

Department of Climate Change, Energy, the Environment and Water

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What we heard Report: NSW Aboriginal Water Strategy and Action Plan

December 2024





Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

What we heard Report: NSW Aboriginal Water Strategy and Action Plan

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1 Executive summary

In collaboration with Aboriginal peoples of NSW, the Department of Climate Change, Energy, the Environment and Water (the Department) is developing the NSW Aboriginal Water Strategy and Action Plan (the Strategy).

A lot of consultation has happened with communities across NSW on the Strategy.

This “What we heard report” (the Report) is a summary of themes and feedback from consultations (talks) in 2024. These consultations were on the draft version of the Strategy.

Nearly 400 stakeholders were consulted. This happened at face-to-face workshops, online workshops and through online and written submissions.

The Department held 52 face-to-face workshops and 3 online workshops on the Strategy. These happened in July, August and September 2024.

These workshops were with Aboriginal peoples, communities and organisations. Other people with a deep interest in access to water for cultural and economic purposes for Aboriginal peoples attended too.

The Department also received 41 online and written submissions.

The main aims of the engagement were to check:

- the Department had listened to stakeholders to develop the Strategy
- the Strategy was correct and culturally appropriate
- if changes needed to be made to the 4 Objectives and related Actions.

The 4 Objectives of the Strategy were:

- **Objective 1:** Strengthen the role of Aboriginal peoples in water planning and management.
- **Objective 2:** Provide Aboriginal ownership of and access to water for cultural and economic purposes.
- **Objective 3:** Work with Aboriginal peoples to maintain and preserve water-related cultural sites and landscapes.
- **Objective 4:** Work with Aboriginal peoples to improve shared water knowledge and build capacity.





The Objectives and Actions were first written in 2023. They were updated in early 2024. This update was supported by important water and Aboriginal stakeholders in NSW. They included the Regional Aboriginal Water Committees (RAWCs).




The Objectives align with Priority 2 of the NSW Water Strategy. Priority 2 says: “recognise Aboriginal peoples’ rights and values and increase access to and ownership of water for cultural and economic purposes”. Appendix C has more information on Priority 2.

The NSW Government recognises Aboriginal peoples’ rights to water. Our aim is to secure a future where water for Aboriginal peoples is embedded in water planning and management in NSW. This will deliver cultural, spiritual, social, environmental and economic benefit to communities.

Feedback from stakeholders is summarised into 7 key themes. These are below in Table 1.

Table 1 - Key themes from stakeholder consultations

Theme	Summary
 <p>Accountability and transparency</p>	<ul style="list-style-type: none"> • Acknowledge dispossession, assimilation and inter-generational trauma experienced by Aboriginal peoples. • Ensure truth-telling takes place in the Department. • Define how the Strategy will be implemented. • Outline how success of the Strategy will be measured. • Ensure delivery of the Strategy continues, regardless of the NSW Government at the time.
 <p>Knowledge sharing and cultural safety</p>	<ul style="list-style-type: none"> • Support knowledge sharing and water literacy. This means benefit sharing between water stakeholders and communities. • Ensure knowledge exchange and sharing of information or cultural knowledge is culturally safe. This should follow and respect Indigenous Cultural and Intellectual Property (ICIP) and data sovereignty principles.
 <p>Shared decision-making</p>	<ul style="list-style-type: none"> • Involve and include Aboriginal peoples in decision-making about water and water-related sites. • Recognise the role of Government. This means the relationships and interdependences (links) between national, state and local governments.
 <p>Capability and compliance</p>	<ul style="list-style-type: none"> • Provide Aboriginal peoples with information on compliance and enforcement of water laws in NSW.

Theme	Summary
 <p>Empowerment and partnerships</p>	<ul style="list-style-type: none"> • Provide opportunities for Aboriginal peoples to partner with the Department and other key decision-makers.
 <p>Workforce capability</p>	<ul style="list-style-type: none"> • Strengthen the Department's Aboriginal recruitment and retention processes. Build workforce capability in the water sector.
 <p>Significance of environment and culture</p>	<ul style="list-style-type: none"> • Recognise the importance of water to Aboriginal peoples. • Ensure the protection and preservation of water-related sites that are culturally significant. This includes water-dependent landscapes and water quality.

1.1 About this Report

This Report is a summary of stakeholder feedback. The feedback is on the draft Aboriginal Water Strategy and Action Plan.

This Report shows “what we heard” at consultations from July to September 2024. Consultations included:

- face-to-face workshops
- online workshops
- written and online submissions.

The purpose of this Report is to:

- review draft content and change it to create the final Strategy so it can be published
- share transparent (clear) feedback from communities and stakeholders on the draft Strategy
- reassure communities and stakeholders that their voices have been heard and the final Strategy upholds co-design principles. Co-design means lots of stakeholders working alongside each other to design or develop something.

This Report has a few main sections:

- How the department engaged with Aboriginal peoples, communities and stakeholders.
- The key themes from stakeholder feedback.

- A summary of feedback on the vision and Objectives of the draft Strategy.
- How the Strategy will be finalised.
- Specific feedback on Actions under each of the 4 Objectives. You can read this in the Appendix A.

This Report does not yet show how the Department will respond to all the feedback.

A principles-based approach is being used to revise the Strategy.

A principles-based approach is a way of decision-making. It means ethics and values are important when making decisions, not just rules and regulations.

2 Introduction

Developing the Strategy has involved lots of conversations or ‘yarns’. It has also meant lots of collaboration over many years.

Extensive consultation has taken place with stakeholders across NSW. This is to make sure the voices of Aboriginal peoples and communities impacted by the Strategy and its Actions have been heard and reflected.

2.1 Background

The Department has heard from many stakeholders across NSW and in the NSW water sector. This includes:

- peak Aboriginal statutory and representative bodies
- Aboriginal community-controlled organisations
- community members.

Yarns over the years have supported:

- development of the NSW Water Strategy
- development of Regional Water Strategies
- the Aboriginal Water Program team forming in 2021
- 12 Regional Aboriginal Water Committees (RAWCs) forming in late 2023.

Drafting of this Strategy started in 2023.

In early 2024, Aboriginal peak bodies and RAWCs were consulted. This was to progress (move forward) the Strategy.

Between July and September 2024, individuals and organisations across NSW with a deep interest in access to water for cultural and economic purposes for Aboriginal peoples gave their final feedback on the draft Strategy. Their feedback is included in this Report.

Figure 1 shows a timeline of consultation from 2018 to 2024.

Figure 1 - Aboriginal Water Strategy timeline from 2018 to 2024



Source: Aboriginal Water Strategy consultation paper






2.2 Consultation overview

2.2.1 How we engaged

The Department used its existing principles for engagement to work with stakeholders. These are in Table 2 below.

Principles under the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) were also used.

Table 2 - Principles for engagement

Principle	Description
 Purposeful	Undertaken with a clear understanding of what was to be achieved and delivering on NSW Government priorities and the Department's strategic goals.
 Inclusive	Identifying and enabling the participation of all relevant stakeholders.
 Timely	Allowing enough time for meaningful engagement, outlining timeframes upfront and conducting engagement activities in an efficient manner.
 Transparent	Explaining the engagement process, providing information to allow meaningful participation and setting clear expectations around how participants' input would inform outcomes.
 Respectful	Acknowledging the needs, experience, perspective, and expertise of participants

Source: Department of Climate Change, Energy, the Environment and Water

Stakeholders were engaged in 3 main ways:

- Face-to-face workshops
- Online workshops
- Written and online submissions.

The following materials were shared with stakeholders:

- Consultation paper
- PowerPoint presentation

- Printed posters (at face-to-face workshops only)
- Recordings of the online workshops.

Stakeholders were asked to provide their feedback on main parts of the Strategy:

- Vision statement
- 4 Objectives
- Actions under each Objective.

The following questions were also asked during each workshop to get stakeholder feedback:

- Have we got these actions right?
- Is there anything else we need to do to ensure Aboriginal peoples are actively involved?
- What does this action look like for your region and community?

Follow-up questions were asked if needed. This was to encourage meaningful and local discussion. This discussion was between facilitators and stakeholders.

The official stakeholder consultation period was from Monday 15 July to Sunday 25 August 2024. This period is often called a “public exhibition”.

Some face-to-face workshops were impacted by Sorry Business in local Aboriginal communities. These workshops were rescheduled to September 2024. This was done to respect mourning processes. It also allowed these local communities to have their say at the appropriate time.

2.2.2 Who we engaged with

Consultations with stakeholders and groups included:

- Traditional Owners
- Aboriginal and non-Aboriginal community members
- NSW Aboriginal Land Council (NSWALC)
- Local Aboriginal Land Councils (LALCs)
- NTSCORP (Native Title Service Provider for Aboriginal Traditional Owners in NSW and the ACT)
- the Water Group in the NSW Department of Climate Change, Energy, the Environment and Water
- Regional Aboriginal Water Committee members (RAWCs)
- government representatives (including some participants in their capacity as Aboriginal community members)
- Local Government Councils
- energy and water utility sectors
- members of the academic sector
- NSW regulatory and compliance representatives
- individuals and representatives of industries with an interest in water (e.g. agricultural sector).

