

NSW water management for Aboriginal people

The NSW Government is taking action to improve the security, reliability, quality and resilience of the state's water resources. As part of this, we are preparing new regional water strategies that will bring together the best and latest climate evidence with a wide range of tools and solutions to plan and manage the water needs in each NSW region over the next 20 to 40 years. This includes managing water for communities, industries, the environment and Aboriginal people so that our water resources are sustainable.

This fact sheet provides information on water management in NSW, with a focus on cultural values and rights relating to water.

Cultural values and rights

Six pillars

The Department of Planning, Industry and Environment is building on our prior work with Aboriginal communities to better recognise cultural values in water management. With the support of the Murray Lower Darling Rivers Indigenous Nations and the Northern Basin Aboriginal Nations, we engaged with First Nations peoples as part of the water resource planning process in the NSW Murray–Darling Basin valleys. This resulted in 32 First Nation reports.

Some common themes emerged across these Nations that led to the development of six pillars that describe the key objectives and outcomes:

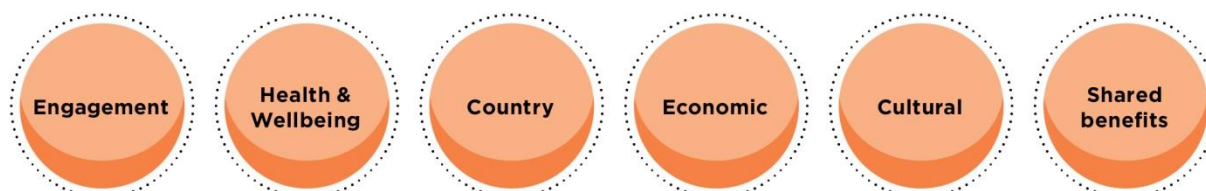


Figure 1. Six pillars

How is water shared?

The *Water Management Act 2000* and the associated water sharing plans are the primary tools to define water sharing arrangements in NSW. They cover:

- protection of the water needed to meet Native Title and Basic Landholder Rights (that is access to water without the need for a licence)
- water for the environment
- ability to apply for licences for Aboriginal cultural purposes across NSW and Aboriginal community development purposes in many areas of NSW.

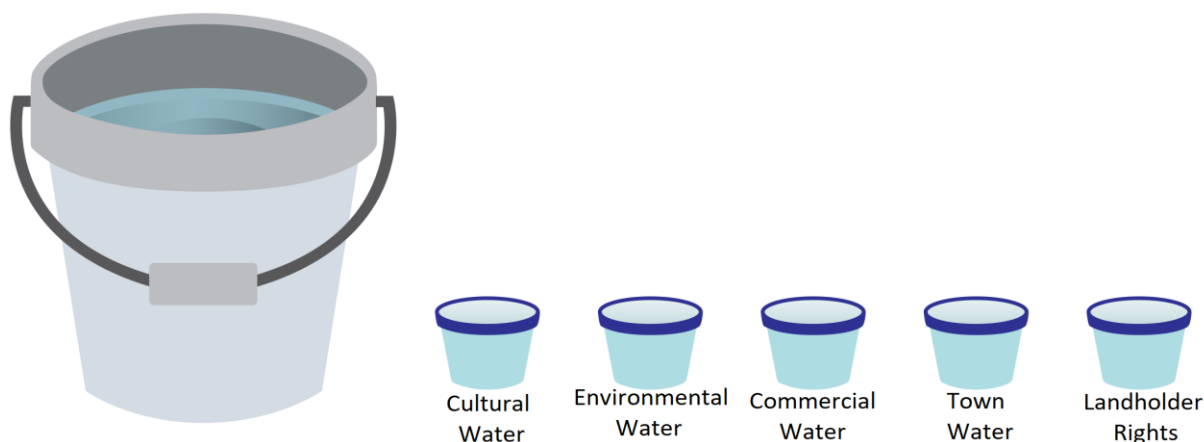


Figure 2. How water is shared

Note: The above graphic does not represent how much of the available water goes into each category

The buckets are balanced so that:

- when there is lots of water, everyone gets their full water allocation
- when water flow is getting low, everyone gets less. The environment, livestock and domestic users take top priority, followed by other water users such as town water and holders of High Security Water Access Licences
- when it is really dry, town water supply, livestock and domestic users take priority over all licences and the environment.

More information on the status of individual water sharing plans can be found at www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans

Native Title

Native Title recognises that Aboriginal and Torres Strait Islanders have rights and interests to lands and waters according to their traditional law and customs. Native Title is governed by the *Native Title Act 1993* (Cwlth), which establishes the process for claiming and recognising Native Title lands and waters in Australia.

Anyone who holds Native Title for water, as determined under the *Native Title Act 1993* (Cwlth), can take and use water for personal, domestic and non-commercial communal purposes, such as manufacturing traditional artefacts, hunting, fishing, recreation, cultural and ceremonial purposes, without the need for a licence.

For more information on Native Title, please visit the National Native Title website at www.nntt.gov.au

Aboriginal Cultural Water Access Licences

Under the *Water Management Act 2000* (NSW), Aboriginal Cultural Water Access Licences may be granted to an Aboriginal person or Aboriginal community to provide up to 10 ML/year for drinking, food preparation, washing and watering domestic gardens, as well as for Aboriginal cultural uses such as manufacturing traditional artefacts, hunting, fishing, gathering, recreation, and ceremonial purposes, as long as the uses are not associated with commercial activities.

