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### Framework for Drafting Ecological Objectives for Water Sharing Plans - Submission of the NSW Aboriginal Land Council

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Dear Sir

**Framework for Drafting Ecological Objectives for Water Sharing Plans – Submission of the  
NSW Aboriginal Land Council**

The NSW Aboriginal Land Council (**NSWALC**) appreciates the opportunity to provide this submission to the NSW Office of Water; Framework for Drafting Ecological Objectives for Water Sharing Plans (**the Framework**). The NSWALC is particularly keen to use the framework to recognise and incorporate outcomes for “Cultural Flows” using the identification of “Cultural Assets”.

To provide context to the following comments it must be noted that; NSWALC is the peak representative body for Aboriginal people in the state of NSW and is statutorily recognised as such under the *Aboriginal Land Rights Act 1983*. NSWALC advocates for the socio-economic and cultural rights of all Aboriginal peoples in NSW, with a particular focus on the State’s 119 Local Aboriginal Land Councils and their approximately 20,000 members.

It must firstly be stated that NSWALC recognises the need to take action to explore frameworks and methodologies that can be used to determine a volume of water that addresses the “Cultural” needs of water dependant assets throughout NSW. Since time immemorial the rivers, billabongs, the artesian basin and groundwater has provided Aboriginal peoples with cultural, spiritual, physical and economic nourishment and the degradation of these cultural water assets has had significant negative impacts. At the same time, the spoils of the broader economy have largely flowed past the Aboriginal communities.

NSWALC encourages the NSW Office of Water to utilise this framework to not only deliver ecological and socio-economic outcomes, but incorporate the needs of cultural water dependant sites, and address the need to deliver “cultural flows”. While NSWALC recognises the positive work of the NSW Office of Water to date with Aboriginal peoples in NSW, there are a number of measures that must be implemented to better recognise the needs of Aboriginal peoples in water management.

While the framework is designed to remedy the harm done to the environment, it must not impose further harm, directly or indirectly upon Aboriginal peoples who comprise the most socio-economically vulnerable peoples in NSW.

### **Cultural Flows as a Concept**

“Cultural Flows” is a concept increasingly utilised by Aboriginal peoples in Australia over the last twelve years, and has allowed Aboriginal peoples to engage on their own terms with government understandings and systems of water planning and management.

The importance of recognising “cultural flows” in water planning and water resource management is essential, particularly given the history of water management practices in Australia over the past 200 years. Historically, there has generally been a failure by governments to recognise the importance of environmental considerations, such as continued river flows, for river health. This has resulted in failures to adequately limit or regulate water-use. Today modern techniques of “integrated water resource management” are increasingly supported by governments, scientists and water users, as they recognise the need to balance different water uses and to provide an environmental minimum for sustainability. “Cultural flows” must be incorporated into water management systems and responses to the degradation of our water resources. The inclusion of “cultural flows” in existing water planning frameworks, as a separate allocation for Aboriginal purposes, is one option for achieving this. However, for “cultural flows” to be truly recognised in water management and planning, the goals, assumptions and methods of the entire system of water resource management must be challenged.

### **Benefits of Cultural Flows**

Cultural flows will mean different things to different Aboriginal peoples. Here are some of the benefits, uses and elements that Aboriginal people have described as part of “cultural flows”;

- Periodic flooding, which flushes out poisons and sickness, reduces salinity and restores health,
- Respecting the connectivity between water, country, life, culture, history. Not carving out a separate space for nature,
- Caring for spiritually and culturally significant places,
- Allowing for plant seeds to grow, and breeding grounds for animals, fish, birds and insects. This is particularly important for “totemic” relationships and responsibilities,
- Song, dance, art and ceremony,
- Making certain foods, medicines or resources for cultural business available,

- Places for teaching, settings for story-telling, and
- Camping places and recreational sites.

## Recommendations

The NSW Aboriginal Land Council is happy to provide the following recommendations:

1. That the NSW Aboriginal Land Council endorses the Report, **Framework for Drafting Ecological Objectives for Water Sharing Plans**, for submission to the National Water Commission,
2. In consultation with Aboriginal peoples in NSW, the NSWALC recommends that the NSW Office of Water must integrate the following elements into the Framework to recognise “cultural flows” for Aboriginal cultural benefits;
  - **Creation sites and cultural hero stories** linking with spiritual significance along a song line/dreaming tracks or even through dance - non-tangible (“Dreaming Sites”);
    - For example: a series of natural springs will be significant as they may represent portal holes for the “Rainbow Serpent” to move between the surface and underground, and if that spring dries up due to over-extraction of pollution that story is lost, linking non-physical culture to water availability.
  - **Resource sites** for:
    - traditional bush foods
    - medicines; and
    - artefacts, tools, toys, pigments and ochre for art and crafts;
  - **Gender specific sites**
    - men’s and women’s business;
  - **Ceremonial sites**
    - that require a flow at a certain time of year based on traditional knowledge and teachings;
  - **Burial areas/sites**
    - too much flow at the wrong time can erode and expose these sites;
  - **Teaching sites**
    - no water = no sharing of knowledge;
  - **Massacre sites** where frontier battles occurred with traditional groups;
    - Again incorrect water management may expose sites and in turn bring back painful memories
  - **Tribal boundary indicators**, landscape features and stone arrangements;
  - **Travel paths or water highways**, these are the rivers, tributaries and estuaries, people travel along them by foot or using water craft (canoe) to move along – but no large healthy trees may mean no canoe trees,
  - **Wetlands, Billabongs, Swamps:**
    - If these system are cut off from overbank floods (because of extraction limits) or cut off by diversions, the cultural value is lost.
  - **Cultural sites that are Groundwater dependant,**

- there is along way to go with this, limited research on cultural value of GDE's, springs, soaks, hanging swamps, recharge and discharge environments, baseflow to rivers and connected waters.
  - **Cultural specific environmental conditions to sustain totemic species**
    - species that require good water at the right time to breed; and
  - **Physical/tangible evidence of occupation;**
    - middens, campsites, artefact scatters, scarred and carved trees, stone arrangements and fish traps.<sup>1</sup>
3. The Government must genuinely partner with NSWALC and the network of Local Aboriginal Land Councils across the NSW to develop and deliver economic development measures, to mitigate the potential socio-economic impacts of water sharing plans and management on the Aboriginal peoples and communities of NSW.

### **A Role for Aboriginal Land Councils**

The network of Local Aboriginal Land Councils and NSWALC, play a key role in providing employment and facilitating economic development across the NSW. Recent amendments to the *Aboriginal Land Rights Act 1983* (NSW) require Local Aboriginal Land Councils to strategically maximise the use of their assets by developing Community, Land and Business Plans, which include objectives and strategies for the carrying out of business enterprise and the investment of assets. The Government must work in genuine partnership with this network to develop and deliver economic development measures to mitigate the potential socio-economic impacts of Water Sharing Plans and management on the Aboriginal peoples and communities across NSW.

Should you require further information in regards to any issues that have been raised in this submission, please do not hesitate to contact the NSWALC Policy and Research Unit on 02 9689 4444.

Regards

Geoff Scott

**Chief Executive Officer**

Date:

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<sup>1</sup> Venn, T. and J. Quiggan (2007). "Accommodating indigenous cultural heritage values in resource assessment: Cape York Peninsula and the Murray-Darling Basin, Australia." *Ecological Economics* 61(334-344). Brad Moggridge, National water Commission's, First Peoples' water engagement Council.