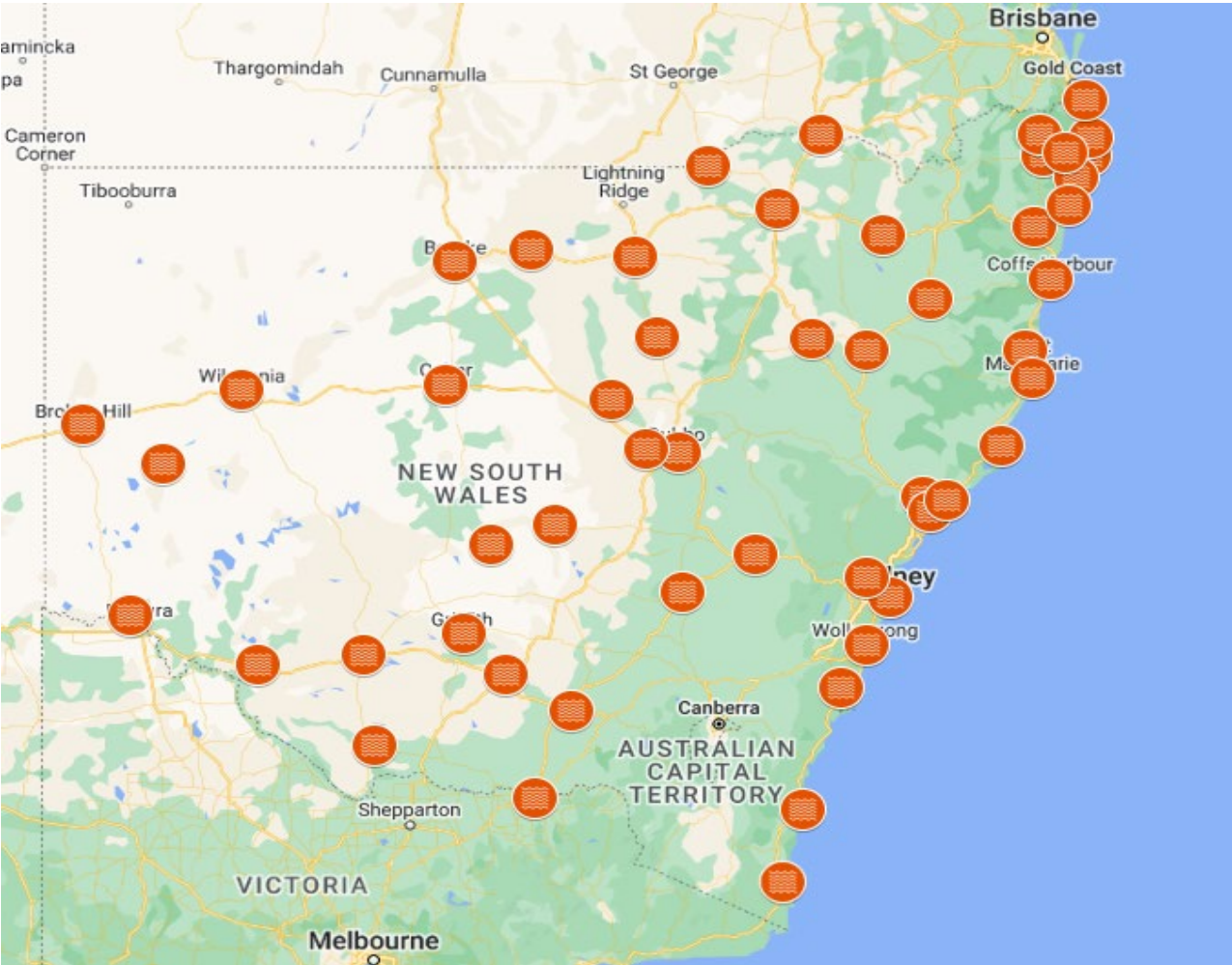
2.2.3 Where we engaged

This was a state-wide consultation. This means stakeholders across NSW could have their say.

Participants could join a face-to-face workshop near them. They could also join an online workshop or submit written or online feedback from anywhere in NSW. **Error! Reference source not found.** shows a map of the location of the 52 face-to-face workshops. These locations were:

- Albury, Armidale
- Ballina, Balranald, Bathurst, Blacktown, Bourke, Brewarrina, Broken Hill, Byron Bay
- Casino, Cobar, Coffs Harbour, Condobolin, Coomealla (Dareton), Coonamble, Cowra
- Deniliquin, Dubbo
- Eden, Evans Head
- Forster
- Grafton, Griffith, Gunnedah
- Hay
- Inverell
- Kempsey, Kyogle
- Lake Cargelligo, Lismore
- Maitland, Menindee, Moree, Mungindi
- Narooma, Narrandera, Narromine, Newcastle, Nowra
- Port Macquarie, Port Stephens
- Redfern
- Tamworth, Toomelah, Tweed Heads
- Wagga Wagga, Walgett, Warren, Wilcannia, Wollongong
- Yamba.

Figure 2 - Aboriginal Water Strategy planned engagement locations



Source: Aboriginal Water Strategy and Action Plan, NSW Government website

2.2.4 Engagement at a glance

Table 3 is an overview of the different engagement activities including communications channels. Figure 3 shows the stakeholder reach.

In total, feedback was received from 385 stakeholders. This was across six weeks from July to September 2024:

- 52 face-to-face workshops
- 3 online workshops
- 41 online and written submissions.

Table 3 - Overview of engagement activity

Activity	Description	Communication channels
Face-to-face workshops	<p>Face-to-face workshops were held on Country in 52 locations around NSW.</p> <p>Workshops were a chance for Aboriginal peoples to:</p> <ul style="list-style-type: none"> • give feedback on the Strategy, its Objectives and Actions • explain how the Strategy could impact their lives • talk with Department staff. 	<p>The workshops were promoted by the Department through:</p> <ul style="list-style-type: none"> • paid advertising (radio, print and social media) • proactive media outreach • printed flyers • electronic direct mails (eDMs) • reminder eDMS • direct engagement by phone, email and SMS. This was with key stakeholders in local communities. <p>These communications sent people to a dedicated webpage. People could read more information and register for workshops.</p>
Online workshops	<p>3 online workshops were held for:</p> <ul style="list-style-type: none"> • general public • peak Aboriginal organisations • government departments <p>Online workshops were a chance for people and organisations to:</p>	<ul style="list-style-type: none"> • The general public workshop was promoted by the Department through: <ul style="list-style-type: none"> – paid advertising (radio, print and social media) – proactive media outreach – printed flyers – electronic direct mails (eDMs) – reminder eDMs. • Aboriginal peaks and government stakeholders were contacted directly by

Activity	Description	Communication channels
	<ul style="list-style-type: none"> • give feedback on the Strategy, its Objectives and Actions • explain how the Strategy would impact their lives, work and communities • talk with Department staff. 	<p>the Department. This was mainly through eDMs.</p> <ul style="list-style-type: none"> • Communications sent people to a dedicated webpage. People could read more information and register for workshops. • Recordings of the workshops were sent by eDM to attendees and people who registered. This was an online link sent after the workshops. • The general public workshop recording is on the Department's website.
Submission form (online and written)	<p>A submission form was available to the public (online and at face-to-face workshops) to provide feedback on the Strategy.</p> <p>The submission form had 40 questions. It included:</p> <ul style="list-style-type: none"> • Demographic questions • a mix of open ended and tick-box selections. <p>2 questions were asked of the 4 Objectives:</p> <ol style="list-style-type: none"> 1. Do the proposed actions reflect the needs of your community? 2. Are there any gaps in the proposed actions? 	<ul style="list-style-type: none"> • The submission form was promoted by the Department through: <ul style="list-style-type: none"> – paid advertising (radio, print and social media) – proactive media outreach – printed flyers – eDMs – reminder eDMs. • Printed copies of the submission form were at face-to-face workshops. People could complete them in-person and give to Department staff.

Figure 3 - Overview of stakeholder reach




3 Feedback by key themes



This section is an overview of the key themes from the stakeholder consultations.

The themes reflect the sentiment (thoughts) heard during stakeholder consultations. The feedback is based on what the Strategy should include and how it can be strengthened.



More detailed feedback is in Appendix A of this Report.

Table 4 - Feedback by key themes.

Themes	Feedback
 <p>Accountability and transparency</p> <p>Need for strengthened wording that acknowledges dispossession, assimilation, Stolen Generations* and ensures truth-telling takes place. The implementation processes of the actions and how success will be measured should also be outlined.</p> <p>*The Stolen Generations refers to the Aboriginal and Torres Strait Islander children who were removed from their families between 1910 and 1970.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> include an action plan that explains how the Objectives and Actions will be implemented align with existing legislation, policies and strategies increase cultural capability of Department staff. This means engagement on Country is culturally appropriate. The aim is to improve trust with Aboriginal communities identify ways to show that resources and money spent will benefit the whole community, not just a few individuals check water management and governance arrangements that sit across local, state and national Government. This is to make sure there is progress towards the Strategy's vision address and support human rights and equity include information on relevant policies about allocation of water. This includes joint responsibilities and ownership make sure Aboriginal peoples have a "seat at the table" when it comes to water allocation decisions that impact them be open about the stakeholders involved in decision-making. This includes how advisory group membership and governance decisions are made alleviate worries about future funding of the Strategy. This includes implementation of workforce and mapping initiatives clarify who is responsible for delivering each Objective and related Actions capture any lessons learned and other opportunities that can be implemented in the future.

