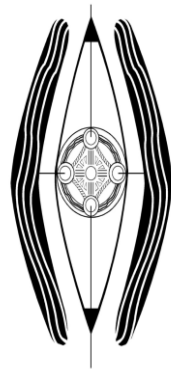


INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: Euahlayi Peoples Republic

Date Received: 16 August 2021

EUAHLAYI PEOPLES REPUBLIC



DTHOURI NGEAN



EUAHLAYI PEOPLES REPUBLIC

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16 August 2021

Euahlayi submission on the Importance of Floodplains & restrictions on Floodplain Harvesting

For and on behalf of the Euahlayi Nation, with the advice of the Euahlayi Executive Council of State, I make the following submission on the gross mismanagement of our floodplains, unsustainable diversion of natural water flows across our floodplains and the urgent need to rectify the damage done to the ecosystems of our floodplains, which Euahlayi have successfully managed through two Ice Ages, droughts, floods and fire.

Our floodplains mainly receive water in three ways: from floods which are overbank flows out of the rivers; from localised rainfall events; and in modern times from water pumped from aquifers and the 'so-called' sustainable diversions pumped from the rivers themselves.

The Euahlayi Nation is one of the Northern Basin Aboriginal Nations (NBAN) of the Murray Darling Basin (MDB). 17 of the 22 Nations have signed the NBAN Treaty, an agreement to protect the sacredness of water and its spiritual entities; to successfully manage Cultural Flows and environmental water and to co-ordinate water management and compliance across the Northern Basin for mutual benefit of all First Nations, from the headwaters to the mouth of the Murray. This is our commitment to each other. As described in our 2020 *Euahlayi Cultural Flows Nation Planning* document (pp 13 – 16), First Nations are the owners of water due to our celestial law, ritual statutes and unceded sovereignty. I point out that the Commonwealth *Water*

Act 2007 has mandatory obligations on the part of both State and Commonwealth to include First Nations in water planning and use.

To date, Euahlayi and other First Nations' knowledge of the paramount water requirements has been ignored and we are still struggling to have Cultural Flows included into the legislation.

Across our floodplains, the natural flood sequence is the big Generational Flood every 18 – 20 years which replenishes the water table, groundwater aquifers, springs and 'kick starts' the life cycles within the ecosystems in unison ready for the next generation to flourish. Our food sources, medicines, fibres, timbers etc regenerate.



Gradually scientists are beginning to incorporate our ancient knowledge into their research. For example, Dr Will Higginson's paper *Supporting culturally significant native plants with environmental water* (<https://flow-mer.org.au>) examines the environmental water needs for Nardoo (*Marsilea spp.*), Old Man Weed (*Centipeda spp.*) and Boo-rara, Cumbungi (*Typha spp.*). He found that these culturally significant plants:

The Euahlayi Use and Occupancy mapping of 2016 -2017 gathered the location of over 27000 use and occupancy sites from 107 participant Traditional Owners. The hodgepodge map below combines all the data and clearly demonstrates the continuing central importance of rivers, riparian zones and floodplains to our Peoples.



The localised rainfall events from scattered and isolated storms are termed ‘inconsequential water’ by water planners and managers, but for us these rain events are crucial to maintaining the biodiversity of our extensive floodplains, which are intersected by ridges, rivers and streams.

The floodplains are also crucial habitat for many of our totemic species, which are a core component of our cultural system, since every Euahlayi person relates to each other and Country through his or her own personal totem, as well as a clan totem. We have described our four ‘clans’ totemic connections very clearly in our 2020 *Euahlayi Cultural Flows Nation Planning* document.

Euahlayi Cultural Flows Nation Planning

Clan Country: Mirri-yhar-burrah

Lignum, Muehlenbeckia florulenta

The sub ordinate totems of this clan Country are:

Milman Swamp yam, *Triglochin* sp.

Goolibhar Flood box (Black), *r*

Eucalyptus largiflores

Binghar-wingal Needlebush, *Hakea leucopetala*

Boondithoon Kingfisher: Red-tailed

Todiramphus pyrrhopygia or

Sacred *Todiramphus sacrus*

Gwineeboo Robin Redbreast

Wahn Crow, *Corvus orru*

Ghooobudthoo Peaceful dove, *Geopelia striata*

Ghoolay-yarl Pelican, *Pelecanus conspicillatus*

Conay-wihar Black Diver, Cormorant,

Phalacrocorax sp.

