



# INQUIRY INTO AI DATA CENTRES, LUTRUWITA/TASMANIA

*Aboriginal Land Council of Tasmania (ALCT)*

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## EXECUTIVE SUMMARY

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Lutruwita/Tasmania is being put forward as a place for big AI infrastructure and data centre projects, mainly because of its renewable energy, climate, water and where it sits in the world. But these are not just technology projects. They are major developments that use a lot of land, water and energy, and they can leave lasting marks on Aboriginal Country, Cultural Heritage, our landscapes, waterways, ecosystems and the wellbeing of our communities.

The Aboriginal Land Council of Tasmania (ALCT) believes that any future plans for AI data centres must recognise that Aboriginal people are not just stakeholders to be consulted. We are rights holders with deep and ongoing cultural responsibilities to Country. Decisions about where data centres go, how they are assessed and approved, and how they are managed must be based on the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples, including Free, Prior and Informed Consent. Aboriginal people must have a real and meaningful role in making these decisions.

For Tasmanian Aboriginal people, Country is a living, connected whole. You cannot split it into just environmental, cultural, social or economic parts. When landscapes, waterways, native species and natural resources are affected, so too are our cultural identity, our practices, our community wellbeing and the passing on of knowledge to future generations. Any way of assessing these projects needs to look beyond just the site itself and understand the bigger, connected impacts on Country, culture and people.

ALCT is especially concerned about how much water these AI infrastructure and data centres will need. With water becoming less

secure around the world, governments need to be careful and make sure that using water for industry does not harm the health of the environment, cultural water values, community needs or the needs of future generations. Water management should properly recognise Aboriginal cultural water interests, require Aboriginal-led cultural water assessments, look at the bigger picture of impacts, and support the recognition of Aboriginal cultural water rights.

The Inquiry also needs to look at how big data centres could affect our energy systems, climate goals and planning for the future. Building these centres must not get in the way of Tasmania's move to renewable energy, put more pressure on communities, or shift environmental costs onto Aboriginal people and those who come after us. These developments should use extra renewable energy and be assessed in ways that are open and accountable to the public.

ALCT supports strong rules that include proper environmental and cultural assessments, looking at the bigger picture of impacts, Aboriginal-led cultural governance, stronger heritage protections, clear reporting and independent oversight. Some places, like Aboriginal Land, cultural landscapes, important waterways, heritage places and areas with high cultural value, should not be developed at all.

Because of the big risks to culture, environment, and water, ALCT recommends pausing major data centre development until the right rules and ways of governing are in place. Any future for AI infrastructure in Lutruwita must protect Country, respect Aboriginal rights and cultural authority, and make sure that new technology does not come at the cost of Cultural Heritage, water security, community wellbeing or the world's oldest continuing culture.

## **ABORIGINAL RIGHTS**

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The Inquiry needs to recognise that AI data centre developments are not just about industry or technology. They are land-use projects that could permanently alter our landscapes, waterways, ecosystems and places of cultural importance.

Any future framework must be grounded in:

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- Principles of UNDRIP of Free, Prior, Informed, Consent (FPIC);
- Environmental justice principles; and
- Recognition of Aboriginal peoples as rights holders.

But consultation alone is not enough.

Aboriginal people must have a formal role in decision-making regarding:

- site selection;
- environmental assessments;
- cultural heritage assessments;
- cumulative impact assessments;
- monitoring and compliance processes; and
- approval decisions.

ALCT recommended strengthened cultural heritage reforms, including Aboriginal cultural governance and the development of cultural heritage assessments and management plans, in its submission to the Tasmanian Aboriginal Heritage Act Review. These must be implemented and applied to any Data Centre and AI Infrastructure Developments.

## **ALCT's Responsibility to Aboriginal Land, Country and Heritage**

The Aboriginal Land Council of Tasmania is the statutory representative body responsible for Aboriginal Land under the *Aboriginal Lands Act 1995*.

