

Natural Resource Commission  
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New South Wales  
Aboriginal Land Council

**Review of the Water Sharing Plans for the Macquarie Bogan and Lachlan Unregulated Rivers Water Sources 2012, and the Belubula Regulated River Water Source 2012**

Thank you for the opportunity to comment. The New South Wales Aboriginal Land Council (NSWALC) and the network of 120 Local Aboriginal Land Councils (LALCs) represent over 23,000 Aboriginal people in NSW. We are the democratically elected voice of Aboriginal peoples in NSW.

We note the review of the Macquarie Bogan and Lachlan Water Sharing Plans Unregulated Rivers Water Sources 2012, and the Belubula Regulated River Water Source 2012 (**the Plans**) aims to determine to what extent the Plans contribute to the environmental, social, and economic outcomes and the opportunities for improvement.

NSWALC acknowledges the Department of Planning and Environment's (DPE) commitment to '...work closely with Aboriginal communities to develop water sharing plans'<sup>1</sup>. Nevertheless, NSWALC has reservations about whether meaningful engagement of Aboriginal peoples has been appropriately undertaken in this review process. In particular, NSWALC has concerns regarding the ease of access, and readability of, relevant documents relating to this review.

Aboriginal peoples in NSW and the network of Aboriginal Land Councils have key roles to play in the management of water in NSW. Aboriginal peoples are not merely one stakeholder among others, but possess inherent and pre-eminent rights, values and interests in the lands and waters on account of our status as Australia's First Peoples. As such, Aboriginal peoples and communities should be engaged in meaningful consultation so the Natural Resource Commission (NRC) can gain an in depth understanding of how the plan has contributed to Aboriginal social, environmental and economic outcomes.

Furthermore, any future Water Sharing Plans and reviews should:

- Adequately engage Aboriginal people and communities
- Include strong safeguards and targets to protect Aboriginal cultural heritage, Aboriginal fishers, water quality, town water supplies, the environment and downstream users/ impacts.

Below are additional comments. Should you require further information, please contact the [REDACTED]

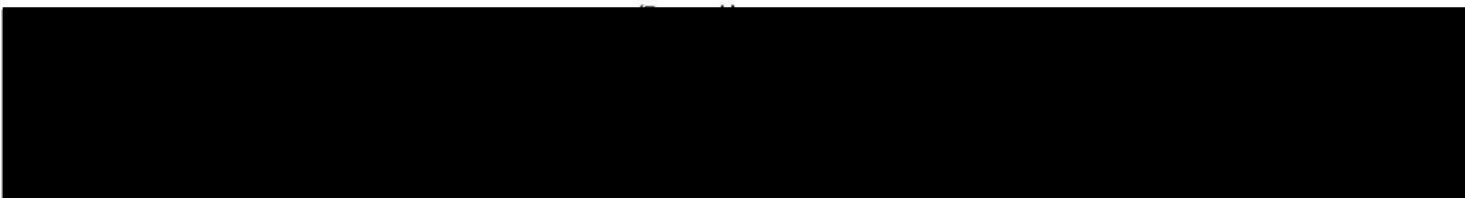
Sincerely,

[REDACTED]  
03 May 2022

<sup>1</sup> <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/how-water-sharing-plans-work>

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Head office      Western Zone      Northern Zone      Northern Zone      Eastern Zone      Southern Zone      Far Western Zone



## NSW Aboriginal Land Council – Submission – April 2022

### The Water Sharing Plans for the Macquarie Bogan and Lachlan Unregulated Rivers Water Sources 2012, and the Belubula Regulated River Water Source 2012

#### Introduction

NSWALC is the peak Aboriginal representative body in NSW. Securing the return of land and waters to Aboriginal people is at the heart of our future. As Aboriginal people, our lands and waters are central to our being, and are essential to the spiritual, social, cultural and economic survival of our communities. NSWALC, and the network of 120 LALC's across NSW, work to improve, protect and foster the best interests of all Aboriginal peoples in NSW.

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

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

NSWALC seeks to ensure that the NSW Government meets its commitments outlined in the National Agreement on Closing the Gap (CtG). The CtG provides an important framework for governments to work in partnership with Aboriginal people to ensure we maintain distinctive cultural, spiritual, physical and economic relationships with water, and advance our rights and interests in water.

