



Barunggam, Bidjara, Bigambul, Budjiti, Euahlayi, Githabul, Gomeri, Gungari, Guwamu (Kooma), Jarowair, Kambuwal, Kunja, Kwiambal, Maljangapa, Mandandanji, Mardigan, Murrawarri, Ngemba, Ngaympaa, Wailwan, Wakka Wakka

“Keeping our water spirits and our connections alive”

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NBAN comments on the Draft NSW Water Strategy

Dear Ria

I am writing to provide NBAN’s comments on the Draft NSW Water Strategy that was publicly released in February 2021. Thanks for the opportunity to do so and we look forward to our comments being considered in finalising the strategy.

NBAN see this strategy, in particular Priority 2, as an important initiative and opportunity for the rights, interests and aspirations of Sovereign First Nations/Aboriginal People to be acknowledged, honoured, and affirmed in relation to participation in water management, and increasing access to and ownership of water for cultural and economic purposes. It is a strong opportunity for redress of the acknowledged systemic issues and lack of progress and outcomes in this area in the past.

NBAN are pleased to be included in the strategy and the engagement process and look forward to a positive future that includes partnering in further design and implementation of the strategy, and co-designing an ‘Aboriginal Water Strategy’ for NSW.

The comments herein are focussed on Priority 2 and represent the voices of the NBAN Board and NSW Sovereign First Nation Delegates, who came together for a workshop at Bourke in April 2021 to discuss and review Priority 2. The workshop was facilitated by, and also involved the participation of, NBAN staff.

We thank you once again for providing funding to support this important workshop, as a culturally appropriate engagement mechanism, and for your valuable participation at the workshop.

A significant outcome of the workshop was a resolution to propose a state forum (conference), with participation from Sovereign First Nations/Aboriginal People across NSW, on the NSW Water Strategy and ‘Aboriginal Water Strategy’.

PRIORITY 2

Overall, NBAN supports Priority 2 and Actions 2.1 to 2.6 contained within it. However, the following comments and recommendations are made.

NBAN suggest moving Priority 2 to Priority 1 due to a perceived order of importance; to really show that the NSW Government are serious about Sovereign First Nations/Aboriginal People's rights, interests and aspirations; and reflect the importance of redressing the serious and sustained dispossession, including with regards to water rights, as a result of colonization.

There was extensive discussion (at the workshop) around the use of appropriate and meaningful terminology in the Draft NSW Water Strategy. This discussion is also relevant more broadly for communications and engagement associated with the strategy and development of other policy and strategy documents.

1. NBAN propose the use of "**Sovereign First Nations/Aboriginal People**" as the appropriate and preferred terminology; to be used in all instances and references throughout the final NSW Water Strategy.
2. NBAN propose the description of Priority 2 in the Draft NSW Water Strategy be changed to:

"Acknowledge, honour, and affirm Sovereign First Nations/Aboriginal People's rights and values and increase access to and ownership of water for cultural and economic purposes."

This provides a stronger, more positive, and affirmative overarching statement than just using the word "recognise"; whilst also incorporating the preferred terminology (point 1).

ACTIONS 2.1 – 2.6

Action 2.1 Establish a partnership agreement with the Aboriginal Water Coalition

1. NBAN propose the following, altered, wording:

"The Government, in conjunction with the Aboriginal Water Coalition, will develop a Partnership Agreement with the Aboriginal Water Coalition that clearly sets out how the water sector and the Aboriginal Water Coalition will work together on critical state-wide water strategies, policies and issues, including development of a state-wide Aboriginal water strategy (Action 2.3)."

Action 2.2 Strengthen the role of First Nations in water planning and management

1. NBAN recommend the wording of the first dot point be extended to include the text in bold:

*"adopting more appropriate and inclusive approaches to engagement and consultation with Aboriginal people, **including in accordance with each Sovereign First Nation's cultural protocols**"*

This adds more credibility to the strategy document by describing a more culturally appropriate process that, very importantly, recognises the individuality of Sovereign First

Nations and the individual engagement and communications protocols that exist within those Nations.

2. NBAN recommend the wording of the last dot point be changed to:

*“ensuring water policies and programs deliver **cultural, spiritual, social, environmental and economic outcomes for Sovereign First Nations/Aboriginal People**”*

The inclusion of “spiritual” in this action is important to Sovereign First Nations/Aboriginal People and speaks to the fact that, more broadly, acknowledgement of the importance of spiritual aspects of culture and wellbeing are often overlooked.

Action 2.3 Develop a state-wide Aboriginal water strategy

1. This section was enthusiastically supported by the workshop delegates.
2. NBAN recommend that a formal agreement is made for the development of the ‘Aboriginal Water Strategy’; this could be addressed at the suggested state-wide forum (conference).
3. It is noted that the ‘Aboriginal Water Strategy’ is where the actual programs, projects, and initiatives (including legislative and regulatory review and reform) will be co-designed and resourced/funded. NBAN eagerly looks forward to developing this strategy.

Action 2.4 Provide Aboriginal ownership of and access to water for cultural and economic purposes

1. NBAN recommend the first dot point be modified to include the text in bold:

*“recognizing and protecting **the common law rights and Native Title rights to water in water sharing plans**”*

2. NBAN recommend the third dot point be modified to include the text in bold:

*“increasing water available for cultural **and spiritual purposes**”*

3. NBAN recommend the fourth dot point be reworded to:

“Increase Sovereign First Nations/Aboriginal People’s ownership in water”

4. NBAN recommend inclusion of an additional dot point:

“to provide Sovereign First Nations/Aboriginal People environmental outcomes and benefits”

5. NBAN recommend inclusion of an additional dot point:

“establishing an enabling framework, and resourcing, for Sovereign First Nations/Aboriginal People to obtain and develop the infrastructure that is required to access Sovereign First Nations/Aboriginal People’s rights to water”

Action 2.5 Work with First Nations to improve shared water knowledge

1. The only specific comment from the workshop was to propose the use of “**Sovereign First Nations/Aboriginal People**” as the appropriate and preferred terminology (as noted previously).

Action 2.6 Work with Aboriginal people to maintain and preserve water-related cultural sites and landscapes

1. NBAN recommend that references to “*cultural heritage*” be replaced by “**Sovereign First Nations/Aboriginal People’s cultural heritage**”, to differentiate from other cultural heritage (e.g. European cultural heritage).
2. NBAN recommend deleting the words “*where appropriate*” in the final paragraph of Action 2.6 (after the dot points).
3. It is noted that legislative reform and appropriate resourcing is essential and urgently required to address current and past systemic failures to protect Sovereign First Nations/Aboriginal People’s cultural heritage.

Please don’t hesitate to contact me on [REDACTED] or [REDACTED] for any further discussion.

Sincerely

[REDACTED]
[REDACTED]