

POSITION STATEMENT

OFFSHORE RENEWABLE ENERGY INFRASTRUCTURE AREA



Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) Submission for Offshore renewable energy infrastructure area proposal: Bass Strait off Gippsland

Introduction

This submission is provided by GLaWAC in response to a request by the Minister for Climate Change and Energy regarding a proposed renewable energy zone in Australian waters off Gippsland for offshore renewable energy projects.

In the request for feedback the government stated the following:

The Australian Government wants to manage the offshore marine environment in a way that recognises all users and balances competing interests. Offshore renewable energy projects must share the area with other users and activities.

Background

Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) is the Prescribed Body Corporate and Registered Aboriginal Party for the Gunaikurnai people, Traditional Owners of Gippsland. GLaWAC jointly manages 10 and parks reserves with Parks Victoria and DELWP, operates a natural resource management business, landscaping, delivers cultural heritage management plans, and cultural services, and has its own emerging commercial business enterprises such as the Bush Café and Aboriginal Art Gallery.

The Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) is the Registered Aboriginal Party that represents the Gunaikurnai people, the Traditional Owners of our Country, as determined by the Victorian Aboriginal Heritage Council under the Aboriginal Heritage Act, 2006.

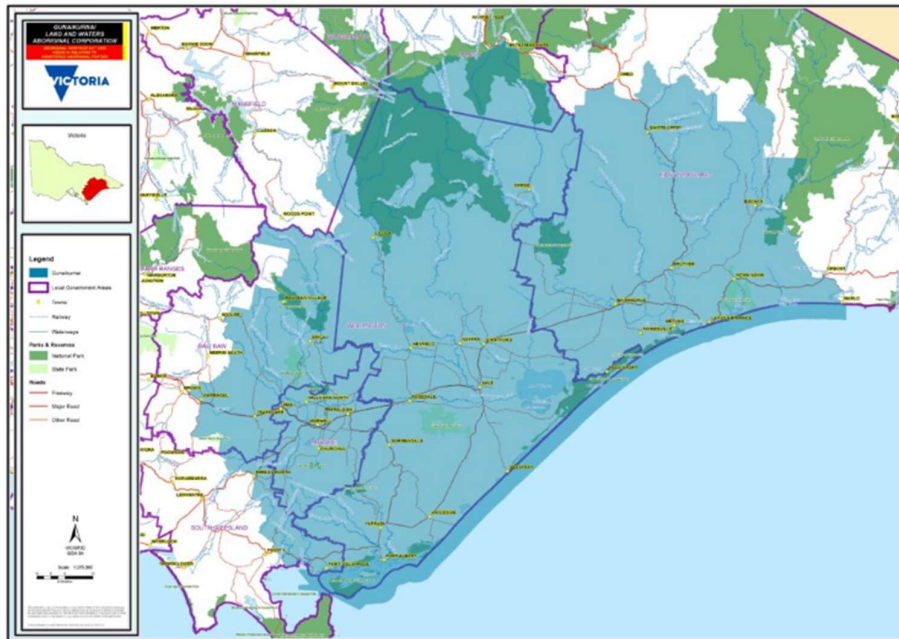
GLaWAC was established in 2007 in preparation for the historic settlement between our people and the State of Victoria and was legally recognised by the Federal Court of Australia under the Traditional Owners Settlement Act in 2010.

We are the Prescribed Body Corporate (PBC) for the Gunaikurnai people and claim area, as outlined in the agreement, providing joint management of 10 parks and reserves within the State. We have a membership of more than 600 Traditional Owners, all of whom have proven their ancestral links to one of 25 Apical Ancestors registered in the Native Title Consent Determination.

The map shows the current area appointed to GLaWAC as the Registered Aboriginal Party.

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Extract from GLaWACs website <https://gunaikurnai.org/our-story/glawac-who-we-are/>

Our role



The primary role of GLaWAC is to hold and manage the Native Title rights and interests of the Gunaikurnai people. We are a prescribed body corporate incorporated with the Office of the Registrar of Aboriginal Corporations under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) and the requirements of the Native Title Act 1993.

We are also registered with the Australian Charities and Not-For-Profits Commission as a charitable institution, and with the Australian Taxation Office as a public benevolent institution.

