

OFFICIAL



South Australian Aboriginal Renewable Energy Forum 2 19-21 March 2023

Forum report
April 2023



1. The South Australian Aboriginal Renewable Energy Forum 2

Vision statement

The participants at the Forum requested that a vision statement for our collaboration be included in the report. The department has drafted the following vision:

A sustainable and prosperous future for all South Australians based on our renewable energy transition, enabling self-determination for Aboriginal people, and a just transition for local communities to respond to the global climate emergency, capture opportunities, and manage impacts.

Executive summary

Hosted by the Department for Energy and Mining (DEM), representatives from the South Australian Government, native title groups and other traditional owners came together for the second South Australian Aboriginal Renewable Energy Forum (SAAREF 2) in Port Augusta on 19, 20 and 21 March 2023.

This followed SAAREF 1, which was held in Port Augusta on 7 and 8 November 2022.

Around 100 people attended the forum.

Guest speakers included:

- From the South Australian Government:
 - Hon. Kyam Maher MLC, Minister for Aboriginal Affairs and the Attorney-General
 - Hon. Tom Koutsantonis MP, Minister for Energy and Mining
 - Dr Paul Heithersay, Chief Executive Officer, DEM
 - Sam Crafter, Chief Executive Officer, Office of Hydrogen Power South Australia (OHPSA)
 - Alisha Green, Acting Director, Strategy and Policy (DEM)
 - Cameron May, Principal Policy Officer (DEM)
 - Heidi Crow, Senior Policy Advisor Aboriginal Heritage and Engagement (DEM)
 - Andrew Moll, Principal Policy Advisor Native Title and Engagement (DEM).
- Karrina Nolan, Executive Director, Original Power, Founder First Nations Clean Energy Network and Jonathan Kneebone, Director Policy and Engagement, First Nations Clean Energy Network
- Jason Bilney, Barngarla Determination Aboriginal Corporation
- Sonja Dare provided the Welcome to Country and Uncle Harry Dare closed the meeting.

Attendees represented the following organisations:

- Aboriginal Lands Trust
- Adnyamathanha Traditional Lands Association
- Alinytjara Wilurara Landscape Board
- Antakirinja Matu-Yankunytjatjara Aboriginal Corporation
- Arabana Aboriginal Corporation
- Aroona Aboriginal Corporation
- Barngarla Determination Aboriginal Corporation
- Dieri Aboriginal Corporation
- Far West Coast Aboriginal Corporation
- Gawler Ranges Aboriginal Corporation
- Kokatha Aboriginal Corporation
- Kurna Yerta Aboriginal Corporation
- Narungga National Aboriginal Corporation
- Nauo Native Title Claim
- Ngadjuri Nation Aboriginal Corporation
- Nipapanha Aboriginal Corporation
- Nukunu Wapma Thura Aboriginal Corporation
- Viliwarinha Yura Aboriginal Corporation
- Walka Wani Aboriginal Corporation
- Wangkangurru Yarluyandi Aboriginal Corporation RNTBC
- Wirangu and Nauo Aboriginal Corporation
- Yandruwandha Yawarrawarrka Traditional Land Owners Aboriginal Corporation
- Yankunytjatjara Aboriginal Corporation

Also:

- Department of Primary Industries and Regions
- SA Housing Authority
- State Aboriginal Heritage Committee
- Aboriginal Affairs and Reconciliation
- Walga Mining Services.

Meeting purpose

- For Aboriginal landowners and government to work together on the development of hydrogen and renewable energy legislation for South Australia.
- To discuss progress made so far in developing the Hydrogen and Renewable Energy Act, the work that is left to do and next steps
- To share information, ideas and expertise
- To seek input on the design of the land access process.

Over the two and a half days the government and delegates discussed the native title and land access processes for Renewable Energy Feasibility Licences, which is the primary area of interaction between native title groups and government to determine what land can be accessed for renewable energy projects and by whom. These processes are laid out in the flow charts on pages 7 and 8.

We also discussed capacity building and information sharing and how best to support interested communities in learning more about renewables and the renewable industry and sharing information on best practice for negotiations and agreement making.

All the discussions are referenced in this document, and the table notes are [attached at the end of this document](#).

The Forum provided DEM with clear advice on regulatory and policy reform that will support improved communication, capacity and partnering between native title groups, renewable energy companies and government.

Forum outcomes and future activities will inform the development of the Hydrogen and Renewable Energy (HRE) Bill. The positive response from the Forum and the energy to work together into the future is a great indicator that the potential for meaningful change is recognised and supported by the people who will be the most impacted.

Participants are now keen to see the details of what has been discussed throughout the two Forums embedded in the legislation, and in related regulations.

Day 1 Sunday 19 March 2023

Overview progress on developing the Hydrogen and Renewable Energy Act - Chief Executive, DEM

South Australia is a world leader in renewable energy; however, much more renewable energy generation is needed to meet net zero targets in response to climate change. To achieve this government needs to work better with Aboriginal people.

It was acknowledged that government has not worked with Aboriginal people appropriately in the past and DEM is working to address this by engaging with Aboriginal people throughout the development of the HRE Act.

The concept of 'just transition' is a global movement for greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities, minimising environmental impacts and leaving no one behind.

Companies need to meet environmental, social and governance (ESG) principles, including those of free, prior, informed consent (FPIC), to receive funding nationally and internationally. Poor performers do not get funding.

Submissions received by the government on the issues paper supported the introduction of a HRE Act. One window to government is a preferred model and embedding ESG principles throughout the land access process was recognised as being leading practice.

Aboriginal people's views are a primary concern throughout the land access process to identify areas suitable for renewable energy development, and to set the tender criteria and the licensing terms and conditions.

Aboriginal perspectives: feedback from participants on any discussions, actions, or initiatives in their communities about renewable energy since the last Forum

Key points reiterated:

- The principles of FPIC should be embedded in the Act
- Government and Traditional Owners must work together to identify potential areas for renewable energy development and develop mutually agreed criteria and terms and conditions for licence applications to pick the best companies.
- Strong licensing, compliance, and enforcement mechanisms are key to ensuring the right companies are operating here.
- Aboriginal groups need funds, resources, and good legal advice for equal participation.
- Need for reform to *Aboriginal Heritage Act 1988*, and the Recognised Aboriginal Representative Bodies (RARB) system.

New issues raised

- 3 points that connect:
 - Cultural authority – tangible and intangible
 - Legal – rights built into the Act, securing cultural authority
 - Shared benefits – built into regulation

- Request for one window to government concept to apply to native title groups also
- Relationship of HRE Act to carbon capture projects and the need for consultation to discuss concerns on carbon capture projects in the Cooper Basin.
- Concerns with nuclear waste storage and disposal related to the AUKUS submarines project and the Kimba nuclear waste repository.
- Data sovereignty and intellectual property – concern that Aboriginal cultural data will be kept by DEM. Aboriginal people should be the beneficiary of the data.
- Consent - what if Aboriginal people and the wider community say no?
- Visual amenity, compensation for loss of visual amenity for landscapes created by renewable projects.
- Concerns with sourcing and use of water for hydrogen creation in arid areas.
- Provisions for non-consensual grant of feasibility or infrastructure licences.
- Ensure a consistent and cohesive approach to manage conflict of interest between native title groups and other landholders and stakeholders in the tendering process.
- Monitoring outputs – discussion needed on socio economic outcomes.
- Export strategy should include advice regarding impacts on Aboriginal people.
- The International Renewable Energy Conference (IREC) needs early engagement with Aboriginal people as they will be welcoming First Nations from across the globe. This will be particularly key if the theme is ‘just transition’ or First Nations. Participants were keen to be involved in the conference.
- Concept of Renewable Energy Priority Areas described as ‘negotiated use country’.

Day 2 - Monday 20 March 2023

Minister for Energy and Mining

The Minister commended the efforts of the Minister for Aboriginal Affairs in developing the Voice to Parliament legislation.

The Minister said that developing the HRE Act requires a collaborative approach. It is a response to the climate emergency and critical for renewable energy development in the future. The aim is to have the Bill passed by Parliament to come into force as soon as possible.