When projects could affect Aboriginal Land, Cultural Heritage, landscapes, waterways, or places that matter to us, ALCT must have a real role that goes beyond consultation.

The Inquiry should recommend legislation requiring:

### ***Mandatory ALCT Participation***

ALCT participation in:

- Strategic assessments;
- Planning approvals;
- Environmental impact assessments;
- Cultural heritage assessments;
- Water assessments; and
- Ongoing compliance reviews.

### ***Co-Decision Making***

For developments impacting Aboriginal interests, approval processes should require:

- joint decision-making mechanisms;
- Aboriginal-led cultural assessments; and
- independent review rights for ALCT.

The current way, where Aboriginal concerns are only looked at after land-use projects are mostly planned, does not adequately protect Country or Culture.

## **COUNTRY IS MORE THAN A DEVELOPMENT SITE**

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Country is alive. For our people, it holds ancestors, culture, water, plants, animals and those yet to come. These connections cannot be pulled apart into separate pieces. Country is one whole, where culture, community, land and life are woven together.

For Tasmanian Aboriginal people, Country, culture and community are bound together. When our landscapes, waterways and cultural places are healthy, so are our people and our culture. But when Country is harmed or broken, the hurt runs deep. We feel it in the loss of knowledge, the breaking of cultural practice, and the closing of places that hold our stories. It affects our wellbeing and makes it harder to pass on language, culture and tradition to our children.

When Country is damaged, it is not just the land that suffers. The harm reaches into our culture, our health, our community and our future. These impacts are felt across generations.

Data centres should be assessed not only for their direct physical footprint, but also for their impacts on:

- cultural landscapes;
- songlines and cultural pathways;
- visual and spiritual values;
- traditional practices and cultural obligations;
- access to Country and natural resources;
- cultural continuity and identity;
- community wellbeing and Aboriginal health outcomes; and
- the intergenerational transfer of cultural knowledge.

All these impacts are connected. Changes to waterways, native vegetation, landscapes and ecological systems can directly affect cultural practices, cultural responsibilities, community wellbeing and cultural identity. Impacts on Country must therefore be recognised as impacts on culture and people.

Assessment processes must move beyond site-specific heritage surveys and individual development footprints. They should require integrated cultural and environmental assessments that recognise the interconnected nature of Country and properly evaluate:

- cultural landscapes and cultural connectivity;
- cumulative impacts across regions and catchments;
- tangible and intangible cultural heritage;
- cultural values associated with water, species and natural resources; and
- the relationship between environmental health, cultural wellbeing and community resilience.

Aboriginal people must lead these assessments, guided by our own cultural governance and knowledge, from the very beginning of any planning or decision-making.

This way of working recognises that Country is not just a place to build on. Country is alive, and when it changes, the effects ripple through our communities, our culture, and our future.

## **Learning from past development impacts**

Across Australia, we have seen that big infrastructure, mining, industrial and energy projects can affect culture and Country in ways that reach far beyond the boundaries of the development itself.

Tasmanian Aboriginal people know too well what happens when developments do not recognise the deep significance of our heritage or the way Country and culture are woven together.

We have seen important cultural landscapes destroyed or damaged, access to significant places restricted, cultural resources lost, and traditional practices disrupted. Places of spiritual importance have been harmed. Too often, assessments have looked only at single archaeological sites, missing the bigger picture of how everything is connected across the landscape and the ongoing impacts on our people and communities.

When culturally significant places are lost or disturbed, it affects our cultural identity, community wellbeing and the passing on of knowledge between generations. Once these landscapes are broken up or destroyed, the values and connections built over thousands of years can be lost for good. No offset or mitigation can truly restore what is taken away.

The destruction of Juukan Gorge in Western Australia remains one of the clearest examples of the consequences of inadequate heritage protection laws and assessment processes. Although the site was

recognised as culturally significant, the regulatory framework ultimately failed to prevent irreversible damage to a place of profound importance to Traditional Owners. The subsequent national response highlighted the need for stronger Aboriginal decision-making rights, improved heritage laws, and greater recognition of cultural landscapes rather than isolated sites.

