



**New South Wales
Aboriginal Land Council**
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alc.org.au

Ms. Ria Pryce
Director, State Water Strategy
Water Group
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms. Pryce,

Re: NSWALC Comment on *Draft* Regional Water Strategies

The NSW Aboriginal Land Council (**NSWALC**) welcomes the opportunity to provide comment on the Department of Planning, Industry and Environment (**DPIE**) engagement with NSW Aboriginal communities in the development of six (6) Regional Water Strategies (**RWS**).

NSWALC and our network of 120 Local Aboriginal Land Councils (LALCs) represent over 23,000 Aboriginal people in NSW. We are a democratically elected voice of Aboriginal peoples, and we strive for a future in which the Aboriginal peoples of NSW can live their lives to their full potential.

Land and water rights remain central to Aboriginal peoples. Reacquiring our lands and waters is at the heart of our future. Through the *Aboriginal Land Rights Act 1983 (ALRA)*, Aboriginal people have successfully seen thousands of hectares of land returned across NSW with much land still under claim. However, our ownership of water is miniscule by comparison.

NSWALC has consistently advocated that Aboriginal peoples and communities are afforded full participation in the design, delivery and implementation of policy, services and projects relating to water. Through our participation in Aboriginal engagement forums facilitated by DPIE to date, it is evident that many issues have been raised by the Aboriginal community (LALC members) in the past. However, it appears they have not been addressed. We urge DPIE to demonstrate that it is listening to communities and addressing the issues identified by Aboriginal people.

Regional Water Strategies

RWS must incorporate and support Aboriginal peoples' rights and interests. Developed and implemented in genuine partnership, and including genuine mechanisms to support Aboriginal water rights, RWS provide a vehicle for the NSW Government to deliver improved outcomes to Aboriginal people. NSWALC seeks to ensure that there are social, cultural and economic outcomes for Aboriginal people from this process.

RWS are one element of the reforms needed to support Aboriginal rights and interests. Legislative reform is also needed to facilitate and support Aboriginal people's ownership of water. The drafting of new RWS and Aboriginal Options in RWS supporting documents in genuine consultation with

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Level 5, 33 Argyle Street Parramatta NSW 2150	2/36 Darling Street Dubbo NSW 2830	Suite 5, Level 1 66-90 Harbour Drive Coffs Harbour NSW 2450	2/158 Marius Street Tamworth NSW 2340	Suite 23, 207 Albany Street North Gosford NSW 2250	Unit 22, 2 Yallourn Street Fyshwick ACT 2609	Ground Floor Suite 49 Oxide Street Broken Hill NSW 2880
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Aboriginal people can provide an important step in addressing past disparities and resetting the water agenda with Aboriginal people.

The NSW Government has committed to the National Agreement on Closing the Gap. It is important that all RWS documents are updated to recognise this commitment, by including specific measures in relation to Aboriginal water.

Draft Regional Water Strategy general comments

Acknowledgements:

- NSWALC recommends that this title is changed to 'Acknowledging Aboriginal people' rather than just the current Acknowledgements.
- There are many photos in each RWS document, however none depict Aboriginal people around or in proximity to water. If approved by the relevant Aboriginal community this should be included, particularly those pages where Aboriginal people or Aboriginal Options are being discussed. The above should be consistent in all RWS.

Snapshot – each Region

- In the block to signify Aboriginal references in RWS documents, there should be a title in bold font that says **Aboriginal Nations** and under this it should show all the Nations in the region by name. The above should be consistent in all RWS, wherever Aboriginal Nations are mentioned.

RWS “Long list of Options” document

Aboriginal Options are located at the back of each document. This gives the impression that the non-Aboriginal Options have a greater level of importance or are ranked differently/higher. Given that some Aboriginal Options are identified as meeting dual objectives, they should be interwoven throughout the document not separated. Perception is very important to Aboriginal people.

We note that various Options in the long list relate to DPIE's objective to "Recognise and protect Aboriginal water rights, interests and access to water (including Aboriginal heritage assets)". With this in mind; and at a minimum, the following Aboriginal Options should be implemented to compensate for Aboriginal peoples lack of water ownership or control (Option numbers here are based on the Option numbers in the Gwydir document for example). These three Options (or combination of Options) are aligned with

- Option 7. **Water portfolio project for Aboriginal communities** (Funding to support Aboriginal people to purchase water entitlements and infrastructure (such as pumps) to secure access to water for spiritual cultural, social, environmental and economic purposes and open opportunities for investment in water dependent initiatives and cultural projects. This option should be linked with Option 6 **Aboriginal cultural water access licence review**.
- Option 4. **Water-dependent cultural practice and site identification project**. This option should also be linked with Option 2. **Secure flows for water-dependent cultural sites**.
- Option 5. **Shared benefit project (environment and cultural outcomes)** Investigation of opportunities for shared benefits from using water for the environment to also achieve cultural outcomes. The aim of this option is to support and incorporate traditional Aboriginal ecological knowledge into water management action plans for the environment and support the cultural connection of Aboriginal people to water sustained environments

Alignment of Options (options with multiple potential impacts including Aboriginal)

NSWALC supports aligning or linking Options to reduce the overall number of Options. We consider that aligning the Aboriginal Options to others which directly or indirectly impact on Aboriginal water will see them regarded as having a higher level of importance and more likely to be supported. This

could reduce the number of Options in RWS overall and is more cost effective as it identifies broader outcomes, not just those that have a singular focus.

Options that are “business as usual” or core business

NSWALC supports the following initiatives that are listed as Options in all RWS documents:

- Regional Aboriginal water advisory committee
- Regional cultural water officer employment program
- Culturally appropriate water knowledge program
- Water-dependent cultural practice and site identification project

However, our view is that they should be considered as “business as usual” or core business. They should be implemented but costed separately and sit outside the Options Framework as they do not directly put ownership of; or access and control of water directly into the hands of Aboriginal people. DPIE must commit to implementing these through other policies or programs or internal budgets.

NSWALC further recommends:

1. Where Options that came out of Aboriginal community consultation are not implemented, that DPIE provides detailed feedback to that person/community/organisation;
2. That DPIE must implement Options that maintains or enhances Aboriginal culture and heritage in all its forms;
3. Decisions about the selection of Options that are progressed is open and transparent;
4. That decisions relating to the implementation of Options for each region (non-state-wide) consider the broader benefits to the overall welfare of the Aboriginal community, not specifically water related but those that through their implementation provide other social benefits;
5. DPIE recognises and provides for Aboriginal people’s water rights, including access to water as a fundamental human right in its decision making in all RWS;
6. DPIE acknowledges and accommodates Aboriginal cultural flows in all RWS;
7. DPIE implements strategies to strengthen Aboriginal participation and employment in water management generally and specifically in the management of environmental flows.

Should you require further information regarding the content of our submission, please contact the [REDACTED] at your convenience.

Sincerely,

[REDACTED]