The need for government to observe the principles of FPIC has been heard loud and clear, that is why Aboriginal people are involved in the decision-making process.

This Forum is to discuss options for proposed Act, and to inform the objectives of the proposed Act, as well as create good outcomes for communities. The issues raised in the forum require frank and forthright discussion in a respectful way with mutual goals in mind.

The Minister also discussed the Commonwealth and State Cooperation Agreement for a land swap at Cultana between the Department of Defence to the South Australian government to support hydrogen production in the Upper Spencer Gulf. In return, the state will transfer land at Osborne to the Commonwealth Government for the AUKUS submarine project. The Minister acknowledged the need for consultation with BDAC and Kurna Yerta as this matter progresses.

First Nations Clean Energy Network

Due to the impacts of climate change, it is becoming increasingly unsafe to stay on homelands due to rising temperatures. This is the reason for work happening now.

Recommended that PBCs ask for Commonwealth / state funding to do on country planning so Aboriginal people can clearly articulate what they want to developers.

Australian Government initiative with the First Nations Clean Energy Strategy - reality is that opportunities are happening yesterday, so we need to work out what we want collectively and get in while we can. The process to develop this Commonwealth-state energy strategy will include engagement through roundtables across Australia later in the year.

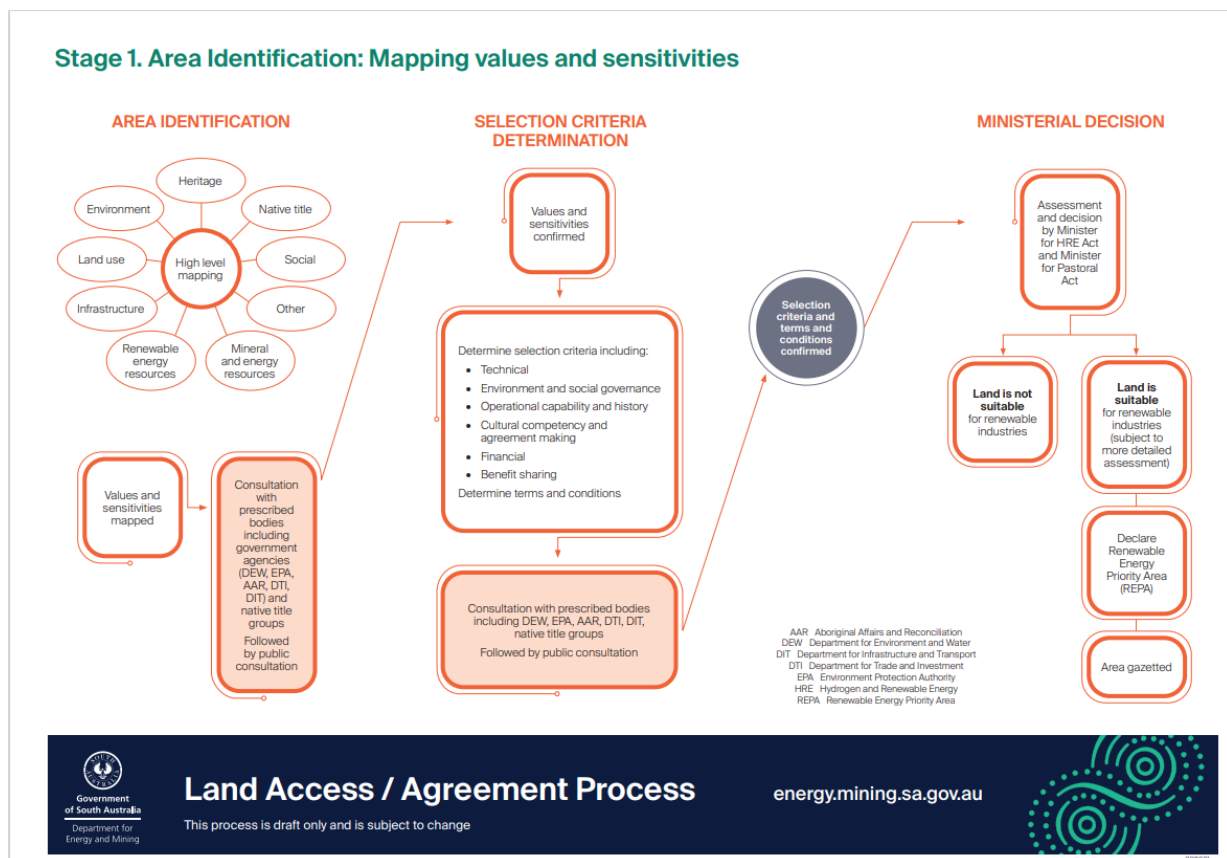
The Network has developed the Best Practice Principles for Clean Energy Projects. The guide uses some simple principles as the renewables companies are sometimes new and haven't had experience engaging with Aboriginal communities, but they care about their reputation and social licence.

Indigenous Clean Energy Canada (ICN) – have developed a vision for the future. Showed maps outlining First Nations projects in Canada vs Australia where there are far less projects. Australian examples include BDAC projects, Darwin Larrakia Nation, Korean project – view that there is lots to be done and the Network is trying to build a system to best incorporate First Nations aspirations.

In partnership with ICN, the network will be running their catalyst training program in Alice Springs in October 2023. This program provides training on negotiation and how to run the electricity system.

Land access process under the HRE Bill - presentation and discussion on Renewable Energy Priority Areas

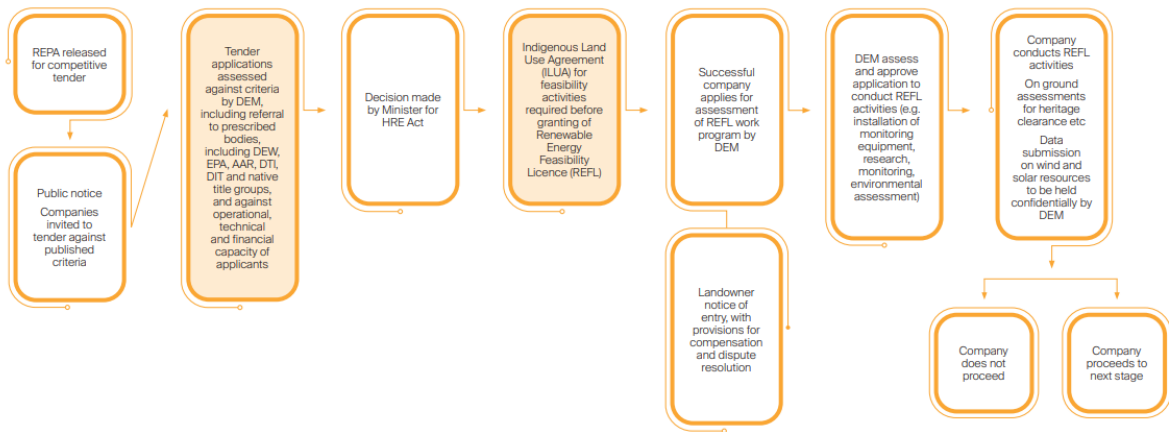
Consultation with native title groups to identify suitable land for development of renewable energy projects is built into the legislative process.




Land access process under the HRE Bill - presentation and discussion on the tender process for Renewable Energy Feasibility licences

The participation of native title groups is built into the selection criteria and tendering process.

