

**Indigenous
Energy
Australia**



**GAWLER RANGES
ABORIGINAL
CORPORATION**

**HYDROGEN AND
RENEWABLE
ENERGY ACT**

**GAWLER RANGES EAST
RELEASE AREA**

**GRAC
Matters
Guide**

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1 INTRODUCTION

1.1 Background and purpose of document

During the period allowed for making submissions in response to consultation on a proposed release area under the HRE Act (section 10(6)(b) and regulation 10(1)(b), a registered native title body corporate (RNTBC) or a registered native title claimant can raise matters with the Minister for an applicant to address in response to a call for tenders under section 11(1).

If the release area is declared and the Minister subsequently issues a call for tenders, the Minister may include those matters in the notice issued under section 11(1) inviting applications for Renewable Energy Feasibility Licences (REFL) within the release area.

Pursuant to regulation 12(1)(b) of the HRE Regulations, an applicant is required to submit a statement with their application addressing those matters, and the registered native title body corporate or registered native title claimant (as relevant) can make a statement in response to the applicant's statement.

The Minister will assess applications against both statements, as one of the prescribed tender criteria against which applications will be assessed for the purpose of section 11(2)(e) of the HRE Act.

As part of the Department for Energy and Mining's (DEM) consultation period for the first release area under the HRE Act, GRAC were given the opportunity to raise matters to be addressed by applicants in response to a call for tenders for REFLs in the Gawler Ranges East Release Area.

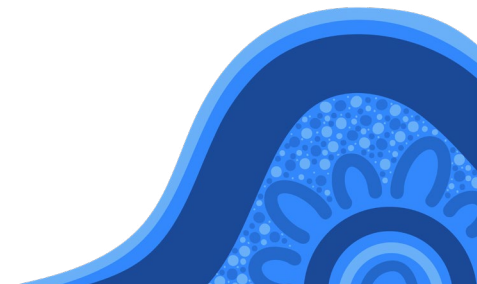
Accordingly, GRAC has raised a set of matters for consideration, outlined in sections three and four of this document. These include three community matters and a broader suite of project matters, which together reflect GRAC's expectations regarding how applicants should engage, deliver benefits, and ensure cultural responsiveness in the development and operation of projects.

The matters focus on ensuring that the project and agreement-making process align with GRAC's traditional decision-making practices, emphasise cultural considerations, include sustainable benefit-sharing mechanisms, and contribute to the long-term protection of Country and community aspirations.

Water holds particular cultural and spiritual significance in the Gawler Ranges, and GRAC emphasises its central role in maintaining the health of both Country and community. Applicants should understand that the protection and restoration of water sources is not only an environmental responsibility but a cultural imperative, deeply tied to the stories, identity, and wellbeing of the Nyunga people.

1.2 Acronyms

DEM	Department for Energy and Mining
GRAC	the Gawler Ranges Aboriginal Corporation
HRE	Hydrogen and Renewable Energy
FPIC	Free Prior and Informed Consent
RAP	Reconciliation Action Plan
REFL	Renewable Energy Feasibility License
REIL	Renewable Energy Infrastructure License
RNTBC	Registered Native Title Body Corporate as established via the Native Title Act (Cth) 1993



1 INTRODUCTION

1.3 Definitions

Benefits

A benefit is something that adds value, or provides a return on investment. A benefit is distinct from an outcome. For example, the outcome of a solar farm project is the ability to generate renewable energy. The benefit of this outcome could be a reduction in the cost of energy bills. Benefits should be specific, measurable, actionable, relevant and include a timeframe ('SMART').

Community

A community has a sense of belonging and group dynamics and may identify themselves by their locality or common interest¹.

Cultural Responsiveness

Cultural responsiveness involves understanding and appropriately including and responding to cultural protocols, values, stories, experiences, and histories. It includes acknowledging the rights of Aboriginal and Torres Strait Islander peoples. In this document, it is applied specifically within the lens of energy projects.

Cultural Safety

Cultural competence can be defined as the capability of interacting effectively and respectfully with people across different cultures, as per Heckenberg's cultural safety model².

FPIC

Free, prior and informed consent is defined under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)³. A central element of FPIC is genuine inclusion, disclosure, and respect for Indigenous People's decision-making processes.

Stakeholder

A stakeholder is anyone with an interest in a project. Stakeholder engagement or stakeholder management are standardised industry practices for identifying, analysing, and engaging all stakeholders on a project. Stakeholders are engaged to understand and manage their interests in the project.

Rightsholder

While rightsholders are also stakeholders, the term rightsholder represents the inherent rights that Aboriginal people hold. It is mandatory to effectively engage and respect these groups.

SOURCE 1

SOURCE 2

SOURCE 3



2 ABOUT THIS GUIDE

The primary purpose of this guide is to support prospective applicants to prepare a 'statement' addressing the matters raised by GRAC under regulation 12(1)(b) of the HRE Act.

This guide intends to help applicants understand the relevant matters raised by GRAC which must be addressed in the applicant's statement and may be considered by the Minister in assessing applications.

It is not intended to be exhaustive and the exact format of this statement is within the applicant's discretion. GRAC will be given the opportunity to submit a statement in response to the applicant's statement.

This guide has been authored by Indigenous Energy Australia in close collaboration with GRAC to support applicants' understanding of the matters they have raised. However, it is GRAC's voice and perspective that should inform how applicants approach the preparation of their statement.

"Water is not simply a resource but a living presence that holds cultural, spiritual and ancestral meaning for the Nyunga people.

It connects Country, story and spirit, and its protection and restoration are essential to the integrity of any project proposed on these lands."

Dr John Binda Reid is an elder of the Gawler Ranges Aboriginal community. He is also an Aboriginal Enterprise Research Fellow employed by the University of South Australia (UniSA).

His work in the interpretation and translation of the 'waterhole' as a conceptual framework for others to understand is derived from his own cultural and ecological knowledge, and from his PhD research.

Community Matters



3 COMMUNITY MATTERS

The three community matters that have been raised by GRAC are outlined in this section.

3.1 Ngapartji-Ngapartji

3.1.1 Definition

This matter relates to the applicant's commitment to fostering reciprocal relationships and mutual respect with Aboriginal communities, ensuring that benefits, cultural integrity, and decision-making are shared equally and sustainably.

3.1.2 Background

Ngapartji-Ngapartji, is a concept that emphasises the importance of reciprocal relationships and mutual respect (Reid, 2023) in project engagements with GRAC. This principle underlines the necessity for exchanges that are founded on the mutual sharing of benefits, respect, and knowledge. Ngapartji-Ngapartji is part of the Aboriginal ways of being and worldview.