Themes	Feedback
 <p>Knowledge sharing and cultural safety</p> <p>Actions within the Strategy to be effective and allow for knowledge sharing to take place between all relevant and involved water sector stakeholders and communities. This exchange should be culturally safe, with Aboriginal peoples' Indigenous Cultural and Intellectual Property ("ICIP") respected and data sovereignty principles adhered to.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ recognise that Aboriginal peoples are not (solely) responsible for sharing their cultural knowledge to educate Government and other water stakeholders ○ provide opportunities for knowledge exchange. This includes true recognition of Aboriginal peoples' time and expertise. This may be monetary ○ acknowledge 'cultural fatigue' as a major issue that can impact collaboration between Aboriginal peoples and Government. ○ show respect for Aboriginal peoples' rights, cultural values and knowledge systems ○ remunerate, as appropriate, and safeguard Aboriginal peoples' ICIP ○ identify opportunities for policy reform. Suggest better ways for Government departments to work with each other.
 <p>Shared decision-making</p> <p>Need to involve Aboriginal peoples in decision-making regarding water and water-related sites should be strengthened. Also recognise the role of Government and relationships between Departments to ensure the longevity of the Objectives and supporting actions to eliminate fear of changing priorities when a new Government comes into power.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ implement a strong long-term governance structure in partnership with Aboriginal peoples. This could involve forming an Aboriginal peak body for water in NSW. This should ensure best practice, transparency and unity ○ include Aboriginal representation in decision-making regarding water and water-related sites ○ align policies, strategies and regulation across all levels of Government ○ acknowledge Aboriginal roles and responsibilities, and cultural protocols, when making decisions about waterways ○ include educational resources for Local Government Authorities to have a greater understanding and appreciation of the importance of water to Aboriginal peoples. This will improve collaboration and partnerships ○ be supported in legislation to ensure accountability.

Themes	Feedback
 <p>Capability and compliance</p> <p>Aboriginal peoples to be provided with greater education regarding their rights, to ensure they can play a greater role in the enforcement process with Government.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ support the need for education and training. This is so people understand how to comply with (obey) water rules. It is also so they know how and where to access related licensing information ○ increase accountability and compliance of Government and landowners ○ safeguard water licences. Protect the long-term benefits and rights of Aboriginal communities. Especially, to stop early sale of water ○ highlight compliance and enforcement within Government and the community. This empowers community members to understand their rights. This includes what the penalties (fines) are for offences ○ define the links between water, cultural and land issues. Particularly with respect to compliance.
 <p>Empowerment and partnerships</p> <p>Language used within the Objectives and supporting Actions needs to focus on increasing the capability of Aboriginal peoples and empowering them to partner with the Department and other key decision-makers.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ use engagement and other methods that are culturally appropriate for Aboriginal peoples ○ define “Who speaks for water?”. Find voices on Country, peak water bodies, existing Native Title groups, Local Aboriginal Land Councils and working groups ○ include words that show more ownership. For example, “guarantee”, “co-design” and “empower”. Not use vague words like “improve”, “increase” or “collaborate” ○ show work towards the development of water management documentation that represents both government and Aboriginal perspectives ○ include Aboriginal knowledge systems into water management activities and provide initiatives that are focused on building the capability of Aboriginal peoples ○ build the capability of Aboriginal organisations that hold water entitlements and access licences. This means they can investigate commercial, environmental and cultural uses of water resources.

Themes	Feedback
 <p>Workforce capability</p> <p>Empower Aboriginal peoples to engage effectively in water management through a collaborative approach between Government bodies and Aboriginal peoples, better recruitment processes and building workforce capability.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ use existing programs, frameworks and institutions for water planning, management, delivery, implementation and employment. For example, LALCs, Aboriginal Water Committees, existing ranger programs on Country, networks and institutions, Aboriginal groups and businesses ○ check that Government projects on Country have local representation to support decision-making. This includes recruitment and procurement of Aboriginal businesses ○ address barriers to longer-term employment both on Country in the Department and the Water sector. Provide stability and certainty for potential employees ○ address workplace cultural issues that may put off Aboriginal peoples applying for work.
 <p>Significance of water</p> <p>The significance of water to Aboriginal peoples cannot be understated, with stakeholders believing the Strategy should have a greater focus on the protection and preservation of water-related sites that are culturally significant, including dependent landscapes and overall water quality.</p>	<p>The Strategy should:</p> <ul style="list-style-type: none"> ○ acknowledge the different forms of water. For example, salt, fresh, muddy, billabongs and flood plains ○ address the need for cultural flows and the role that water has in caring for and healing Country ○ address the social, economic and health implications to Aboriginal peoples from decisions being made about water without their involvement and inclusion ○ reinforce the importance of water quality and its impact on environment, culture and spirituality. Water plays a central role in supporting the ecosystem, storytelling for future generations, spiritual connections and caring for Country ○ recognise the cultural difference between “women’s business” and “men’s business” in relation to connections with water ○ protect water-related sites from environmental damage. This includes the impact of irrigation and agricultural extraction on water ○ increase community understanding of their role in water, water related sites and environmental protection. This includes the flow-on impacts downstream ○ recognise existing legislation that supports water rights for Aboriginal peoples and further empowers them ○ integrate Aboriginal knowledge systems to support practices that are environmentally sustainable.

4 Feedback on purpose and vision

This section is a summary of general feedback from community members on the Strategy. It also has feedback on the draft vision of the Strategy.

Stakeholders want to see clearer definitions in the Strategy. This includes who is impacted by this Strategy and its Actions.

Stakeholders also said it was important to connect the Objectives and actions with these definitions.

The Strategy should use stronger action-oriented language. The vision should show who is accountable (responsible).

4.1 Feedback on background and purpose of the Strategy

- Define the term “Aboriginal peoples” at the start of the Strategy. There are many different stakeholders that could be included in this term. Aboriginal peoples may include First Nations groups, Traditional Owners, Native Title groups, Aboriginal Land Council members, and community members.
- Acknowledge (accept) different communities may like different terms. For example, some participants said they were worried about “Aboriginal peoples” being used as a term to represent everyone. They said Traditional Owners should be called out. Defining the term “Aboriginal peoples” at the start of the strategy with examples would make it clearer.
- Acknowledge Aboriginal history, culture and trauma within the context of the Strategy.
- Define the importance of water to Aboriginal peoples and their culture needs at the start of the Strategy. This shows the importance of the Strategy’s development and implementation.
- Define water at the start of the Strategy. Language should be included around water being a living thing and the many different forms it takes on Country. For example, salt, fresh and muddy. Language should also connect water with biodiversity, songbirds, storytelling and spiritual importance. Cultural flows and their importance to Aboriginal and First Nations peoples should be captured. Water management should be defined at the start of the Strategy and include the different types of water. For example, rivers, lakes, billabongs, flood plains and natural springs.
- Define the purpose of the Strategy. There is confusion between the perceived aims of the Strategy (economic benefit) and the aims of the community (conservation). Clarify the intention of the Strategy is for greater social, economic and environmental benefits through realising the Strategy’s vision.

4.2 Feedback on the vision of the Strategy

- Strengthen the vision statement. Use stronger verbs like “assert” rather than “recognise”. For example, *Assert Aboriginal peoples’ human rights and values, increase access to and ownership of water for cultural, spiritual, social, educational and economic purposes.*
- Include the terms “traditional values” and “traditional people” in the vision statement. For example, *recognise traditional peoples’ rights and traditional values and increase access to and ownership of water for cultural and economic purposes.*
- Align the Strategy with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). In particular:
 - Article 8: the right to not be subjected to destruction of their culture.
 - Article 11: the right to practice and revitalise cultural traditions and customs.
 - Article 18: the right to participate in decision-making in matters that would affect their rights, through their chosen representatives.
 - Article 25: the right to maintain and strengthen their relationship with their lands, territories and resources and their need to uphold their responsibilities to future generations in this respect.
 - Article 29: the right to be entitled to assistance in protecting and conserving their lands.

5 Feedback on Objectives

This section shows the feedback on each Objective in the Strategy. More detailed feedback on each Objective and Action is in Appendix A.

5.1 Objective 1 - Strengthen the role of Aboriginal peoples in water planning and management

This Objective aims to embed and sustain culturally appropriate Aboriginal engagement, participation, partnerships, and communication processes into water management and Government decision making. The actions of this Objective should not only reform existing water governance and decision-making processes to improve meaningful Aboriginal representation, but they should also provide opportunities for Aboriginal peoples to develop Aboriginal-led water governance and decision-making structures and processes consistent with the principle of self-determination. Importantly, the actions should provide opportunities at all levels for Aboriginal peoples to contribute to, and lead the management of, their land and water resources.