Stage 2. Competitive Tender Release




AAR - Aboriginal Affairs and Reconciliation
 DEM - Department for Energy and Mining
 DEW - Department for Environment and Water
 DTI - Department for Infrastructure and Transport
 DIT - Department for Trade and Investment
 EPA - Environment Protection Authority
 HRE - Hydrogen and Renewable Energy
 ILUA - Indigenous Land Use Agreement
 REFL - Renewable Energy Feasibility Licence
 REPA - Renewable Energy Priority Area



Land Access / Agreement Process

This process is draft only and is subject to change

energy.mining.sa.gov.au



Day 3 Tuesday 21 March 2023

Closed session (participants only) and feedback to Government

Key recommendations:

1. Recognition of Aboriginal people, the first lore people of Australia
2. Consideration of a formal body for ongoing consultation with government and feedback to community embedded in legislation and separate to the Voice to Parliament
3. Development of a community engagement framework
4. Guiding principles under FPIC and the Burra Charter for heritage management
5. Mechanisms for benefit sharing regardless of land tenure e.g., ALT lands
6. Funding and resources for communities and youth to empower them in engagement with government and industry
7. Recognition of cultural authority and cultural heritage, and understanding of tangible and intangible intellectual property
8. More information on climate change, including science
9. Information and input on the use of water for hydrogen generation

Hydrogen Jobs Plan progress - Information sharing for other participants

Sam Crafter, Chief Executive OHPSA, and Jason Bilney, Barngarla Determination Aboriginal Corporation (BDAC)

BDAC perspective

- Fruitful discussions about Hydrogen Jobs Plan and power plant. Solar project being built with shared ownership and company to pay rates. Working collaboratively with companies with benefits to go back to the Prescribed Body Corporate.
- Improvements can be made in understanding what can be negotiated and how, when discussing Crown land with options to become the landlord. Lock into an MOU or similar, understand the value of the Crown land.
- Make sure the government and companies understand that community meetings etc. should be funded through the MOU.
- Proponents learning that BDAC are a group to be reckoned with – don't lowball you, respect the discussions.
- Have good lawyers take your AC to a business model – have the right people in there.
- Native Title groups want to be at the same negotiating table – enable the competitive process to with outcomes such as scholarships, equity etc.

Government perspective

- The delivery of the government's green hydrogen power station, electrolyser and storage facility has a tight deadline for completion by the end of 2025 – need to build relationships with industry and community to make it happen.
- Engagement with BDAC – we are still learning how they like to engage. We are transitioning from a legal perspective and getting to know each other and understand more about how each other's systems work.

- Current focus for government is to go out to industry let them know we have access to some land. Proposal went to the Barngarla community last month and an ILUA was endorsed.

Lessons learned

- We tripped up along the way, pushed too hard in some cases, check that we're listening and understand that BDAC has a lot going on.
- Learning also the way in which BDAC is approaching these projects in terms of long-term outlook and planning – BDAC is keen to be involved for the long term i.e. understand the equity or commercial vision that the group has in mind for partnership opportunities.
- Business has a role to help industry understand and develop the frameworks for negotiating with Native Title groups.

Discussion – information sharing, capability and capacity building

Government has applied for funding commencing in the new financial year to support communities in engaging in the area identification process, and for information sharing, capacity and capability building activities.

DEM will continue to meet with groups on invitation.

DEM will seek further advice and assistance as to how to best structure the information sharing capacity and capability building activities requested to make best use of everyone's time and effort.

For the next forum we will build in more time for information sharing between native title groups who have negotiated renewable energy agreements and the rest of the participants.

Next steps in the legislative process and planning for engagement

DEM acknowledges the significant amount of thinking, ideas and experience reflected in the feedback from SAAREF 2. Your recommendations are being considered in the drafting the Bill and will also inform the development of other parts of the regulatory framework.

We are also undertaking the planning needed to address the requests around information sharing, capacity and capability building and for ongoing meetings with individual native title groups and relevant Aboriginal organisations. We encourage you to contact us if you have any questions or wish to make time to meet.

The next step is the release of the draft Bill, intended for late April. The Bill will be accompanied by a guidance document for each stakeholder group, including one for Aboriginal people clarifying points of particular interest. Advice on how to make a submission, and timeframes for response will be included with the draft Bill.

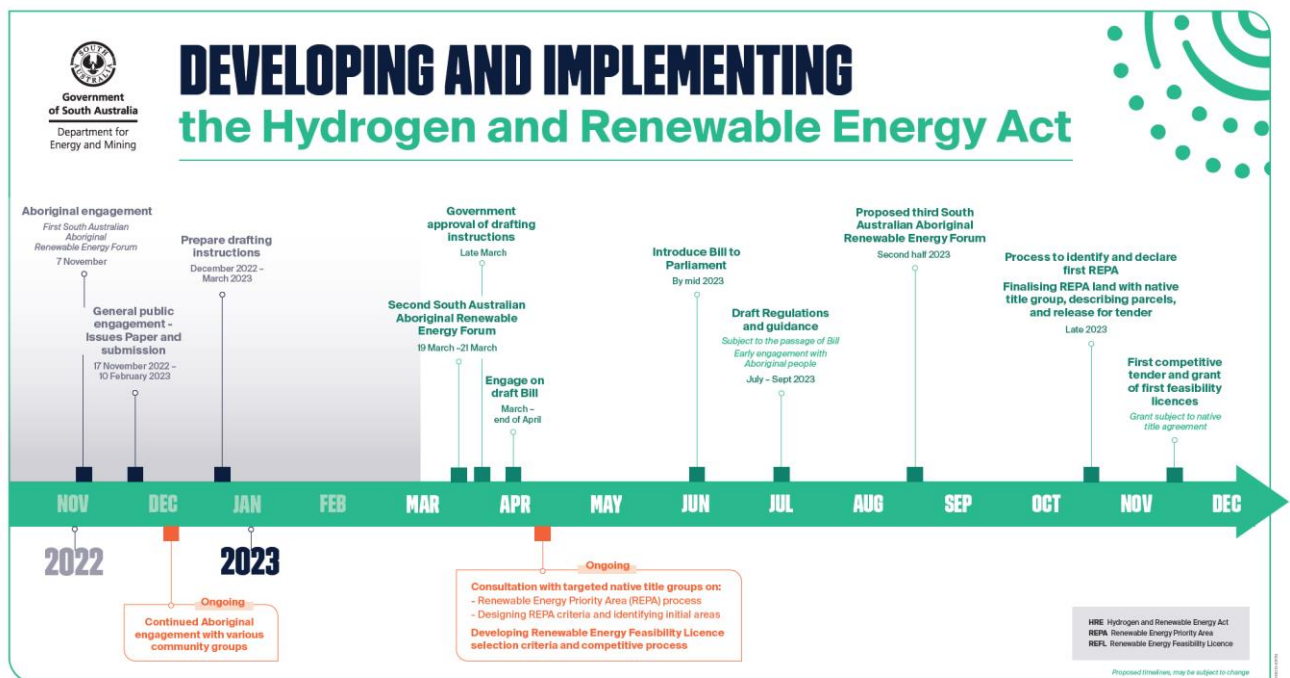
Not every issue raised will be dealt with in detail in the Bill. Some matters will be set out in the regulations, policy and guidance that will accompany the new Act. A lot of the detail from

SAAREF 2 will be used to inform the development of these documents. Consultation will continue throughout this process.

DEM will also shortly commence work on the processes needed for the identification of potential Renewable Energy Priority Areas (REPA), and criteria for competitive processes and licence terms and conditions with a view to implementing the first REPA by the end of the year.

A webpage will be created for SAAREF including key contacts for various aspects of the legislative and engagement process. You will be advised when this is complete.

Closer to the time the Act is due to commence, we will consult on the timing and location of the next forum to discuss the operation of the new Act and workshop any policy, regulations or guidance needed for the land access process or any other areas of interest.



Closing comments – Chief Executive, DEM

Timing is critical, as the opportunity for South Australia to respond to climate change and capture economic opportunities is now.

Part of our challenge is to make South Australia the best place to do business. Developing the social side of things for international companies to succeed. The Hydrogen Jobs Plan is the biggest part of the Premier's economic platform.

The Parliament will make the HRE Act and bipartisan support is needed to achieve this. We will work on this, but you can also support it by talking to Ministers when you have the opportunity.

Resonating points:

- Protection of Country and heritage
- Travis Thomas' 3 point framework around cultural heritage

- Transparency – information back to communities in language, employing people to be liaisons, putting everything in plain language
- Developing a common vocabulary
- One window to government – beyond the Act for other energy needs
- Tania's suggestion that the wind towers could include Aboriginal art.



SAAREF 2 forum participants

Other opportunities to comment on the state's renewable energy transition

International Renewable Energy Conference: Being held in Adelaide in 2024, bringing people from around the world to collaborate on the energy transition. The South Australian Government is a key partner.

