

Natural Resource Commission  
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SYDNEY NSW 2001

Via email: [nrc@nrc.nsw.gov.au](mailto:nrc@nrc.nsw.gov.au)



New South Wales  
Aboriginal Land Council

ABN: 82 726 507 500

**Re: Review of the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016**

Thank you for the opportunity to provide this Submission. With a network of 121 Local Aboriginal Land Councils (LALCs) and over 28,000 members, the NSW Aboriginal Land Council (NSWALC) is the largest member based Aboriginal organisation in Australia. We are the peak elected Aboriginal community controlled representative body for the 270,000 Aboriginal people in NSW<sup>1</sup>, Australia's largest Aboriginal population.

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

NSWALC acknowledges the Department of Environment's (DPE) commitment to "*working with First Nations peak organisations, Aboriginal water interest groups and First Nations communities to determine how we will work together on critical state-wide water strategies, policies, programs and issues*" as discussed in Priority 2 of the NSW Water Strategy.<sup>2</sup> With this in mind, we are not aware of any opportunities provided for Aboriginal people to have direct engagement with the NRC in the review of this Water Sharing Plan to date. NSWALC also has concerns regarding the ease of access, and readability of, relevant documents relating to this review.

This Plan and future Water Sharing Plans and reviews must:

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

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

Sincerely,

Yuseph Deen  
Chief Executive Officer  
NSW Aboriginal Land Council  
Date: 23 June 2023

<sup>1</sup> <https://www.abs.gov.au/articles/new-south-wales-aboriginal-and-torres-strait-islander-population-summary>

<sup>2</sup> <https://www.DPE.nsw.gov.au/water/plans-and-programs/nsw-water-strategy/toward-2050/priority-2>

**NSW Aboriginal Land Council – Submission – June 2023**  
**Water Sharing Plan for the *Murrumbidgee Regulated River Water Source 2016***

### **Introduction**

As the peak Aboriginal representative body in NSW, we are committed to securing the return of land and water to 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.

### **Closing the Gap**

NSWALC seeks to ensure that the NSW Government meets its commitments from 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 recommended that this should include increasing the volume of water access entitlements allocated under state and territory water rights regimes to Aboriginal organisations, people and communities.

The CtG NSW Implementation Plan<sup>3</sup> 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

### **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**

NSWALC notes that one of the key questions the NRC asks to be addressed in this review is, *“to what extent do you believe the plan has contributed to Aboriginal cultural outcomes?”* However, 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>4</sup> in the development of these plans. Also noting DPE recognises that Aboriginal people have a spiritual, customary and economic relationship with water and can provide important insight into 'best practice' for natural resource management, NSWALC recommends that the NRC and DPE engage with LALCs and local Aboriginal people, to develop Water Sharing Plans.

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<sup>3</sup> [https://www.aboriginalaffairs.nsw.gov.au/media/website\\_pages/closingthegap/nsw-implementation-plan/2022-24-implementation-plan/NSW-Closing-the-Gap-Implementation-Plan-2022-2024.pdf](https://www.aboriginalaffairs.nsw.gov.au/media/website_pages/closingthegap/nsw-implementation-plan/2022-24-implementation-plan/NSW-Closing-the-Gap-Implementation-Plan-2022-2024.pdf)

<sup>4</sup> <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/how-water-sharing-plans-work>

### Recommendation 2.

- For the Natural Resource Commission to engage directly with LALC's, and Aboriginal people as part of the review of the contribution the Plan has had on the environmental, social, and economic outcomes for Aboriginal peoples and opportunities for improvement.

### Recommendation 3.

- DPE to 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 Murrumbidgee Regulated River Water Sources 2016, at Part 2, 10 *Aboriginal cultural objectives*<sup>5</sup>, attempt to reflect DPE's commitment to work with Aboriginal communities<sup>6</sup> however does 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>7</sup>, particularly regarding ownership of water. NSWALC recommends that the Plans accurately reflect Priority 2 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.

### Recommendation 4.

- The Plan 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>8</sup>. Aboriginal objects and declared Aboriginal Places are managed and protected under the National Parks and Wildlife Act 1974.

### Limitations on Aboriginal Cultural Access Licences

We note that Water Sharing Plans may provide for Aboriginal Cultural Access Licences, Aboriginal Community Development Water Access Licenses, and Aboriginal commercial licences however with a range of constraining parameters. We ask that the NSW Government remove constraints on these licences and provide support to Aboriginal communities and LALC's to access these licences. These provisions must be improved to better meet the needs of Aboriginal water users, ensure the health of our communities, and protect our cultural sites.

### NSWALC's Recommendations

#### Recommendations:

1. The NSW Government must ensure that these Water Sharing Plan Reviews align to Closing the Gap commitments including delivering social, cultural and economic outcomes for Aboriginal people.
2. For the Natural Resource Commission to engage directly with LALC's, and Aboriginal people as part of the review of the contribution the Plan has had on the environmental, social, and economic outcomes for Aboriginal peoples and opportunities for improvement.
3. DPE to engage with LALC's and Aboriginal people to discuss and seek advice and best practice input on Water Sharing Plans.
4. The Plan must include objectives to increase Aboriginal ownership of water.

<sup>5</sup> [Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016 - NSW Legislation Part 2, S10](#)

<sup>6</sup> <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/how-water-sharing-plans-work>

<sup>7</sup> <https://www.DPE.nsw.gov.au/water/plans-and-programs/nsw-water-strategy>

<sup>8</sup> <https://www.environment.nsw.gov.au/topics/heritage/about-heritage/aboriginal-cultural-heritage>