Our Rule Book sets out the main objectives of GLaWAC. To achieve our objectives, we deliver core business functions in the following areas:

- Review and evaluation of the settlement agreement with the Victorian Government.
- Support and advise community through future settlement agreement negotiations.

Cultural Heritage

- Management and protection of Gunaikurnai cultural heritage as the Registered Aboriginal Party
- Implementation of the 'Welcome to Country and Cultural Awareness Protocol'
- Employ and develop community involvement in Aboriginal Heritage Act operations

Native Title

- Implementation of the Traditional Owner rights held by the Gunaikurnai people as specified in Recognition and Settlement Agreement.

Extract from GLaWAC Corporate Plan 2017-2022 <https://gunaikurnai.org/wp-content/uploads/2021/07/GLaWAC-Corporate-Plan-2017-22-ONLINE.pdf>

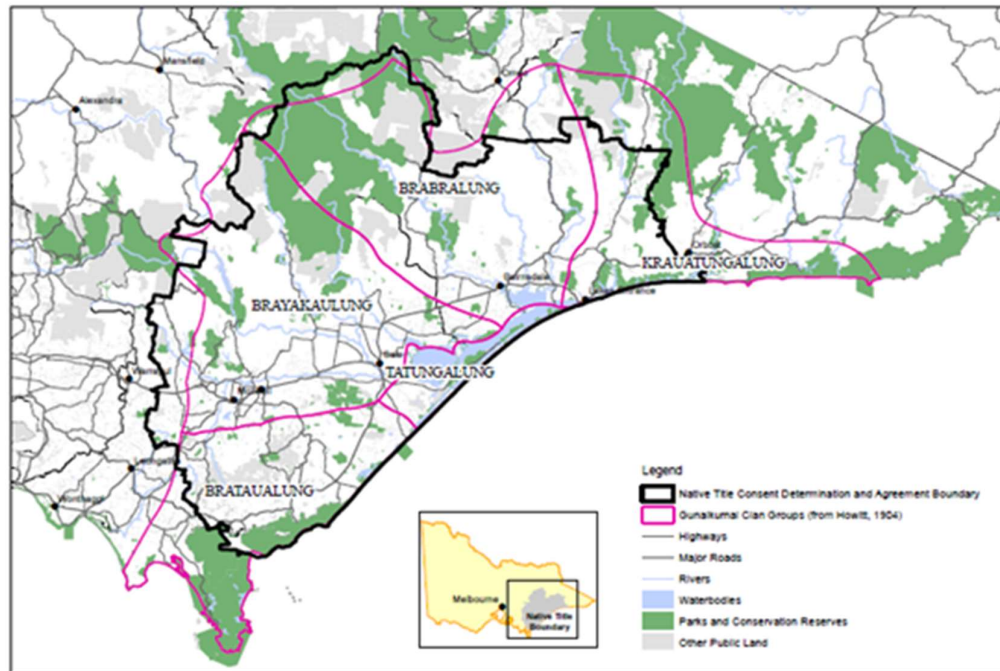
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The Gunaikurnai are traditional owners of the land and waters bordering the proposed renewable energy zone. The map below provides an insight to the extent of our traditional lands.

Figure
Title



1. Native

Determination Gippsland. Further maps are shown in Appendix 1 and 2.

Any development that is undertaken in the proposed renewable energy zone must seek to fulfil our fundamental needs as custodians of these lands.

The rights and views of the Traditional Owners of Gunaikurnai country must be respected and understood. Aboriginal people are part of their country, and they have a deep spiritual connection and responsibility to care for Country. GLaWAC has an obligation to keep community informed through our community engagement processes.

This commitment has also been reiterated by the Victorian Government in its Offshore Wind – Policy Directions Paper, published in March 2022, in which the following acknowledgement was provided

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices. We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

The area proposed borders on land and waters which the Gunaikurnai people hold native title and which the State of Victoria have entered into an agreement with Gunaikurnai people under Traditional Owner Settlement Act 2010

The proposed area also takes in the seabed which in recent archaeological history was occupied by our ancestors. Gunaikurnai ancestors presumably occupied large parts of this area up to around 13000 -

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10000 years ago when sea level rise resulted in land bridges across what is now Bass Strait being inundated.