We have learned similar lessons from big developments that affect waterways, forests, renewable energy projects and extractive industries across Australia. Changes to the environment can directly impact our cultural practices and responsibilities, our access to Country, the strength of our communities, and our health and wellbeing.

It is important for the Inquiry to recognise that these impacts add up over time. One development after another can break up cultural landscapes, weaken the integrity of Country, and make it harder for Aboriginal people to keep our cultural responsibilities strong. This is especially true for new industries like data centres, where many projects might compete for land, water and energy across regions.

That is why assessment frameworks for data centres and AI infrastructure need to learn from past mistakes. They must bring together cultural and environmental assessments that recognise:

- cultural landscapes as a whole, rather than isolated heritage sites;
- the interconnected relationship between Country, culture and people;
- both tangible and intangible cultural heritage;
- cumulative impacts across regions and over time;
- impacts on cultural practices, cultural continuity and Aboriginal wellbeing; and
- Aboriginal cultural governance and decision-making authority throughout assessment and approval processes.

## **Water Rights, Cultural Obligations**

Any talk of building AI data centres in Luruwita must be seen in light of the global water crisis. The United Nations University calls this a time of 'Global Water Bankruptcy.' Across the world, places are not just running short of water for a while—they are losing wetlands, aquifers, rivers and other water systems for good. The report makes it clear: people are using more water than the earth can give, and the risks we all face have changed.

The report points out that when water is overused, it is often the powerful who benefit, while Indigenous Peoples and local communities pay the

price. It calls for fair water decisions and real protection for those most at risk as we move towards a future where water is respected and shared.

For Tasmanian Aboriginal people, this is not new. Our cultural knowledge and responsibilities as custodians have always shown that water is not just a resource for industry to use up. Water is alive. It is part of Country. It keeps our cultural places, our ecosystems, our practices and our future strong.

We do not accept that building AI infrastructure should put our water, our ecosystems or the cultural strength of Country at risk.

With the United Nations warning about the water crisis, it is irresponsible for governments to allow new industries that use a lot of water unless they can clearly show these projects will not harm our catchments, rivers, aquifers, wetlands or the water places that matter to our culture.

Aboriginal people should not be left to carry the cultural, environmental or intergenerational costs of the world's rush towards artificial intelligence.

The Inquiry must recognise that every drop of water given to big AI projects takes away from the needs of people, the environment and culture.

Tasmania needs to be careful. If there is any doubt about what these projects will do to our water, looking after Country and our cultural values must come first, before any promise of economic gain.

## ***Water Justice and Aboriginal Rights***

The Inquiry should recommend that future legislation formally recognise Aboriginal cultural water interests in all assessments of AI data centres and associated infrastructure.

### ***Reform of Water Laws and Policies***

The Inquiry needs to recognise that our current water rules were set before the fast growth of big data centres and AI infrastructure. These old frameworks do not properly consider the growing water needs, environmental risks or cultural impacts that come with these new industries.

ALCT recommends setting clear principles to guide how data centres and AI infrastructure use water. These principles should make sure we manage water with care, are open and honest with the community, protect the environmental and cultural values of water, and look at the total water demand across all regions.

The Inquiry should also call for changes to national environmental laws, so that our water resources are properly protected from the impacts of new and growing industries.

In particular, the water trigger under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) should be expanded to apply to:

- any action likely to have a significant impact on a water resource;
- any action involving significant extraction from a water resource;
- any action with the potential to significantly contaminate a water resource; and
- large-scale data centre and AI infrastructure developments that may place substantial demands on water systems directly or indirectly.

ALCT also recommends that the Inquiry submit to the National Water Act review to ensure that important water resources are protected from the impacts of data centres and AI infrastructure. This should include looking at:

- cumulative water demand;
- groundwater extraction;
- impacts on ecological and cultural values;
- contamination risks;
- climate resilience; and
- long-term water security for communities and ecosystems.

Any rules about water must recognise that water is much more than an economic resource. Water is at the heart of Country, culture, biodiversity and the lives of future generations.