Green paper on SA's energy transition: The South Australian Government will soon be consulting on a "green paper" outlining the issues, challenges and opportunities of SA's ongoing energy transition.

First Nations Clean Energy Strategy: Australian Government and First Nations Clean Energy Network will deliver a First Nations Clean Energy Strategy, to ensure First Nations people have a say in energy policies and programs in the transition to net-zero. The South Australia Government is participating in the working group. Forums to be held in all jurisdictions – likely late 2023 (TBC).

Contacts

For further information on the HRE Bill, or to arrange a meeting, please contact DEM.Legislation@sa.gov.au.



OFFICIAL



Notes from table discussions

South Australian Aboriginal Renewable Energy Forum 2

19-21 March 2023



Department for Energy and Mining

Level 4, 11 Waymouth Street, Adelaide
GPO Box 320, Adelaide SA 5001

Phone +61 8 8463 3000

Email dem.minerals@sa.gov.au
dem.petroleum@sa.gov.au
www.energymining.sa.gov.au

South Australian Resources Information Gateway (SARIG)

SARIG provides up-to-date views of mineral, petroleum and geothermal tenements and other geoscientific data. You can search, view and download information relating to minerals and mining in South Australia including tenement details, mines and mineral deposits, geological and geophysical data, publications and reports (including company reports).

map.sarig.sa.gov.au



© Government of South Australia 2023

With the exception of the piping shrike emblem and where otherwise noted, this product is provided under a [Creative Commons Attribution 4.0 International Licence](https://creativecommons.org/licenses/by/4.0/).

Disclaimer

The contents of this report are for general information only and are not intended as professional advice, and the Department for Energy and Mining (and the Government of South Australia) make no representation, express or implied, as to the accuracy, reliability or completeness of the information contained in this report or as to the suitability of the information for any particular purpose. Use of or reliance upon the information contained in this report is at the sole risk of the user in all things and the Department for Energy and Mining (and the Government of South Australia) disclaim any responsibility for that use or reliance and any liability to the user.

Acknowledgement of Country

As guests here on Aboriginal land, we acknowledge everything this department does impacts on Aboriginal country, the sea, the sky, its people and their spiritual and cultural connection which have existed since the first sunrise. Our responsibility is to share our collective knowledge, recognise a difficult history, respect the relationships made over time, and create a stronger future. We are ready to walk, learn and work together.

Contents

1. THE SOUTH AUSTRALIAN ABORIGINAL RENEWABLE ENERGY FORUM 2 . 1	
EXECUTIVE SUMMARY	1
OVERVIEW PROGRESS ON DEVELOPING THE HYDROGEN AND RENEWABLE ENERGY ACT - CHIEF EXECUTIVE, DEM.....	4
ABORIGINAL PERSPECTIVES: FEEDBACK FROM PARTICIPANTS ON ANY DISCUSSIONS, ACTIONS, OR INITIATIVES IN THEIR COMMUNITIES ABOUT RENEWABLE ENERGY SINCE THE LAST FORUM.....	4
MINISTER FOR ENERGY AND MINING	6
FIRST NATIONS CLEAN ENERGY NETWORK.....	6
LAND ACCESS PROCESS UNDER THE HRE BILL - PRESENTATION AND DISCUSSION ON RENEWABLE ENERGY PRIORITY AREAS	7
LAND ACCESS PROCESS UNDER THE HRE BILL - PRESENTATION AND DISCUSSION ON THE TENDER PROCESS FOR RENEWABLE ENERGY FEASIBILITY LICENCES	8
CLOSED SESSION (PARTICIPANTS ONLY) AND FEEDBACK TO GOVERNMENT	9
Hydrogen Jobs Plan progress - Information sharing for other participants.....	9
DISCUSSION – INFORMATION SHARING, CAPABILITY AND CAPACITY BUILDING	10
NEXT STEPS IN THE LEGISLATIVE PROCESS AND PLANNING FOR ENGAGEMENT.....	10
Closing comments – Chief Executive, DEM	11
OTHER OPPORTUNITIES TO COMMENT ON THE STATE'S RENEWABLE ENERGY TRANSITION	12
Session 1: Background and information sharing	4
Aboriginal perspectives – General discussion	4
Session 2: The regulatory process for land access, mapping and the development of Renewable Energy Priority Areas	5
Table notes	5
General discussion	5
Day 2: Land access process under the HRE Act.....	7
Presentation and discussion on Renewable Energy Priority Areas.....	7



Notes from table discussions: South Australian Aboriginal Renewable Energy Forum 2

Presentation and discussion on the tender process for renewable energy feasibility licences..... 8

Table notes – Environmental Management 9

Table notes – Engagement and agreement making 10

Presentation and discussion – Finalising land access, licencing, agreement making and benefit sharing 12

Day 3 16

Closed session – recommendations to government 16

Presentation and discussion – Information sharing, capability and capacity building.... 16

Presentation and discussion – Next steps in legislative process and planning for engagement..... 20

Session 1: Background and information sharing

Aboriginal perspectives – General discussion

- Interface between Aboriginal Heritage Act and renewable energy legislation
- Concern with environmental impacts of hydrogen production and by-products
- Addressing impact of past legislation e.g., amendments to the Petroleum and Geothermal Energy Act 2000 > repairing and building trust
- How to manage on-selling of renewable licences, and impact on agreements. Priority to be included in the drafting of the Bill – company on sells to another company – transfer of leases and licences. Legislation that the ‘head contractor’ agreement with First Nations that the agreement remains valid.
- Exceptional circumstances provisions, Will the proposed legislation stand alone, or will other acts be used to compulsory acquire land?
- Compulsory acquisition– will that extinguish Native Title?
- Interface between HRE legislation and Petroleum legislation especially in reference to compulsory acquisition
- Concerns with ‘lowballing’ from bigger companies and smaller companies that are connected
- Multiple easements – don’t want multiple easements across country – want these to be minimised to a central point where possible
- Focus on Aboriginal Heritage, which can’t be extinguished like native title
- Resourcing for nation groups to help maximise benefits from HRE legislation – access to advice and expertise > empowering communities to access this
- Flexibility and ability for benefit sharing included in the regulation of the Act. Companies must have the capacity to deal with that.
- Aboriginal Heritage Act (AHA) amendments made 3 years ago – only now learning what those issues are. Requests group focuses on big issues – and explain how it applies to each Native Title group
- How to manage renewable energy costs before legislation introduced
- Incorporate code of ethics/conduct for companies’ engagement with First Nations
- Large companies needing social licence for their investors. Can the social licence be embedded in the HRE Act. Don’t wait for the trickledown effect.
- Timeline – speed from the proponents out there to make money which is a concern because they don’t care about cultural, spiritual or environment connections
- Waste management – Nuclear issues
- Training for communities to maintain renewable energy systems themselves
- Involvement of Commonwealth Govt in these forums
- Interest in Global Renewables conference in Adelaide - April 2024
- Need to be clear that even the amended AHA is inappropriate – HRE Act will interface with it. View that AHA Act needs to be tidied up. Feels that the HRE Act can’t be included until the AHA Act is fixed up. You can’t unscramble an Act
- Belief system takes in the environment – there’s no difference between the environment and Aboriginal heritage. Tangibles vs Intangibles – story lines etc should be included in the appropriate legislation.
- Why does the Bill need to be introduced by mid-2023? Main driver is the Premier – renewable and energy as an essential part of the government’s economic priorities. Also driven by companies knocking at the door looking to invest – real risk of land banking.
 - Empowering Nations to inform themselves – knowledge is growing. Empower your communities to engage with engineers.
 - Where’s the security? Company makes promises then disappears i.e., Sun Cable – need to ensure that the security is there to make them do what they promised.

- HRE Act – does it include the carbon capture project mooted by the state – Moomba (Santos) is there compensation from that space. Pumping rubbish back down into the country – need to talk that on.
- More time needed for government to meet with communities on country
- What are the questions we should be asking of business if they want to work on our country?