All governments have committed to increasing Aboriginal water rights through specific CtG targets. NSWALC has previously recommend that this should include increasing the volume of water access entitlements allocated under state and territory water rights regimes to Aboriginal and Torres Strait Islander organisations.

CtG includes four priority reforms which aim to change the way in which governments work with Aboriginal people, these are:

1. Shared decision making
2. Building the Aboriginal community sector
3. Transforming mainstream institutions
4. Data sharing<sup>2</sup>

#### Recommendation 1.

- The NSW Government must ensure that the Reviews of the Water Sharing Plans align to Closing the Gap commitments including delivering social, cultural and economic outcomes for Aboriginal people.

#### Engagement with Aboriginal People and Communities

Water Sharing Plans present large gaps in engagement with Aboriginal peoples in water planning, and do not adequately reflect DPE's commitment to work with Aboriginal communities<sup>3</sup> to develop water sharing plans. Noting that DPE has also recognised that Aboriginal people have a spiritual, customary and economic relationship with water and can provide important insight into 'best

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<sup>2</sup> [People maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters | Closing The Gap](#)

<sup>3</sup> <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/how-water-sharing-plans-work>

practice' for natural resource management, NSWALC recommends that the NRC and DPE engage with LALCs and local Aboriginal people, to develop Water Sharing Plans.

#### **Recommendation 2.**

- NRC must engage with LALC's and Aboriginal people to review the contribution the Plan has had on the environmental, social, and economic outcomes for Aboriginal peoples and opportunities for improvement.

#### **Recommendation 3.**

- DPE must engage with LALC's and Aboriginal people to discuss and seek advice and best practice input on Water Sharing Plans.

#### **Aboriginal Cultural Outcomes**

The current Plans for the Lachlan and Macquarie Bogan Unregulated River Water Sources 2012, at Part 2, 12 *Aboriginal cultural objectives*<sup>4</sup>, attempt to reflect DPE's commitment to work with Aboriginal communities.<sup>5</sup> However, they do not reflect DPE's priority in the NSW Water Strategy to "Recognise First Nations/Aboriginal People's rights and values and increase access to and ownership of water for cultural and economic purposes<sup>6</sup>", particularly regarding ownership of water.

NSWALC recommends that the Plans accurately reflect the priority of the NSW Water Strategy and include objectives under at Part 2, 12 of the Plan to increase ownership of water for cultural and economic purposes.

The Belubula Plan must also reflect these priorities by first establishing Aboriginal cultural objectives as well as incorporating the above recommendations.

#### **Recommendation 4.**

- Plans must include objectives to increase Aboriginal ownership of water.

#### **Protecting Water Dependant Aboriginal Cultural Assets**

The NSW Government has committed to the management, protection, and conservation of Aboriginal culture, including Aboriginal Places, objects and significant sites<sup>7</sup>. Aboriginal objects and declared Aboriginal Places are managed and protected under the *National Parks and Wildlife Act 1974*. In its current form all Plans, (Lachlan at s80.5<sup>8</sup>, Macquarie Bogan at s87.5<sup>9</sup>, Belubula s66.5<sup>10</sup>) indicate that the Plans can only be amended after Year 5 to provide rules for the protection of water dependent Aboriginal cultural assets. Noting the NSW Government has acknowledged the importance and significance of protection Aboriginal culture this rule should be amended to note that the rules for protecting Aboriginal cultural assets be protected immediately.

#### **Recommendation 5.**

- The Plans be amended at their respective sections to remove the Year 5 restriction and allow for the immediate protection of Aboriginal cultural assets.

#### **Limitations on Aboriginal Cultural Access Licences**

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<sup>4</sup> [NSW legislation - Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012](#), Part 2, S12, [NSW legislation - Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012](#), Part 2, S12

<sup>5</sup> <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/how-water-sharing-plans-work>

<sup>6</sup> [NSW Water Strategy](#)

<sup>7</sup> [Conservation of Aboriginal Cultural Heritage | Heritage NSW](#)

<sup>8</sup> [NSW legislation - Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012](#) part 80, s5

<sup>9</sup> [NSW legislation - Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012](#) part 87, s5

<sup>10</sup> [NSW legislation - Water Sharing Plan for the Belubula Regulated River Water Source 2012](#) Part 66, s5

