



The Responsible Officer
Offshore Renewable Energy Policy Section
Department of Climate Change Energy Environment and Water (**DEECCW**)
GPO Box 3090,
Canberra ACT 2601

10 May 2024

**Submission in response to the *(Proposed) Offshore Electricity
Infrastructure Amendment Regulations 2024***

The **Federation of Victorian Traditional Owner Corporations** is the Victorian state-wide body that advocates for the recognition and activation of Traditional Owners' rights 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.

We are a member of the **Sea Country Alliance** bringing a focus for Traditional Owner interests in sea Country in Victoria. We support the Alliance submission to *(Proposed) Offshore Electricity Infrastructure Amendment Regulations 2024*, which puts forward concrete recommendations for amendments to the Regulations so that they reflect the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*.

Notably, this includes that any obligation to take account of Traditional Owner interests in respect of the waters contained in the licence area will be discharged by engagement in Victoria with a Traditional Owner Corporation recognised as a Registered Aboriginal Party (**RAP**). In the 25% of Victoria where there is no RAP, it is proposed that First Nations Legal and Research Services (as the Victorian Native Title Service Provider) should advise as to who the appropriate Traditional Owners are with whom to consult.

For the purposes of (proposed) Regulation 75, a management plan should only be approved if it demonstrates that the licence holder (**LH**) has provided reasonable resources to relevant Traditional Owner organisations to support their engagement; and, that the LH has reached agreement with the relevant Traditional Owner organisations on the proposed operations.

It is essential that in the in the assessment of a management plan, the Regulator should have regard to the protection of Traditional Owner social and economic rights and cultural heritage, as well as ensuring that Traditional Owner communities enjoy economic and social benefits deriving from the licence holder's activities.

In the further development of the Regulation and the Offshore Electricity Industry regime generally, DEECCW should give effect to the commitments of this Government in the *Closing the Gap Agreement* (Priority Reform Area One - Policy Partnerships). It should also, consistently with this Government's stated policy, seek to implement UNDRIP, particularly Article 19, which requires the Free Prior and Informed Consent (**FPIC**) of affected Indigenous Peoples legislative and administrative measures that affect Indigenous Peoples that affect them.

The implementation of the Alliance submission recommendations would both secure Traditional Owner rights to speak for Sea Country and provide the certainty and efficiency in project approvals that is necessary to support a viable offshore energy industry.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ben Gordon', is positioned below the closing text.

Ben Gordon
Operations Manager