High-level feedback on Objective 1

- Stakeholders said there needs to be strong partnerships between Aboriginal peoples and those involved in decision-making about water. This includes Government.
- Several Actions under this Objective are about co-design and collaboration. Many stakeholders asked what this means and looks like. They also asked how best practice would be checked.
- Stakeholders said there needs to be more education about the connection between Aboriginal cultural practices and water. This education would be given to Government bodies and others engaging with Aboriginal communities. It would support more effective communication, greater understanding, and better accountability in measurement of Actions under this Objective.

Key feedback on Objective 1

- The Department should look at using work already done in this area to strengthen the role of Aboriginal peoples. This includes existing programs, frameworks and institutions for planning, management, delivery, implementation, co-design and dissemination.
- Engagement channels for the Department to speak with Aboriginal communities should be more direct. Collaboration needs to be more authentic and not just a “tick-box” activity. Aboriginal communities want to be engaged in discussion; however, they feel this sentiment has not been shared by different Government departments.

- The Strategy should acknowledge Aboriginal roles and responsibilities, and cultural protocols, when making decisions about waterways. Storytelling, water history, spiritual and oral knowledge, imagery, custodianship, interpretation of cultural knowledge, language and Dreaming stories are vital in the decision-making process. These methods of communication should be given the same level of authority and influence as conventional "Government language."
- Water planning management needs to consider:
 - restoring current flows and addressing legacy behaviours
 - perspectives on alternative sources of water, such as desalination or purified recycled water
 - links to the NSW Water Quality Roadmap
 - better and fairer water management strategies during droughts
 - the sustainability of river systems due to significant water allocations to irrigators. This includes the frequency of droughts (as above) and changing weather patterns. This will ensure a more sustainable balance. It will benefit all stakeholders who rely on river systems.
- Monitoring and evaluation processes of the Actions under this Objective need to be transparent. This ensures momentum of the Actions continues, including if there is a change of Government. Change of Government was identified as a key risk and concern to the achievement of long-term change. Some stakeholders said there needs to be a permanent Aboriginal-controlled water program in Government.

5.2 Objective 2 - Provide Aboriginal ownership of and access to water for cultural and economic purposes

This Objective recognises the critical role of water resources in culture and caring for Country, and the important part these play in health and wellbeing. It also recognises the historical dispossession in relation to Aboriginal peoples' water rights and responsibilities and seeks to redress this imbalance. The actions for this Objective promote Aboriginal rights for water to be left in a river or groundwater source for cultural purposes and to sustain water quality and culturally important ecosystems, rights to take water out of a river or groundwater source for cultural or economic uses, and rights to gain access to waterways and other water-dependent culturally significant sites. This also includes providing safe and effective water and sewerage services in rural villages and towns to improve the health and wellbeing of residents of Aboriginal communities.

High-level feedback on Objective 2

- Stakeholders said the Strategy needed to strengthen Aboriginal peoples' understanding of their current rights and entitlements with respect to water. It also needed clarity on the links between the Strategy and relevant legislation, policies and plans.
- Making sure the Strategy could continue for years to come through continuous funding was a main concern for stakeholders. This would mean the creation of permanent employment, appropriate infrastructure to ensure ongoing cultural and economic benefits, and continuous monitoring and evaluation

Key feedback on Objective 2

- Important for Aboriginal peoples to better understand their entitlements and the processes for exercising and accessing their existing rights with respect to water. Many Aboriginal peoples seek to be actively involved in the allocation and water management of river systems. This includes the amount of total water from the river system that is allocated. Aboriginal peoples should have a fairer share of access to water and financial distributions made to feed back into work on Country. However, stakeholders also said that education needs to come first. This means a baseline understanding among Aboriginal peoples of their current rights regarding water ownership and access, and how to exercise them.
- Not all irrigators and companies respect Aboriginal peoples' rights to access culturally significant water. This highlights a need for improved education and compliance.
- Need for greater visibility between the Strategy and its alignment with existing legislation, policies, and plans. As an example, one stakeholder questioned the links between static water supply, existing legislation and how they fit within the Strategy.
- There is a knowledge gap in some Aboriginal communities about water licences. Getting a licence is challenging. Some stakeholders said cultural access licences are not very effective. This is because they do not allow for ownership of water. This contradicts the aim of this Objective.
- Strategy should make it clear that water accessed should be safe and clean.
- Incorporate Aboriginal knowledge regarding water management in water decision-making.
- Concern about the loss of lakes and rivers. There needs to be an improved method of irrigator allocations. For example, prohibit (stop) new irrigators using river systems that are decreasing.
- Provide more funding (money) for activities under this Objective. This involves for water infrastructure projects in smaller communities. This could include water being channelled towards them or places of cultural significance, cultural mapping exercises, and/or Aboriginal community members to be appropriately remunerated for any consultation activity.
- Define how monitoring, compliance and evaluation would happen in the Actions. Stakeholders wanted a better understanding of the expected outcomes of the

Strategy. This includes what might be needed from a cultural Monitoring, Evaluation and Research (MER) approach.

5.3 Objective 3 - Work with Aboriginal peoples to maintain and preserve water-related cultural sites and landscapes

This Objective recognises that our statutory land-use planning and heritage frameworks, our water policy, and our planning and strategic frameworks must make more considered approaches to water and water dependent sites and values. The actions of this objective aim to move beyond the narrow treatment of Aboriginal “heritage” and take a more holistic view of Aboriginal water values and rights in our planning frameworks, consistent with the objects and principles of the Water Management Act (2000), to: “recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including the benefits to the Aboriginal people in relation to their spiritual, social, customary, and economic use of land and water”, and “protect geographical and other features of major cultural, heritage, or spiritual significance

High-level feedback on Objective 3

- Stakeholders emphasised the importance of Government and communities working together. This ensures maintenance and preservation of water-related cultural sites and landscapes. This would support the preservation of Aboriginal heritage values.
- Integrating Aboriginal storytelling and traditional and cultural values into the decision-making process was also highlighted

Key feedback on Objective 3

- Actions under this Objective must be a two-way process, not just Aboriginal peoples to Government. A lack of trust would be a significant challenge in achieving this Objective. Inclusive engagement with the broader Aboriginal community was suggested to develop a comprehensive plan. This plan would integrate Aboriginal water management principles with industry skills to support Aboriginal peoples to maintain and preserve water-related cultural sites and landscapes.
- Clarify how existing policies that acknowledge, and respect Aboriginal heritage values will be used and mentioned in the Strategy. As mentioned above under Objective 2, many stakeholders said it was important to provide education to community. This includes on existing legislation, policies, strategies, plans and processes. This would tell them their existing water rights. Education on information gaps is also key. Gaps may include detailing the processes about when knowledge holders of cultural sites pass away. This could achieve the Objective aim of preservation of cultural sites.

- Integrate Aboriginal storytelling and heritage recognition into the decision-making process for policy and management plan development. Stakeholders said these cultural elements are equal to other factors in the decision-making process.

5.4 Objective 4 - Work with Aboriginal peoples to improve shared water knowledge and build capacity

This Objective is multi-faceted and underpins, supports, and enables all other strategic Objectives and Actions. The Actions of this Objective will, as appropriate, create greater understanding and improved relationships between Aboriginal and non-Aboriginal water managers resulting in mutually beneficial outcomes. They will support and build the capacity of Aboriginal peoples and organisations to effectively participate and lead water management programs and build water-dependent businesses.

High-level feedback on Objective 4

- Feedback on Objective 4 was mixed. A common theme was the need for two-way knowledge sharing. Aboriginal peoples need to be involved to share their knowledge around caring for Country.
- Protection of Aboriginal ICIP and recognition of Aboriginal peoples' time and expertise needs to be looked at.

Key feedback on Objective 4

- Include other water users and stakeholders in Strategy. For example, landowners, community members, staff and grass roots organisations. Some stakeholders said this Objective reads like it relates only to knowledge sharing and capacity building between Government and Aboriginal peoples.
- Clarify what “collaboratively” involves and who the key stakeholders are. Any collaboration needs to involve equal partnership between stakeholders working towards the same goal.
- Aboriginal peoples should not be held (solely) responsible for sharing their cultural knowledge to educate Government and other water stakeholders. It needs to be a two-way knowledge exchange. True recognition of Aboriginal peoples' time and expertise is needed.
- RAWCs need to play a greater role in this Objective. This includes data collection and dissemination, maintenance of data sovereignty and governance more broadly.
- Need for the Government to deliver in-depth educational programs to Aboriginal peoples and the general community to drive water understanding and respect. Topics discussed included: Aboriginal peoples' relationship with water, existing rights, water planning, and the sustainable use of water resources.

- Other suggestions for capacity building topics included scientific analysis and hydrological modelling of existing waterways and river systems to inform better planning decisions.

6 Next steps

Working together is very important to develop the final Strategy. Feedback in this Report will support this.

A final Aboriginal Water Strategy and Action Plan will be published in 2025.

The Department would like to thank all stakeholders and community members who participated in the consultations on the Strategy. This includes everyone who attended a face-to-face or online workshop. The Department also thanks those who made an online or written submission.

