

**IMPACTS OF THE WATER AMENDMENT (RESTORING OUR RIVERS) ACT  
2023 ON NSW REGIONAL COMMUNITIES**

**Organisation:** NSW Aboriginal Land Council

**Date Received:** 11 April 2025



**Re: NSWALC Submission – Inquiry into impacts of the *Water Amendment (Restoring Our Rivers) Act 2023* on NSW regional communities**

Thank you for the opportunity to provide a submission to this inquiry. The NSW Aboriginal Land Council (**NSWALC**) is the largest member-based Aboriginal organisation in Australia, with a network of 121 Local Aboriginal Land Councils (**LALCs**) and over 30,000 members. We are the peak-elected Aboriginal community-controlled representative body for the 280,000 Aboriginal people in NSW, Australia's largest Aboriginal population.

Our network of LALCs has a vital role in the management of the lands and waters across NSW, the largest jurisdiction within the Murray-Darling Basin (the **Basin**). Aboriginal peoples possess inherent and pre-eminent rights, values and interests in our lands and waters due to our status as Australia's First Peoples. We are not just another stakeholder and government must engage in meaningful consultation and partnership with us.

NSWALC stands firmly behind initiatives aimed at enhancing the well-being of river Country in NSW, particularly those dedicated to safeguarding and conserving the state's diverse ecosystems for future generations. Our concerns and recommendations reiterate the numerous submissions, negotiations and advocacy work that NSWALC has undertaken over many years to ensure the return of lands and waters in NSW.<sup>1</sup>

Our recommendations seek to address the following key concerns:

- The lack of progress on water rights for Aboriginal people and the inaction of successive governments to realise the aspirations of Aboriginal people in the Basin and beyond.
- The need to align Closing the Gap priorities and partnership principles under the National Agreement on Closing the Gap.
- The lack of support for Local Aboriginal Land Councils (LALCs) to implement economic development opportunities on their land, including due to a lack of access to water rights.
- The need for better recognition and promotion of the role of Aboriginal people in water management and ownership, including supporting the use of Traditional Ecological Knowledge (TEK) in river restoration programs.

**Key recommendations**

**Recommendation 1:** All governments must commit to a genuine partnership approach with NSWALC, LALCs and Aboriginal communities regarding reforms to water legislation and management to deliver improved outcomes for Aboriginal communities and support Aboriginal rights and interests in water, in line with the National Agreement on Closing the Gap.

<sup>1</sup> See, for example: [Submission 101 - NSW Aboriginal Land Council \(NSWALC\) - Murray-Darling Basin Plan: Implementation Review 2023 - Public inquiry \(pc.gov.au\)](#); [Water Rights - NSW Aboriginal Land Council \(alc.org.au\)](#); [Murray-Darling Basin agreement: "Aboriginal rights ... | NIT](#); [Submission 96 - NSW Aboriginal Land Council \(NSWALC\) - National Water Reform - Public inquiry \(pc.gov.au\)](#); [Submission DR135 - NSW Aboriginal Land Council \(NSWALC\) - Murray-Darling Basin Plan: Five-year assessment - Public inquiry \(pc.gov.au\)](#)

**Recommendation 2:** Initiatives to support Aboriginal water rights and interests must be designed and delivered in partnership with representative Aboriginal community-controlled organisations including NSWALC and LALCs, to ensure they align with the needs and aspirations of Aboriginal communities.

**Recommendation 3:** Governments must increase efforts to address ongoing community concerns regarding over-extraction, water theft, poor compliance and water quality issues.

**Recommendation 4:** Governments should invest in capacity building initiatives to support Aboriginal people's water rights, including ownership, environmental stewardship and restoring rivers and riparian environments.

The Murray-Darling Basin Plan, implemented in 2012, was designed to address the environmental degradation caused by excessive water extraction for irrigation. To achieve this, the plan set targets for water recovery, aiming to return a significant volume of water to the environment to restore the health of rivers and wetlands.

Unfortunately, the successful implementation of the Basin Plan has suffered greatly due to ineffective water policies, the commodification of water, a bias toward industry over the environment, and the disappointing inaction of successive governments at both state and federal levels.

