



**New South Wales
Aboriginal Land Council**

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alc.org.au

Director State Water Strategy
Water Group
Department of Planning, Industry and Environment

Via email: [REDACTED]

Dear,

Draft Greater Sydney Water Strategy

Thank you for the opportunity to comment on the Department of Planning, Industry and Environment (DPIE) Draft Greater Sydney Water Strategy (**Strategy**).

The NSW Aboriginal Land Council (**NSWALC**) welcomes the prominent inclusion and acknowledgement of Aboriginal peoples deep and intertwined connection to the waterways of Greater Sydney. We look forward to working in partnership with the NSW Government to further develop and implement actions to support the Strategy in line with Aboriginal people's rights, interests and aspirations.

We broadly support the intent of the Draft Strategy however some further work is needed to ensure Aboriginal people's rights and interests, particularly in regards to water ownership, access and economic prosperity are actively addressed and incorporated. It is also important to note that NSWALC recommends a more in-depth inclusion of proposed infrastructure risk assessments to ensure there is significant Aboriginal cultural heritage protection.

Overall, working to achieve Aboriginal outcomes must be a focus of all NSW water initiatives. There are opportunities to improve the draft Strategy to ensure stronger action and alignment by government to deliver social, cultural and economic outcomes for Aboriginal people. We look forward to working with the NSW Government to advance these goals.

Enclosed are additional comments. Should you require further information, please contact the NSWALC Strategy and Policy Unit on 02 - 9689 4444 or via e-mail: [REDACTED].

Sincerely,



Yuseph Deen

Chief Executive Officer (Acting)
NSW Aboriginal Land Council

ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

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NSWALC Submission to the NSW Department of Planning, Industry and Environment

Draft Greater Sydney Water Strategy

Introduction

The NSW Aboriginal Land Council (**NSWALC**) is the peak Aboriginal representative body in NSW. Securing the return of land and waters to Aboriginal people is at the heart of our future. As Aboriginal people, our lands and waters are central to our being, and are essential to the spiritual, social, cultural and economic survival of our communities. NSWALC, and the network of 120 Local Aboriginal Land Councils (**LALCs**) across NSW, work to improve, protect and foster the best interests of all Aboriginal peoples in NSW.

NSWALC, LALCs and Aboriginal people have long called for improved water management practices, involvement of Aboriginal people in water governance and decision-making, increased access to and ownership of water for Aboriginal people for cultural and economic purposes, and improved accountability, transparency and compliance.

Maintaining spiritual and cultural relationships with land, water and Country are intertwined for Aboriginal people. The right to economically develop natural resources, consistent with cultural obligations, is also of significant importance.

All governments have committed to increasing Aboriginal water rights through a specific target in the National Agreement on Closing the Gap. NSWALC has previously recommend that this should include increasing the volume of water access entitlements allocated under state and territory water rights regimes to Aboriginal and Torres Strait Islander corporations.

The Closing the Gap National Agreement includes four priority reforms which aim to change the way in which governments work with Aboriginal people, these are:

1. Shared decision making
2. Building the Aboriginal community sector
3. Transforming mainstream institutions
4. Data sharing¹

Recommendation 1.

- The NSW Government must ensure that the Greater Sydney Water Strategy is aligned to Closing the Gap commitments and delivering social, cultural and economic outcomes for Aboriginal people.

Recognising Aboriginal rights, interests and access to water

NSWALC welcomes the draft Strategy's recognition of Aboriginal peoples deep connectedness to water, and the significant complexities Aboriginal communities face regarding the navigation of water management in NSW. Actions to improve engagement, collaboration, and accountability are urgently needed, and it is positive that the draft Strategy includes some measures to address this.

¹ [People maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters | Closing The Gap](#)

To ensure that Aboriginal people feel confident and capable of engaging with the NSW Government in water decisions, it is imperative to involve Aboriginal people at all levels of decision making, as partners, not advisors. To build ongoing and lasting relationships between Aboriginal communities and the NSW Government, there must be transparency and clear accountability in the intent actions including providing accurate, timely and up to date information to Aboriginal communities.

Recommendation 2.

- Formal roles for Aboriginal people and Aboriginal Land Councils in local water governance, planning and management, including involvement in decision-making, and implementation of actions under the Greater Sydney Water Strategy

Recommendation 3.

- Improved accountability and transparency in water governance and management, including reports to Aboriginal communities about water decisions

Aboriginal peoples are not merely stakeholders in water management, but possess inherent and pre-eminent rights, values and interests in the lands and waters as Australia's first peoples.

Despite the NSW Governments ongoing commitments to work with Aboriginal people to increase water access or ownership, Aboriginal people's access to water remains inequitable. A recent Griffith University study has found that Aboriginal people represent 6.5% of the total MDB population (excluding Victoria) but by comparison, Aboriginal entities hold a mere 0.17% of the available surface water in this area². LALCs are significant property holders in NSW and operate a range of social and cultural enterprises as well as businesses on their lands that require access to water. The NSW Government must work with NSWALC and LALCs to achieve the economic development objectives of the Aboriginal Land Rights Act (1983) when implementing water policies in NSW.

Recommendation 4.

- NSW Government to work with NSWALC and LALCs to improve Aboriginal people's ownership and access to water

Protecting Aboriginal cultural heritage sites in Greater Sydney

While the draft Strategy recognises that more than 16,000 Aboriginal heritage sites and 34 Aboriginal places have been registered across Greater Sydney there is a lack of commitment to protect and preserve such significant sites. While we acknowledge that climate change is impacting and altering the availability of water in NSW and there is a need for new infrastructure to occur, we want to stress the necessity and importance of protecting Aboriginal cultural heritage sites.

Recommendation 5.

- The Strategy should include, as a requirement, mandatory Aboriginal cultural heritage impact assessments prior to any new infrastructure projects within the Greater Sydney water areas. These must be conducted with NSWALC, LALCs or local Aboriginal community.

Water conservation and sustainability

NSWALC supports water conservation and sustainability. We welcome Priority 2 - Our water systems are sustainable for the long term and resilient to extreme events, and strongly recommend that the NSW

² The status of Aboriginal water holdings in the Murray-Darling Basin, Lana D. Hartwig Sue Jackson Australian Rivers Institute Griffith University

Government work with, and fund, NSWALC, LALC's and Aboriginal communities to develop and implement best practice.

Recommendation 6.

- NSW Government to work with and fund, LALCs and Aboriginal communities to develop and implement water conservation and sustainability practices.

In Summary the NSWALC recommends:

Recommendations:

1. The NSW Government must ensure that the Greater Sydney Water Strategy is aligned to Closing the Gap commitments and delivering social, cultural and economic outcomes for Aboriginal people.
2. Formal roles for Aboriginal people and Aboriginal Land Councils in local water governance, planning and management, including involvement in decision-making, and implementation of actions under the Greater Sydney Water Strategy
3. Improved accountability and transparency in water governance and management, including reports to Aboriginal communities about water decisions
4. NSW Government to work with NSWALC and LALCs to improve Aboriginal people's ownership and access to water
5. The Strategy should include, as a requirement, mandatory Aboriginal cultural heritage impact assessments prior to any new infrastructure projects within the Greater Sydney water areas. These must be conducted with NSWALC, LALCs or local Aboriginal community.
6. NSW Government to work with and fund, LALCs and Aboriginal communities to develop and implement water conservation and sustainability practices.