Tucki Black Bream

Ghoolbaril Shingleback Lizard, *Tiliqua rugosa*

Land yam, *Parsonsia*

auca pentophylla also in

Mooragoo Bombie in the boundary

with Myrriah

Ghoolbaril River

Dhingsheegun Large Green Frog

Bhul ar-bhul are Butterflies

Gwigher-gay Ordinary ant beds

Boorooma Dingo, Canis familiaris dingo

Crimson-wing Parrot/Red-winged

Aprornoceros erythropterus

Bee-bee Woodpecker

Bayl-ghar Red-tailed Black-Cockatoo

Calystorhynchus banksii

The large Black and Yellow

Striped Goanna, *Lacertis varius*

Murman Mosquito

Parrulkar Brolga, *Grus rubicundus*

Ghee-djar Big Back Ants

The weather and star constellations named are:
Bahlloo, the moon; Whelwar-dhar, north wind;
Ghoo-roo-gwan-dhillyay-dhillyay, south wind.

Amongst the sub group are:

Dhunan-gull Hairy Caterpillar

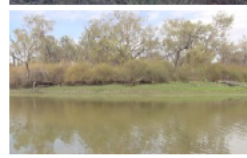
Munggarun Whistling Kite, *Haliastur indus*

Yubar Diamond Python,

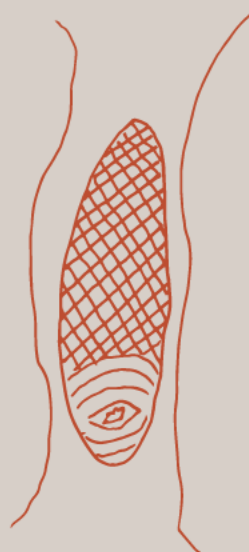
Morone spilota spilota

Myrah Paddyfield

Rhyacionia sp.



Top) Mirri-yhar
Bottom) Lignum of Mirri-ghar, we are digwathoo



The totem shown above represents: Mirri yhar Lignum *Muehlenbeckia florulenta*

It is within the Euahlayi Moiety of Gwaludthan (Dark of Night)

It belongs to the Murri Clan Group.

Mirri-yhar (Lignum) is the Grandmother of the Murri/Mardhar clan.

All of the native flora, fauna, including the real person are the descendants of the Mirri.

The clan groups real persons genealogy, who are the owners/occupants of this Dhowri (Countryland).

The real persons family include: Sands, Winters, Rose, Fernando, Halls, Reds.

The animal that is the head of this clan Country is Wahn, the Crow.

Clan Country: Nyoong-har-burrah

People of the Kurrajong tree

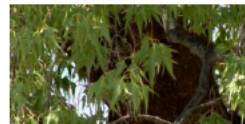
The animal that is the head of this clan group is the *Nyoong-har* (Red Belly Black Snake)
The sub ordinate totems of this Country are:

<i>Gharbeen</i>	Carbeen tree, <i>Eucalyptus tessellaris</i>
<i>Ghoon-re-ghar</i>	White cypress pine grows on Moreias, <i>Callitris glaucocephala</i>
<i>Boor-roo-rah</i> , (Bumrah)	Bu Irush, Cumbungi, <i>Typha orientalis</i> and <i>T. domingensis</i>
<i>Gburri-yar</i>	Crocodile
<i>Whar-lar</i>	Empty Dunggal (Mussel) shell
<i>Dthoo-you-gurrah</i>	Myall Earth Worm
<i>Dtherah-re</i>	Willy Wagtail, <i>Rhipidura leucophrys</i>
<i>Beemun-gun</i>	Pee Wee/ Magpie-lark, <i>Grallina cyanoleuca</i>
<i>Boo-you-dthoon-mill-ee</i>	Grey Crane/White-faced Heron, <i>Egretta novaehollandiae</i>
<i>Ooyun</i>	Curlew/Bush Stone Curlew, <i>Burhinus grallarius</i>
<i>Boo-you-ghar</i>	Centipede
<i>Beeraghar</i>	Nankeen Night Heron, <i>Nycticorax naevius</i>
<i>Whi</i>	Guppy (small mud fish)
<i>M-lan</i>	Swamp yam, Water ribbon yam, <i>Triglochin</i> spp. Over caps with Myriah Country and/or Mooragho-Bibble
<i>Dthoolan-gay-yar</i>	Sourtop, Marran Uly, <i>Crinum fladum</i>

