



Clean Energy Negotiations Guide for First Nations



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Executive Summary

Australia's First Nations people have sustainably cared for country for thousands of years, and the transition to clean energy is one that can ensure we continue to care for land, water and sacred places for thousands more.

The First Nations Clean Energy Network aims to protect country and to make sure First Nations communities share the benefits of Australia's clean energy boom.

The Network's guide to negotiation is one of the tools that First Nations communities can use when dealing with clean energy projects on country, whether these are in the planning stages or being developed.

The guide covers all aspects of negotiating, such as joining or opposing a project, or a community starting its own, to gain appropriate resources and fair outcomes for all.

Kalkarindji march marking 50 year anniversary of Wave Hill walk-off



Introduction

The opportunity of renewable energy should and can be available to all. But we know for many of our communities that affordable, secure and clean power is not yet a reality.

Our communities deserve ready access to household solar, we want to drive community-owned clean energy projects and secure equitable arrangements for large scale renewable projects on our lands.

The First Nations Clean Energy Network was formed to ensure First Nations people both play a central role in and harness the opportunities from Australia's renewable energy boom, and that the rapid transition to renewable energy occurs fairly for First Nations people and communities.

The Network is a partnership of First Nations people, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others.

We believe Aboriginal and Torres Strait Islander communities have the means to self-determine our own futures, and protect our country.

Widi country, WA. Credit: Clayton Lewis





NT work exchange with Beon Energy Solutions at Avonlie Solar Farm

Purpose of this Negotiations Guide

This guide is designed to be a tool for any First Nations community that wants to participate in, engage with or respond to clean energy projects being developed on country.

It will support you to have a voice and more power when:

- negotiating an agreement for a clean energy project
- becoming aware of a clean energy project proposed on your land
- wanting to initiate a clean energy project.

Getting Prepared

1

Actions you can take if a company wants to establish a project on your country



Kids on bikes in Marlinja, NT

Here are some things you can do to find out more:

- Talk to your local Council**
Your Council might not know about all projects, especially if these are at a very early stage, but often it will be aware of proposed clean energy projects.
- Find the name of the company and check their website**
If you can find the name of the company proposing the project, you can check its website. If the company is listed on the Australian Stock Exchange, you can also check whether the company has made any announcements to the [ASX](#).
- Check Government Planning websites in your state for details on any proposed or approved large-scale projects**
We've put links and contacts for these Planning websites in Attachment A.
- Check the Australian Renewable Energy Agency (ARENA) website**
The [ARENA website](#) will show if ARENA is funding feasibility studies or projects in your area.
- Contact the Clean Energy Council**
Contact the [Clean Energy Council](#) to see whether it has details on the project.

If you still can't find details of a proposal, that doesn't mean it doesn't exist. It may just be at an early stage or details of the project may be difficult to find.

Keep asking about the project and reach out at any time to the [First Nations Clean Energy Network](#) for support.

Unity is Power

Your Representation is Important

2 How do you work out who you are represented by?

Are you represented by a Land Council, a Prescribed Body Corporate (PBC), a native title claim group, a Local Aboriginal Land Councils (LALC), a corporation or an association? If there is no local structure of representation, how do you establish it? **Table 1** below sets out some different ways you can find out who represents you.

See also **8. What to do if your protocol isn't being followed or you aren't being properly consulted by the company, your representatives or your negotiators.**