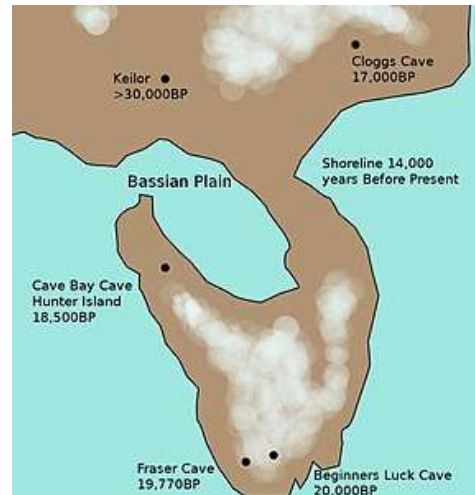


Figure 2. Shoreline of Victoria and Tasmania c14000years ago (Mulvaney et. al.,1999)

Key Messages for Government and Offshore Windfarm Proponents

- The rights and views of the Traditional Owners of Gunaikurnai Country must be respected and understood. Aboriginal people are part of their Country, and they have a deep spiritual connection and responsibility to care for Country.

Interim Position Statement

- GLaWAC respects the State and Federal Governments approach in exploring options for a sustainable future where renewable energy provides an opportunity to reduce emissions and ameliorate impacts of climate change. This support is consistent with the Gunaikurnai Whole of Country Plan.
- The Gunaikurnai will work respectfully and collaboratively with our neighbouring mobs to clarify who the right people to speak for Country are under the rules of the Native Title Act, the Traditional Owners Settlement Act and/or the Registered Aboriginal Party registration process.
- GLaWAC is also working hard to ensure Cultural heritage is preserved and will ensure appropriate survey and assessment work is carried out by the Registered Aboriginal parties, our research partners and Land Management Agencies.
- The land and waters of the Gunaikurnai have been significantly impacted by colonisation and land practices that have altered Country. GLaWAC understands that Country changes and has done over the millennium, we also believe human induced impacts on our Country and climate are real and must be understood and considered. For this reason, we believe that it is important that careful, timely and informed consideration of the impacts and consequences of the proposed offshore windfarms in Bass Strait be undertaken. We strongly believe that working

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together with other Land managers and community we can influence and improve how Country is managed.

- We encourage people to read the Gunaikurnai Whole of Country Plan, located on GLaWACs website <https://gunaikurnai.org/wp-content/uploads/2021/07/Gunaikurnai-Whole-of-Country-Plan-ONLINE.pdf>

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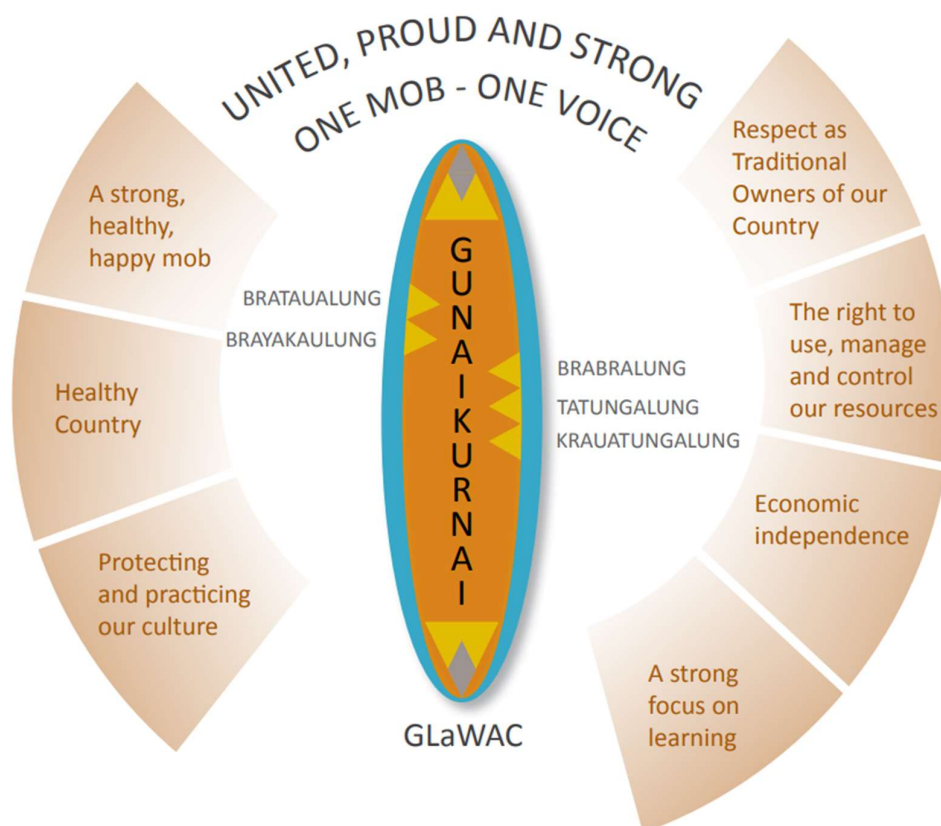


