



## Media Statement

18 March 2024

# Declaration of the Southern Ocean offshore wind area does not respect Traditional Owner rights and responsibilities for Sea Country

The declaration of the Southern Ocean region offshore wind area has again illustrated the ways in which respect for Traditional Owner rights and responsibilities can be so quickly cast aside.

As we race towards meeting the Australian Government's commitment to net zero by 2050, and Victorian government's pursuit of net zero by 2045, we are failing to implement the United Nations Declaration on the Right of Indigenous Peoples (**UNDRIP**).

Recognition of Traditional Owners' unique rights and responsibilities is ignored in much of offshore regulation and management. To recognise these rights, principles of free, prior and informed consent must be implemented at all stages and levels of decision making.

It is essential that Traditional Owners are consulted during Phase One of the declaration process, when area identification and preliminary assessment is being made. At this stage they can identify areas of cultural sensitivity for which consent will never be given and areas in which access and benefit sharing agreements can be negotiated.

In the event that this is not the case, as with the Southern Ocean area declaration, Traditional Owners' interests may be adversely affected by offshore renewable energy projects. Similarly, a potential impact on the environment of Commonwealth marine areas, through a negative impact on the cultural aspects of that environment, may arise. In these circumstances any declaration should be made subject to condition.

The declaration should state that the grant of any licence within the Declared Area should be subject to a requirement that it will have no significant impact upon the interests of affected Traditional Owners without the consent of the Traditional Owners to the grant of that licence.

Such condition should be pursuant to the conditions that apply to a declaration under s 20 of the *Offshore Electricity Infrastructure Act 2021*. It is essential that such a condition be clearly articulated, supporting and respecting Traditional Owners' rights and responsibilities for Country, as these matters are not appropriately dealt with by the imposition of conditions under any subsequent Management Plan.

It is difficult to watch the erosion of our rights to Sea Country by governments seemingly so supportive of them.

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## About the Federation of Victorian Traditional Owner Corporations

The Federation of Victorian Traditional Owner Corporations is the Victorian state-wide body that convenes and advocates for the rights of Traditional Owners while progressing wider social, economic, environmental and cultural objectives. We support the progress of agreement-making and participation in decision-making to enhance the authority of Traditional Owner Corporations on behalf of their communities.

The Federation was established in 2013 by Traditional Owner Corporations who recognised that through a path of working together Traditional Owner Groups could be stronger and could advance their shared interests in policy engagement, and in creating economic opportunities and caring for Country.

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