To understand a project's alignment with Ngapartji-Ngapartji, it is essential to consider whether the applicant ensures that the benefits are not just given to the community but are exchanged in a way that acknowledges the contributions of the community and ensures that both parties benefit proportionally from the partnership.

Furthermore, it involves consideration of whether the applicant demonstrates a commitment to maintaining cultural integrity and respect for GRAC's practices, knowledge, and values. This involves integrating these cultural elements into the project processes and respecting the community's decision-making frameworks and timelines.

Such engagements should ensure that GRAC's cultural practices and knowledge are not only respected but are also an integral part of project development. This respect for cultural integrity is crucial, as it ensures that the community's cultural and social structures are preserved and strengthened through the project.

Additionally, sustainable relationships are a key component of this matter, where the project outlines strategies for fostering long-term relationships that extend beyond the immediate project lifecycle. This aspect emphasises the importance of building trust and ensuring that the benefits and relationships developed during the project continue to thrive long after the project is constructed and operating. Sustainable relationships are not just about the immediate gains but about ensuring that GRAC continues to benefit and grow from the partnership in the long term.

Projects which have a clear plan for maintaining these relationships and continuing to help new and introduced project stakeholders to understand Ngapartji-Ngapartji will be essential to achieving lasting and meaningful outcomes for both GRAC and applicants.

3 COMMUNITY MATTERS

3.1.3 Addressing this Matter

This matter seeks to gauge the applicant's understanding, commitment, and alignment with the cultural concept, Ngapartji-Ngapartji.

The applicant may demonstrate how they are addressing each matter either through existing practices or through a clear plan to do so over the course of the licence term.

3.1.3.1 Understanding and Valuing Ngapartji-Ngapartji

Applicants may provide supporting information or evidence in their statement that addresses:

1. Depth of understanding within the applicant's people and approaches
2. Breadth of conceptual knowledge across its proposed team
3. Authentic and meaningful understanding through value and behavioural alignment
4. Commitment to the Ngapartji-Ngapartji concept over the long-term for future generations
5. Resilience and adaptability in taking on feedback
6. Openness and willingness to listen and acknowledge areas for improvement.

3.1.3.2 Cultivating Reciprocal Relationships

Applicants may provide supporting information or evidence in their statement that addresses:

1. Longevity and authenticity of their relationships with GRAC, or how the applicant proposes they will be established
2. Social value that the applicant could offer GRAC as an exchange
3. Respectful listening and seeking to understand local and cultural perspectives.

3.1.3.3 Two-way Knowledge Sharing

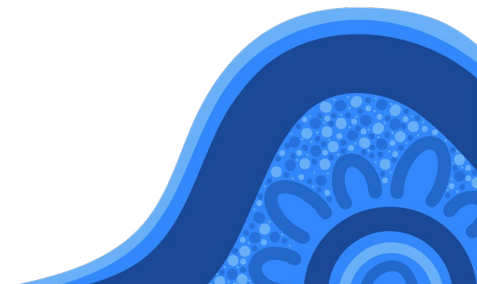
Applicants may provide supporting information or evidence in their statement that addresses:

1. How it values the knowledge of the Gawler Ranges Traditional Owners in developing and operating the project
2. The extent and quality of knowledge and data it will share with GRAC
3. Data sovereignty and data handling policies and processes
4. Its commitment to engagement rather than consultation.

3.1.4 Self-Reflection

The below questions have been posed to aid applicants in reflecting upon how they have addressed the matter above within their statement.

- Do you understand the concept of Ngapartji-Ngapartji?
- How deeply are you committed to it?
- Is Aboriginal-thinking embedded in your values, behaviours, processes, and deliverables?
- What do your relationships with GRAC look like and what would you want them to look like?



3 COMMUNITY MATTERS

3.2 Culture of the Gawler Ranges

3.2.1 Definition

This matter relates to the applicant's commitment to respecting and integrating the cultural and spiritual significance of water within the Gawler Ranges, ensuring that water resources are managed in a way that honours their essential role in the cultural heritage of Nyunga people.

3.2.2 Background

This matter focuses on the deep cultural significance of water within the Gawler Ranges, where water bodies are seen as essential elements that embody the spiritual and cultural heritage of Nyunga people. Applicants should have a profound understanding and respect for this connection, ensuring that water resources are managed in ways that honour their role in cultural practices and spiritual life. GRAC emphasises that the land, including its water bodies, holds narratives and spiritual significance passed down through generations, and projects should include this knowledge to preserve the cultural integrity of the region.

To understand a project's alignment to this matter, it is crucial for applicants to assess how the project makes efforts to restore and protect these sacred water sources, which have suffered damage due to historical pastoral activities. GRAC highlight the importance of healing both the land and its people by nurturing these water bodies, which are considered the resting places of ancestral beings.

This underscores the cultural imperative to manage water resources in a way that supports the spiritual and emotional well-being of the broader Gawler Ranges community.

Projects should, through GRAC, actively involve Nyunga Elders, who are the custodians of this knowledge, ensuring that their insights guide the restoration and ongoing management of these critical cultural sites. In doing so, projects can contribute to the broader goal of cultural and spiritual continuance, helping to sustain the community's connection to their ancestral lands and waters.

3 COMMUNITY MATTERS

3.2.3 Addressing this Matter

This matter seeks to understand the applicant's understanding of the meaning, values, management approaches, and proposed impacts relating to water as part of the project.

The applicant may demonstrate how they are addressing each matter either through existing practices or through a clear plan to do so over the course of the licence term.

3.2.3.1 Understanding and Valuing Water

Applicants may provide supporting information or evidence in their statement that addresses:

1. The way that it values the culture and spirituality of water in its project management approaches.
2. Its depth of understanding around water, as it holds meaning to GRAC.
3. Understanding of Aboriginal and non-Aboriginal worldviews, mindsets, and belief systems around water.

3.2.3.2 Water Management

Applicants may provide supporting information or evidence in their statement that addresses:

1. Commitment to aligned and sustainable water management practices.
2. The data that it will collect, analyse, and share with GRAC around water.
3. How it plans to involve Rangers, Elders, and GRAC's people in water management methods including co-design, cultural and technical analysis, and co-management.
4. How it can add value to local water sources and storytelling.
5. The consideration and centrality of cultural heritage within water management approaches.

3.2.3.3 Water Impact

Applicants may provide supporting information or evidence in their statement that addresses:

1. How it has identified, analysed, and assessed impact risks and will continue to do so.
2. How it plans to reduce known and unknown negative water impacts.
3. The impact frameworks and methodologies being utilised.

4. That it will minimise all disturbance to local water sources, culture, heritage, flora and fauna, and ecosystems.
5. A big-picture understanding of the regional water system.

3.2.4 Self-Reflection

The below questions have been posed to aid the applicants in reflecting upon how they have addressed the matter above within their statement.