TABLE 1

| Are you part of a native title claim group or a PBC? | Are you represented by a Land Council or a Nation? Is there a CATSI Corporation, Aboriginal trust, land trust or other entity that holds land or cultural heritage rights for or on behalf of First Nations people? |
|--|--|
| <p>If a native title determination has been made for your country, there will be a PBC.</p> <p>The PBC will hold the native title on behalf of the traditional owners (as a trustee or an agent). A PBC's core job involves consulting native title holders about decisions that affect native title.</p> <p>The PBC will have directors and, in some cases, staff. You can check who the directors are and whether you're a member of the PBC on the ORIC website.</p> <p>If you don't know the name of the PBC, it's possible to find this out by going to Native Title Vision and locating your country to find out details on the PBC.</p> | <p>There are lots of ways you may be represented or consulted depending on where you live and which state your land is in.</p> <p>For example:</p> <ul style="list-style-type: none">• In the NT, Qld, WA, SA, Vic and NSW a Land Council or Native Title Representative Body might have a role in representing your community.• In Vic, you may be represented by your Nation (which is likely to have a corporation registered through ORIC).• In NSW, you may be a member of a Local Aboriginal Land Council or you may be eligible for membership.• In SA, Qld, WA, the NT or Vic, an Aboriginal trust or land trust may hold land for the benefit of your community. The trust may be required to consult with your community before leasing or licensing land. <p>There may be other organisations to represent you or to engage with, particularly in relation to cultural heritage management, for example, in Victoria, through a Registered Aboriginal Party.</p> |

If none of the above apply to you, your voice still matters. Start talking to others who might want to get involved or work together.

The [First Nations Clean Energy Network](#) can provide guidance if you are unsure or have questions about native title, land rights or cultural heritage.

3 Unity is Power - How to act as a collective

When a group is well-organised and well-represented, everyone understands how to participate, what is expected, and what the process looks like for giving instructions, making decisions and sharing information. Well-organised and well-represented groups also understand who they can talk to if protocol isn't being followed.

Keeping people informed

Raising concerns or issues at an early stage is important and this can only happen if everyone understands what is being proposed.

Set a process for keeping the community informed. If that process involves meetings, logistical arrangements need to be considered including:

- transport arrangements to get people to meetings
- providing translators if required.

Although they might seem minor, these sorts of logistical arrangements and considerations can impact the independence of the meeting and determine who attends. Having as much knowledge as possible, being informed and being supported to participate is key in the early stages of a project.

Making decisions

Decision-making in each community varies vastly, depending on context, history, relationships, connection to country and governance arrangements. Some communities use traditional decision-making processes, based on consensus, while others combine contemporary arrangements and traditional structures.

Some communities have to follow specific legal rules (as required by the Native Title Act) or organisational rules (such as their constitution or rule book) about how they come to decisions.

Even if you have to follow set legal rules about decision-making or giving instructions, you might be able to agree on a process that sits alongside those rules and that reflects the specific needs of your community in relation to matters the law doesn't deal with.

Additional measures you can take to ensure that a Land Council or Native Title Representative Body or service provider is keeping you informed

The role of land councils, native title representative bodies or other bodies in leading the negotiations needs to be understood and carefully thought through.

For example, you might consider it necessary to organise meetings outside of Land Council or Native Title Representative Body meetings. If you decide this is necessary, you will need to think about who runs these meetings and who will pay for them.

You should also consider whether you need to give specific instructions about what your community is prepared to negotiate and when the Land Council or Native Title Representative Body should come back to you to obtain further instructions.

Keeping accurate records of each meeting and negotiation

It is important to set a process for the company and the community's representatives to follow during and after each meeting to keep everyone informed and to make sure you have an accurate record of any meeting.

Working collectively with others

If other nations, groups or clans are affected by the project, there may be opportunities for your representation to work collectively on key issues that you agree on, or key benefits to share.

If collective action is possible, jointly approaching the company about these issues can be more powerful than raising them alone.

**4**

Assess and map what capacity you have to act collectively. Consider whether you need further resources from the representative body, the Government or the company to be better organised

It is vitally important to think about and map what kinds of skills and capacities the community has to organise. From here you can see the gaps and work out how and what kind of additional support or resources you might need.

You might need time and support to step back and work out what the common goals, priorities and concerns are for your community members. Understanding these things before you consider the details of a specific project can make it easier and quicker to decide how to respond.

