The Yorta Yorta asserted rights to land and water under the Native Title Act 1993. The claim area which embraces the central Murray, lower Goulburn Ovens Broken and Campaspe river systems is largely a natural wetland area. While Yorta Yorta lifestyle before and after colonisation is equally land and water based, it must be emphasised that most of their food collecting activities and lifestyle was shaped by the waterways. Their survival depended on water resources such as fish, crustaceans, fresh water mussel, turtle (short neck) cumbungi and the bird life that gravitated to the waters particularly wild duck, and swan. Other resources such as reed spears, fiber for nets and bark for carrying vessels were water-based products.
Because of the rich, diverse and aquatic nature of Yorta Yorta lands and resources, the Yorta Yorta were largely fishing people. The rivers, lakes, lagoons, anabranches, rushlands, billabongs, and creeks, which are all central features of the area, provided them with an abundance of fresh water foods and a sustainable economic base. They also supplemented these by hunting and collecting other foods from the surrounding woodlands and plains. Area fits into the concept of broad a based economy (smorgasbord theory) one that is capable of producing a wide variety and abundance of food which requires a minimum energy input. This created the conditions in which more time could be devoted to kinship and maintenance of cultural connections with the ancestral lands.

**Supplement to Reserve System**

The waterways provided a vital supplement to the ration system that was introduced by governments during the days of the oppressive reserve system. Many Yorta Yorta elders look back at how fortunate they were to have such a back up to the inadequacies and often poverty conditions of reserve life. Indeed it also was a back up for the severe depressions of the late 19th and early 20th century. The Yorta Yorta demonstrated how they had held onto their connections with the land and the waterways, only to find that their oral knowledge would be disregarded by Justice Olney in the Yorta Yorta Native Title Claim (1994-2002) (Yorta Yorta Policy on Management of Lands and Waters, 1997; Atkinson, 1996; Morgan in Habitat, 1997).

**Rivers and Lakes**
**Archaeological Evidence**

A deeper understanding of the importance of water to Yorta Yorta people can be gained by taking a stroll along the edges of the waterways where there is abundant evidence of aquatic activities. The extensive middens and mounds (camp sites) and fish trap systems that were constructed across the entrances of the river offshoots, is the tangible evidence of Yorta Yorta reliance on water for their everyday livelihood. Furthermore the oral knowledge from Yorta Yorta people themselves of where and how their ancestors camped, fished and collected food, indicates that just about everything was happening on in and around the waters. Land is therefore as intimately linked to water as Yorta Yorta people are themselves and both elements cannot be divided into separate entities (Craib, 1991; Bonhomme, 1990; Yorta Yorta Native Title Claim Transcript of Evidence October-March 1996-7)

**Philosophy**

Yorta Yorta links with the river are reaffirmed through their belief in the creation of the river by the spirit ancestor Biami- a religious belief that they hold as being as valid as any other belief system in creation and origins. Biami is the creator of the great Murray River and its surrounding features and while such beliefs vary greatly from region to region, they generally describe the heroic journeys of ancestral beings, often giant animals such as the Rainbow Serpent snake, who journeyed over what began as a featureless and open plain. Mountains, rivers, waterholes, animal and plant species, and other natural and cultural resources came into being as a result of events that took place during these Dreamtime journeys. In Indigenous belief, the physical manifestations of the spirit beings represented in the present-day landscape reinforces their identity and connections with country (see transcripts of evidence Yorta Yorta Native Title Claim Federal Court 1996-97).
Biami is believed to have created the river by sending his woman down from the high country with her yam stick to journey across the flat and waterless plain. Biami then sent his giant snake along to keep an eye on her. She walked for many weary miles, drawing a line in the sand with her stick, and behind her came the snake following in and out all about, making the curves of the river bed with his body. Then Biami spoke in a voice of thunder, and lightning flashed above the high crack that was his place. Rain fell, and water came flowing down the track the old woman and the snake had made. After many moons she came to the sea, and went to sleep in a cave, while her dogs ran off and kicked up the sandhills about the river mouth. This creation story is featured in the Dharnya Centre mural (Cato, 1976:4; see Dharnya Centre Mural for Visual Explanation of Biami).