<i>Ghoombul-guboon</i>	Plains Turkey/Bustard, <i>Ardeotis australis</i>
<i>Brigalow</i>	Brigalow, <i>Acacia harpophylla</i>
<i>Boon-mul</i>	Shrimp

The weather features claimed by this group is Whi, the Sun and Ghoon-yar-doo, the east wind.
Amongst the sub group are:

<i>Bumble</i>	Native Orange/Wild Orange, rough skin, generally on open plains, <i>Capparis mitchellii</i>
<i>Mirri</i>	Wild current bush, Fire Tree, <i>Apophyllum anomalum</i>



Nyoonghar, Kurrajong tree



The totem above represents *Nyoong-har* (Red Belly Black Snake)
The head of the land-based totems within the Euaheyl Moety division of Gwee-gu-lar (Day or Light Side). It belongs to Ghoombul (Zombo) clan group.
Nyoong-har is the Kurrajong tree (*Brachycton populneus*)
It is the Grandmother Mimi of the Ghoombul clan.
All of the native flora, fauna, including the real persons are the descendants of this Mimi.
The clan groups real persons are the owners/occupants of this Dthowri (Country/land).

Clan Country: Moorroo-ghoo / Bibble

Belah *Casuarina cristata* and Bimble Box/ Black Swamp Box – *Eucalyptus largiflores*

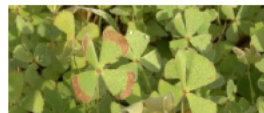
The animal that is head of this Country is: The Ghoon-yoo, King Brown Snake *Pseudochis australis*
The sub ordinate totems of this group are:

<i>Bee-wee</i>	Gray Spotted Goanna, <i>Varanus rosenbergi</i>
<i>Ghar-ghar</i>	Cattis, <i>Tandanus tandanus</i>
<i>Gurree-gin-gin</i>	Butcher Bird, <i>Cracticus nigrogularis</i>
<i>Ghoon-gar-rah-gar-gar</i>	Kookaburra, <i>Dacelo novaeguineae</i>
<i>Dtheen-bee</i>	"Ducky Diver"
<i>Weedar</i>	Bower Bird, <i>Chlamydera maculata</i>
<i>Moo-rah-ghoo</i>	Black and white ibis, <i>Threskiornis molucca</i>
<i>Boo-loon</i>	White Crane/Egret, <i>Ardea</i> spp
<i>Ngoodall-ngoodall</i>	Whistling duck, <i>Dendrocygna eytoni</i>
<i>Ghoon-boonay</i>	Stars (generally, all inclusive)
<i>Ghoon-re</i>	White Cypress Pine, <i>Callitris glaucocephala</i> & <i>Callitris</i> Black Cypress Pine living on sandhills
<i>Ghuddy-boon-doo</i>	Bitter Bark (any tree)
<i>Ghoon-dthoo</i>	Bandicoot (Northern Brown), <i>Isodon macrourus</i>
<i>Why-amber</i>	Long neck turtle, <i>Chelodina longicollis</i>
<i>Bigg-billar</i>	Echidna (Porcupine), <i>Tachyglossus aculeatus</i>
<i>Mung-bee</i>	Small Mussel (like a Beach Pip)
<i>Mung-goon</i>	Carpenter snake, <i>Morrellia spilota</i>
<i>Dthoo-you-ee</i>	Small Black Ants
<i>Moon-dthoo</i>	Wasp

<i>Murgar-moogar-wee</i>	Orb spider, large brown spider that strings large web between trees, <i>Nephila</i> sp.
<i>Mung-ghee-wurri-wurri-mul</i>	Seagull/Silver Gull, <i>Larus novaehollandiae</i>
<i>Moo-youte</i>	White cockatoo/Sulphur-crested, <i>Cacatua galerita</i>
<i>Moorah-ghoo</i>	Mopoke owl, Southern Boobook, <i>Ninox novaeseelandiae</i>
<i>Ngarra-dam</i>	Little grey bat, <i>Myotis lyallii</i>