See also **7. Access external, expert advice to help you understand the project or proposal so you can engage confidently in the negotiations.**



Installing solar in Marlinja, NT

5

Set out how you want the company to deal with your representatives. Develop and agree on a protocol before negotiations commence

Your representatives might have a standard protocol or the company might put a protocol forward. Either way, ask for your representatives to explain it to you and ask them to make changes to the protocol if it doesn't meet your needs.

Some key points to consider in the protocol are:



Communication

Work out who the company will communicate with and how they do so.

Make sure that communication works for your community. For example, you could request that key people be copied into emails or called about meetings so that they are kept in the loop and knowledge is properly shared.



Meetings

Work out who will go to meetings and where they will be held.

Make sure that meeting arrangements work for your community. For example, you might nominate a place on country or near the project site that you could meet. You should also nominate places where your negotiators would feel more comfortable and which would make it easier for the community to be updated afterwards.



Confidentiality

Work out if there are confidentiality considerations and whether you can talk to other communities and advisors about the project.

It's important that you have the chance to learn from the experience of others.



Decision-making

Work out which decisions need to be brought back to the whole group and when. Make sure all involved – your community, representatives and – know who makes the final decisions.

For example, if an agreement can only be signed once it is approved by the whole group, put this in the protocol.



Cultural awareness

Work out what you want the company to know about your culture before the discussions start. Consider allocating time for representatives to do cultural awareness training (or similar) with you before or during the negotiations.

6 Make sure there is sufficient understanding of what is happening and what is being said

To make sure that your community understands what is being said, consider whether you need interpretation services, whether for language or cultural matters. (The costs of interpreters and others who advise you can be put to the company to cover.)

It is also reasonable to ask for simple explanations of legal and technical matters. For example, you might require time on site with company representatives to understand the extent of the land that will be involved and the location of key infrastructure and access tracks.

7 Access external, expert advice to help you understand the project or proposal so you can engage confidently in the negotiations

You might need to build your community's understanding of clean energy. To do this, you can talk to other First Nations communities that have been or are currently negotiating on a clean energy project or have used clean energy on their land.

Having access to specialist technical and engineering advice and knowledge can be of great assistance for learning more about clean energy. Similarly, having access to advice from scientists, engineers, environmentalists and others can be critical to supporting your existing knowledge of your country, and help you make informed decisions about the proposed project. More broadly, access to expert knowledge might help you understand whether you could find ways to use clean energy to benefit your own community.

You may also need access to advice to understand your legal rights. For example, you may have received formal notices and correspondence about the project from government parties or the project proponents, or from your representatives. There may be legal avenues by which you can potentially withdraw consent, challenge a company's practices or place restrictions on a proposed operation.

It is also normal for a company wanting to negotiate with you to pay for legal advice on any proposed agreement and financial advice on the proposed offer. You might also need to ask the company for funding to help you get advice on environmental, engineering or other matters.

8

What to do if your protocol isn't being followed or you aren't being properly consulted by the company, your representatives or your negotiators

If your protocol isn't being followed, or you are not being properly consulted, you should notify the company.

If the company or its representatives are not following your protocol, you should write to all the key people at the company as soon as possible so that they know what has happened and so you have a record of advising them.

If your representative or negotiators aren't following your protocol, you may also need to notify the company so they know to stop engaging with your representative or negotiators until you have a new protocol.



Experts discussing solar power opportunities with Tennant Creek residents, NT

Negotiations

9 Sharing the benefits and imagining what you could gain

There are numerous ways to share the benefits from these projects. You shouldn't be limited to what is in other agreements or what is typical or "standard". Each agreement and project should be tailored to deliver what is best for your community. Only your community will know the answer to this.

The following are some of the benefits you could expect – but think about other ideas that might work better for your community:

Energy Supply

Consider your community's energy needs and whether affordability or disconnections are issues. Cheaper prices and greater reliability might avoid disconnections and blackouts. Similarly, better energy access and reliability could help more of your community to live on country. There are different ways that a benefits package could address these issues depending on where you are, how electricity is regulated in your area and who owns the housing in your area. Try asking the company to work with you on options.