- How do you understand and value water in the Gawler Ranges?
- How will water sources be managed?
- How can you add value to the way water is managed and understood?
- How are GRAC involved in technical analysis?

3 COMMUNITY MATTERS

3.3 A Place for Cultural Knowledge

3.3.1 Definition

This matter relates to the applicant's commitment to supporting the creation of a cultural knowledge centre in the Gawler Ranges, where traditional language, ecological knowledge, and cultural values are preserved, shared, and revitalised.

3.3.2 Description

This matter seeks to understand the applicant's commitment to supporting the establishment of a physical space dedicated to preserving and transmitting the cultural knowledge of the Gawler Ranges, including language, ecology, heritage items, and traditional values and story. GRAC envisions this space as a central hub where community members, particularly younger generations, can engage with Elders and cultural custodians to learn language, understand the ecological systems of their lands, and connect deeply with the cultural heritage that defines the Gawler Ranges.

The proposed space would serve as a living classroom, where the narratives embedded in the landscape—stories of the land, water, and sky—are passed down through immersive, hands-on experiences. This initiative aligns with GRAC's broader goals of cultural revitalisation and healing, aiming to counteract the impacts of colonisation by reconnecting the community with their ancestral knowledge and spiritual practices. Water, as a vital element in both the physical and spiritual landscapes of the Gawler Ranges, would be a central focus of learning, emphasising its role as the essence of life and culture in this region.

GRAC are particularly interested in the potential for applicants to contribute to the construction, resourcing, and sustainable operation of such a cultural knowledge centre. The success of this matter depends on the applicant's ability to foster an environment where traditional knowledge is respected, preserved, and shared, ensuring that the cultural and ecological wisdom of the Gawler Ranges continues to thrive for future generations.

3 COMMUNITY MATTERS

3.3.3 Addressing this Matter

This matter seeks to understand the applicant's ability and intention to support the establishment of a cultural knowledge centre in the Gawler Ranges. Any commitment to construct a cultural knowledge centre will not be assessed or approved through the HRE tender application or licensing process. However, this could be agreed separately with GRAC and will need to comply with all relevant state and federal legislation.

The applicant may demonstrate how they are addressing each matter either through existing practices or through a clear plan to do so over the course of the licence term.

3.3.3.1 Value of Solutions

Applicants may provide supporting information or evidence in their statement that addresses:

1. The cultural value that the proposed solution would provide.
2. How the proposed centre would be integrated within the local landscapes and GRAC's land management planning.
3. How the proposed solution aligns with GRAC's holistic objectives and strategy.
4. The duration and value of the expected benefits from the proposed solution.
5. The space and functionality of the proposed solution, including use of technologies.

3.3.3.2 Solution Delivery

Applicants may provide supporting information or evidence in their statement that addresses:

1. Proposed methods of co-design and participation by GRAC within various roles and aspects of creating a solution.
2. A technically, socially, and environmentally appropriate management approach to solution delivery, where applicable.
3. Appropriate siting of proposed solutions, where relevant.
4. Sourcing or contribution to sourcing appropriate materials for the desired solution.
5. Associated employment and/or business opportunities for GRAC's people during design, construction, and operation of the solution.

3.3.3.3 Impact

Applicants may provide supporting information or evidence in their statement that addresses:

1. How it has identified, analysed, and assessed negative and positive impacts around the proposed solution, and will continue to do so.
2. Integration of the proposed solution within the local landscape and ecology.
3. Reduction of any negative short and long-term financial, social, and environmental impacts for GRAC as a result of proposed solutions.

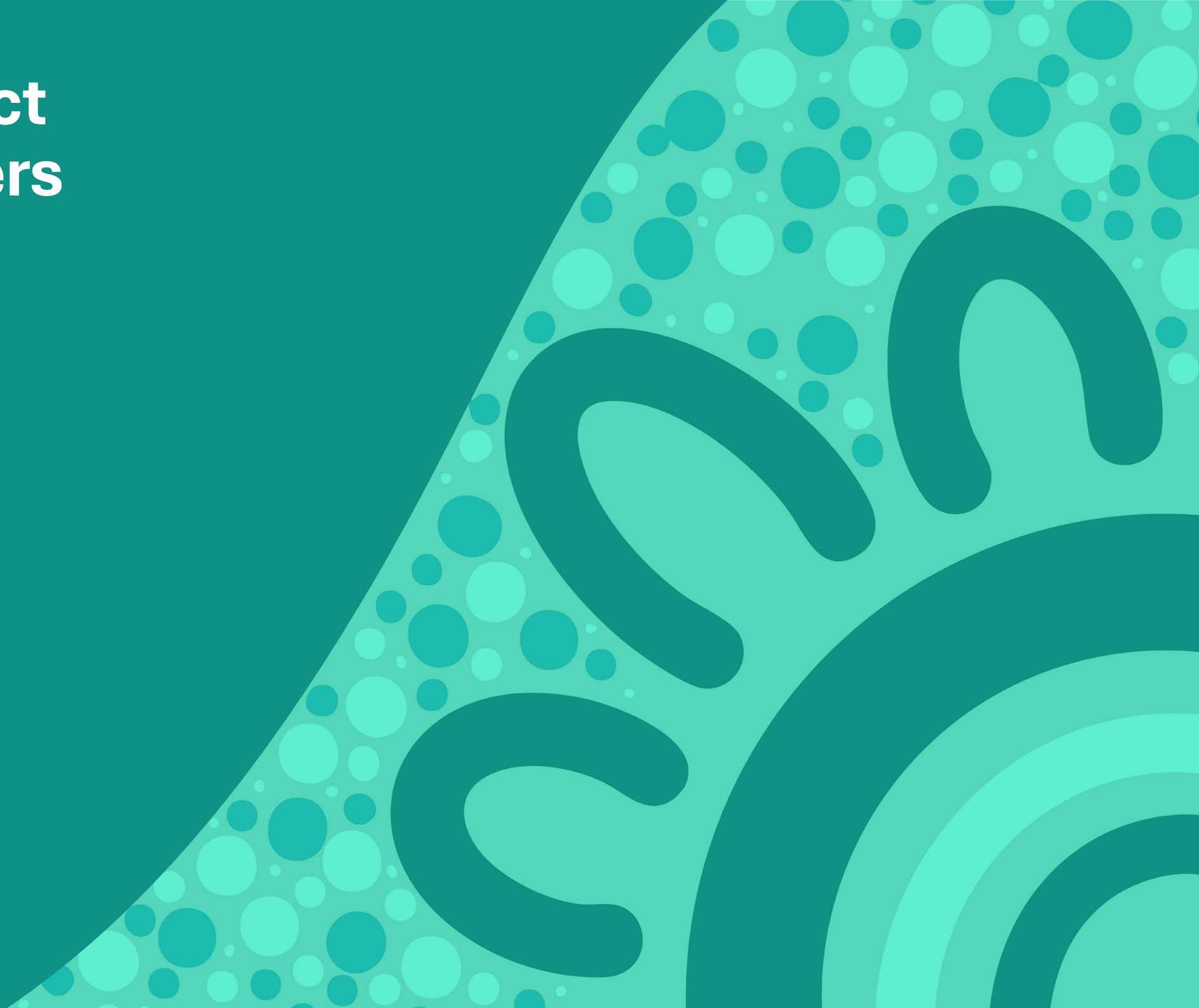
4. Appropriate methods to protect and preserve cultural heritage within the proposed solution.
5. The long-term sustainability of the proposed solution.