The weather pattern that is claimed by this group is Ghoon-gar-ghe-ghe-ghe, the cold South wind; Euro-willy, The rainbow; Muden-where-der, the west wind.
Amongst the sub group are:

<i>Birrar</i>	Whitebark, <i>Atalapha hemiglossa</i>
<i>Mood-dthi</i>	Ringtail Possum, <i>Pseudocheirus peregrinus</i>



Boo-gheer
(bottom) Moorroo-ghoo/Bibble swampy



The following totem represents: Moorroo-ghoo / Bibble
(Belah *Casuarina cristata* / Bimble Box *Eucalyptus largiflores*)
Fits within the Euaheyl Moety of Gwaimudthun (Dark, the Night side). It belongs to the Ghoombul clan group.
Moorroo-ghoo / Bibble are twin sisters and are the Mimi (grandmothers) of the Ghoombul clan.
All native and natural flora and fauna, including the real persons are the descendants of the Mimi.
The clan groups real persons are the owners/occupants of this Dthowri (Country/land).

Clan Country: Ghurree-burrah

People of the Native Orchid/
Black Orchid, *Cymbidium canaliculatum*

The animal that is the head of this clan Country is:
Dthinar-woe Emu *Dromolus novaehollandiae*

The sub-ordinate totems of this group are:

Goodee	Murray Cod, <i>Maccullochella peelii</i>
Goombel	"Silver/Boney Bream"
Ing-gar	Crayfish, <i>Cherax destructor</i>
Ghaowhar-ghao	Water Emu spirit
Moograbhar	Maggie, <i>Gymnorhina tibicen</i>
By-yar-mul	Black Swan, <i>Cygnus atratus</i>
Eerlin	Little Night Owl/Owlet Nightjar, <i>Antrozous cristatus</i>
Beerwon	Native Swallow, <i>Hirundo neoxena</i>
Dhuloo-rhar	Sweet gum (of whitewood tree)
Bunyar	Fly
Dthelal-boori	Sacred Fire (storage of secrets)
Gidjee	Gidgee, <i>Acacia cambagei</i>
Yarran	River red gum, <i>Eucalyptus camaldulensis</i>
Dtheenye	Ironbark, <i>Eucalyptus melanophloia</i>
Goodee-ree	Yellow Box on base of run off from ridges <i>Eucalyptus melliodora</i>
Gmoo-woe	Emu apple, <i>Oenitis acidula</i>
Binear-mayhar	Old Man Saltbush, <i>Atriplex nummularia</i>

The sub-group of *Bohdar* (Red Kangaroo) claims as its relatives all cloud formations, *Dthoengar ray*, lightning, *Dthoolibhar*, thunder; *Yarra-ghar*, Spring wind.

Beyond this major grouping are a number of sub groups who are directly related. *Bohdar* (Red Kangaroo) is part of the sub group which includes:

Dthunnhar	Gundabulie, Wattle tree, <i>Acacia victoriae</i>
Mulga	Mulga, <i>Acacia aneura</i>
Yowar-yhar	"Little Brown Frog"
Gworry-ylan	Yellow and red breasted grey parrot <i>Quarrier/Cockatiel</i> <i>Nymphicus hollandicus</i>
Ghilar	Galah, <i>Cacatua roseicapilla</i>
Ghaalar-willeel	Topinot pigeon, <i>Cyphaps lophotes</i>
Ghildjighar	Budgerigar, <i>Melopsittacus undulatus</i>
Gwulghoe-boorool	Biggest Ant Beds
Googallarrina	Major Mitchell Cockatoo, <i>Cacatua leadbeateri</i>
Boogal-ghar	Leopardwood, <i>Alindesia maculosa</i>



Ghurree in flower



The totem above represents: **Ghurree (The Native Orchid)**

Fits within the Eusaiyil Moiety of *Gwee-gul-lar* (Day or light side) it belongs to the *Ghubbi* (Cubbi) clan group. *Ghurree* is the *Mimi* (Grandmother) of the *Ghubbi* clan.