Management of Water:

In Yorta Yorta philosophy, which forms the basis of their policies on land and water issues, all features including land and water are part of a holistic view of the natural world which is attributed to the heroic deeds of the Dreamtime ancestors. The holistic concept of land is reflected in the Yorta Yorta Clans Group Inc Submission to the proposed Barmah Management Plan in 1990 in which they express their concerns about the way in which their history and achievements in forest management and care are treated.
"They are often integrated or blended with more recent European associations with the forest. Yorta Yorta Clans believe their historical and cultural links should not be compromised to fit into European criteria's of evaluation and assessment. As direct descendants of the original occupants and owners of the forest the Yorta Yorta see the forest and all of its encompassing features from a holistic viewpoint. The forest nurtured their, ancestors and provided them with the means for their everyday survival and well-being. In turn the Yorta Yorta looked after the forest and nurtured it for the future, and when these practices and methods of forest management and care are measured against more recent events, it is clear they have an excellent track record that stands firm in its own right. The Yorta Yorta Clans feel that because present day methods of assessment often overlook their associations and chronology, they have to continually justify their, legitimate interests in and claim to their land and heritage. While the Yorta Yorta have special interests in land and heritage matters, they also have interests in all the other aspects of the forest which are interdependent-such as the plant and wildlife ecology, hydrology and environmental and conservation issues. This is a holistic approach to the forest management, and one that is in conflict with the present criteria being used, which is largely based on the categorisation and classification of forest values in accordance with their degree of significance. The problem with this approach is that those with higher priority usually override those aspects that are given less -significance - especially where incompatibility exists. To attempt to please everyone at the same time will continue to result in destruction of the traditional life of the forest. To overcome this inherent problem the Yorta Yorta Clans would like to see their peoples' associations accorded their due status, and not blended with European associations" (Yorta Yorta Murray Goulburn Rivers Clans Incorporated Submission to Conservation and Environment on Proposed Barmah Management Plan, 3 December 1990:3-5).

**Water Policy:**

In any future management plans for the Study Area the Yorta Yorta Clans Group strongly believe that the plan must include both land and water and provide adequate care, protection, and maintenance of water and the re-establishment of water quality.

As a matter of general policy the Yorta Yorta favor a water regime system which emulates natural wetting and drying regimes, including reinstatement of regular and seasonally favorable flood events of sufficient extent and duration by way of an
environmental water allocation. The Yorta Yorta would like to maintain a minimum standard of water quality and to reduce the level of drainage of nutrients and herbicides into waters within the claimed area. Other problems raised in the evidence presented on water to the Native Title Hearing (20-23 October 1997 further highlight Yorta Yorta concerns for water quality and the degree of damage being cause by drainage systems. It is estimated that the Murray Irrigation Ltd authority alone exports 40 tonnes of salt annually back into the Murray system through its water users drainage systems (Evidence from Murray Irrigation Ltd to the Yorta Yorta Native Title Claim, Federal Court 22-23 October 1997).

As indicated water in not only essential for the continuation of Yorta Yorta culture and traditional rights, but is also important for the replenishment of natural resources and the survival of the ancestral lands themselves. In this context the Yorta Yorta doesn’t make any distinction between water and land but see them as one whole system. Monica Morgan, who is a Yorta Yorta woman, expresses her concerns for a more equitable water management system by saying that "there is a place for Indigenous People in the management of our waters just as there is for all Australians" (Morgan, M. A Place For Indigenous People A Place For Us All: In Australian Conservation Foundation Special Habitat Supplement October 96; Yorta Yorta Policy Document 1994, a copy of which is attached).

**European Water Management:**

Current problems with water management are dealt with in the Commissions forest water management study (Maunsell Study) and the Barmah Millewa Community Reference
Group 1992-4. The Water Management Plan (WMP) objectives are; to maintain as far as is practicable the natural diversity and values of the flood plain and ecosystems such as:

Rushlands, billabongs, grass plains, red gums and box forest. The forests also qualify as wetlands and contain the most extensive occurrence of river red gum and associated flora and fauna in the world.

Original Water Regimes for Forest:

- natural flooding occurred in the winter and spring.
- dry during summer and autumn.

Factors Affecting Forest Watering:

- Changes to timing of forest flooding: Water from winter and spring flows stored in reservoirs at Dartmouth And Hume. This means that the river is comparatively low at a time when it was usually and naturally high.

- Reduction in its extent and duration: Water stored and released in summer and autumn for irrigation and other purposes, which means the river is comparatively high at a time of the year when it was often naturally low.

- Presence of flow control works such as earthen block banks. Levees, and regulators, which have been constructed over the past 50 years to contain regulated flows to the river channel and to control bank erosion. These structures have reduced the spread and drainage of floodwaters in some areas of the forest making flooding of forest less effective now.

Other Effects:

- Wetlands riverine /riparian ecosystems: High regulation in summer can lead to overwatering for prolonged periods with adverse effects. The issue then is one of water control rather than water required.
• **The answer is not so much providing water alone** but is more a question of water management and control and provision of suitable mechanisms to achieve this.

• **If no counter actions are taken changes are likely to result in gradual deterioration in the condition to the forests ecosystem and quality of natural resources.**

Main Effects:

1. Change to the type of plants found in the rushlands, grasslands and forest.

2. Reductions in fish and waterbird numbers and their breeding habits.

3. Altered wetland hydrology reducing species diversity.

4. Poor tree health and quality and growth rate.

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