3.3.4 Self-Reflection

The below questions have been posed to aid the applicants in reflecting upon how they have addressed the matter above within their statement.

- Has a solution been proposed or how a contribution to a solution will be made?
- How much value will it give to GRAC?
- Will the design be fit-for-purpose?
- How well would it be delivered?
e.g. sustainability, cultural heritage, co-design.
- What will the solution cost GRAC?
- Will any financial and/or in-kind support be provided?
- How will this physical place help GRAC to share its culture with people?

Project Matters



4 PROJECT MATTERS

4.1 Engagement

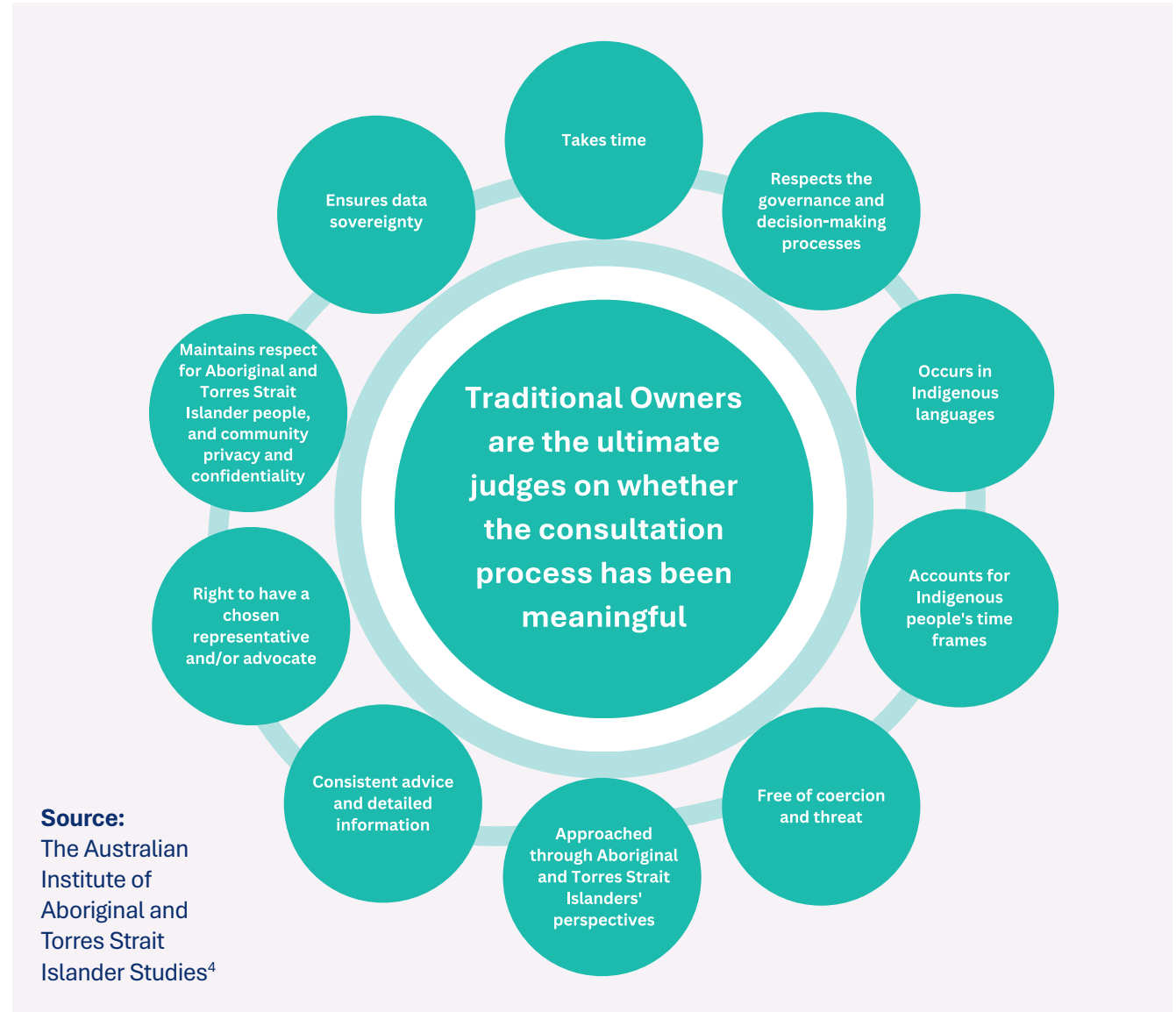
4.1.1 Definition

This matter relates to the quality and effectiveness of the applicant's engagement with Aboriginal communities, focusing on early involvement, cultural safety, and principles of Free, Prior, and Informed Consent (FPIC).

4.1.2 Description

This matter seeks to understand the suitability and effectiveness of the applicant's engagement with GRAC and other Aboriginal stakeholders. It includes the planned and actual approaches applicants take to engage and collaborate with relevant Aboriginal people, groups, and organisations.

Early engagement is the fundamental first step to ensuring that Aboriginal communities achieve the best possible outcomes from a proposed project. Successful engagement is underpinned by Ngapartji-Ngapartji. Good communication and strong, trusted relationships reduce the likelihood of any adverse or negative outcomes from engagement and leads to smoother and faster project development. Engaging with Traditional Owners is complex, as demonstrated in the graphic, right.



SOURCE 4

4 PROJECT MATTERS

Having an accurate understanding of the various stakeholders and rightsholders is essential to good engagement, underpinned by good relationships. Applicants should undertake due diligence throughout stakeholder identification, analysis, planning and engagement. This may include a mixture of desktop and in-person activities to broadly and deeply understand different individuals and organisations, the demographics, background and history, and relationship dynamics. Good stakeholder analysis identifies the various voices that exist within an Aboriginal community and acknowledges the unique relationships, governance, and decision-making structures that exist. For further information, see CEC Leading Practice Principles – Principle 1 – Engage Respectfully⁵.