All native and natural flora and fauna, including the real person are the descendants of the *Mimi*. This clan group *Dthowri* (Country) is populated by the totemic families.

Floodplain harvesting developments are having devastating impacts on our Country and way of life. Put simply, the illegal bunding levees impede the flow of flood waters across Country. For example, where the bunding levees hold back the water, the roots of plants are flooded for extended periods, and can drown many species. On the downstream side of the bunding levees the floodplains are deprived of regular flows, which kills native species and soil micro-organisms dependent on regular inundations, which is now evident in the landscape on a dangerously large scale.

Further, the bunding levees divert the waters that would normally replenish the floodplains, into channels which feed into holding dams for irrigation. The over extraction of the so-called 'sustainable diversions' is so out of balance with the natural hydrology that drastic steps have to be taken to ensure the water-dependent cultural sites and ecosystems receive the necessary flows.

The UN Convention of Biodiversity was ratified by Australia and this international law was imported into domestic law through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), under which the Murray Darling Basin Plan was legislated primarily to enact regulations to ensure the sound management of the Murray Darling Basin waters, environment and biodiversity. Consequently, Australia has international obligations to ensure sound water management under the EPBC Act, including but not limited to, RAMSAR, CAMBA, JAMBA and the Bonn Convention.

It is a sad fact that floodplain harvesting and the management of the Murray Darling Basin's waters have been grossly mismanaged due to many causes, including a failure of prioritise First Nations' ancient knowledge, the lack of relevant scientific research, the lack of EISs and the over allocation of water to irrigators, mining and other industries. Without a clear understanding

of the true volumetrics of each valley catchment. By the government's admissions allocations were made on assumptions and hypotheticals.

Narran Lakes are a sacred area for Euahlayi and neighbouring Nations and should be protected under the RAMSAR Convention, but for six years straight the Narran Lakes were dry because too much overland flow was diverted to irrigation holding dams and channels. Also, the waters held back by Beadmore dam in Queensland were primarily allocated for irrigation and failed to flow into the Narran Lake system. This is a clear breach of Australia's international treaty obligations and is a total disregard for Euahlayi's rights as are described in the *Native Title Act 1993* as amended, but, more importantly, violates and denies Euahlayi spiritual continuity through the water connections.

The degree of the water mismanagement, both by State and Commonwealth, has been so extreme that our rivers no longer had a base flow and were reduced to disconnected pools during the dry years.

Floodplain harvesting will also have significant impacts upon our riparian zones, natural wetlands, both large and small. There is no waste for us. Extensive floodplain harvesting can bring an end to the watering of these small and large wetlands. More importantly, floodplain harvesting will prevent the natural overland flows and will interrupt the natural flows through our interconnecting clan territories. Thus, the floodplains will be prevented from receiving overland floods and the riparian zones will no longer have runoffs from heavy rainfall and the rivers will not be replenished by rainfall runoff. Preventing rainfall runoffs through the riparian zones will see us lose our vital wetlands, billabongs and lagoons. These areas are our nursery grounds for native plants, native trees and fruits. They are also breeding grounds for our freshwater aquatic life, which then restocks the rivers.

We have not considered establishing commercial business ventures around growing our native vegetation, fruits and trees in man-made nurseries for a commercial market, nor have we had to considered the commercialisation of our native fish. Healthy aquatic life must come from the natural aquatic systems rather than establishing breeding tanks that go against our cultural norms. Our Peoples do not like the idea of enslaving our totems for commercial gain. This is not natural. Any commercialisation plans can only contribute to the decline of our spiritual and emotional wellbeing. We must consider the changes and the impact to our cultural identity. To this end, we must also take into account our Peoples needs to understand the impacts of climate change and how to mitigate its impact at the local level.

The proposed floodplain harvesting law is promoting, yet again, another attack upon our rights and interests for the purposes of commercialisation of the floodplain water resource for the benefit of a few. Floodplain harvesting will have highly significant impacts on our spirituality and culture. What appears to be waste water from a commercial point of view is, for us, as Euahlayi and First Nations Peoples, a joy to experience because it nourishes our natural biodiversity and restores life in a world that is very significant for us. It serves to nourish Mother Nature and her children. To create a right to harvest and trade this water suggests that the NSW government intends to cause more destruction of the natural ecosystems within our landscapes. Understanding the international water trading space, heralds an ominous disregard for First Nations rights to water as licences are traded across catchments and the underlying process is for the benefit of the global investor market.