GLaWAC's Gunaikurnai Whole of Country Plan

In July 2015, the Gunaikurnai Whole of Country Plan was developed by Gunaikurnai Land and Waters Aboriginal Corporation, with the assistance of Native Title Services Victoria.

We provide some excerpts from the plan below

We are Gunaikurnai, the First People of our Country. We have survived for tens of thousands of years, often against great adversity. We have looked after our Country and passed on our stories and traditions through countless generations. We continue to survive and thrive, maintaining connection to our Country and to our ancestors. The future we see is one where Gunaikurnai stands proud and strong, where our people have strong connections to their culture and Country, where our businesses and relationships are based on solid foundations and where we are self-sufficient and highly respected. In our future, our mob is united – the five clans of Gunaikurnai working together to support each other. To help us work towards our vision, we have seven strategic goals:



Vision diagram by Aunty Faye Voss

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Gunaikurnai Whole of Country Principles that GLaWAC upholds and uses for its decision-making:

Look at what was there before

When we are healing and restoring degraded landscapes, we should try to put back the plants and animals that used to be there.

Sustainable use

Our approach to managing Country is to balance resource use with conservation – they are all part of the same.

Take only what you need – leave some for others.

Seek collective benefits. We use our resources for the benefit of our mob rather than seek individual gain.

We have the right to be on our Country

Traditional Owners should not be restricted in accessing our traditional Country. At the same time, we should have the right to restrict access to others who disrespect and damage our sensitive areas.

Our traditional knowledge is valuable

Our traditional practices and approaches sustained the land for thousands of years. Our Country should be managed in harmony with our traditional ways. We need to take the time to understand what natural and cultural heritage exists out on Country. It can't be managed properly if we don't know what is there.

We have cultural obligations

It is our inherent responsibility to look after Country – to heal the damage of the past and protect it for future generations.

Everything is connected

All of our Country is linked. There is no separation between our landscapes, waterways, coasts and oceans, and natural and cultural resources. All are linked and bound to our people, law and custom.

Every bit matters

We understand the need to prioritise limited resources to where important values are under threat, but every part of our Country remains important to us.

Our values exist even when you can't see them – whether they are under water, deep inside caves, covered with vegetation, they are still important to us.

Don't wait until it has gone

When you lose a site, it's gone forever. We need to act now to prevent any further loss of environmental or cultural values.

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GLaWAC Concerns About the Impact of the Proposed Offshore Windfarms On Country

Goal	Concerns
Respect as Traditional Owners	<p>Are we being engaged as Traditional Owners?</p> <p>Elders and senior managers need to be consulted on developments, but this should not be piecemeal. Inclusion of senior members of our community on boards, committees of management and technical reference groups should be encouraged but not be tokenistic.</p> <p>Developers need to be respectful of the ways in which we engage internally with our mob. Short deadlines and turnaround times for response are inappropriate in dealing with our mob and both Government and developers need to be cognizant of this,</p> <p>Is there the potential for GLaWAC to form partnerships with project proponents?</p> <p>Do we have the resources and capabilities to provide informed and valuable insights to government and developers?</p>
Protecting and practicing our culture	<p>How will our cultural heritage (known and unknown) be protected throughout and post development. Although some sites are recorded and mapped on government databases there will most likely be new cultural sites discovered.</p> <p>The seabed in Bass Strait most likely contains undocumented site of cultural significance such as midden areas. Full cultural surveys need to be undertaken prior and during construction.</p> <p>Will developers commit to recognising the traditional knowledge of our mob?</p> <p>Some project proponents have undertaken cultural heritage training and GLaWAC has been invited to provide representatives for reference groups. However, one must ask, is this enough?</p> <p>Given the scale of the proposed development and its impact on our land and waters, GLaWAC should be fully engaged. This means further resourcing should be provided to GLaWAC to build its capacity to engage in a timely and informed manner. This is not just about the impact on the visual amenity of our landscape.</p>
A strong focus on learning	<p>Is there an opportunity for our young people to be actively involved in training and to be gainfully employed during and post development?</p> <p>Is there an avenue for our mob to actively share our knowledge of Country in order to enhance On Country outcomes for the development?</p>
Economic independence	<p>The GLaWAC Corporate Plan 2017-22 outlines broad economic and business objectives identified as being of critical importance in supporting the Gunaikurnai community to work towards the Whole of Country Plan goal of economic independence. These are:</p> <ol style="list-style-type: none">1. Economic opportunities2. Grow our business3. Support small business