Regulation 12(1)(b) of the HRE Regulations provides for the RNTBC (here, GRAC) to be engaged in the tender process for a specific release area. Furthermore, leading practice Engagement requires proponents to identify and engage with wider Aboriginal organisations and voices, including:

- Aboriginal Community Controlled Organisations (ACCOs)
- Health services
- Housing providers
- Employment agencies
- Sports clubs

- Justice services and organisations
- Elders groups
- Arts and culture centres and organisations
- Aboriginal businesses
- Councils

Through such engagement GRAC should be provided the opportunity to review, guide, and prioritise feedback from broader stakeholder engagement activities with Aboriginal organisations and voices. This is important as they possess the appropriate corporate capability and place-based expertise to weigh, consider and implement feedback from the broader local Aboriginal community in the context of negotiations.

Free, Prior and Informed Consent is the term used to describe best practice in social licence with Aboriginal people. However, FPIC can be difficult to evaluate. FPIC is an ‘academic’ or theoretical concept derived from international mechanisms and treaties such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁶. For this reason, projects must consider how FPIC translates into good engagement practices and principles.

There is a growing concern that Aboriginal peoples and organisations are experiencing an increasingly heavy engagement load, with growing pressure from the clean energy industry and academia.

GRAC and other stakeholders should be fairly compensated for their time, knowledge, and resources. However, fair compensation requires nuanced and sometimes guided consideration.

Compensation for Aboriginal people’s time and resources is well established within government and in some industry sectors but is not yet commonplace in the energy industry.

Ultimately, the recipients of compensation should determine what is fair and preferred including financial and non-financial compensation. It is also best practice to cover all expenses incurred by stakeholders as a result of engagement such as accommodation and travel costs. Compensation (value-returning or value-exchange should not be confused with benefits (value-adding

4.1.3 Addressing this Matter

The matters outlined below seek to understand the applicant’s approach to engagement with GRAC and Aboriginal people throughout the project.

The applicant may demonstrate how they are addressing each matter either through existing practices or through a clear plan to do so over the course of the licence term.

SOURCE 5

SOURCE 6



4 PROJECT MATTERS

4.1.3.1 Planning

This matter relates to the thoroughness of an applicant's planning documentation, including identification of stakeholders, strategies for FPIC, and formal agreements.

With an increasing focus on the importance of social licence and Free, Prior and Informed Consent (FPIC), Community Engagement Plans are becoming the industry standard. It is also a growing expectation, and a request by Aboriginal people, that they be considered separately to the wider community.

For example, the Northern Australia Infrastructure Facility (NAIF) requires funding applicants to have an Indigenous Engagement Strategy⁷. The strategy should incorporate strategies for engaging GRAC and other Aboriginal stakeholders for three pillars: Indigenous participation, procurement, and employment.

A plan provides a greater level of assurance that a well thought-out and appropriate engagement methodology will be followed which ultimately leads to good, material benefits for GRAC and its membership. It may also include appropriate incentives and/or disincentives for the driving of accountability to what's agreed upon in the plan, supported by government where applicable.

An adequate plan should include⁸:

- Identification of key stakeholders and rightsholders
- Strategies to achieve FPIC
- Outline of relationships and engagement initiatives to build relationships
- Formal agreements made with stakeholders and rightsholders
- Communication methods
- Employment and procurement targets
- Opportunities for partnerships and/or co-design

Applicants may provide supporting information or evidence in their statement that addresses:

1. What strategies the applicant is deploying to ensure it complies with FPIC and best-practice Aboriginal engagement principles.
2. The applicant's engagement strategy, plan, policies, and/or framework.

SOURCE 7

SOURCE 8



4 PROJECT MATTERS

4.1.3.2 Early Engagement and Timeframes

This matter relates to the applicant's commitment to engaging Aboriginal communities early in the process and setting respectful, community-driven timeframes.

Early engagement is a component of achieving FPIC. Late engagement of Aboriginal communities is a common concern in the renewable energy industry. We define early engagement as beginning before the completion of an initial feasibility study. Ideally, applicants would engage GRAC at conceptualisation of a project and then incrementally increase the level of engagement towards detailed design and construction phases. Best practice would involve strong, established relationships with GRAC and clear benefit agreements in place before a Final Investment Decision (FID).

There are a number of reasons why early engagement is essential for good project outcomes. These may include:

- Demonstrates respect towards communities.
- Provides Aboriginal people time to prepare to participate meaningfully in the conversations.
- Enables communities to participate in co-design and/or partnership arrangements.
- Provides communities time to assess their capabilities and capacity to make the most of employment and procurement opportunities including responding to cultural heritage requirements.
- Establishes foundations for strong, trusted relationships which ensure smoother, faster project development.
- It is essential to achieving FPIC.

GRAC needs to be given adequate time to consult their own people and to make decisions in line with their existing decision-making processes and cultural protocols.

Setting engagement timelines around GRAC's preferences is necessary to engage effectively and respectfully. It is important that the GRAC can influence project timeframes to ensure that they have enough time to become informed and therefore be able to participate meaningfully.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant is providing sufficient notice and timeframes to have genuine involvement by GRAC and Aboriginal stakeholders.
2. The applicant's engagement plan, particularly engagement activities.
3. How the applicant has included sufficient time within the project to undertake meaningful engagement, including risk and contingency planning.

4 PROJECT MATTERS

4.1.3.3 Stakeholder and Rightsholder Analysis

This matter relates to how well the applicant identifies and understands various stakeholders and rightsholders within Aboriginal communities, considering unique relationships and governance structures.

Having an accurate understanding of the various stakeholders and rightsholders is essential to good engagement, underpinned by trusting relationships. Applicants should undertake due diligence through desktop and in-person consultation and engagement to broadly and thoroughly understand the different individuals and organisations involved, the demographics, background and history, and relationship dynamics. Good stakeholder analysis and engagement identifies the various voices that exist within the Aboriginal community and acknowledges the unique relationships, governance and decision-making structures that exist. This matter aligns with CEC Leading Practice Principles – Principle 1 – Engage Respectfully⁹.

“It’s about understanding who we are, what we are and where we are”

The applicant may evidence this matter in the Community Engagement Plan or a similar document. Ideally, any engagement plan is underpinned by thorough stakeholder identification and analysis to ensure all relevant groups are identified. The applicant could use a standard industry stakeholder engagement approach, which culminates in an understanding of the groups involved, potentially with a land or place-based approach. Leading practice would see the applicant applying customised and/or culturally informed approaches to identifying both stakeholders and rightsholders. Ideally, this is done by and includes Country mapping¹⁰. Additionally, leading practice required demonstration that stakeholders have been identified through local conversations and relationship building, especially as available desktop information can be inaccurate.