Session 2: The regulatory process for land access, mapping and the development of Renewable Energy Priority Areas

Table notes

- Major concern – Minister has final say for approval. This is disrespectful and disempowering – UN framework for FPIC should be observed
- Data sovereignty – Aboriginal people need to benefit and have access. Not wanting it to be shared with everyone. Data should stay with the people.
- Need job and education opportunities – we can write this into the agreement with companies
- Will people be compensated for renewable energy projects on Crown land, native title land and freehold land under the new Act?
- 3 points that connect:
 - Cultural authority – tangible and intangible
 - Legal – rights built into the Act, securing cultural authority
 - Shared benefits – built into regulation
- Must be fines/penalty for when companies do the wrong thing, and the money should come back to Aboriginal communities
- Is it the intention that hydrogen can occur at sea as well as land?
- Can proponents leverage off or upgrade existing infrastructure to support a renewable energy project under the new Act?
- What does the new Act mean for exiting renewable energy projects or projects approved under existing legislation?
- Don't want land lock ups (>3 years licences). How can the government ensure licencing is open and transparent?
- One Window to government for native title groups
- Is there a process for Aboriginal groups to be owning or putting in bids to be energy providers?
- Lock companies into a base rate then add others. All three must come to one consensus. Native Title/Pastoral/Government and companies
- Need to be educated in all the different Nations ways – our culture, our way – need to understand it and respect it. Can't just be the white fella way
- Which legislation would apply for a proponent wanting to develop a renewable energy project on freehold land?

General discussion

- Where is water regulation – where does the water come from to support the hydrogen production? Is desalination intended as a first step? Suspicious of what is being hidden.
- Involvement of Aboriginal people in the ongoing monitoring that it's being done right
- Capacity – having to make the decision without all the knowledge
- Social licence is embedded in legislation to legitimise the term “social licence” and to legitimise “cultural authority” and leverage the communities empowerment. A real social

licence would be investor attraction and give investors' confidence. It also gives traditional owners confidence, trust, and empowerment also for stakeholders. It would be "world class" and the noticeable difference between other investment choices across the world.

- Cultural heritage property rights should stay with the people that have the knowledge. When you go back to the heritage – it's their knowledge system and its their rights.
- Lands of South Australia – all dreaming, all story, wherever you go. Need Anangu jobs built into agreements
- What if all South Australians say no – where to from there?
- Windfarms on Country – are like a tear in a painting. Will there be compensation for those with windfarms on country and the change in landscape?
- Secure the position of Aboriginal people – need to look at that in terms of Aboriginal value. Aboriginal framework. Certification that certifies Aboriginal affairs – not certified. Needs to be better targeted to Aboriginal people
- What happens if ILUA position fails? How can provisions be future proofed?
- Involvement of Aboriginal people and communities in the duration of projects – ongoing monitoring
- Capacity – comment that government is seeking informed feedback, difficult to provide that when they don't have all the information / technical aspects of projects.
- Government needs to be educated on Aboriginal ways.
- REPA Stage 1 – consultation with bodies including Native Title groups, how will that be cemented into the drafts? What will be the processes for those groups to review how their voices represented in that.
 - Stage 2- noting competitive tenders, what kind of conflict of interest could arise from this process and how would that be handled? Tenders are assessed equally across the board given you may have different views of native Title groups vs. pastoralists etc. how do you ensure the consistency and cohesive approach?
 - Monitoring outputs – no talk about socio economic outcomes. Something that should be thought about.
- Serious consideration is needed re: best practice for ILUA's – implement via regulations
- Tender process – is there a process for Native Title groups to be an electricity provider on their own land.
- Empowering first Nations to do their own negotiations as well – lock the companies into a base rate, Native Title groups can do their own competitive process via a MoU – clauses with employment
- Define how pastoralists and free-hold landowners work together
- Is it the intention that hydrogen can occur at sea?
- Can proponents upgrade existing infrastructure under the act, what does the new act mean for under existing infrastructure? Which legislation would apply for renewable applying on freehold land. Will freehold be compensated on land?
- Cultural authority – tangible and intangible, rights around the cultural authority built into the regulations
- Shared benefits – flexibility and ability for benefit sharing and financial mechanism into regulation
- Pastoralists will benefit from the land. Aboriginal groups won't have the machinery to do the rehabilitation. Nothing within communities to make money. Inequity in those discussions – due to different power positions.

Day 2: Land access process under the HRE Act

Presentation and discussion on Renewable Energy Priority Areas

General discussion

- Cultural heritage protection is paramount – if certain areas shouldn't be included as identified by Native Title groups how will that be weighed up? Will Aboriginal people have a true voice?
- When negotiating with a proponent we need to develop a shared vocabulary so everyone is talking the same language, and both can use in the agreement making. Ngadjuri example – there may be some sharing of ideas and understand more deeply and respect the connection to country. High, medium, and low sensitivity also should be considered.
- Meeting with communities. Need to learn the difference between communities as each is different. Walk on the lands.
- Importance of trying to facilitate discussion between landowners and Native Title holders – the role for government, set the right parameters and facilitate that discussion
- Interested in co-design, with Aboriginal people the co-authors of that decision. IP should sit with First Nations People also interested in continued access to the site as custodians.
- Wildlife corridors for totems and flora and fauna. Need to be able to nail it down – more science around impact of windfarms etc on the environment. Consultation on land, planning for the areas – need to be on country to make those plans. How big a parcel is needed to run a plant, more education and science needed.
- High sensitivity or exclusivity, medium and low sensitivity zones over family history and cultural risks of those areas and then a green zone where all areas are agreed on to negotiate from there
- Involved in the early identification and mapping through the whole process, build on the relationships and involved in the selection of the company operating in a green approved area
- Overall framing of the zones – how can we best preserve heritage and IP and control what happens though 'negotiated use country' to identify a zone, don't give it a priority but some is for use and other is more sacred and frames the overall discussion.
- Minister's – want the area mapped for solar and wind so they know the value and can negotiate appropriately.
- Don't see a review mechanism within the processes – what's to say the Minister won't override the decision of the Panel and give it to someone else.
- There are judicial review processes – the Planning will be under the Minister for Planning or the independent process, plus the only one that can apply is the one that has gone through the terms and conditions etc. Can't afford to run the \$100k process again
- Judicial process, need to be careful as BDAC was blocked through Kimba and needed to go to Parliament to access its judicial rights as it's not always clear that Aboriginal group.
- Conjunctive agreement – once one agreement is approved, then all others are
- Challenge – if there's a relationship breakdown between the Native title and the developer they will get to move through the stage. Conjunctive ILUA's have risk.
- What about where Native Title is extinguished, for perpetual leases – how does the state work around that? Work under heritage as that can't be extinguished
- Perpetual lease under Crown land, will the Act cover that? Is there a loophole?
DEM will take this question on notice
- Absence of ILUA your rights revert to the AHA and that's the ability to negotiate the agreement

- Native Title act amended in last 18 months to include land where ILUA's where the boundaries no longer exist – what used to be a problem isn't a problem anymore.

Presentation and discussion on the tender process for renewable energy feasibility licences

Table notes – Economic development and benefit sharing

- We are sharing land, what are you sharing in return?
- Who owns what?
 - Is it a partnership?
 - Is community involved?
- ILUA agreement – talking with community, leading to agreement
- Are there employment and training opportunities?
- Communities would like to be involved
 - How would it work for us?
 - What can we expect from the process?
 - What do they expect from us?
- Not just the company saying how they think it will work. A two-way conversation.
- How did you find information out about us?
- Who sent them?
- Want to understand “who” dealing with” – issue with companies being related/
- Are the companies going to help communities realise the benefits?
 - Make it happen
 - Make process stronger
- Provisions for equity and partnerships e.g., share holding
- What have they done – demonstrate previous opportunities given to Aboriginal communities - experience
- Real business development
- Commit to joint venture partnerships
- Supply chain contract opportunities
- Guaranteed procurement value spend
- Open and transparent relationships
- Ongoing communication at the top of the food chain
- Do they have a RAP?
 - What is their understanding of Aboriginal people?
 - They should already know
- Not just Native title > where Native title has been extinguished, how do Aboriginal People share in the benefits?
- This all needs to be developed by the company together with Aboriginal people > not unilaterally by themselves – the benefits are meaningful
- Most groups have a business plan with aspirations – need to work consistently within the framework. Need to be consistent with aspirations of the community.
- Both way learning – must have comprehensive understanding of local people
- Trade and science – planning for the future now
- Traineeships, employment – duration? skills development, education and career pathways for kids
- Business opportunities
- Infrastructure licences, partnering, construction works for local companies
- Comprehensive resume, financial reports, demonstrate profit projections
- Good practice and good faith, economic analysis
- Previous experience working with Indigenous communities
- Honesty and reputation – company credentials (checkable)
- Percentage of profits

- Free/reduced electricity
- Opportunity to hand over licencing – make \$ in own right
- Shared equity/ shareholders receiving share in profit
- Local companies first option to tender for work – construction, road maintenance, cleaning etc

Evidence

- Presentation to the community – booklets about them, what they are offering
- Evidence of previous work the company has done and the outcomes.