	<p>4. Jobs for our people</p> <p>The proposed Offshore Renewable Energy Zone Development will bring a huge injection of funding into Gippsland during and post construction with then a sustainable revenue stream from power produced from the site. Should the development proceed, GLaWAC as a key partner, will be seeking compensation. Consideration needs to be given as to how developers might engage with GLaWAC with regard to: engaging with First Nations; forming economic partnerships; facilitating training and long-term employment outcomes for Gunaikurnai people; providing for offsetting and a range of other economic measures.</p> <p>Inclusion of the Gippsland businesses and agencies by developers in contract provision and procurement processes are of paramount importance in supporting local economies. GLaWAC should be part of this commitment. Our concern is that businesses external to Gippsland will be the main beneficiaries of this development.</p> <p>The development of offshore wind in the Bass Coast Renewable Energy Zone will generate up to 9 gigawatts of renewable energy by 2040, providing for substantial income. Given the impact On Country we are concerned that as has happened with other renewable energy developments interstate and overseas in countries such as Canada (O'Neill et. al., 2021), arrangements should be put in place to ensure GLaWAC on behalf of Gunaikurnai derives a revenue stream from this income.</p> <p>The energy sector in Gippsland historically has taken an irreplaceable amount of Cultural Heritage from the Gunaikurnai and our connection to Country. Most notably through the Gas pipeline project and the coal fire power stations. With the Gunaikurnai receiving minimal resources to remedy the impact on Country and our people.</p> <p>GLaWAC has an obligation to now seek adequate resources and compensation in this new proposed industrial energy project. Noting that whilst we support the shift in energy generation to positively impact climate change, we see this as a mutually beneficial arrangement with industry developers. Our proposed resources and compensation from this industry will be fully utilised to implement the Gunaikurnai Whole of Country Plan – to further action the healing of country. This implementation can be measured and shared with prospective industry partners.</p>
<p>Healthy Country</p>	<p>Gunaikurnai are concerned about the potential impact of development to biodiversity of the region both in marine and land habitats. We are particularly concerned in relation to impacts on birdlife and marine mammals.</p> <p>Though seal populations may flourish with provision of extra habitat and feed sites. We are concerned that the sheer number of turbines to be constructed may pose a threat to whales in construction and post-construction phases both in terms of navigation hazards and disruption from noise.</p> <p>The renewable energy zone is located adjacent to RAMSAR sites in coastal Gippsland. Given the pressures associated with habitat loss experienced by migratory waders in the Northern Hemisphere, every effort should be made to protect them in their southern realms.</p>

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	<p>Bass Strait is home to vast numbers and a wide range of seabird species. It is also a flight path for a range of species which migrate between Tasmania and the mainland including not just rare and endangered Swift and Orange-bellied Parrots but other non-passerine and passerine bird species including Swamp Harriers and Flame Robins.</p> <p>The impact of installation of offshore wind turbines on these bird species and marine mammals needs to be determined as does any concurrent development on land.</p> <p>As custodians of the land Gunaikurnai can play a key role in monitoring and protecting the biodiversity assets impacted by the development. So far, no measures are in place for our mob to be involved.</p>
The right to manage and control resources	<p>Will this development affect any rights we have over the land? Will we be restricted from entering parts of our land?</p> <p>What role will GLaWAC play in managing the land impacted by this development and how will this be facilitated?</p>
A strong, healthy, happy mob	<p>We have a strong connection to Country; the proposed development in the Renewable Energy Zone will change the face of our land for at least 40 years, if not more. Although GLaWAC is invested in the long-term goal of minimizing the impacts of climate change, our mob is concerned about the changing landscape and how we are compensated for this potential far-reaching change.</p> <p>As stated in the Gunaikurnai Whole of Country Plan:</p> <p><i>The well-being of our mob is our top priority. More than just physical health and security, it is about being respected, having stable employment and housing, and maintaining a strong spiritual connection with our Country and our ancestors. We can be healthy if our Country is looked after, and we can be strong if our living culture is thriving. We have lived through colonisation and decades of dispossession and discrimination, and we are still dealing with the impacts of these injustices.</i></p>