Leading practice principles include identifying and engaging with wider community organisations and voices such as:

- Aboriginal Community Controlled Organisations (ACCOs)
- Health services
- Housing providers
- Employment agencies
- Sports clubs

- Justice services and organisations
- Elders groups
- Arts and culture centres and organisations
- Aboriginal businesses
- Councils

Any of this engagement needs to be done subject to the guidance and consideration of GRAC. This is important as they possess the appropriate corporate capability and place-based expertise to weight, consider and implement feedback from the broader local Aboriginal community in the context of negotiations.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant has identified and will continue to identify and evaluate stakeholders and rightsholders.
2. The applicant's stakeholder analysis framework.
3. How the applicant plans to engage with different stakeholder and rightsholder groups and who it plans to engage with.



4 PROJECT MATTERS

4.1.3.4 Cultural Safety

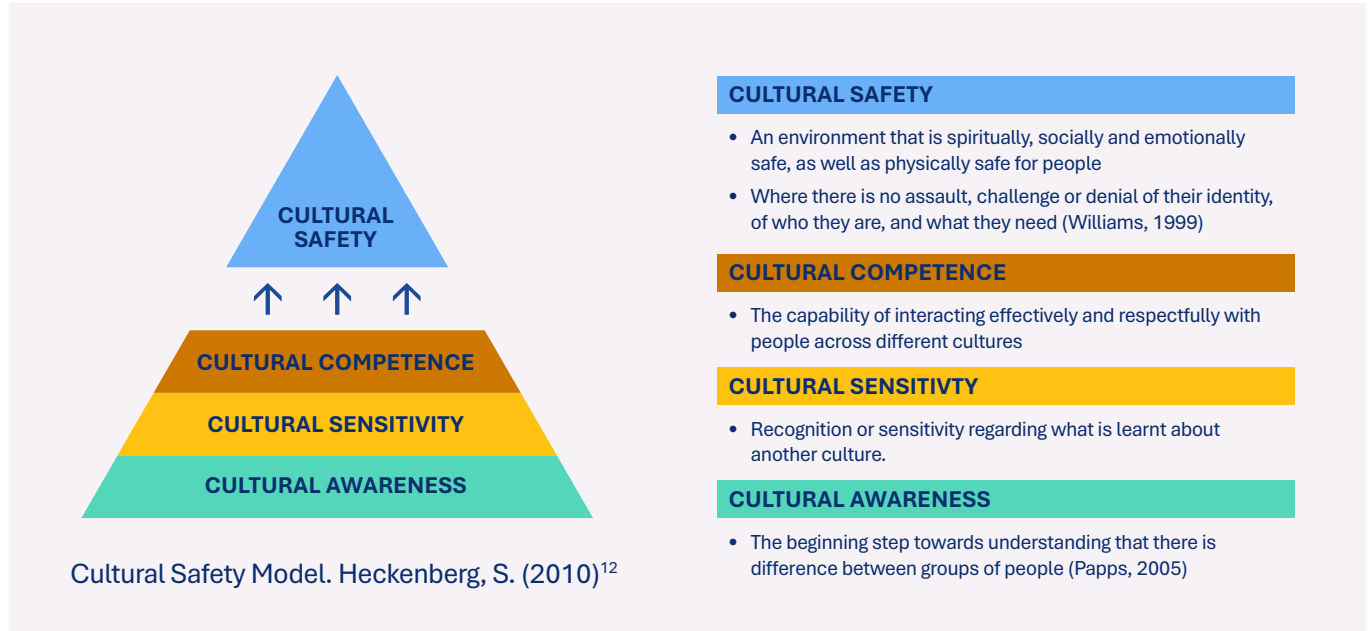
This matter relates to how the applicant engages with GRAC and the broader community in a culturally safe manner, involving culturally competent personnel or third-party support as needed.

This matter seeks to understand how applicants engage GRAC in a way that is culturally safe. Applicants may show that they are a culturally safe organisation, that they will enlist the support of a suitable third party or that they will engage an Aboriginal liaison to assist in maintaining this standard. Cultural safety is essential to ensuring that engagements lead to communities that are informed, involved and having their views heard.

Cultural competence can be defined as the capability of interacting effectively and respectfully with people across different cultures, as per Heckenberg's cultural safety model¹¹. Not all organisations are equipped with the skills and experience to engage with Aboriginal communities safely and effectively, and in a way that produces best possible outcomes for Aboriginal people. In that case we expect those applicants to identify their skills gap and enlist the assistance of qualified third parties. The most suitable third parties are organisations that have an existing, trusted relationship with GRAC or a GRAC member who is best suited to play the role of a liaison officer.

SOURCE 11

SOURCE 12



These parties can facilitate effective communication between the applicant and GRAC. This should ensure that there is sensitivity around languages, past dealings with industry, significant historical events, current social issues, etc.

However, engaging other parties (in some cases even RNTBC members) can lead to unintended consequences, so appropriate safeguards and due diligence are required. For example, third parties or liaison officers can sometimes have conflicts of interest due to other roles they play within the community or their relationships within the community.

Internal capabilities may be project teams with experience working with Aboriginal communities and considerable cultural safety may be a dedicated internal Aboriginal engagement team.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's relevant policies or plan for ensuring culturally safe engagement.
2. The applicant's cultural awareness and competency training that project staff have undertaken.
3. Any plans the applicant has to engage third-party advice or demonstration that it has sufficient cultural competency including place-based knowledge and capability.
4. How the applicant will monitor and evaluate its success in delivering culturally-safe engagement including sovereignty.

4 PROJECT MATTERS

4.1.3.5 Compensation

This relates to how the applicant examines the fairness and appropriateness of compensating Aboriginal people and organisations for their time, knowledge, and contributions to the project.

There is a growing concern that Aboriginal peoples and organisations are experiencing an increasingly heavy consulting load, with growing pressure from the clean energy industry and academia. Compensation for Aboriginal people's time is well established within government and in some industry sectors but is not yet commonplace in the energy industry. This guidance sets the expectation that the employees and members of GRAC should be fairly compensated for their time and knowledge. However, fair compensation requires nuanced and sometimes guided consideration.

The applicant should demonstrate consideration of providing compensation by asking GRAC what a reciprocal value exchange might look like. In some cases, compensation (especially financial) is not appropriate under the circumstances. In other instances, it is unacceptable to not remunerate people or organisations for their skills, time involved or professional and cultural knowledge¹³.

A coffee or meal can be an acceptable exchange however, industry needs to be encouraged to assume that compensation is required and offer fair value for people's time, skills, and knowledge. This may be assessed within the Community Engagement Plan and project financials.