Many stakeholders shared ideas on how the Actions could be implemented (put in place) at a local level. These ideas will be looked at. The final Action plan will include the Actions we will take and how we will do them.

A principles-based approach is being taken to finalise the Strategy.

The principles provide the evidence on ‘why’ the Department will deliver an Aboriginal Water Strategy.

The Action Plan will show ‘how’ and ‘what’ the Department will do to deliver the Strategy.

7 Appendix A: Additional detailed feedback on Objectives and Actions

Stakeholders gave feedback about the language used in the Strategy. They also shared general comments or suggestions about changes to actions or how to frame actions differently.

These have been consolidated, summarised and captured below. They do not include the summarised key feedback highlighted in Section 5.

7.1 Detailed feedback on Objective 1 and Actions

Detailed feedback on Objective 1

Objective 1 is: Strengthen the role of Aboriginal peoples in water planning and management.

Wording changes to consider:

- Change objective to “Promote and include the role of all Aboriginal peoples”.
- Insert “Protection of Water” into Objective.
- Use “Empower the rights” instead of “Strengthen the role”. “Strengthen” assumes Aboriginal peoples already have a voice.
- Use “Aboriginal peoples” (plural), which applies to all other uses of the term in the Strategy.

Detailed feedback on Action 1.1

Action 1.1. is: Collaboratively design and implement governance arrangements that enable NSW Aboriginal peaks and community-controlled organisations, other Aboriginal water-interest groups, and Aboriginal communities to work with the government on critical statewide water strategies, policies, programs, and issues.

Action 1.1 means we will:

- Document an agreed process for involving Aboriginal peoples in decision making.
- Roll out regular information and education sessions to improve Aboriginal community members understanding of how water is managed in NSW.

Wording changes to consider:

- Include “Traditional Owners” and “Native Title holders” as well as “Peaks” in the Action. Stakeholders stressed the importance of including Traditional Owners and Native Title holders in designing and implementing governance arrangements and having input into decision-making processes.
- Include the wording “regarding irrigators’ level of water extraction from rivers”, with respect to the first bullet point under the Action.
- Define the term “regular” in “regular information and education sessions” in the second bullet point under the Action.

Other comments and considerations:

- Consider different levels of ownership within Aboriginal culture for decision-making processes.
- Consider local-led data collection opportunities for water. For example, the establishment of an Aboriginal water research bureau in partnership with the CSIRO to collect local information about water quality on the ground was suggested.
- Education sessions should include how water is managed and the impact of decision-making regarding water on social economic outcomes of communities (for both Aboriginal and non-Aboriginal peoples).
- Water quality and testing (such as chemicals and polluting waterways) was deemed to be an integral component of decision-making. Stakeholders were of the view that there should also be education provided on how pollution affects biodiversity (plants, animals) and health outcomes of all stakeholders.
- Learning to swim should be a part of the Strategy to promote safety and could be considered within the context of the regular information and education sessions.

Detailed feedback on Action 1.2

Action 1.2 is: Collaboratively design an Aboriginal water engagement framework that respects and builds appreciation for Aboriginal cultural protocols and recognises the importance of cultural safety for Aboriginal participants in water management and government decision making processes.

Action 1.2 means we will:

- Develop an agreed framework for engaging Aboriginal peoples in water management decisions that ensures Aboriginal cultural protocols are recognised and respected in the engagement process.
- Develop comprehensive guides and standards that ensure all engagement staff are educated on the importance of ensuring cultural safety for Aboriginal participants during the engagement process.

Wording changes to consider:

- Include language that incorporates “cultural authority on Country” and “Embedding, sustaining and promoting culturally appropriate Aboriginal engagement” within the Action.
- Add “Aboriginal social economic outcomes impacted by water should be considered in terms of decision-making” to the Action.
- Add “Recognises the importance and ensures improved water quality for communities that use the water for domestic and cultural purposes” to the Action.

Other comments and considerations:

- The Strategy should define that cultural water should not be used for economic gain or be exploited, with reference to building appreciation for Aboriginal cultural protocols and recognising the importance of cultural safety.
- Concerns were raised regarding the term “Government decision-making processes” within the Action and thus potentially the exclusion of an Aboriginal perspective.
- The Regional Aboriginal Water Committees (RAWCs) to be the primary recipient of all Government communications regarding river management decisions. RAWCs would then be responsible for disseminating information to the broader community.

Detailed feedback on Action 1.3

Action 1.3 is: Reform existing water engagement frameworks and decision-making processes to support Aboriginal representation, including through identified Aboriginal gender-balanced roles on relevant boards and committees and supporting roles for Aboriginal community-controlled organisations in water governance. This will build on a current Action to establish a Regional Aboriginal Water Committee in each of the NSW water regions.

Action 1.3 means we will:

- Review existing engagement procedures to identify things we could change to better support Aboriginal participation in decision making processes.
- Create gender identified roles for Aboriginal peoples on boards and committees involved in the engagement and decision-making process.
- Continue to work in partnership with the established Regional Aboriginal Water Committees to ensure Aboriginal representation in water planning and governance at a local level.

Comments and considerations:

- The cultural difference between “women’s business” and “men’s business” makes gender balance in consultations vital.
- There should be some flexibility and variance in how Government engages with communities and individuals. Any proposed reform should consider implications for existing groups and their ability to be flexible to fit the needs of the community.

Detailed feedback on Action 1.4

Action 1.4 is: Increase the participation and employment of Aboriginal peoples on Country to maintain the health of land, rivers, and wetlands. This will include working with the Commonwealth Government and other state government agencies to sustain an Aboriginal River Ranger program across all NSW waterways that includes multi-faceted outcomes for Aboriginal peoples through employment and caring for Country.

Action 1.4 means we will:

- Create more employment opportunities for opportunities for Aboriginal staff on Country within water-related government agencies.
- Improve communication of these opportunities within local communities.
- Provide relevant training and opportunities for upskilling in traditional land, river and wetland management.

Wording changes to consider:

- Amend Aboriginal River Ranger Program within the Action to “working rangers” or “on-Country managers” so that the term is not specific to an individual task i.e. rivers. The term “ranger” carries authority and respect, and this role should be empowered to issue infringements (fines). Stakeholders highlighted that there is already a River Ranger program which supports Aboriginal employment, funded by the National Indigenous Australians Agency (NIAA), which is not acknowledged in this Action.
- Use “invest in” instead of “increase” at the start of the Action, as investment implies accountability.
- Add the word “rehabilitation” when discussing maintaining the health of land, rivers and wetlands within the Action.
- Change to “increase and ensure long term permanent Aboriginal employment” at the start of the Action.

Other comments and considerations:

- Participation and employment opportunities should be in partnership with local councils and Government departments and should be measurable. There is also the need for greater local employment in an official capacity i.e. local Aboriginal peoples need to have opportunities to work in their local communities.
- Employment opportunities should extend beyond a 12-month period. It would be helpful to include a live weblink in the Strategy to point community members towards these opportunities.
- There is a need for more identified positions and alternative pathways which include ongoing support and training for this Action to be effective, as well as greater availability of Government funding and support.
- Concerns were raised about the river system's sustainability due to intensive water allocations to cotton growers and other irrigators, especially considering the frequency of droughts and variability of weather patterns. Stakeholders proposed a limit on the

number of new cotton growers entering the industry to address this issue. This measure is intended to reduce the strain on water resources and promote a more sustainable balance that benefits all stakeholders reliant on the river system.

- Concerns were raised about implementation and measurement of this action. They highlighted that “all NSW waterways” include at least 400 named rivers in NSW. This meant this aspect of the action seems aspirational but perhaps impossible. Particularly related to monitoring, measurability and accountability for implementation.

Detailed feedback on Action 1.5

Action 1.5 is: Increase procurement of Aboriginal businesses in NSW Government across the water sector, including related investments and infrastructure development.

Action 1.5 means we will:

- Improve communication of procurement opportunities to Aboriginal businesses and communities.
- Review existing procedures and identify and identify how we can better support Aboriginal businesses throughout the procurement process.

Wording changes to consider:

- “Improve communication” within the first bullet point under the Action should be “ensure all Aboriginal community members are informed”.

Other comments and considerations:

- Consider greater Aboriginal participation on tender panels for water-related services to strengthen procurement processes.

Detailed feedback on Action 1.6

Action 1.6 is: Increase Aboriginal employment in water-related government agencies.

Action 1.6 means we will:

- Create more Aboriginal identified roles within water-related government agencies.
- Improve communication of employment opportunities within Aboriginal communities.
- Review existing resources for Aboriginal staff and identify how they can be better supported within our agencies.
- Review existing resources to identify how we can improve Aboriginal cultural knowledge, understanding and capacity amongst all staff.
- Ensure employees involved in the water sector undergo cultural training.

Wording changes to consider:

- Use “increase and ensure long term permanent Aboriginal employment” at the start of the Action.
- Use the term “Ensure” instead of “Increase” at the start of the Action. There was concern raised over the short-term nature of traineeships and jobs cancelled when the

traineeships end; therefore, the term “ensure” implies longer-term, more sustainable employment outcomes, as opposed to simply increasing the number of jobs available.