Co-design

Consider whether your community can work with the company to design the project footprint so you can be confident that culturally significant sites are carefully avoided. Companies must be prepared to engage with you and understand the value of local knowledge about the site.

Co-ownership or equity in the project

First Nations or community co-ownership of clean energy projects is common in some countries and is a genuine way for companies to demonstrate a commitment to best practice engagement. This could mean you are a joint venture partner in the project or it could mean you have a shareholding that generates dividends for your community and that you are an owner of the project. Communities should seek expert legal and financial advice before entering into equity arrangements.

Revenue

Consider whether there will be a regular revenue stream. If so, you should know when payments start, how they will be calculated, how they will be paid, and to whom.

Community benefit fund

Consider whether you should ask the project proponent to establish a community benefit fund (for example, to help provide a funding source for local and community projects and initiatives). This should be separate from and additional to any financial benefits you negotiate as Traditional Owners.

Procurement

Seek detailed information about the project's contracting and procurement opportunities. By identifying potential opportunities at the earliest stage, your community could have time to develop new or expand existing capabilities and businesses. Consider mandating a percentage of contracts (by value or number) that must be directed towards your community.

Employment

Seek detailed information on the types of jobs that will be required for the project. If the jobs will be available only during construction, consider asking the company to liaise with other companies undertaking projects in the region to create pathways to new positions on completion.



NT work exchange with Beon Energy Solutions at Avonlie Solar Farm

Ask government or training organisations to assist with this and whether there will be ongoing sustainable jobs especially in repair and maintenance.

Training

Ask whether the company is open to supporting community members to undertake training in advance of the project so they will be ready for jobs when they become available.

Skills audit and skills register

Ask the company to help map the skills that your community members already hold. This data can then be used to create a skills register, which

Other considerations

To make sure that benefits from an agreement are most likely to have a positive impact on the community, consider whether your community or organisation will have its own strategy or set of protocols. This strategy or protocol should start with a clear understanding of who forms your community and what the community's goals and aspirations might be. The most effective strategies are based on a shared vision and community cohesion.

Develop a long-term strategy that will benefit the community as a whole by building assets, and growing investments and savings from revenue streams from the project. Seek professional financial advice to do this in the most effective way. Having a long-term investment strategy such as this to achieve community aspirations may be more effective than distributing payments to individuals and families in the short-term. It is also important to be transparent and accountable about the revenue streams and investment strategy.

the company could be required to review when considering employment or contracting. It could also be used for a gap analysis to identify training needs and opportunities in your community.

Economic and community development

Consider your community's economic and community development goals and aspirations and how the company can support you to achieve your other goals. Support from the company might extend to such things as use of its equipment and machinery, expertise and materials.

10 Protecting Country

A strong agreement will require the company to avoid harm to cultural heritage unless the Traditional Owners have provided free, prior and informed consent (see boxed section below about “free, prior and informed consent”) to activities that will or may affect cultural heritage. A strong agreement will allow for traditional owners to go on country other than during times when it is unsafe to do so.

To understand what kind of environmental protections are appropriate to ask for, you might need external advice on potential impacts, the technical options available to minimise those impacts and what is considered best practice environmental management for clean energy projects worldwide.

You will also need to consider what role your community wants to take in environmental protection. For example, whether you want the company to consult with you on environmental impacts and involve you in environmental management. There may also be particular areas of high biodiversity value that you would like to protect.

In addition to any protections in the agreement, you are likely to have an opportunity to comment or make a submission on environmental or social impact statements that the company lodges with the Government. These documents and processes are important and there is typically only a short timeframe to comment on them. It can be helpful to get support to do this.

You should also consider what will happen to the land at the end of the project, as in what the company’s obligations will be to restore and rehabilitate the land and who will pay. You should also consider your community’s role in restoring and rehabilitating the land.