Consideration should also be given towards equitable compensation within the RNTBC to ensure fair distribution of benefits and avoid creating conflict. Compensation could be financial or non-financial, the key is that the people who is providing their precious resources feel valued, whatever this looks like. Equally, consideration must be given to ensure that any financial compensation is received in a transparent and timely manner. In some instances, financial compensation has not been received by end recipients for many years due to complicated governance arrangements.

It is also best practice to cover expenses such as accommodation and travel costs where community members are expected to travel for engagement purposes, unless the RNTBC is coming to the project in a partner capacity. Individuals and organisations should not be out of pocket for participating in engagement activities.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's planned or actual compensation provided in exchange for undertaking the project.
2. How the applicant will ensure fair and appropriate compensation.
3. How the applicant empowers GRAC to negotiate in good faith and reach a self-determined outcome.
4. How the applicant will ensure that compensation is received by GRAC in a transparent and timely manner, ensuring they are not out of pocket.



4 PROJECT MATTERS

4.1.3.6 Consent

This matter relates to the applicant obtaining genuine consent from Aboriginal communities, emphasizing the importance of meaningful consultation and participation.

Consent is a complex assessment matter, which at its core is assessed through genuine consultation and participation¹⁴. In many instances consent of Aboriginal people is not legally required and Aboriginal interests over their lands do not come with veto rights. This makes the notion of consent somewhat controversial when communities understand that the project is likely to go ahead regardless of their views. For the purposes of this guide, consent can be considered to have been obtained if it can be evidenced that GRAC and their membership are supportive of the project.

Free, Prior and Informed Consent is the term used to describe best practice in social licence with Aboriginal people. However, FPIC is difficult to evaluate. FPIC is an 'academic' or theoretical concept derived from international mechanisms and treaties such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). For this reason, the guide does not refer to the requirements of FPIC and instead focuses on what is measurable i.e. evidence of consent. Other matters in the guide aim to address other aspects of FPIC indirectly.

SOURCE 14

SOURCE 15

SOURCE 16

FREE

The consent is free, given voluntarily and without coercion, intimidation or manipulation. A process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.

PRIOR

The consent is sought sufficiently in advance of any authorization or commencement of activities.

INFORMED

The engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.

CONSENT

A collective decision made by the right holders and reached through a customary decision-making processes of the communities.

Food and Agriculture Organization of the United Nations¹⁵

Consent is an important go-no-go point for the project and it is important that projects do not proceed without gaining explicit consent from relevant parties as determined by community¹⁶. Applicants should also have regard to the requirements in the HRE Act in relation to Native Title agreement-making.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant has sought free, prior, and informed consent.
2. The applicant's agreements or other documentation outlining GRAC's support for the project.

4 PROJECT MATTERS

4.1.3.7 Informed

This matter relates to the transparency and accessibility of information provided to GRAC, ensuring they are fully informed and able to participate in decision-making.

Informed is another component of FPIC. Informed engagement means communities have access to visual-based information and transparency of processes. This creates a fair environment for negotiations and the foundations for informed consent to be given. Informed engagement means that the applicant and GRAC have access to the same information and that they have the capacity or external support to make sense of the information.

“Information needs to be visual and in plain language, proponents need to understand that we have a duty to take things to our members and some don’t speak English as a first language. It helps when they can engage someone local to give it context to where we are from too”

Informed engagement also requires GRAC to have information early, and for information to be presented in a way that they prefer and aids them and their membership to digest the information.

The best way to do this is to respect and ask individuals and organisations how they want to be informed and be kept up to date with the project, and once “informed”, to confirm they have understood the information provided.

Providing clear, timely and transparent information to Aboriginal stakeholders has not been a strength of the renewable energy industry to date. This is one reason why currently there is push-back from many Aboriginal communities and groups against large-scale renewable energy projects.

This guidance is provided to bring GRAC along in the design and development process, not only for their benefit but because communities more broadly (Indigenous and non-Indigenous) hold key place-based information that can assist in the process. It is expected that the Community Engagement Plan will include information sessions and describe the commitment to ensuring that RNTBCs remain informed.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant is providing clear and transparent information to GRAC and other stakeholders with sufficient time for them to consider and digest it.
2. Measures the applicant has taken to ensure information is provided in the format that GRAC and stakeholders wish to receive it in, including different formats and languages.

4 PROJECT MATTERS

4.1.3.8 Accountability

This matter relates to the mechanisms the applicant has in place to ensure the project consistently engages as promised and addresses any issues raised by Aboriginal communities.

Accountability looks at whether the applicant has a measurement and verification process that tracks their engagement and commitments throughout the project. This matter aims to provide assurance that the applicant will consistently engage in the way that they are proposing, and if not, there are mechanisms in place for the applicant to rectify this. This aligns with CEC Leading Practice Principles – Principle 10 – Implement, monitor and report feedback¹⁷.

The process should include avenues for escalating GRAC's views and complaints (which could be achieved through a liaison or feedback website), and for tracking and reporting on engagement and benefit sharing practices (which could be through a CRM or project management tool). It is an assessment as to whether GRAC inputs and requests, are being actioned and whether GRAC's voices are being heard and considered, documented, and then decisions being made with consideration to these voices.

Clear and concise Community Engagement Plans and/or ILUAs will demonstrate that there are these kinds of measures in place. Best practice plans will include mutually agreed upon incentives and disincentives for the meeting of these measures, and have appropriate endorsement where applicable.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's quality assurance framework for undertaking and evaluating engagement.
2. The applicant's governance framework including accountability to community.
3. How the applicant plans to share its engagement outcomes (successes and mistakes) with community and continuously learn and improve.
4. The applicant's dispute resolution and complaints handling procedures.

4.1.4 Self-Reflection

The below questions have been posed to aid the applicants in reflecting upon how they have addressed the matter above within their statement.

- Are our engagement practices underpinned by genuine and respectful relationships and intentions?
- How early in the project development process are we engaging with relevant stakeholders?
- Have we produced an effective and culturally-safe engagement plan?
- Have we ensured all expenses incurred by GRAC and stakeholders as a result of our project are covered?
- Have we provided fair compensation for any resources or knowledge we wish to access for the purposes of the project?
- Are our engagement methods, communications channels, and engagement materials culturally appropriate and in a format that stakeholders prefer?
- What is our understanding of FPIC and how has this been operationalised within your organisation?



4 PROJECT MATTERS

4.2 Benefits and Impacts

4.2.1 Definition

This matter relates to the applicant's commitment to define, negotiate, and share project benefits with GRAC and Aboriginal people, focusing on long-term positive outcomes and meaningful participation.