GLaWACs Submission Summary for outcomes of the Proposed Offshore Development

Respect as traditional owners

GLaWAC along with the Australian Government considers that Renewable Energy project proponents should adopt best practice engagement with traditional owners (Department of the Environment 2016 – Engage Early) including:

- Identifying and acknowledging all relevant affected Indigenous peoples and communities.
- Commit to early engagement at the pre-referral stage.
- Building trust through early and ongoing communication for the duration of the project, including approvals, implementation, and future management.
- Commitment to building respectful and genuine relationships for the long term.
- Setting appropriate timeframes, allow enough time for meaningful engagement with the mob.
- Demonstrating cultural awareness.

Proponents should consider including GLaWAC elders and senior staff on boards, reference and other liaison groups.

Working with advisors, consultants and contractors that have a relationship with GLaWAC and provide services that are trusted is an advantage and mutually beneficial to proponents and community.

Engagement, jobs, and benefit sharing

First nations guidelines should be included in tender scoping and evaluation to ensure incentives and benefits are created for First Nations people.

Project proponents should be subject to an indigenous procurement policy negotiated through agreement with GLaWAC and the government which ensures First Nations make up a percentage of the workforce and a percentage of contract value is let to Aboriginal businesses (construction, maintenance, and operation phases).

GLaWAC needs greater support and resources and improved capability to effectively participate in renewable energy developments including Offshore Windfarms. Current engagement workloads are unsustainable.

Provision of funds to assist GLaWAC to increase capacity and capability in the cultural heritage and planning areas to respond to the rapidly increasing demand that this policy is and will continue to create.

GLaWAC's resource requirements to be able to effectively engage and contribute to the current and future energy projects, and gain economic benefits from renewables should be considered as follows:

Position	Description	Area	Cost pa \$
Major Projects Senior Manager	Coordinate involvement in projects and policy	Eco Dev	160,000
Procurement and Business Development Manager	To meet social procurement and employment targets and reporting	Eco Dev	123,000
Commercial Business Project Manager	Develop and support GLaWACs commercial business innovation and growth	Eco Dev	123,000

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Major Projects Business Support Officer	Provide administrative, finance and business services	Eco Dev	113,000
Engagement and Partnerships Officer	Provide comms and engagement support	Eco Dev	113,000
Major Projects Cultural Heritage Manager	Fulfil legislative Cultural Heritage responsibilities as a Registered Aboriginal Party (RAP)	On Country	160,000
Cultural Heritage Monitors (x2)	Fulfil legislative Cultural heritage responsibilities as a Registered Aboriginal Party (RAP) (field work)	On Country	180,000
Healing Country Ranger	to plan and deliver renewable projects on Country	On Country	113,000
Community Engagement Coordinator	To provide increased cultural services	Culture	113,000
Nation Building Support Officer	To engage, educate and empower community for renewables	Culture	113,000
<i>Estimated costings include labour oncosts and corporate overheads</i>			1.3M

All positions need to be fully funded to cover labour and operational costs; this includes resources required to operate plus a GLaWAC corporate on cost (20%). Resources will need to include capital funding to purchase vehicles (Electric vehicle preferred) and other essential operating materials and equipment. Cultural heritage positions will be Designated Aboriginal (DAP) positions, others will be Aboriginal preferred.

GLaWAC expects benefit sharing agreements to be supported by government and industry proponents, such as a revenue stream from income generated through the projects. We suggest that the proponents and GLaWAC could negotiate a percentage of gross income before tax and interest (EBIT) per megawatt provided to the energy market may be appropriate. Ideally a standard expectation should be included in Policy being developed for this industry operation. As previously noted, this revenue stream will be fully injected in the implantation of the Gunaikurnai Whole of Country Plan. This implementation will be measured and reported to the industry partner and other relevant partners.