Table notes – Environmental Management

Questions:

- What previous environmental incidences has the company had?
- What policies and procedures do the companies have in place
- What is the proposed impact on land stage by stage
- What is your plan post-completion? Rehabilitation?
- What is your plan post-feasibility should you not proceed?
- What capability do they have to do what they say?
- Have you had any legal issues/challenges in previous TO's/landholders?
- Need to capture international operational history also
- What is your record of engaging in Aboriginal communities and employing Aboriginal people/training pathways.
- What do they understand about the country they want to put their infrastructure on
 - Flora and fauna
 - Weather pattern
 - How will they maintain or encourage growth? Flora and fauna can still flourish
 - Do they understand the history?
- Are they passionate about environmental management/protection/best practice?
- What is their history with land management?
- Establishing and maintaining relationships with Aboriginal community? How will they do this?
- How will they involve Aboriginal people in ongoing management? Consultation with Native Title group
- What evidence demonstrates best practice in environmental protection.
- Where are your other projects?
- What is the feedback from community on your performance
 - How did you get the feedback
 - Have you got independent advice on the impacts of your project
 - Can we go and see the project and talk to other traditional owners
- How do you rate environmental management against your other responsibilities and profits
- How will you support Traditional Owners in maintenance and restoration? Employment, grants
- Would you be willing to give us the responsibility and resourcing to design and run the environment management program for you and the training to do this.
- What is your company's understanding of Aboriginal people's connection to county and culture and environment and how do you account for this in your environment plan?
- What are your career pathways for people who want to work in the company doing environmental management
- How does cultural safety fit in your company's work ethic?
- Everyone has cultural awareness training from the top down. All contractors trained. Local workers trained by local people – local context

- What questions should we ask the company:
- Capital raising strategy?
- What are your ESG principles?
- What are your renewal processes?
- Input/licence process – ensuring engagement tools are suitable
- Infrastructure, flora and fauna – do they understand the history and environment management practices – maintaining relationships with Aboriginal people
- Need clarity on who's in charge of compliance on the environmental management plans until developers do what they say they do
- Capacity of companies to develop economic benefit sharing model do it together with the community. Any benefit sharing needs to be done in alignment with the aspirations of the community – not imposed by others.
- Comprehensive resume to demonstrate good practice and good faith – and experience working with Indigenous communities as they may be overseas companies, how do you get a good picture of how they deal with community groups.
- International groups – need an understanding of Aboriginal needs and interpretation of the UN Declaration – particularly looking at FPIC. If they can't show awareness that is a warning sign, and they should be sent to cultural safety training.
- Background of companies 'are they government approved'? Aboriginal investment and support to Aboriginal communities.
- Track record of company – have they tried to rebrand from previous projects, do they have positive references from other Traditional Owners they have worked before.

Evidence:

- Evidence of ESG principles and previous agreements
- Previous examples of how they have worked with Aboriginal communities in the past
- Reference checks
- Need clarity on who oversees compliance with (commitments) and environmental management plans. Ensure developer does what is required.
- Policies and procedures
- Evidence of any legal issues previously
- Current performance reporting – social performance, environmental performance
- Photographic evidence – before and after of previous operations
- Corporate history of existing company
- Employment history of Aboriginal people
- Training history of Aboriginal people
- Involvement of traditional landowners in environmental management
- Any incidence reporting – past and present.
- The company will include contractual arrangements to identify skill gaps, training and employment from the project throughout project life with penalties to apply if it doesn't go ahead.

Table notes – Engagement and agreement making

- Ask the proponent of their awareness, understanding and interpretation of the United Nations Declaration of the Rights of Indigenous Peoples ~ Free prior and informed consent is part of this.
- What about "Our" options to cancel the operation. For example, if the proponent doesn't do the right thing by our standard, we need good dispute resolution, we don't want to wait for Court.
- Apply our own law – we need the money for expert legal and scientific information
- We need a power balance not imbalance. For example, as an option we have a bond from the proponent that will fund the legal and scientific info we need.

- The proponents all employees need to undergo “Cultural Safety Training”
- Project presentation
 - projective profits
 - ex knowledge
 - cultural respect and remunerations of expertise
- What percentage is owned by Traditional Owners?
- What are their intentions / transparency
- DPC AAR site check.
- Background checks, have they been rebranded or re-named?
- Aboriginal Investment / shares, help to stop Aboriginal community poverty
- Past cultural heritage evidence
- Aboriginal self-cultural assessment
- What benefit for Aboriginal community and regional benefits.
- Definition of consultation
- Understanding diverse Aboriginal cultural aspects
- Resources for training with Cultural work training
- What are your cultural heritage management processes? – on ground surveys, heritage monitoring, site recording with Traditional Owners
- Are you committed to training and employing and procuring Aboriginal people? Number of Aboriginal people employed in the company and targets for local Aboriginal people they will employ (and the plan for meeting those targets)
- What remuneration will apply for Traditional Owners related to all aspects of a project?
- Do you have Aboriginal representation on your boards, any Aboriginal staff, business units and cultural competency training embedded in your staff processes
- Do you have a RAP?
- Aboriginal liaison officer – dedicated staff officer.

Evidence:

- Track record of company – example of previous projects and interactions with the First Nations References from other Native Title groups/Traditional Owners including:
 - photo evidence of past work with communities
 - Details on the company’s previous corporate history in engaging with Traditional Owners, dealing with heritage, environmental management, benefits (economic & social) to Aboriginal people.
 - Details on the company’s code of ethics specifically with Aboriginal people – fact sheet / cheat sheet
 - Evidence that the company will include – contractual obligations to ensure skill gaps are identified, with the community, Aboriginal people are trained and employed throughout the projects (start to finish) and contractual penalties to apply if the companies don’t go through with those commitments.
 - Evidence on Aboriginal competency within their organisations – staff / boards / previous projects / environmental practices / heritage / shareholders both locally and if applicable globally / litigation history.

Presentation and discussion – Finalising land access, licencing, agreement making and benefit sharing

Question 1: What approach could be taken in relation to the grant of feasibility licences?

- Government-negotiated ILUA?
 - ILUA negotiated by preferred applicant / tenderer?
 - Native Title Claim Settlement ILUA?
- ILUA should be between developer and all community
 - Need to consider future generations
 - More transparency and communications with everybody – in very simple terms so easy to understand and no acronyms
 - Not just one-off thing. Needs more meetings and consultations. Want consistency.
 - Bring someone or build capability in the community to be the conduit between government or company or community
 - Understanding what an ILUA is and can do, what should be in an ILUA?
 - Seeking specialist advice to determine next steps (ILUA) – do government need to be involved?
 - What is the interface between pastoral ILUA and renewable energy ILUA?
 - Role of government to set standards for ILUA, Government to promote templates/models for ILUA – determination to seek external advice
 - Key elements – heritage non-negotiable in every ILUA
 - Government should set non-negotiables of what should be in an ILUA – standards, e.g., heritage
 - Processes – rights to consent
 - Who needs to be consulted and consent
 - Make sure Boards – first
 - Transparent process for all common law holders
 - Authenticating/verifying process for FPIC
 - Need to have some clear steps for agreement-making so it is fair, standards of best practice
 - Template/form for what process should be resourcing for negotiation
 - Dispute resolution process
 - Combination of all three above – various levels
 - The second option: an ILUA between proponent and TO group BUT with government support for the negotiating TO group and regulating/'policing'/monitoring the proponent/applicant to ensure compliance and avoid proponents/applicants using/creating loopholes
 - The second option: all "Traditional Owners" – everyone – should be included not just "Native Title" Holders
 - The "safety" for our people must be explained and ensured by the proponent
 - Legal aspect and community aspect must be shared and cemented together for negotiations for ILUA
 - We all need RARB status

Question 2: What role (if any) could the government have in ILUA negotiations?