Free, prior and informed consent

The United Nations Declaration on the Rights of Indigenous Peoples says that First Nations communities have the right to give or withhold their free, prior and informed consent for any project that will affect their lands, territories or resources.

This means in practice, for there to be free, prior and informed consent, Indigenous communities should have the right to say “NO” to projects or to any impacts to their lands they do not agree with.

The [Australian Human Rights Commission](#) has undertaken a study on free, prior and informed consent. The Australian Human Rights Commission points out that despite the increasing recognition of free, prior and informed consent in an international context, it is not part of Australia’s domestic law.

The study includes a detailed overview of the concept and its origins, noting that free, prior and information consent requires that:

- the people seeking consent (governments, companies etc.) must allow First Nations to say “yes” or “no” to decisions affecting them
- in arriving at their decision, First Nations use a decision-making process of their choice.

11 The information that will assist with your negotiations

Following are some important pieces of information that will assist you in your negotiations. There will likely be other pieces of information, depending on the nature and location of the project.

Project scope

- the likely size and scale of the project
- the area of land that will be required
- the likely profit margin and financial modelling
- an understanding of who will buy energy from the project
- the approvals required for the project to proceed

Camp or town impact

- whether workers will be fly-in fly-out (FIFO), or whether they will stay in a camp or town (consider impact on local services and accommodation)

Types of meetings and notifications

- how meeting notices will be displayed and distributed
- who is responsible for preparing meeting notices
- notice periods before meetings to allow time to prepare for an information or decision-making session
- making sure the right people and decision-makers are there

Company profile

- owners / shareholders of the company
- location of the company and its track record of operations
- the identity and track record of contractors and consultants

Project supporters

- the sources of finance for the project
- other supporters and backers

*Solar site briefings,
Borrooloola Homelands, NT*



12 Finding opportunities to leverage the best outcomes from the project

The following points may help in achieving the best outcomes from the project.

Project scope

If you don't agree to the project, it would be useful to understand the action that the company might take (ie will it agree to uphold the principle of free, prior and informed consent?).

Unless your community has land in the Northern Territory where the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) applies, it is likely you do not have the power to say no to a project.

For example, if you have native title rights and interests, the company may wish to negotiate an Indigenous Land Use Agreement (ILUA), but in the event you don't reach agreement, will they ask the government to compulsorily acquire the land and possibly extinguish your rights?

Government approvals

You should seek to understand the different sorts of approvals (eg. environmental approvals, community consultation requirements, planning approvals) that will be required for the project to proceed. The position of First Nations communities will be a relevant consideration for the Government in determining the level of support it gives the project.

For that reason, it may be important for your community to make a submission about the project and to contact the Government to discuss your community's views.

It is important to understand the legal processes associated with approvals, and which stakeholders need to be consulted. This may include other Government departments, authorities and local councils. The approvals process can provide First Nations with an important opportunity to comment about projects.



First Nations requirements

There may also be specific First Nations requirements relevant to the project, mandated by planning, environmental and regulatory schemes.

For example, in NSW, the Minister for Energy has issued guidelines on consultation and negotiation with local Aboriginal communities for energy infrastructure delivered under NSW's Electricity Infrastructure Roadmap. These guidelines are required under s 4(1) of the Electricity Infrastructure Investment Act 2020 and will provide a foundation for increasing employment and income opportunities for local Aboriginal communities under the Electricity Infrastructure Roadmap.

Warumungu Traditional Owner Norman Jupurrurla Frank's solar installation, Tennant Creek, NT



Company values and commitments

Many companies these days have Reconciliation Action Plans or statements on their websites about values in relation to social responsibility, sustainability or engaging with First Nations communities.

If you can show that the company is acting contrary to its own policies, statements and commitments, this can help strengthen your position in a negotiation.

The company's bank or financiers

Sources of finance for a project can also be used to create leverage and strengthen your position in a negotiation.