Environmental and cultural heritage

Engagement and on-going employment of GLaWAC staff in monitoring projects and provide for opportunities into the future to realise On Country aspirations and better care for our land will certainly assist in meeting environmental obligations.

GLaWAC understands that a rigorous Environmental Effects Statement will be developed for all projects and GLaWAC will participate in these processes.

As for most developments environmental offsetting needs to be considered. Offsets are measures designed to compensate for the residual significant environmental impacts arising from an action.

As traditional owners we believe we should be consulted on what offsetting activities are considered appropriate or likely to make a difference. GLaWAC is particularly interested in developing offsets that employ our mob members as local Indigenous land and sea managers or rangers to undertake management actions to protect and manage Country.

GLaWAC has significant interest in improving Country management practices to better manage and protect cultural and environmental values in relation to climate change and wants to lead change in this area with our partners. This includes protection of existing heritage areas and those that will be revealed through coastal erosion, land and sea development, where heritage is and will be exposed.

We strongly recommend GLaWAC are involved in industry governance and regulation in relation to policy and planning with an objective to improve protection of Gunaikurnai culture and healing of Country, on Country and within the waters beyond.

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References:

Acknowledgement by Vic Govt in Feb 2022 Policy statement

Victoria State Government Offshore Wind - Policy Directions Paper March 2022

DCE (2016), *Engage Early: Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

<https://www.dcceew.gov.au/sites/default/files/documents/engage-early-indigenous-engagement-guidelines.pdf>

Gunaikurnai Whole of Country Plan

<https://gunaikurnai.org/wp-content/uploads/2021/07/Gunaikurnai-Whole-of-Country-Plan-ONLINE.pdf>

Gunaikurnai Native Title Agreement

<https://www.justice.vic.gov.au/your-rights/native-title/gunaikurnai-native-title-agreement>

Mulvaney, J. and Kamminga, J., (1999), *Prehistory of Australia*. Allen and Unwin

Victoria's Offshore Wind Policy Directions Paper

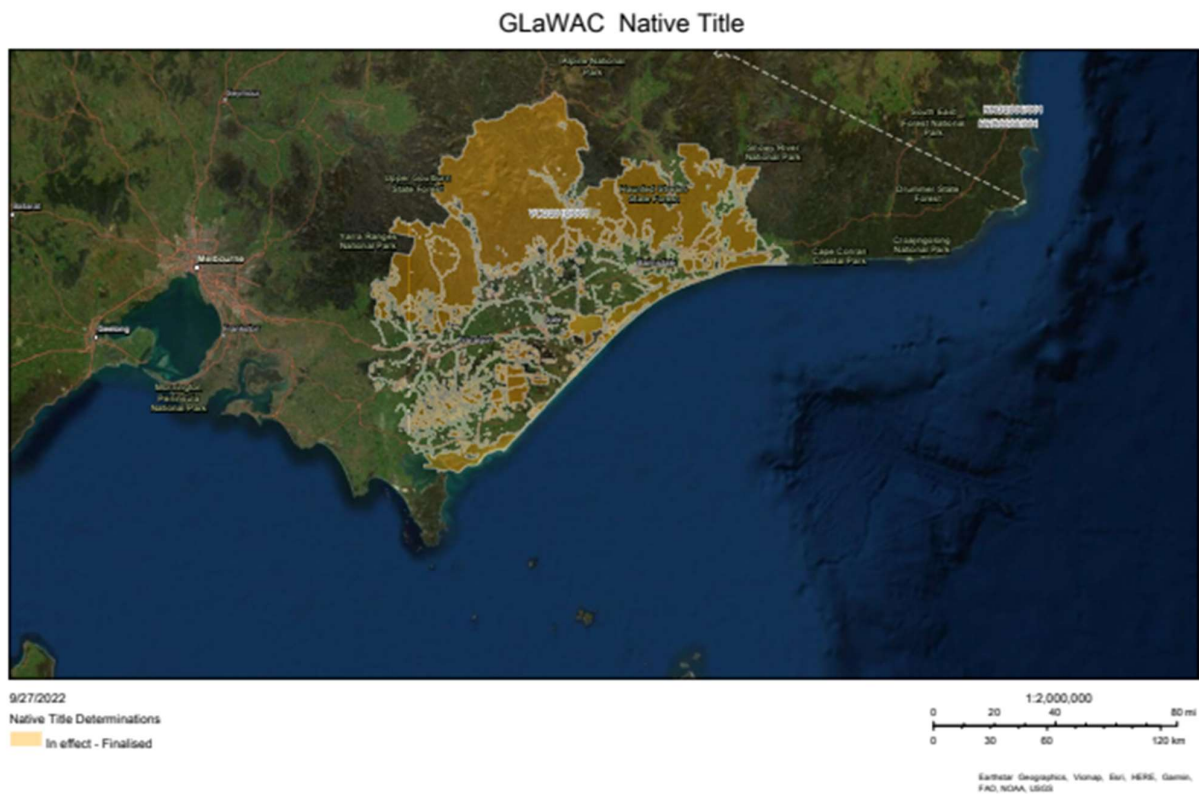
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O'Neill, L., Thorburn, K., Riley, B., Maynard, G., Shirlow, E., Hunt, J. (2021), *Renewable energy development on the Indigenous Estate: Free, prior and informed consent and best practice in agreement-making in Australia*, *Energy Research & Social Science*, Volume 81,