- Change “increase” to “intensify” at the start of the Action.

Other comments and considerations:

- Training should include Country specific learnings undertaken by both Aboriginal and non-Aboriginal peoples.
- The Strategy could outline or highlight mentoring opportunities to equip Aboriginal staff with the skills and tools necessary to guarantee success. They also expressed a need for an Indigenous Workforce Strategy to further support this Objective and Actions.
- Stakeholders shared their experiences with experiencing burn out from the cultural load, and wondered how the Strategy would address this, alongside existing legacy issues of discrimination in the workplace against Aboriginal peoples. Stakeholders also expressed the importance of safeguarding cultural and intellectual property rights.

7.2 Detailed feedback on Objective 2 and Actions

Detailed feedback on Objective 2

Objective 2 is: Provide Aboriginal ownership of and access to water for cultural and economic purposes.

Wording changes to consider:

- Replace “provide” with “enable” or “empower” at the start of the Objective. Aboriginal peoples already have access to and ownership of lands and water; therefore, stakeholders considered that ownership does not need to be provided but rather enabled and supported.
- Some participants thought that the term “ownership” needed to be better defined, as it may have significant implications and without a clear definition, it can create uncertainty.

Other comments and considerations:

- Concern about the lack of information provided by the Strategy regarding outcomes. This included what would happen to current water users if a body of water was considered culturally important. This could have significant impacts on businesses that rely on water to make a living. Some community members asked for more clarity regarding where water allocations will be sourced from. This highlights a need for greater education around the current processes for water allocation, and potentially greater involvement by Aboriginal peoples within this decision-making process.
- There should be practices, procedures and educational materials that allow for the consideration and passing down of Aboriginal values.
- Dual naming of rivers to show Aboriginal custodianship and acknowledge the importance of water to Aboriginal peoples.

- Wording of this Objective suggests Aboriginal peoples can only use the water for “cultural and economic purposes”. However, the *NSW Water Management Act* (2000) refers to “benefits to the Aboriginal peoples in relation to their spiritual, social, customary and economic use of land and water”. Furthermore, the Echuca Declaration (2007) describes cultural flows as improving the “spiritual, cultural, environmental, social and economic conditions” of Aboriginal peoples. It is important the Strategy does not restrict what Aboriginal peoples can use their water for.

Detailed feedback on Action 2.1

Action 2.1 is: Review policy, planning, and legislative settings and identify possible amendments to the current framework to better enable Aboriginal rights, interests, and ownership of water, and implement changes as the government approves. As an element of Action 1.1, collaboratively design and establish a statutory Aboriginal water investment entity representing all NSW regional Aboriginal water communities designed to incorporate access to sustainable and equitable economic opportunities that can:

- Hold and undertake dealings in water access licences and water allocations.
- Hold, administer, and invest monies from, for example, parliamentary appropriation, levies, gifts, or bequests.
- Promote, organise, conduct, and fund projects and initiatives that maximise the cultural, social, spiritual, and economic benefits of the State’s water sources for present and future generations of Aboriginal peoples.
- Engage in other activities relating to its objects as the Minister may approve.

Action 2.1 means we will:

- Review existing laws, policy, and water planning for things we could change or adjust to better support Aboriginal rights, interests, and ownership of water to achieve better outcomes. Carry out these changes where the government approves of them.
- Work with Aboriginal peoples to design and set up a statutory Aboriginal water investment entity representing all NSW regional Aboriginal water communities.
- Ensure this entity is directed to seek sustainable and equitable economic opportunities using the listed abilities.

Comments and considerations:

- This Action was very important in rural areas. It was also one of the most important Actions among participants more broadly.
- There is potential that the creation of a new statutory body could have the opposite effect of what is intended. For example, it could create more of a divide. Some community members suggested that the RAWCs should establish the governance framework for the investment entity responsible for managing water rights across all regions.
- Government should increase access to mainstream water licences. Stakeholders reported that they often do not have the funds to purchase mainstream commercial

licences. Rather, they identified the need to be financially supported to access a greater share of the water license market (excluding cultural water flows).

- An additional tax on water, where a percentage is withheld and added to a fund that is used for improving cultural and economic rights to water.
- Restriction on the sale of water licences and commercialisation of these licences. Some expressed that Native Title groups should be able to sell any remaining water allocations.
- Carefully manage this action to avoid skewing the water market. General support to strengthen the water allocation and license approval processes so that they are not a “box ticking” exercise.

Detailed feedback on Action 2.2

Action 2.2 is: Investigate and implement opportunities to embed “planned” cultural flows or allowances in water-sharing plans.

Action 2.2 means we will:

- Plan out the steps we will use to develop cultural water plans and share this approach.
- Develop cultural watering plans in collaboration with the relevant Aboriginal communities.
- Use this approach for other community-led water initiatives.

Wording changes to consider:

- Clarify what “cultural water”, under the first and second bullet points, means (including the process and the difference between cultural and environmental water).

Other comments and considerations:

- Interest in having sharing arrangements for water with other communities/Traditional Owner groups.
- The need for collaborative efforts to be navigated with care and cultural understanding. Cultural differences between communities and any presence of community divisions should be understood prior to collaboration otherwise these issues may negatively impact collaborative processes.

Detailed feedback on Action 2.3

Action 2.3 is: Develop and deliver a program to develop cultural watering plans and other community-led water initiatives.

Action 2.3 means we will:

- Review our water sharing plans and find clauses or content that would help us to include cultural flows or allowances in the plans.
- Use the legislated review process for water sharing plans to amend the water sharing plans to include these.

Wording changes to consider:

- Include the language “With Aboriginal peoples” and “On Country” within the Action.

Other comments and considerations:

- Interest in having individual water management committees for Native Title groups responsible for this Action. This would mitigate the risk of cultural knowledge being shared outside of Native Title groups.

Detailed feedback on Action 2.4

Action 2.4 is: Investigate and implement opportunities to optimise operational water delivery and in-river infrastructure to achieve connectivity and cultural outcomes.

Action 2.4 means we will:

- Determine which connectivity and cultural outcomes might be supported by adjusting the way water is delivered.
- Identify how to change the way water is delivered to reach these outcomes.
- Put these changes in place in rules or guidelines about operational water delivery.
- Provide relevant training and opportunities for upskilling in traditional land, river and wetland management.

Wording changes to consider:

- Include “working with Aboriginal peoples” in the Action to prioritise connectivity and cultural outcomes.

Other comments and considerations:

- Interest in the possibility of creating green processes to produce safe water and adjust the way water is delivered (under the first bullet point), such as green spaces in rural towns, capturing rainfall and remediating water.

Detailed feedback on Action 2.5

Action 2.5 is: Work with Traditional Owners, scope measures to better recognise Native Title water rights, and adopt Indigenous Land Use Agreements to implement water-sharing plans and other mechanisms.

Action 2.5 means we will:

- Work with Traditional Owners to find ways to recognise Native Title water rights more effectively.
- Implement these through Indigenous Land Use Agreements, water sharing plans and other mechanisms.

Comments and considerations:

- Traditional Owners should be better included in the process of water sharing.

- Interest in the establishment of a peak group or committee for Native Title groups. This would support the recognition of Native Title water rights and implementation of water-sharing plans.
- Funding put towards the continuation of mapping exercises. This mapping would identify cultural sites and allow for Native Title determination.

Detailed feedback on Action 2.6

Action 2.6 is: Develop and implement a program to deliver the proposed Closing the Gap Target 15c.

Action 2.6 means we will:

- Determine what is needed to put the proposed Target 15c in place.
- Plan how to complete these requirements and carry them out.

Comments and considerations:

- Include a link to the National Agreement on Closing the Gap, Target 15c in the Strategy. This would increase transparency and education.
- Be more specific about how the Strategy addresses Closing the Gap Priority Reforms.

Detailed feedback on Action 2.7

Action 2.7 is: Collaboratively design and implement options for improving access to waterways and other culturally significant water dependent places.

Action 2.7 means we will:

- Work with Aboriginal peoples to identify ways to increase access to waterways and other culturally significant water dependent places.
- Select the most appropriate or effective of these ways and carry them out.

Wording changes to consider:

- General rewording suggested to demonstrate greater accountability.
- Change “collaboratively design” to “co-design”, noting previous feedback from stakeholders around the need for greater specificity as to what this process involves and who.

Other comments and considerations:

- The need to ensure Aboriginal peoples are appropriately remunerated for their cultural activities and knowledge.

Detailed feedback on Action 2.8

Action 2.8 is: Continue and expand the Aboriginal communities’ water and sewerage program to deliver sufficient water for key amenities in small Aboriginal communities.

Action 2.8 means we will:

- Continue to implement the current Aboriginal communities' water and sewerage program.
- If funded by the NSW Government, expand the program further.

No feedback was received on this Action.

Detailed feedback on Action 2.9

Action 2.9 is: Create and put in place a system for Aboriginal involvement in decisions about environmental watering. This system should also include a mechanism for Aboriginal peoples to choose the right cultural authority or knowledge holder to enhance the exchange of cultural heritage knowledge and use water allocated for environmental purposes to deliver Aboriginal cultural outcomes and benefits where synergies exist.

