

Committee Secretary  
Senate Standing Committees on Environment and Communications  
Senate Inquiry into Offshore Wind Industry Consultation Process  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
13 September 2024

Dear Sustainable Ocean Plan Taskforce,

### **Australia's Draft Sustainable Ocean Plan: Navigating A Course To 2040**

On behalf of the National Native Title Council (**NNTC**), I am pleased to put forward the following submission. The NNTC is the peak body for Australia's Native Title and other Traditional Owner organisations. The NNTC represents Native Title Representative Bodies and Service Providers as well as Prescribed Bodies Corporate (**PBCs**) recognised under the *Native Title Act 1993 (NTA)* and other equivalent Traditional Owner Representative Institutions (**TORIs**) established under Traditional Owner land rights legislation such as the Victorian *Traditional Owner Settlement Act 2010*, the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* and the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA)*.

On both land and sea Country, recognition of Traditional Owners' rights and responsibilities is the only way that genuine progress can be made. In creation of new strategies, regulations and legislation, a rights-based approach must be central, recognising both the United Nations Declaration on the Rights of Indigenous People (**UNDRIP**) and embedding the principles of free, prior and informed consent (**FPIC**).

Sea Country has long posed particular challenges in that relatively few Traditional Owner statutory rights are respected whilst enormous wealth is generated for largely overseas shareholders from its resources.

Appropriately, the Sea Country Alliance (**SCA**), representing 56 members with Sea Country responsibilities and covering all Australian states and territories, has provided a submission to this consultation process. The NNTC supports this submission and its recommendations.

The SCA Submission puts forward recommendations to strengthen Traditional Owner rights in Sea Country. This alone will enforce the requirement for appropriate agreement making, embedded with the principles of FPIC and trigger future act like requirements for the development of economic development outcomes. To do so will include engagement with TORIs and implementation of the First Nation Engagement standard currently being discussed in relation to Nature Positive and Cultural Heritage reforms.

In summary the recommendations are:

- The regulatory recognition of the role and function of TORIs, such as PBCs and Northern Territory's Aboriginal Land Councils.
- The adoption of an "agreement-based" based approach with respect to Traditional Owners communities, through the relevant TORI directly affected by a proponent's intended activities. This agreement-based approach would, similarly to the NT Act, make provision for the relevant statutory decision maker to be able to finally determine.
- The resourcing of TORIs to undertake project consideration functions through a combination of government and proponent funding.
- Country Mapping be supported and prioritised with due regard for data sovereignty, Indigenous Cultural and Intellectual Property (**ICIP**) and Traditional Environmental Knowledge (**TEK**).
- Introduction of Indigenous Procurement Policy (**IPP**) provisions, particular mandatory set asides for affected TORIs to enable economic development and nation building of affected TORIs.

To implement the proposals set out in the SCA Submission would ensure that Traditional Owners' rights in Sea Country are respected and that they are provided the means to expand their economic development.

The NNTC would be happy to present further in relation to this submission if this is desired by the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Lowe', is written over a light grey rectangular background.

Jamie Lowe  
Chief Executive Officer