

Submission
No 236

**INQUIRY INTO FEASIBILITY OF UNDERGROUNDING
THE TRANSMISSION INFRASTRUCTURE FOR
RENEWABLE ENERGY PROJECTS**

Organisation: NSW Aboriginal Land Council

Date Received: 21 July 2023



New South Wales
Aboriginal Land Council

ABN: 82 726 507 500

NSW Parliament – Standing Committee on State Development

Inquiry into the feasibility of undergrounding the transmission infrastructure for renewable energy projects.

Background

As you are aware, the NSW Aboriginal Land Council (NSWALC) was invited to present as a witness to the [“Parliamentary Inquiry into the feasibility of undergrounding the transmission infrastructure for renewable energy projects”](#). While unavailable, we have prepared the enclosed statement.

NSWALC Statement

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 28,000 members. We are the peak elected Aboriginal community controlled representative body for the 230,000 Aboriginal people in NSW, Australia’s largest Aboriginal population.

NSWALC is committed to pursuing cultural, social and economic independence for Aboriginal peoples. As a self-funded statutory corporation established under the *Aboriginal Land Rights Act 1983 (ALRA)*, NSWALC has a legislated objective to improve, protect and foster the best interests of Aboriginal peoples and communities across the state.

NSWALC further states that:

Aboriginal Land Rights Act

NSWALC and LALCs are governed by the Aboriginal Land Rights Act 1983 (NSW) (ALRA) and related regulations; the ALRA is a compensatory mechanism that facilitates the return of land in NSW to Aboriginal peoples through claims over Crown land.

Any proposals to set aside land for this infrastructure project must not contradict or reduce the ability of Aboriginal Land Councils to have land returned under provisions in the ALRA.

NSWALC also seeks to ensure that the transmission infrastructure should be built on public land where possible.

Renewable Energy Zones (REZ) and Aboriginal Consultation

Consultation with Aboriginal people must take place that is consistent with the NSW Governments’ *First Nations Guidelines - First Nations income and employment opportunities from electricity infrastructure projects*¹. This must include the proposed route and potential impacts to adjacent LALC land where relevant.

There should also be support from the government to upskill LALCs who wish to participate in the proposed infrastructure proposal but don’t currently have the knowledge or skills.

¹ <https://www.energy.nsw.gov.au/nsw-plans-and-progress/major-state-projects/electricity-infrastructure-roadmap/first-nation>

NSWALC is concerned that the First Nations Steering Group for First Nations Guidelines (of which we were a member) was wound up without notice. Nothing to our knowledge was offered to continue our engagement on this critical issue. We have had to make our own enquiries and reached out to EnergyCo who have since responded. This does not meet Schedule 2 - Best Practice Standards as identified in the Guidelines and in our opinion is a failing of government on its own policy.

Final Report of the NSW Bushfire Inquiry (pg. 201) ²

4.4.5.5.2 Improving the resilience of the electricity network for bush fire prone areas.

The Inquiry notes that high voltage overhead powerlines are a hazard that can lead to bush fires. Putting power lines underground makes them more resilient to bush fire damage and therefore more reliable during a bush fire. However, this is significantly more expensive than installing them overhead.

However, as Director of Planning and Policy Matthew Sprout (EnergyCo) states "The lines lose heat into the surrounding soil, underground lines can actually run at 85 or 100 degrees Celsius,". "So that heat dissipating into the soil is something that would actually affect that land above those lines, Mr Sprout said."³

In the above examples, NSWALC is concerned for the impact on the land including farming and grazing sheep/cattle, the broader environment, wildlife and potential damage to Aboriginal cultural heritage sites in the vicinity of the proposed works.

Closing the Gap

NSWALC seeks to ensure that the Government meets their commitments outlined in the National Agreement on Closing the Gap (the National Agreement). The National Agreement 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.

The National Agreement includes four priority reforms (and a fifth in NSW) which aim to change the way in which governments work with Aboriginal people, these are:

1. Shared decision making
2. Building the Aboriginal community-controlled sector
3. Transforming mainstream institutions
4. Data sharing
5. Employment, business growth and economic prosperity (NSW specific)⁴

If you have any enquiries with regard to this Statement, please contact the NSWALC Strategy and Policy Unit on ph.

² <https://www.nsw.gov.au/sites/default/files/noindex/2023-06/Final-Report-of-the-NSW-Bushfire-Inquiry>.

³ <https://www.abc.net.au/news/2023-06-21/nsw-government-transmission-lines-inquiry-underground/102504098>

⁴ [Aboriginal Affairs NSW - Priority Reforms](#)