

Submission
No 121

**INQUIRY INTO RATIONALE FOR, AND IMPACTS OF,
NEW DAMS AND OTHER WATER INFRASTRUCTURE IN
NSW**

Organisation: Buyaan Trust
Date Received: 22 September 2020

**The Enlargement of the Wyangala Dam within the Lachlan River
Catchment.
Submission to the NSW Legislative Council Inquiry**

The Budyaan Trust – Wiradjuri language and culture, are writing to express our concerns that consultation has not taken place with all the various Wiradjuri clan groups who are and will be impacted by the proposed enlargement of the Wyangala Dam. We are aware that not all clans along the Lachlan river have been consulted and that other clans who will be directly and indirectly impacted have not been consulted at all. Wiradjuri people are the custodians of the lands within their nation and should be the first peoples consulted with when any alterations to the natural environment including but not limited to water, wetlands, land, air, sky, soil, trees, plants and animals. Since the arrival of Europeans on Wiradjuri country in the early 1800s, Wiradjuri rights and responsibilities have been ignored and swept away. The fact that there has not been wide spread consultation with Wiradjuri people regarding the proposed enlargement of the Wyangala Dam is again another example of the disrespect and disregard for Wiradjuri people and their rights on Wiradjuri country.

Wiradjuri cosmology clearly states that we are in relationship with all else and this includes the natural environment. Humans are in an interdependent relationship with the natural environment and rely upon it for our very survival. Whatever is done to the natural environment directly impacts upon all things Wiradjuri, including people. Wiradjuri people know that the disasters such as the droughts and the bushfires as well as the current pandemic are all a direct result of the mismanagement and abuse of the natural environment.

Furthermore, the illnesses that people are suffering from have a direct correlation with the poor health of country, which includes the natural environment. The poor health of Wiradjuri country has come about as a direct result of the mismanagement and the exploitation of the natural environment. Wiradjuri have long struggled to understand why those who have come over the last couple of decades, continue to reclaim land from water and then build dams and flood land. Country has its own waterways that are based on the land and is in balance with all else. The enlarging of Wyangala Dam will only further harm country and continue to create the problems that we are experiencing. It will not address the issues of water shortage and drought. What is proposed is a short-term solution to a longer-term problem that has been created out of the actions that are now being proposed, thus leading to further problems in the future.

One of the major problems with the proposed enlargement of Wyangala Dam is that it will redirect water from major flooding events away from downstream river systems which will directly impact upon fish and other water life, plants, trees, birds and animals. It will also impact upon the social and cultural life of Wiradjuri people who are dependent upon that water flow into other water systems. There are a number of articles within United Nations Declaration on the Rights of Indigenous Peoples that we believe will be breached with the enlargement of Wyangala Dam:

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

We are very concerned that the enlargement of Wyangala Dam has not given due concern to the rights of Wiradjuri people or our cultural, social and economic well-being. Furthermore, we are concerned that widespread consultation with Wiradjuri people has not occurred.

There is an urgent need to increase the scope and timeline of this inquiry to allow for Wiradjuri people to have time to prepare submissions for the inquiry. Many of us have only found out today (and submissions close at 5pm) about the inquiry and thus many will not be able to organise a submission. If we were allowed the time, we would be able to provide a

submission which outlines in-depth the impact of the enlargement of Wyangala Dam upon Wiradjuri cultural, social and economic life.

Regards

Uncle Ray Woods

Professor Sue Green

Dr Jonathan Jones

Ms Donna Murray

Ms Deb Evans

Buyaan Trust