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Appendix 1



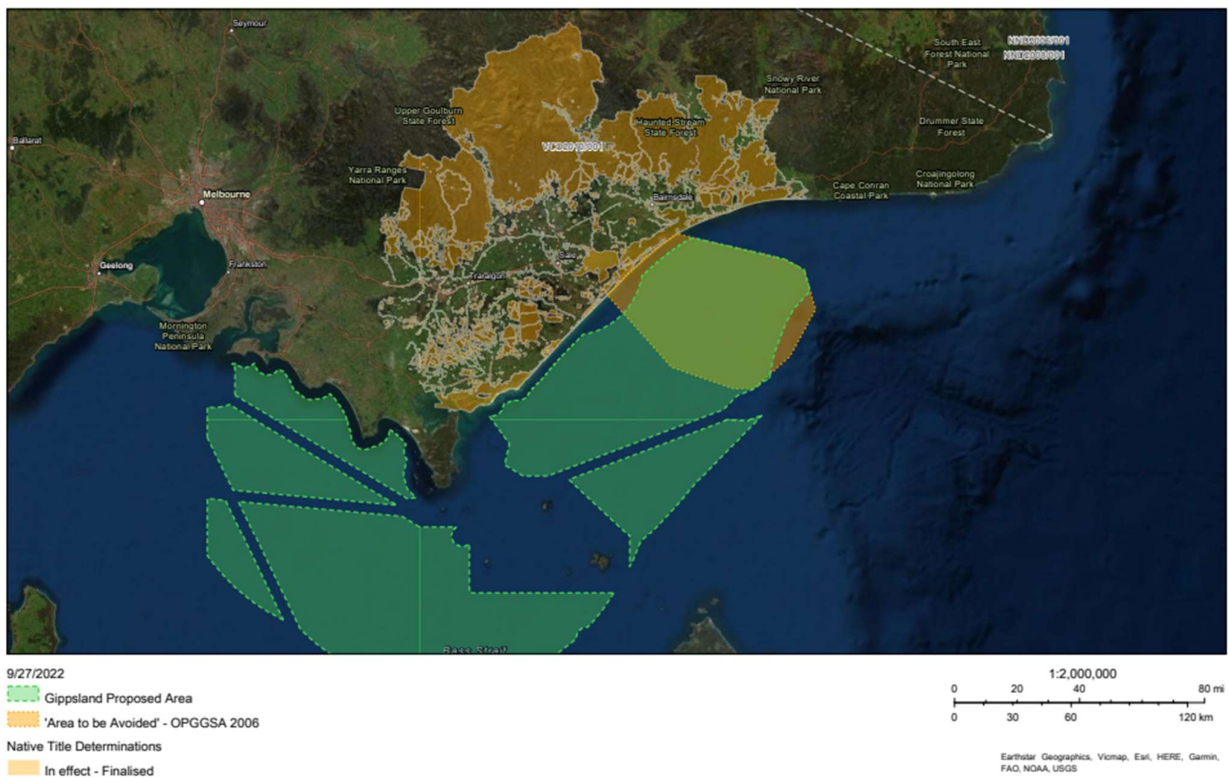
Map showing native title tenure across Gippsland

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GLaWAC Native Title Offshore Wind Development



Map showing proposed offshore renewable energy zones in proximity to Gunaikurnai Native Title areas