This has significant spiritual, emotional, psychological ramifications for us as a Nation. The psychological impact of this on our people is extreme, since one of our Peoples' main cultural focus is on rivers, riparian zones and associated wetlands, billabongs and lagoons; and the

continuing synergistic connections. There is a new term for this homesickness we feel when we are still at Home and our Home is being desecrated before our eyes. It's called solastalgia and compounds the oppression our Peoples live under. This is also exacerbated by being denied access to key waterholes, springs and sacred river reaches, as well as access to river reaches for fishing, recreation, harvesting medicines and teaching places, due to the privatisation of land holdings, fencing, locked gates and fines for trespass etc. To the uneducated observer, this deep trauma is not associated with the Peoples' horror at watching their lands, landscape and water being desecrated to the point where it is no longer recognisable.

The overemphasis on the demands of farmers, irrigators, mining and other industries is a sad departure from the intent of the *Water Act 2007* and the subsequent State legislation. We were alarmed how our river systems were largely ignored during the prolonged drought, while irrigators held back the natural flows into their channels and holding dams. Our riverbeds were dry and exposed, when upstream diversions filled the cotton channels. The photograph below was taken between Moree and Boggabilla at the peak of the dry spell. This water was channelled from the Gwydir river.



Diverted river to cotton channel during long drought in 2019

On 6 August 2020, the NSW Minister for Water, Property and Housing, Ms Melinda Pavey MP, released a media statement regarding floodplain harvesting stating that:

“...the policy delivers on the government’s effort to develop an advanced, transparent and fair water management system for all of NSW.”

It further stated that:

“... the policy is another step in regulating and measuring floodplain harvesting in NSW and is key to developing a fairer system of floodplain access and balancing the needs of industry and communities with those of environment.” It further mentioned that this policy “... aligns with the 2017 Matthews’ Report.”

The Euahlayi Executive Council of State has discussed the failings of the government in water management to the detriment of Euahlayi. Having sat on the Stakeholders Advisory Panel (SAP) for the Barwon-Darling region, I relayed my shock and horror that both Commonwealth and NSW water authorities had failed in their responsibilities to define sustainable strategies for the Barwon-Darling river systems. In the absence of First Nations’ knowledge and independent scientific evidence, plans were made expeditiously on modelling based on hypotheses and assumptions, despite key records being kept by private property owners, local governments and the Bureau of Meteorology for over 100 years.

Euahlayi are further alarmed that the current water plans for NSW water catchments are minus any real defined determinations of water use from the Queensland border in respect of the intersecting streams namely the Narran, Bokhara, Ballandool, and Birrie rivers. Moreover, there is little discussion in respect of ensuring the RAMSAR-listed Narran Lakes are regularly watered to cater for our waterbird breeding and feeding programmes and other spiritual aspects associated with water and the Narran Lakes, a matter that appears to be avoided or lost in all discussions. As referred to above, I stress that the Commonwealth government, NSW and Queensland have international treaty obligations, which appear to be constantly overlooked in favour of economic development and vast profits for a few entities.

From our position, the floodplain harvesting legislation represents expediency in order to address corporate and commercial interests. With respect, I further submit that any law that interrupts and interferes with the natural landscape will have significant impacts on us and our cultural landscape.

The NSW *Biodiversity Conservation Act 2016* has been one of the most cursed manoeuvre warfare strategies against our common law rights as First Nations Peoples. In particular, it permits further land clearing on our floodplains along with ‘dryland farming’ through the clearing of precious wetlands, the species content of which is not assessed before the destructive clearing takes place. According to the Natural Resource Commission (NRC) report released in April 2020 the implementation of the weakened biodiversity and conservation laws introduced in late 2017 by the NSW Liberal-National government have resulted in a staggering 1,300% increase in land clearing, adding to the risk to totemic species, ecosystems, and the genetic viability of threatened and endangered species.