Action 2.9 means we will:

- Determine how Aboriginal peoples can become involved in decisions about environmental water.
- Set up a mechanism to identify the most appropriate cultural authority or knowledge holder to enhance outcomes.
- Put in place the most effective tool to ensure Aboriginal peoples are involved in these decisions.

Wording changes to consider:

- Change "Knowledge holder" to "knowledge holders". Show it means community not the individual.
- Remove the word "create". It suggests Aboriginal peoples do not already have rights.

Other comments and considerations:

- Aboriginal peoples should nominate who the right knowledgeable person is rather than Government deciding who that person should be, as is currently captured within the Action.
- Greater recognition for Native Title holders and those with cultural authority generally within this Action, and some distinction between those who have cultural authority and those who do not.
- Limited consideration in this Action of the programs that are already in place for Aboriginal inclusion in environmental water planning and decision-making.
- The need for government reporting to link Action 2.4 around optimising operational delivery and achieving outcomes with this Action.

Detailed feedback on Action 2.10

Action 2.10 is: Maintain water-related amenities for rural towns with significant Aboriginal populations during droughts (swimming pools, playing fields, parks, and gardens).

Action 2.10 means we will:

- Ensure that public amenities which require water have access to water during droughts for as long as reasonably possible.
- Maintain these public amenities to ensure they can be used.

Wording changes to consider:

- Change “Significant Aboriginal populations” to “Aboriginal populations including regional and remote communities”. This is more inclusive.

Other comments and considerations:

- There was some contrast in feedback received on what specific infrastructure should be listed within this Action, but there was a need highlighted to distinguish between the infrastructure that Aboriginal peoples use, as opposed to council assets.

7.3 Detailed feedback on Objective 3 and Actions

Detailed feedback on Objective 3

Objective 3 is: Work with Aboriginal people to maintain and preserve water-related cultural sites and landscapes.

Wording changes to consider:

- Change “work with” to “work alongside” or “harmonise” in the Objective.
- Change “Aboriginal people” to “Aboriginal peoples” (plural). Specify or provide a few examples of who will be involved e.g. Traditional Owners, LALCs, community.
- Include “tangible and intangible values” within the Objective’s description.

Other comments and considerations:

- There should be greater education regarding the importance of sacred sites.
- There was a query as to the mechanisms/processes in place for when knowledge holders of cultural sites pass away, and how this could be addressed in the Actions under this Objective to ensure the Objective aim of preservation of cultural sites is achieved.
- Inclusive engagement with the broader Aboriginal community was suggested to develop a comprehensive plan that integrates Aboriginal Sea Country management principles with industry skills development in the commercial fisheries sector, including Traditional Owners, LALCs, ACCOs, Aboriginal Businesses and the wider Aboriginal community.

Detailed feedback on Action 3.1

Action 3.1 is: Develop a process and clear guidance for decision makers to recognise Aboriginal cultural values and the principle of Free, Prior, Informed Consent. This includes working together with Aboriginal communities on water-related issues when assessing applications under the Water Management Act, assessing development applications under the

Environmental, Planning and Assessment (EP&A) Act, planning for infrastructure, and approving water-related projects.

Action 3.1 means we will:

- Develop comprehensive guidelines for decision makers to understand and recognise the importance of Aboriginal water rights and values.
- Consult with Aboriginal communities when assessing water-related projects and development applications.

Wording changes to consider:

- Change the word “consult” within the second bullet point under the Action as “it does not mean anything to Aboriginal peoples”. Wording suggestions included “involve” and “collaborate”; anything that would indicate how Aboriginal peoples can become involved in decision-making.
- It was suggested that the second sentence in the Action is “too wordy” and will not be understood by some members in Aboriginal communities.

Other comments and considerations:

- Many stakeholders believed this Action is a high priority and should be implemented as soon as possible.
- Feedback received focused on the need for Government to consider the establishment of an Aboriginal peak body for water. This body could oversee and facilitate the Aboriginal community consultation process behind the assessment of applications under the Water Management Act and development applications under the EPA. This body could create the guidelines for consultation with local communities for applicants to determine the water-related impact on Aboriginal communities. Feedback also suggested the need to provide greater recognition of the importance of local Governments’ role in ensuring compliance with the Actions under this Strategy.
- There were also some suggestions of creating a standalone *Aboriginal Heritage Act* or *Water Act*. Some community members expressed worries about differences between existing legislation and Aboriginal Lore. They asked how this could be better said in the Strategy.
- There is a need for Government to provide greater quality assurance in the assessment process and ensure that the consultation process is reportable to hold project-owners accountable to community. While it was acknowledged that project planners do not necessarily need to Action community feedback, there should be a reporting mechanism to have community feedback on record.
- It was noted that the Strategy does not deal with groundwater and does not refer to the 2023 NSW Groundwater Strategy.

Detailed feedback on Action 3.2

Action 3.2 is: Collaboratively create policies and procedures for acknowledging and respecting Aboriginal heritage values when developing and updating state and regional water strategies, water-management plans, and water policies.

Action 3.2 means we will:

- Involve and collaborate with Aboriginal peoples when updating and developing water strategies, policies and management plans.
- Collaborate and create procedures for acknowledging and respecting Aboriginal heritage values.

Wording changes to consider:

- Clearly define the word “Collaboratively” - how will collaboration take place? This feedback was consistent throughout the Strategy where the term collaboration or co-design is used. Stakeholders wanted to see more detail around what this means in practice.

Other comments and considerations:

- Stakeholders stated that it would be important to ensure that any relevant educational material to support this Action takes into consideration the difference between salt and fresh water.
- Some participants expressed that there should be a standard plan of management for water for Traditional Owners, like land management plans that are required for Native Title.
- Participants expressed the need to restore cultural sites that have been impacted by natural disasters.
- Some community members suggested it could be beneficial to develop signage that has the story/stories of an area (accessible via QR codes) to support with acknowledging and respecting Aboriginal heritage values.

Detailed feedback on Action 3.3

Action 3.3 is: Examine ways to ensure compliance and enforcement measures properly address and correct water-related offences affecting Aboriginal heritage values and sites.

Action 3.3 means we will:

- Ensure Aboriginal heritage values and sites are effectively protected from water-related offences.
- Identify ways to strengthen or enforce compliance measures if needed.

Wording changes to consider:

- Amend the wording to: “Investigate alternate ways” instead of “examine ways” at the start of the Action.
- The wording of “values” is too broad and should be better defined or specified. Elsewhere in the Strategy, stakeholders have suggested use of “traditional values”, as well as “tangible and intangible values”.

Other comments and considerations:

- Improved enforcement such as heavier fines and/or other consequences (such as removal of licences) for the destruction of cultural sites was suggested by some

community members. Some stakeholders felt that there was limited protection offered by current enforcement and compliance measures with respect to privatisation of land. There were suggestions for government to create a process whereby revenue from fines should be reinvested back into community.

- Some participants expressed the need for some form of Aboriginal compliance officer and that Elders should have at least a part of this responsibility. To support this, there were suggestions of:
 - Increasing representation of Aboriginal peoples on the board of the Natural Resources Access Regulator (NRAR).
 - NSW RAWC members, with participants in the Rangers Program, could adopt roles as compliance officers for Aboriginal sites and waterways. Specifically, the Rangers would serve as the enforcement arm, tasked with identifying and reporting instances of non-compliance to the Water Council.
 - Creating a specific Water Ranger Program.
- Many stakeholders expressed the importance of including cultural MER processes under this Action and Aboriginal protocols as part of monitoring compliance. They expressed interest in how any new enforcement and compliance measures will align with existing legislation, such as the Aboriginal Land Use Agreements.

7.4 Detailed feedback on Objective 4 and Actions

Detailed feedback on Objective 4

Objective 4 is: Work with Aboriginal peoples to improve shared water knowledge and build capacity.

Wording changes to consider:

- Change to “enhance” instead of “improve” within the Objective.
- Change to “capability” instead of “capacity” within the Objective. Capacity suggests time commitment, whereas capability suggests knowledge or expertise.

Other comments and considerations:

- There were some suggestions that this Objective may be too broad.
- The description of this Objective discusses mutually beneficial outcomes and the importance of water quality to the physical and mental health and wellbeing of the community was expressed. There should be more consideration of the “shared benefits that this Objective will provide”.

Detailed feedback on Action 4.1

Action 4.1 is: Embed cultural competency training in the water sector, including localised content.

Action 4.1 means we will:

- Involve Aboriginal peoples in the development of cultural competency training to create a more inclusive, respectful and effective approach to water management.
- Ensure all individuals involved in the water sector undergo cultural training.

Wording changes to consider:

- Change the term “water sector” to “agencies and authorities in the NSW water group” within the Action.

Other comments and considerations:

- It is important for cultural competency training to evolve into practice.
- Some stakeholders conveyed that cultural training should be conducted by Traditional Owners, who should be compensated for their expertise and ICIP.
- Additionally, the Rangers Program was identified as a valuable resource for extending educational opportunities to a broader audience. It is important for stakeholders to have a kinship understanding of seasonal connections and water.