- Government should be involved to ensure fairness
- Government should ensure whole community is involved
- The role of the government in an ILUA should be like a mediator/advisor
- Mediation and clarity around dispute/resolution process (peak bodies)

- Fees/costs – clarity on who covers these (legal issues)
- Strategies/policies – failure to comply
- What role does the government want to play given it is its Bill/Act?
- Government has previously put a ‘ceiling’ on the money that could be paid under the ILUA to the native title groups (petroleum ILUA’s)– this should not happen
- Listen/negotiate
- Bring parties to table
- Financial assistance
- Certification/legal
- Understand importance of land to native title holders
- Support (financial, in-kind) to the negotiating TO group/RNTBC
- Regulating/policing/monitoring the proponent
- Government role should not be the leading role
- Government should help to get the information together and support and mentor Aboriginal groups to be empowered and lead the process

Question 3: What provisions could be included in the Bill to ensure a compulsory power would only be exercised in exceptional circumstances as a last resort and protects Native Title rights and interests?

- Ensure everyone in community has say when Minister is going to make decision
- Ensuring criteria are met, i.e., proper engagement
- Code of conduct
- Implementation of penalties and assistance through the process
- Don’t want a situation where the Minister has the final say – like Lake Torrens, where he just overrode the advice of TO’s. If the government feels it is worthy, it will be done anyway
- Where is the compensation?
- RARB – Heritage agreement – can they be changed to cover other things? This could then cover freehold land
- Why/what are exceptional circumstances?
- Who is it protecting/benefiting?
- Checking that the applicant has done its due diligence (their accountability) thoroughly
- Conditions on licence – ensure there will be benefit sharing (compensation, Aboriginal employment) with Aboriginal people
- Heritage will be protected
- Ensuring the company has a robust code of ethics
- It must be defined for us “what is exceptional circumstances?” and an example
- It must be from “our” perspective to protect our communities

General discussion

- Is an ILUA is that the only legal mechanism available to Native Title holders? Can a RARB use local heritage agreements, do they have an option? Those that don’t have a RARB only have ILUA.
 - *DEM will consider and respond*
- Will it cover other entities such as local governments or like future acts where you get to comment?
 - *Would be specific to the HRE Act so would be about the scope of the renewable energy project– and limited to the relevant parties. If we can develop this new way of working and demonstrate our success, it will influence reform to other similar acts.*

- What does the RARB mean, does it give the same legal authority?
 - *Where a RARB is appointed, the ILUA could be approved by the Minister for Aboriginal Affairs for that Act. It could deal more specifically with Aboriginal heritage or authorize disturbance to Aboriginal heritage.*
- Area of Native Title extinguishment, Cultural heritage rights under the AHA – would that then be in the form of a heritage agreement rather than an ILUA?
 - *This applies to Native Title land; the government needs to think more about where Native Title has been extinguished – we know it is complex and sensitive.*
- More groups here will have more cultural heritage under that Act rather than the Native Title – that really needs to have some focus on the heritage agreements and how that will work in terms of benefit sharing.
- Negotiation of ILUA's historically the government has played a prominent hand – do they still have the same appetite or take a backstep?
 - *It will depend on each group. Some are interested in the supervisory role the government might be able to play but also suspicion for government wanting to be involved in ILUA. FPIC – any involvement of government would need to be in line with that.*
- When it comes to benefit sharing, proponents are going to be providing the bulk – needs to be more of a direct conversation rather than a paternalistic approach
- Themes keep talking about FPIC like everyone knows what it means and how it's built into the UN statement and how it links with agreement making. Shared vocabulary – does everyone understand the implications for agreement making?
- Article 32 of UN declaration – Indigenous people have the right to determine priority for the use and of territories – saying anything on country needs to go through FPIC. The State should provide appropriate mechanisms for just and fair processes to prevent – this is what's missing – need to understand these terms.
- The definition of FPIC should be placed at the top of the draft of the Act or the top of the minutes
- Burra Charter (code of ethics for cultural heritage management) should also be brought into this discussion also and should be followed also
- Complexities for traditional owners and custodians who live on country and do not have a say in Native Title or freehold land. People Living nearby can be more impacted by may not have a say. How can they be included, e.g., Copley community and the Leigh Creek mine.
 - *Government goes to NT group as they will have the ILUA and the proponent would also, with other conditions for the RARB need to ensure processes are inclusive. Company will do the work on the social impact and how they will the engage those people. Decision for groups to work together and support together to be part of these processes.*
- Re other Indigenous communities in Spain etc. – is there any way we can get more information from other Indigenous groups about their successes and get reports back from these other groups.
 - *Canadian first nation organisation Indigenous Clean Energy will host the forum in Alice Springs with opportunities for webinars.*
- Government should be there to invest in the peak body and make sure that Aboriginal bodies aren't played off. Mechanism to work between the department and those interested parties. It would be more advantageous to have a select group advising the Minister.

Notes from table discussions: South Australian Aboriginal Renewable Energy Forum 2

- Aboriginal Heritage Committee under AAR – wonderful to think that an Aboriginal renewable energy authority could provide strategic advice and direction to the Minister in the same way
- View that the forum is the right way as small groups may not represent you
- Concern with smaller groups means secret deals on the side.

Day 3

Closed session – recommendations to government

1. First lore people of Australia
2. Body for ongoing consultation with government and feedback to community
3. Name of this group
4. Preamble UN FPIC should set guiding principles also the Burra Charter
5. Framework for engagement with community
6. Mechanisms for benefit sharing regardless of land tenure e.g., ALT lands
7. Reference to engagement consultative body in legislation
8. Language /Burra Charter
9. Aboriginal version of Pastoral Board
10. Empowering our people to understanding our leverages
11. Distinguish this body from the voice to parliament, speak on behalf of communities
12. Recognition of cultural authority and cultural heritage, and proception of tangible and intangible intellectual property
13. Funding and resources
14. Impact on climate change – more scientific information and input on use of water
15. Youth engagement

Majority supported, 4 abstained

Presentation and discussion – Information sharing, capability and capacity building

Table notes

Business development

- Training and procurement opportunities to help further business skills
- Resource mapping for existing resources such as The Circle and better communication as to what is already available for communities
- Setting up own projects on country, access to professionals regarding possible locations, strategy, business models etc including small businesses
- Setting up own business or supply chain
- Data on scope of employment opportunities, timelines skills as this data will help RNTBC to plan and educate to build capacity and capability
- Financial literacy
- Own community plans based on precompetitive data
- Current and operating business,
- Transparent information from feasibility of projects

Collaboration

- Information sharing between groups especially on success stories including from Barngarla to learn from experience, lawyers, do's and don'ts, recognise their leadership in this
- Discuss all positives and negatives collectively as a whole body to learn from each other
- Meet twice a year, swap reps over a given period
- Look at partnerships, co ownership government forecast projections for future projects
- Aboriginal people empowering capability and capacity of native title groups sharing knowledge and truth telling and achieving our objectives

- Work with community groups to paint infrastructure facilities
- Government co investment in projects to enable first involvement, e.g., renewable start up and grants and projects
- Information / research into processes of international workshops other native people's negotiations
- Fee simple, ownership in fee simple, lifelong income from projects, educating and empowering next generation, revegetating and recycling and end of project
- Government providing technical advice and expertise is a priority
- More partnerships and joint venture between Traditional Owners and native title groups on projects to capitalise on broader skill sets