### *Aboriginal Rights and Cultural Water Assessments and Allocations*

No development should proceed where significant impacts on Aboriginal water values are identified without the Free, Prior, Informed, Consent of the Tasmanian Aboriginal Community as is within our inherent rights.

All proposals must undertake independent Aboriginal-led assessments of impacts on:

- rivers;
- lakes;
- wetlands;
- groundwater systems;
- coastal waters;
- culturally significant waterways;

- aquatic species and ecosystems relied upon for cultural practices.

Tasmania should formally recognise Aboriginal cultural water rights and allocations in water planning, so cultural needs are not pushed aside for industry.

### *Cumulative Water Impact Assessment*

We cannot understand the true impact by looking at projects in isolation.

Cumulative impacts matter deeply for data centres and AI infrastructure. One facility on its own might seem to have little effect on water, energy, or the landscape. But when many are built in the same region, together they can put real pressure on water, energy, biodiversity, cultural landscapes and Aboriginal cultural values.

Assessment frameworks need to look at the bigger picture. We need to understand combined impacts across a whole region, not just each project in isolation.

The Inquiry should require assessment of:

- cumulative regional water demand;
- long-term climate change impacts;
- drought risk;
- competing industrial water needs;
- impacts on environmental flows; and
- impacts on Aboriginal cultural values.

When many projects are approved one after another, their combined impact can be far greater than any single development. For data centres, assessment frameworks must consider the whole landscape, the whole of Country, and the effects on future generations, not just each project's footprint.

## **ENERGY USE AND CLIMATE JUSTICE**

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Tasmania's renewable energy resources are often cited as a major attraction for AI infrastructure.

However, large data centres may place significant pressure on electricity networks and energy resources.

The ALCT supports the Environmental Defenders Office (EDO) principle that data centres should be powered by additional renewable energy and contribute to, rather than undermine, the clean energy transition.

The Inquiry should ensure:

- AI facilities do not reduce energy security for Tasmanian communities;

- developments do not drive increased reliance on fossil fuels;
- cumulative energy demand is publicly disclosed; and
- climate impacts are fully assessed.

Aboriginal people should not be left to carry the environmental costs for technology that mainly benefits others.

## **Strategic Assessments**

ALCT supports the EDO's recommendation that strategic environmental assessments be completed before widespread development occurs.

Rather than assessing projects one at a time, Tasmania requires:

- statewide planning;
- cumulative impact assessment;
- cultural landscape mapping;
- water availability assessment;
- biodiversity impact assessment; and
- Aboriginal-led cultural risk assessment.

Without proper planning, individual projects can add up to more significant impacts that cannot be undone.

## ***Improving Assessment and Regulatory Frameworks***

ALCT is concerned that existing planning, environmental and heritage assessment processes are not designed to adequately assess the cumulative impacts of large-scale AI infrastructure and data centres.

The Inquiry should recommend establishing a dedicated regulatory framework for data centres and AI infrastructure. This framework must be informed by the best available scientific, environmental, cultural and social research into the short- and long-term impacts of these developments.

The framework should require:

- strategic assessment before regional expansion occurs;
- cumulative impact assessment across multiple developments;
- integrated environmental and cultural assessments;
- Aboriginal-led cultural impact assessments;
- public disclosure of environmental, cultural and water impacts;
- adaptive management and ongoing monitoring requirements; and
- independent review and compliance mechanisms.

ALCT further recommends that any reforms align with the ALCT's submission and recommendations to the Aboriginal Heritage Act Review. Assessment and approval processes for data centres in Lutruwita must

incorporate cultural governance mechanisms that recognise Aboriginal authority over matters affecting Country and Cultural Heritage.

This includes:

- Aboriginal-led assessment processes;
- recognition of cultural landscapes, not just archaeological sites;
- protection of tangible and intangible heritage;
- early Aboriginal involvement in project design and site selection;
- cultural decision-making roles throughout the assessment process; and
- mechanisms that support FPIC.