Detailed feedback on Action 4.2

Action 4.2 is: Promote and support Aboriginal-led research activities that recognise and value Indigenous Cultural Intellectual Property (ICIP) and Aboriginal knowledge within the water-management framework.

Wording changes to consider:

- Remove the word “activities” in the Action.

Detailed feedback on Action 4.3

Action 4.3 is: Support and promote the continuation of Aboriginal Waterways Assessments in the Murray-Darling Basin and expand to encompass all water sources in NSW.

Action 4.3 means we will:

- Deliver education and information sessions to increase awareness of the Aboriginal Waterways Assessments (AWA) tool.
- Engage with Aboriginal communities and stakeholders through print and digital channels to highlight the importance of the AWA tool.

Comments and considerations:

- Need for transparency to monitor and evaluate.
- Preference to meet on Country.

Detailed feedback on Action 4.4

Action 4.4 is: Collaboratively design and deliver programs to improve understanding of water-management frameworks, policies, rules, and processes in Aboriginal communities and organisations.

Action 4.4 means we will:

- Collaborate and engage with Aboriginal communities and organisations to identify their specific needs.
- Create culturally relevant education materials and guides to improve Aboriginal communities' understanding of water related policies.

Wording changes to consider:

- Include the word “priority” within the Action *i.e. Collaboratively design and delivery priority programs...*

Other comments and considerations:

- Stakeholders stressed the importance of engaging early when talking about collaboratively designing anything. This applies to all other Actions throughout the Strategy which mention collaboration or co-design.

Detailed feedback on Action 4.5

Action 4.5 is: Ensure Aboriginal peoples inform all government water information resources for cultural appropriateness.

Action 4.5 means we will:

- Form an advisory panel consisting of Aboriginal elders and community leaders to provide ongoing input on cultural appropriateness.
- Incorporate input and guidance from Aboriginal peoples into government water information resources.

Wording changes to consider:

- Capitalise the term “Elders” in the first bullet point under the Action.

Other comments and considerations:

- There was strong sentiment from community members that they should not be (solely) responsible for informing Government on cultural appropriateness.

Detailed feedback on Action 4.6

Action 4.6 is: Embed approaches to water-related data sovereignty that ensure the protection of Aboriginal peoples' intellectual property rights and interests.

Action 4.6 means we will:

- Work with Aboriginal communities to develop comprehensive guidelines.
- Document an agreed process for involving Aboriginal peoples in decision making.

Comments and considerations:

- Data sovereignty is very important to Aboriginal peoples especially considering the lack of trust in Government bodies. Therefore, how data sovereignty is going to be respected through the Strategy's Actions needs to be detailed in the Strategy. A need

was expressed by some community members to ensure Aboriginal peoples are involved in data management and storage protocols.

Detailed feedback on Action 4.7

Action 4.7 is: Collaboratively design and implement a program for ongoing advice and support for employment and capacity building that realises Aboriginal-led water management, initiatives, and businesses.

Action 4.7 means we will:

- Work with Aboriginal communities to design and implement an employment and skills training program that works for them.
- Provide relevant support and advice to help Aboriginal peoples lead and manage water initiatives effectively.

Wording changes to consider:

- Reword to “Collaboratively design and implement a program for ongoing advice. Ensure support for employment and capacity building that realises Aboriginal-led water management, initiatives and businesses.”
- Amend the first bullet point to “Work with Aboriginal communities to design and implement a water-specific employment and skills and training program to support caring for Country (land and waters), including cultural heritage, land management, economic development, business development and those areas of study and training across Science, Technology, Engineering, Arts and Mathematics (STEAM)”.

Other comments and considerations:

- Again, there were suggestions to provide clarification around what is meant by collaboratively. Additional specificity of the stakeholders involved in this collaboration was suggested, as well as reinforcement that any collaboration needs to be an equal partnership working towards the same motivation.
- It was suggested by some stakeholders that this Action could take place in collaboration with the RAWCs, who maintain data sovereignty and act as a database to collect stories and cultural history for future generations, with the release of information at the authority of each RAWC. Additionally, stakeholders suggested that Rangers Program information and research could be collected by RAWCs.
- Some community members identified that this Action item and the following Action item look like duplications of existing Federal Government programs; therefore, clarification is required to understand how these Actions would be different to these existing programs and/or how the new and existing programs would interface.
- The focus on employment, training and capability could be broadened beyond water and governance to include conservation and ecosystem management as a recognised training pathway. For those who are employing Aboriginal staff, it was discussed that there should be consideration of how employees would be able to provide support networks for them. Adequate training of younger generations in the form of mentoring opportunities/programs should also be considered; where they exist, they could be signposted in the Strategy.

Detailed feedback on Action 4.8

Action 4.8 is: Collaboratively design and implement mechanisms to deliver sustainable resourcing of Aboriginal-led water governance arrangements and programs (as per Objectives 1-4).

Action 4.8 means we will:

- Work with Aboriginal communities to identify their needs and preferred approaches for water governance.
- Develop sustainable models of Aboriginal-led water governance arrangements and programs.

Wording changes to consider:

- Define “mechanisms” within the Action.

Other comments and considerations:

- There was some sentiment expressed that implementation of the Strategy and its Actions should be co-designed with individual communities, i.e. they should be community-specific, not statewide.
- Some community members suggested that RAWCs should serve as the governing body for this Strategy, ensuring that the delivery of programs and initiatives is distinct from land council's operations. This separation is intended to maintain integrity and focus on water-related governance.
- There was some concern raised that there is a possibility that this Action could lead to greater division rather than harmonisation and collaboration as intended, so it is important to consider the implementation of this Action in a sensitive and sensible way.

8 Appendix B: Additional feedback on the Strategy

Order of appearance of Objectives

- Some stakeholders suggested that Objective 4, which is about knowledge sharing and capacity building, should be the first Objective in the Strategy. It then flows through to the other three Objectives.
- Some stakeholders said Objectives 2 and 3 should also be in a different order.

Additional supporting information

- Stakeholders said the following may support an understanding of the Strategy:
 - Case studies may provide additional context regarding the Strategy's aims, objectives and actions.
 - Definitions of terminology and/or analogies may support broader community understanding of different terms used in the document. For example, to describe a megalitre, you could provide the context that 2.5 mL is the size of an Olympic pool.
 - Links to supporting resources and documents, regarding everything from legislation to employment and educational opportunities, to links to Closing the Gap targets and the UNDRIP Articles.
- This aligns with support from community members for wider information sharing and collaboration to build community confidence, increase water literacy and improve decision-making.
- In terms of funding for the development of the Strategy, the Murry Lower Darling Rivers Indigenous Nations (MLDRIN) has requested a breakdown of how the promised \$15 million to develop the Strategy has been spent.

General language feedback

- The current Objectives and supporting Actions were highlighted by some stakeholders as being overwhelming and unclear. Key suggestions that emerged from engagement to support refinement of language in the Strategy included:
 - Actions need to be more action oriented, specific and include language that is meaningful to community members, to bring out the "so what?".
 - Some stakeholders highlighted perceived opportunity for some actions in objectives one and two to be synthesised to minimise duplication and minimise overwhelm.

Stakeholder consultation approach

- Stakeholders reported that the Department stated that there was a draft Strategy on PubEx but the only document that was made available was a consultation paper and not a complete draft. The consultation paper states that the Department will be finalising the Strategy in late 2024 before releasing it in early 2024, which means that the final draft will never be open for PubEx.
- Some stakeholders expressed disappointment with the timeframes for consultation and finalisation of the Strategy, believing that they leave little time for meaningful action to take place.
- There were also concerns raised over if consistent consultations will lead to cultural fatigue, but stakeholders suggested this could be somewhat mitigated through appropriate payment and ensuring that there is no duplication in consultations aims.
- Some community members expressed concern regarding lack of information that they have been provided with regarding any Cost Benefit Analysis that the Government has undertaken to justify the costs of this project.
- Some farmers and irrigators said they have felt left out of consultation processes.

9 Appendix C: Priority 2 of the NSW Water Strategy

The NSW Water Strategy takes a strategic and integrated approach to looking after the state's water. It identifies seven strategic priorities focused on meeting core Objectives based on the *NSW Water Management Act 2000*.

Priority 2 relates to this Strategy. Priority 2 is to “Recognise First Nations/Aboriginal People’s rights and values and increase access to and ownership of water for cultural and economic purposes.”

There are 5 actions the NSW Government will take under Priority 2:

2.1 Strengthen the role of First Nations/Aboriginal People in water planning and management

2.2 Develop a state-wide Aboriginal water strategy

2.3 Provide Aboriginal ownership of and access to water for cultural and economic purposes

2.4 Work with First Nations/Aboriginal People to improve shared water knowledge

2.5 Work with First Nations/Aboriginal People to maintain and preserve water-related cultural sites and landscapes

Read the NSW Water Strategy: <https://www.dpie.nsw.gov.au/water/our-work/plans-and-strategies/nsw-water-strategy>