For example, the bank or source of finance (say, a superannuation fund) for a project might have a social responsibility or impact policy, or potentially a Reconciliation Action Plan. If you can demonstrate that the project is likely to cause damage to your culture and land as a First Nations community, it might put at risk the company's access to finance and force a change of approach.

Cultural heritage

Protecting cultural heritage is obviously critical and often there are consultation processes available to assist this, while creating leverage to strengthen your negotiating position.

As the Juukan Gorge catastrophe demonstrated, merely following the minimum requirements of the law will not protect a company's reputation or mean that it has obtained a social licence for the project.

Other views in the community

Other people in the local community – such as farmers, local residents, businesses, environmental organisations — may also share concerns about the project. Identifying common issues can form powerful alliances to better achieve your goals.

13 Seeking a change to a project proposal



If you want to try to change or stop a project, it's important to work out the reasons for wanting the change.

As a first step, you should check your leverage (see 12. above) and identify why the company should take your suggestion on board. You could frame your suggestion as a benefit to the company if it will reduce the impact on the environment or cultural heritage, create better community outcomes, give the company a chance to demonstrate its commitment to its stated goals and values in relation to sustainability, First Nations engagement or social licence.

You should explain the issue and your request to the company, and why the company should take

it on board. If possible, you should meet with the company and send something in writing, even if it's just a short email.

Check whether other people, communities, groups or experts share your concern. If other First Nations communities share your cultural heritage concerns, this will strengthen your position. If an environmental group shares your concern, it may help with environmental reports that will strengthen your position. If other people share your concern, present your collective evidence to the company. Sometimes your threat of using alternative strategies (among them, approaching the media) may be enough to get companies to negotiate fairly and to listen to the community.

If the company won't listen to your suggestion or request, raise the issues as soon as you can among other stakeholders with influence over the project.

For example:

- raise it with the Government department or consent authority that will decide on approval. At the appropriate time you will need to make a submission about it, but you don't have to wait until that stage to make your concern and suggestion clear – the earlier you raise it, the better
- raise it with other Government stakeholders
- raise it with the company's financier
- consider asking the media to report on your concerns.

Review your legal options. Your legal options will depend on the kind of landrights/extent of native title that you have and your concern about the project. Tell your lawyers as much as you can about these two things so they can present options, including:

Cultural heritage concerns

If you are worried the project will destroy cultural heritage, your lawyers should look at the cultural heritage laws and whether you can establish protection for the sites.

Environment concerns

If you are worried the project will harm the environment, you may be able to oppose the government approving the project for that reason and you might be able to partner with another organisation which can assist with environmental studies.

Once you have told your lawyers about your concerns, ask whether you have legal standing to challenge the aspects of the process that you believe are inadequate or whether you have other legal rights you can use.

You can also consider mounting a campaign with your community. Campaigning involves activating, mobilising and organising people to make change and influence others to make change. Campaigns are a series of tactical manoeuvres applied over time, designed to achieve a specific objective.

Building power through political and strategic organising, done properly, has the potential to provide significant leverage. Attachment B sets out some findings from research on the four factors that influence outcomes in agreements. The research points to the political and strategic power of Traditional Owners and native title holders as being the most influential of the factors in achieving better agreement outcomes.

Check the [Original Power Building Power Guide](#) for activities to help you start planning your campaign and amplifying your case in the media.

Representatives not talked to

If the company hasn't talked to your representatives, your lawyers can look at your rights under the Native Title Act or at the other laws that might apply.

Proper process not followed

If you don't think the company has gone through the proper processes or is following the proper requirements, in relation to cultural heritage management, negotiations or any other aspect, your lawyers can also look at this.