Without these reforms, data centre developments risk being assessed through fragmented regulatory processes that fail to recognise Aboriginal rights, cultural obligations, and the interconnected nature of Country.

## **SOME PLACES SHOULD BE OFF-LIMITS**

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The Inquiry must identify locations deemed as unsuitable for data centre development.

These should include:

- Aboriginal Land;
- registered heritage sites;
- cultural landscapes;
- significant waterways;
- sensitive ecosystems;
- areas of high cultural value identified by Aboriginal people.

No amount of offsetting can bring back cultural heritage once it is lost.

Avoiding harm must always come first.

## **TRANSPARENCY, ACCOUNTABILITY AND PUBLIC OVERSIGHT**

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The Inquiry should recommend mandatory disclosure of:

- energy consumption;
- water consumption;
- greenhouse emissions;
- cooling technologies;

- environmental impacts;
- cultural heritage risks;
- mitigation measures.

Tasmanians need to have information before decisions are made, not after everything has already been approved.

For Aboriginal people, the mandatory disclosures are essential to align with our inherent rights under UNDRIP, specifically the FPIC principles.

## RECOMMENDATIONS

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The ALCT makes the following recommendations to the Inquiry Committee:

- **Establish a moratorium on data centre development until appropriate regulation is in place and Aboriginal rights holders are positioned within governance frameworks.**
- Recognise Aboriginal people as rights holders under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Implement Free, Prior, Informed, Consent (FPIC) requirements for all major AI and data centre developments.
- Include ALCT as a formal and statutory decision-maker in assessments affecting Aboriginal Country, Cultural Heritage, water, and land, consistent with ALCT's submission for the review of the Aboriginal Heritage Act 1995.
- Establish Aboriginal-led cultural impact assessments for all major AI data centre proposals.
- Require integrated cultural and environmental assessments that consider cultural landscapes, water resources, cumulative impacts, Aboriginal rights and tangible and intangible cultural heritage before approving any major AI infrastructure development.
- Protect Aboriginal water rights and cultural water values.
- Require assessment processes to learn from historical lessons from previous major developments and ensure that known failures in Aboriginal cultural heritage protection, including the fragmentation of cultural landscapes and inadequate recognition of Aboriginal decision-making rights, are not repeated in regulating data centres and AI infrastructure.
- Require all data centres to use additional renewable energy sources and minimise water consumption.
- Designate culturally significant areas and Aboriginal Land as exclusion zones where development is inappropriate.

- Introduce mandatory transparency, regulation, monitoring and public reporting requirements for water, energy, climate and cultural impacts.
- Seek the inclusion of principles governing water use by data centres and AI infrastructure, including requirements for transparency, cultural water protection and cumulative impact assessment.
- Seek expansion of the EPBC Act water trigger to apply to any action likely to significantly impact, extract from or contaminate a water resource, including large-scale data centre developments.
- Seek amendments to the National Water Act to ensure important water resources are protected from impacts associated with data centres and AI infrastructure.
- Establish a legislated regulatory framework for AI infrastructure and data centres informed by the best available scientific, environmental and cultural research.
- Align all reforms with the ALCT's recommendations for the Aboriginal Heritage Act Review and implement Aboriginal cultural governance across assessment and approval processes.
- Recognise the relationship between impacts on Country, cultural continuity, community wellbeing and Aboriginal health across all decision-making processes.

## CONCLUSION

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Building AI data centres in Luruwita brings major environmental, cultural, and social challenges. The choices we make now will shape Country for generations to come. ALCT submits that Aboriginal people must not merely be consulted on these developments. As rights holders with enduring responsibilities to Country, we must be actively involved in designing the regulatory framework, conducting assessments, determining cultural impacts, and deciding on projects that affect our lands, waters, heritage, and future generations.

Tasmania must make sure that technological progress does not come at the cost of the world's oldest continuing culture by respecting cultural authority, protecting Country and supporting real Aboriginal co-governance.

**Sarah Wilcox**

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