A framework that more clearly outlines how these applications are considered needs to be developed.

Aboriginal Community Development Access Licences

Where water resources have not been over-allocated, water sharing plans have allowed for applications for Aboriginal Community Development Access Licences to support Aboriginal businesses with specified and approved purposes. Being a specific-purpose licence, it is not fully tradable, as it can only be used for the purpose for which it has been issued.

Cultural flows

The Murray and Lower Darling Indigenous Nations Echuca Declaration, 2007, defines cultural flows as: ‘water entitlements that are legally and beneficially owned by the Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, natural, environmental, social and economic conditions of those Nations.’

Cultural flows are not consistently part of the water management system in Australia. Some of the possible regional water strategies options, open for discussion, could contribute to cultural flows.

Environmental water

The Department of Planning, Industry and Environment—Environment, Energy and Science has been working with local communities over many years to deliver environmental water in five regulated river catchments: the Gwydir, Macquarie, Lachlan, Murrumbidgee and Murray–Lower Darling.

Consultation with community groups, recreational fishers, local landholders, scientists, Aboriginal organisations and government agencies helps to decide where and when water for the environment is used. This includes the sites to target for watering as well as the best timing to maximise outcomes for rivers and wetlands and the plants and animals that depend on them. In several catchments, these groups form part of an Environmental Water Advisory Group which meets regularly to discuss upcoming events, any issues or concerns, event outcomes and future opportunities.

Water management roles and responsibilities

The Australian Government, NSW Government and local government all have a role to play in setting the rules, monitoring compliance and delivering water. Table 1 shows the roles and responsibilities of the different government departments for managing water in regional NSW.

The development of regional water strategies will integrate and align with other government programs.

Table 1. Roles and responsibilities in rural and regional water management

Water policy, planning and resource allocation	Administration of water rights	Distribution of water	Water pricing	Monitoring, compliance and review
<p>NSW Department of Planning, Industry and Environment—Water</p> <p>NSW Department of Planning, Industry and Environment—Environment, Energy and Science Environmental water</p> <p>Infrastructure NSW</p>	<p>WaterNSW</p> <p>Natural Resources Access Regulator (NRAR)</p>	<p>Water NSW</p> <p>Rural irrigation corporations</p> <p>Private irrigation districts and private water trusts</p> <p>Local water utilities Drinking water, some recycled water</p> <p>Sydney Water</p> <p>Hunter Water</p> <p>Snowy Hydro</p>	<p>Independent Pricing and Regulatory Tribunal (IPART) Sets maximum prices</p>	<p>NRAR Compliance and enforcement of water regulation</p> <p>NSW Department of Planning, Industry and Environment—Environment, Energy and Science Monitoring of outcomes of planning and policy</p> <p>Natural Resources Commission Review and audit of water sharing plans</p> <p>IPART Licences state-owned corporations and audits these licences yearly</p>

Sustainable diversion limits

Sustainable diversion limits define how much water, on average, can be used in the Murray–Darling Basin by towns, communities, industry and farmers in a particular surface water or groundwater source. The limit is written into law in NSW through water sharing plans and applies in some valleys. The limits aim to ensure that there is enough water to maintain the environmental health of the Murray–Darling Basin, while considering the social and economic effects of water recovery.

Key water management contacts

Following are the key contacts for the main organisations related to NSW water management and natural resources management. Please refer to the roles and responsibilities table to ensure you contact the right agency.

WaterNSW

Email: Customer.Helpdesk@waternsw.com.au

Phone: 1300 662 077 (between 8 am and 5 pm, Monday to Friday)

Natural Resource Access Regulator (NRAR)

Email: nrar.enquiries@nrar.nsw.gov.au

Phone: 1800 633 362

For more information about NRAR, including details about convictions and latest compliance activities, visit www.industry.nsw.gov.au/natural-resources-access-regulator

Environmental Watering Advisory Group

Environmental Water Advisory Groups draw on the expertise and experience of community members to help inform our work. Advisory groups may include water managers, recreational fishers, landholders, Aboriginal groups, independent scientists, local government representatives and a variety of partner agencies.

To ask about becoming a member of your local Environmental Watering Advisory Group, please call Daryl Albertson on 02 6773 7004.

Other contact information

Aboriginal cultural heritage

To report damage to Aboriginal artefacts or sites, call 131 155 or email info@environment.nsw.gov.au

NSW Fisheries

For information about compliance activities, Aboriginal Fishing (including the Aboriginal Fishing Trust Fund), Aquaculture, habitat management and threatened species, visit www.dpi.nsw.gov.au/fishing

To report illegal fishing activity, call the Fishers Watch hotline on 1800 043 526 or visit www.dpi.nsw.gov.au/fishing/compliance/report-illegal-activity

Local Land Services

Local Land Services is a regional-focused NSW Government agency delivering quality customer services to farmers, landholders and the wider community. Local Land Services helps people make better decisions about the land they manage and helps rural and regional communities be profitable and sustainable into the future. This agency leads various community groups, including Aboriginal groups. To find your local office go to <https://www.lls.nsw.gov.au/i-want-to/contact-my-local-office>

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