Capability

- Understanding more about the operating model of the big companies such as Santos, Beach Energy, Iberdrola.
- Negotiation training, agreement making and other specialised training to assist groups dealing with companies
- Assisting in finding the right legal support for the different requirements such as commercial/ native title, contract law, economists, assistance in undertaking engagement, compensation of heritage sites, tangible and intangible.
- (Independent) Specialist technical advice on renewables and climate change
- When consult with community need technical expert to provide answers to technical questions
- Business set up of each group, customer liaison officer, lawyer, anthropologist who pays for this in the structuring phase of agreement making with DEM
- Traditional frameworks
- Regional meetings including APY lands, Interpreters to go out to communities and ensure information is clear
- Better engagement with govt about projects and what is coming up on country and opportunities off country too
- Consistency of people involved in the forum is important but also be inclusive of others and youth
- Face to face best format for larger groups meetings, biannual forums with youth included
- Need to bring groups together to share information and learnings as it progresses with different groups at different stages of leadership
- Centralised interface for communities to access re projects, opportunities regional business hub grants, funding other support, case studies
- Need all information to be informed, in a strong position and ready to negotiate
- Ongoing consultation within communities and with other native title groups
- Community activity days and fun days
- Aboriginal led forums resourced by govt Different native title groups to share their wins with each other
- Include youth forum and women forum, so younger generations gain experience, knowledge, and a perspective of the bigger picture
- Forums to include landscape boards, ministers and senior executive who can answer questions, industry key players
- Need a renewables expert to give more information about the technical aspects of projects
- Joint government approach, register of key contacts in government state and local forum

Best use of time and effort

- Plan ahead, not Fridays, avoid sorry business, long weekends and November

- Forum sharing information about processes, empowering negotiations and opportunities, guest speakers, domestic and international
- Keep forum the same, Aboriginal people and non-Aboriginal people working together with opportunities for Aboriginal people to talk together separately
- In region specific sites, ancillary government support, scribe, writing setting up
- Community feedback is important government needs to give people an appropriate opportunity to discuss with community and feedback to government
- Cross cultural learning in Aboriginal communities, - site tours
- International opportunities and conferences
- Cross cultural awareness programs (nation groups) safety, competency, evaluation
- What is a standard timeline e.g., phase 1,2,3 to completion
- Who to coordinate? To groups and dept to fund Aboriginal officer business unit that is liaison between both

What we discuss together

- Consider different locations
- FPIC and UNDRIP

What should be separate

- Native title group but govt needs to leave the room when needed
- Information tours, invite other native title groups directly to share information
- Timing 2-3 days and family, elders' young people

Key contacts

- directors or delegates, chairperson

Receive the information

- Different mediums, digital, videos emails etc
- website to find information and legislation
- Seed funding for educational collateral
- Emails to individual contacts with information on upcoming forums
- Regular communication, calendar to know when free to work around other meetings
- Appropriate use of words and language
- How information is provided s important, information packs for people to read and follow during discussions and presentations
- Graphic description of hydrogen production
 - How produced
 - How much water
 - Is there waste/ by product
- Need resources to help share information in community, resources, social media
- Site visit to Tonsley to visualise what we are talking about
- Conversation needs to be ongoing government needs to visit communities regularly to keep people informed
- Appropriate public recognition of the involvement of Aboriginal people in the process of country and acknowledgement
- Information sharing and networking with peak bodies and service providers
- Templates for agreements and negotiations, guidelines, checklist. MOU/ MOA

General discussion

- Sharing information for the other groups that are here – would like to see BDAC as most experienced like to see a full day presentation funded by government where they can run through how they dealt with it.

- In terms of forum – like to see them bi-annually at the same forum as these people are clued up and young people here learning.
- More consultation with the other groups and the government.
- Setting up renewable and supply chain businesses to support Aboriginal communities. Data on scope of employment opportunities to enable TO groups and PBC to build capability and build economies of scale.
- Forums to share information and learning, consult with other NT groups and free simple ownership, income over the life of project (not once off) end of life recycling – registered NT group forum for best use of time to build knowledge base that is shared back to community days. NT group forums at different locations – or BDAC invited to share its journey. Newsletter from the department as well.
- Templates agreements, MOUs, guidelines, and checklist in a central location. Case studies on NT groups worked with proponents. Information on what groups need – standard timelines etc. Suggest regional forums with Q&A for forum groups – coordination through relevant chairs with them to delegate nominate attendees so there's consistency. Senior delegates or Ministers from across gov. Art on the turbines to define which country they are on, why do they have to be white?
- Aboriginal led forums and resourced to attend those meetings, need money to get it going. Chance for other NT groups to present on wins. Youth forums, women's forums. Connection to economic people – and companies and resources to enable groups to get together to talk about concerns. Self-determination should be on the top of the list – seems to be getting watered down, bring it back to Traditional frameworks. Regional meetings mustn't forget Traditional people.
- Set up your own renewables or supply chain business and self-determination is key, access to professionals re: possible locations and small business opportunities – technical advice on this aspect. Co-ownership, forecasting projections for future agreements – agreements with big business. Renewable start up grants for First Nations – i.e., what's happened overseas. Transparent information on feasibility – access to the data / information. Best use of time – ongoing forums and workshops with other NT groups.
- Interpreters assisting in knowledge building as well as websites for central information. Youth forums on country – cross learning and attending international events
- Given that gov should provide independent technical / legal advice funded by government or proponents. Emphasis that we should be working with community groups to paint infrastructure – appropriate public acknowledgement it is on Aboriginal land – that should be highlighted – goodwill and community efforts to mitigate climate change.
- Setting up of NT groups own projects. Don't have a big budget, don't like the mining aspect. We would welcome advice on technical aspects – focus on jobs on country.
- Face to face meetings, mix of together and separate for native title groups. Who – chairperson of the board to help decide. Different mix of materials translated into language – Iwiri corporation in Adelaide that does the translation. Culturally appropriate materials.
- Priority around broader business skills, also operating models of bigger companies. Really having expertise to help with those discussions. Consistency of people involved in the forum – centralized interface for communities to access information about case studies, funding that may be available to build on what we've done here. Face to face is the best format.
- NT groups working together a couple of times a year. Change it around so different communities can host – consistency of groups but enable new membership so others can learn.

Presentation and discussion – Next steps in legislative process and planning for engagement

- DEM to create web page to share all this forum information with all groups
- DEM to advise who are key contacts and ways to provide feedback and input
- Participants and their organisations can respond to key contacts and share information together and feed questions and information through portal
- Start working on process for regulations
- Come together as a forum when draft legislation has been finalised

Key ideas and comments

- Paid key liaison person
- What is the detail of the legislation - we need to work through it now
- Budget allocation is after the legislation make sure there are not lots of hurdles to access
- Provide us with a head start “List of what to do – checklist” to be able to act in the competitive process
- Are there enough resources to engage authentically. Role of state and Commonwealth Government
- Ethics of the timeframe being on the Government’s timeline – we need more time and funding to do this well
- Educate our young people on climate change and renewable energy
- Sharing of good news “wins” from first Nations groups
- Suggestion that the internet shared resource could include options for the Aboriginal groups to provide feedback through that mechanism.
- Government needs to structure what is the detail and the meaning and the regulations – what is the process.
- Budget question – more focused on the agreement making and post legislation how we are going to work together to set up the processes in line in FPIC and capacity.
- Is government able to put the Aboriginal to host its own on how it gets ownership, show them how to engage and have it for their own people – before the competitive process takes place
- Other work needs to be done, regulations and guidelines. Aboriginal groups need to be thinking and doing the work. Focus on the regulations now
- Concern that the funding is coming too late and Aboriginal people are working to government timelines.
- Questions re: Aboriginal schools will there be teaching to kids re: renewable energy? And climate change

Further information

Department for Energy and Mining
Level 4, 11 Waymouth Street, Adelaide
GPO Box 320, Adelaide SA 5001

T +61 8 8463 3000

E DEM.Legislation@sa.gov.au

www.energymining.sa.gov.au