14 How a company might respond to your requests or objections

If you ask for changes to the project or make suggestions regarding the proposed benefit sharing from the project, companies that are committed to best practice should, as a minimum:

- listen to your concerns or ideas and consider how these can be addressed or accommodated
- communicate clearly with your representatives or negotiators and, where possible or appropriate, your whole community
- provide clear information including in relation to any proposed change to the project scope
- provide accurate information about likely jobs and be upfront how they will manage and support recruitment for the jobs and where the jobs are likely to be (if some of those jobs are already filled, the company should be open about that).

Companies committed to best practice should not:

- communicate with some families and not others (split off families)
- provide different information to different people or cause confusion in the community
- threaten to cancel the project or the negotiations because your community is asking difficult questions or raising difficult issues
- ignore your representatives
- increase the scope of the project without talking to you and/or revise agreement terms.

To best deal with any attempt by a company to divide communities, it is important for your community to develop strategies to stay united and strong. Open and regular communication within the community ensures everyone feels their concerns are being heard by community representatives and gets everyone's input into the negotiation strategy.



Cultural monitors on site during geotech and environmental/cultural surveys, Borroloola, NT



Solar planning, Borroloola Homelands, NT

15 Ownership of a project by Traditional Owners

All too often First Nations landowners and communities are seen only as part of the project approval process and so are asked to reactively respond to development proposals. But this does not mean that First Nations groups and communities cannot be the project proponents and aim to build, own and operate the project.

Many First Nations communities, entrepreneurs and businesses are successful project proponents. Expert advice is important, as is the development of skills and experience, capability and capacity. Entering joint venture arrangements is one of the ways to develop relevant expertise. Your community may consider seeking ownership of a project, and the control and potential benefits that ownership may bring.

Attachments

A Government Planning websites and contacts

NSW

See the NSW Planning Portal. For early stage projects, companies may only have issued a request for “SEARS” (being the Planning Secretary’s Environmental Assessment Requirements for the project):
planningportal.nsw.gov.au/map

Victoria

See the list of projects referred for decision on requirements for environmental assessment at:
planning.vic.gov.au/environment-assessment/referrals-and-decisions

ACT

Download the DA Finder+ app:
planning.act.gov.au/development_applications/da_finder_app

Queensland

See the decisions of the State Assessment and Referral Agency:
planning.statedevelopment.qld.gov.au/planning-framework/state-assessment-and-referral-agency/sara-application-material
For solar and other renewable energy, contact your relevant local council.

Your Local Council website might also contain details of proposed developments (particularly smaller projects).

Northern Territory

See the register of planning proposals:
ntlis.nt.gov.au/planning-notices-online/notices
and the register of non-pastoral use applications and permits for activities on pastoral leases:
nt.gov.au/industry/agriculture/farm-management/non-pastoral-use-applications-and-permits

Western Australia

See the list of current Development Assessment Panel applications:
wa.gov.au/government/document-collections/current-development-assessment-panel-applications-and-information

South Australia

See the PlanSA development application register:
plan.sa.gov.au/development_application_register

Tasmania

See the current assessments and hearings of the Tasmanian Planning Commission:
planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings

B

What research tells us are four key factors conducive to better agreement outcomes

The research is very clear on the four primary factors that account for the wide variability seen in agreement outcomes.

These four factors have been identified after many years of research into Australian and Canadian agreements, primarily in the resource extraction industry. They are:

1. The political/strategic power of Traditional Owners and native title holders, particularly organisational capacity, to insist that companies and governments meet their claims and obligations. **This is the most influential and important factor of the four.**
2. The ethos of the company/ies seeking to develop the resource, and how committed they are to principles of corporate social responsibility in relation to First Nations people, particularly company leadership.
3. The legislative framework and legal rights in which the development occurs, including land access regimes, environmental and cultural heritage regimes, and whether or not these laws favour First Nations interests. For example, the Aboriginal Land Rights Act (Northern Territory) 1976 (Cth) has generally stronger rights than the Native Title Act 1993 (Cth).
4. The economics of the proposed project, that is, how profitable the project will be for the companies involved.

*Solar powered eco-tourism
fruit forest, Bawoorrooga, WA*





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