of Brownhill Creek and our traditional country.

Yours faithfully

FRANK WANGANEEN
Chair Person

DARREN WANGANEEN
Vice Chair Person

LYNETTE CROCKER
Secretary