NSWALC, LALCs and Aboriginal people have long called for improved water management and their involvement in water governance. It is unacceptable that Aboriginal communities in NSW do not have access to clean, safe drinking water, or access to their rivers, lakes and cultural sites. In times of drought, the health issues in particular escalate due to a lack of water or poor quality. LALCs are well positioned to protect and manage natural resources for the benefit of all Aboriginal peoples and the broader community. We seek to ensure that Governments recognise and promote LALCs as key vehicles for community investment in water resources.

### Closing the Gap

The National Agreement on Closing the Gap provides an important framework for governments to work in partnership with Aboriginal people to support us maintaining our distinctive cultural, spiritual, physical and economic relationships with Country, and advancing our rights and interests in lands and waters.

All governments have committed to increasing Aboriginal land and water rights through specific targets<sup>2</sup> relating to land and waters in the National Agreement.

Our ownership of water is minuscule and has been going backwards. For example, while Aboriginal people in the Murray Darling Basin constitute nearly 10 % of the total population, Aboriginal organisations hold only 0.2 % of the available surface water in the Basin and 0.1% across the state. Aboriginal water holdings between 2009 and 2018 indicate a new wave of dispossession. Almost one-fifth of Aboriginal water holdings by volume were lost during this time.<sup>3</sup>

There should be an increased focus by all levels of government to return both land and waters to Aboriginal peoples, and to Aboriginal Land Councils in NSW. Returning land and waters to Aboriginal peoples will:

- provide environmental protection and climate change resilience
- contribute to sustainable land and water management, the nourishment of culture and improved quality of life
- support economic development initiatives, stimulating local and regional economies, and provide jobs and training opportunities.

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

<sup>3</sup> Trends in Aboriginal water ownership in New South Wales, Australia: The continuities between colonial and neoliberal forms of dispossession Lana D. Hartwig, Sue Jackson, Natalie Osborne 2020

There is growing public support for Aboriginal water rights, with 70 per cent of Murray Darling Basin residents backing the reallocation of water to Aboriginal communities.<sup>4</sup>

Aboriginal Land Rights must be seen as a public outcome in itself and as a way to deliver broader public benefits, including climate change resilience.

### **Lack of initiatives to support Aboriginal water rights**

Despite commitments from successive government, there has been a failure to implement meaningful reforms and initiatives to support Aboriginal peoples water rights and interests. We note water buybacks have been proposed to support this, however this has been highly contested by some stakeholder groups and relies on voluntary participation in the scheme. Further efforts are needed to support Aboriginal communities access to water.

Concerns continue to be raised about governments failing to take meaningful action on water justice for Aboriginal people. Our communities continue to see government decision-makers allowing the voices of privilege and power to dictate water policy at the expense of Aboriginal communities and the environment. Without effective water management, the future viability of the Murray Darling Basin is at risk.

Initiatives to support Aboriginal water rights and interests must be designed and delivered in partnership with representative Aboriginal community-controlled organisations including NSWALC and LALCs, to ensure they align with the needs and aspirations of Aboriginal communities.

Furthermore, Governments must address community concerns around the testing and monitoring of environmental water quality downstream; whether these flows are capable of restoring rivers and riparian environments and look to resourcing capacity building for First Nations involvement in further research, monitoring and compliance.

Recognising and integrating Traditional Ecological Knowledge (TEK) into river restoration and water management programs will contribute to long-term sustainability and improved environmental outcomes. Aboriginal participation and the incorporation of TEK must be increased at all levels of water management planning across the entire Basin Area. The sustainability of regional NSW communities, particularly Aboriginal communities that have long been excluded from water access and decision-making, must be central to any water reform.

We urge the Committee to adopt these recommendations and ensure that Aboriginal voices are at the forefront of water governance in the Murray-Darling Basin. Thank you for considering this submission. We welcome further engagement with the Committee to discuss these important issues.

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

Sincerely,

[REDACTED]

**Heidi Hardy**

A/Chief Executive Officer

NSW Aboriginal Land Council

Date: 10 April 2025

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<sup>4</sup> Public attitudes to inequality in water distribution: Insights from preferences for water reallocation from irrigators to Aboriginal Australians, S. Jackson & D. Hatton MacDonald, R.H Bark <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2019WR025011>