Moreover, it is in direct violation of Article 8j of the *UN Convention on Biodiversity* and impacts on the habitats of our personnel totems; and threatens the abundance or survival of our plant, animal, bird and fish totems. This is also in violation of our Native Title rights and interests under federal law, all of which was done without due consideration of First Nations rights and interests and our right to be consulted during the development of this law due to over emphasis for commercial expedience agitated for by lobbyists.

The proposed law in respect of floodplain harvesting is promoting, yet again, another attack upon our rights and interests for the purposes of commercialisation of the floodplain water resource for the benefit of a few. Floodplain harvesting will have highly significant impacts on our spirituality and culture. What appears to be waste water from a commercial point of view is, for us, as Euahlayi and First Nations Peoples, a joy to experience because it nourishes our natural biodiversity and restores life in a world that is very significant for us. It serves to nourish

Mother Nature and her children. To create a right to harvest and trade this water suggests that the NSW government intends to cause more destruction of the natural ecosystems within our landscapes. This has significant spiritual, emotional, psychological ramifications for us as Peoples. Many of our people already suffer acute forms of solastalgia and unfortunately, to the uneducated observer, this deep trauma is not associated with the peoples' horror at watching their lands, landscape and water being desecrated to the point where it is no longer recognisable.

At present, the NSW government's environmental planning and water strategies for floodplain harvesting fail and are void of any real input and or consideration of First Nations rights and interests. It is hoped that this enquiry with address these omissions.

In summary, might I recommend that NSW water planners and managers do a course on understanding Native Title rights and interests under federal law and become much more familiar with First Nations' cultural teachings around water, spirituality, biodiversity and environmental factors. For over 200 years Australian governments have failed to ask questions to be informed about Aboriginal Law and culture. This is a reflection that, as far as NSW was concerned like the rest of Australia, there would be no more Aborigines as was predicted by the WA Protector of Aborigines, Mr A.O. Neville at the Aboriginal Welfare Conference, hosted by the Commonwealth in Canberra in 1936.

Despite the odds we have survived. We have organised and published our own research. Now Euahlayi and all NSW First Nations must be at the table for ALL decisions on water management from here on in. For the purposes of this enquiry Euahlayi have focused on floodplain harvesting and water trading for the intersecting streams and the Euahlayi interest in the Barwon River system.

We concur with articles written by Professor Richard Kingsford and his colleagues who are researching the impacts on aquatic ecology of unsustainable water diversions, wetland integrity, and compliance with the international treaties cited above.

We also refer to the *Submission to the NSW Government on the draft rules for floodplain harvesting licences to be included in water sharing plans within the Border Rivers Valley* by the Wentworth Group of Concerned Scientists and the Environmental Defenders Office (EDO).

Rainfall events and local floods must be allowed to replenish the rivers rather than the current practice of the irrigators having unregulated access to 'inconsequential waters' that must flow to the tributaries and rivers.

Our 2020 *Euahlayi Cultural Flows Nation Planning* document advocates for extensive Ranger programs to ensure the proper shepherding along the river reaches of environmental water and cultural flow releases from storage dams; accurate and comprehensive monitoring and compliance of water extractors with their revised licences. The over allocation of water licences has to be rectified so that IDELs and TDELs do not threaten the integrity of the river systems and the waters for the floodplains.

It is imperative for the legislation to enforce the removal of illegally constructed bunding levees, in order for the flood waters and local rainfall events to replenish floodplains unhindered. In fact, any remaining bunding levees must be modified with lock gates at intervals to ensure floodplains downstream of the bunds are periodically watered, e.g. River Red Gums, *Eucalyptus camaldulensis*, have shallow and deep roots and need to receive watering events at the required regular intervals, which also ensure the survival of saplings after seed establishment.

In summary, barely any water is currently allocated for First Nations in the Murray Darling Basin. Research by NBAN, the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and the Australian Rivers Institute at Griffith University concluded that First Nations have a tiny share of all available water. In NSW First Nations have 0.2% (11,992 ML/year) of the surface water and 0.03% (556ML/year) of the groundwater. These figures highlight the urgent need for any and all future NSW legislation on water to factor in the correct allocation to First Nations, and Euahlayi in particular.

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