4.2.2 Description

This matter seeks to understand the outcomes and benefits of the applicant's proposed project and how they are being shared with Traditional Owners and Aboriginal people. This also includes considering and mitigating negative impacts and potential disbenefits and risks as a result of delivering benefits. Within the energy industry, an impact is something that has an effect on a group or community as a result of energy development activities such as land use, transportation, economic investment, and other activities.

Benefits are derived from project outcomes which result from its outputs, e.g. a solar farm, and represent the value added to GRAC and the wider Aboriginal community over the short, medium, and long-term of the project. This matter considers the way that benefits have been defined and negotiated (procedural justice or fairness), and how they are shared (distributional ju

Assessing if the benefits are relevant, have been fairly negotiated, are determined or freely influenced by many voices of a community, is critical for delivering First Nations energy justice¹⁹. The benefits of an energy development are the long-term consequences that GRAC and its membership will live with, which will ultimately shape lives and perspectives including social licence. "Delivering outcomes not assets" is a vital consideration when assessing the benefits rubric. It is common within projects, especially infrastructure projects, to focus on delivering the physical outputs and not fully considering and delivering long-term outcomes and benefits, which is the reason why projects are delivered. It is critical that impacts and benefits are fully considered for Aboriginal communities and groups.

Energy projects present opportunities for Aboriginal business to participate in the energy sector and transition with various flow-on benefits. Ideally, applicant employment and procurement targets should align with the Federal Indigenous Procurement Plan or a State equivalent and should flow throughout the supply chain to contractors and subcontractors. Consideration may need to be given to ensure targets are achievable. Most importantly, developers should not assume local employment targets are desirable; they must be discussed with GRAC to evaluate what benefits are desired and deliverable. Supportive evidence and further information on employment and procurement can be found in the 'Powering First Nations Jobs in Clean Energy' report²⁰.

Co-design assesses how inclusively a project and the physical infrastructure have been designed with Aboriginal people and organisations, especially the Traditional Owners. Legitimate co-design allows for, and assures, a mutually beneficial relationship with equal input. It goes further than status-quo engagement and benefits, and ensures frank and fair discussions are had around key decisions with appropriate weighting given to the voices of RTNBCs. Co-design is not a new concept. There is much research regarding the importance and success of this within the health sector. Importantly, it can create equitable outcomes but must have cultural integrity at its core²¹, and is therefore closely linked to cultural safety. Co-design includes considering the extent of collaboration, the point in the project design process at which communities are involved, and the value that it creates for those involved²².

Beyond co-design, applicants may include the Traditional Owners and other Aboriginal community members within their governance structure and framework. Inclusive project governance and participation looks beyond good project governance towards the extent to which Aboriginal rightsholders and stakeholders are included within decision making²³. Inclusive project governance can materially contribute towards Australia's Closing the Gap targets, such as '8 - Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities' and '17 - People have access to information and services enabling participation in informed decision-making regarding their own lives'.

SOURCE 18

SOURCE 19

SOURCE 20

SOURCE 21

SOURCE 22

SOURCE 23

4 PROJECT MATTERS

4.2.3 Addressing the Matter

These matters relates to understanding the applicant's assessment of project benefits and how they are shared.

The applicant may demonstrate how they address the matters set out below either presently or, where relevant, a plan to do so over the license term.

4.2.3.1 Inclusive Benefit Definition

This relates to the extent to which benefits have been collaboratively designed with GRAC, ensuring they are relevant and meaningful.

This matter relates to the extent to which benefits have been designed by or with GRAC. It also assesses how well the benefits have been defined, which is important to ensure that benefits are deliverable and can be clearly communicated to rightsholders and stakeholders. Evidence of well-defined benefits should be found in a Community Benefits Plan or similar document. However, this may not always exist as it is an optional component.

Often, benefits which are easier to achieve are defined, rather than the benefits that RTNBCs actually want. It is important that benefits are framed within the broader social, economic, cultural, and environmental context of the Gawler Ranges. The key is to ask the benefit recipients what they want and define them collaboratively.

Key things to consider are where the benefits are conveniently matched to project timelines or resources, or where they appear to be quick-win benefits aimed at achieving Social Licence. This matter is therefore closely related to Section 4.1.3.3 of Engagement - Stakeholder and Rightsholder Analysis. If this is done well, then the benefits should be appropriate and relevant. Negotiation fairness is a critical component of procedural justice or fairness which should be assessed²⁴. There are no hard and fast rules around how this is achieved, and it will require judgement. However, specific considerations include:

- Has the defining of benefit been done in a culturally safe way?
- Do the Aboriginal groups consider the benefit negotiation process to have been fair?
- How much time has been allowed for Aboriginal parties to consider or identify the benefits?
- Did the process account for and address power imbalance?
- What resources were provided to Aboriginal parties to remove any barriers to negotiation and enable negotiation on their terms?
- Have Aboriginal parties been able to access third party advice?
- In what capacity were GRAC involved in defining benefits? e.g. as stakeholders, rightsholders, participants, or decision-makers?
- How early in the process were Aboriginal groups involved in designing or influencing benefits?
- Are the benefits proportional against the industry benchmark? (where existing)

A more comprehensive list of considerations for equitable agreement making and negotiation can be found [here](#).



4 PROJECT MATTERS

It is also vital to consider whether the defined benefits have been determined with or by GRAC. Commonly, project developers do not adequately consider the GRAC's capacity, resourcing, and timeframes. Instead, they pursue progress at the pace they need, without appropriately considering whether the negotiation process has been fair and balanced. RNTBCs often do not possess the technical capability to properly identify the benefits they should be asking for or devise a plan to gain or negotiate these benefits.

This matter is central to obtaining Social Licence and more specifically, a Cultural Licence to Operate (CLO)²⁵. This is important for two key reasons. A lack of CLO will impact the delivery of the project, potentially slowing it down due to resistance or even stopping the project altogether, where rightsholders are not providing CLO or consent. Furthermore, Social Licence and CLO are good indicators of where energy justice is enabled and likely to be an outcome of the project.

Therefore, this is one of the most significant components of the matters in this guide, as it addresses a foundational issue with the way Indigenous Australians and communities are engaged around energy infrastructure.

There are no hard and fast rules for assessing whether the benefits have been defined by GRAC, and it will require judgment. Ultimately, RNTBCs provide the decision regarding whether benefits have been defined by themselves and their membership or not. Where possible, an understanding of GRAC's place-based perspectives on benefit will be the best determinant.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's policies and framework relating to benefit definition.
2. How the applicant's project benefits have been or will be defined including clear alignment with tangible project outputs.
3. The applicant's approaches to co-designing benefits and who is participating in this process.
4. Any support the applicant has provided or measures undertaken to ensure the benefit recipients are enabled to define and negotiate sovereign benefits.



4 PROJECT MATTERS

4.2.3.2 Inclusive Benefit Sharing

This matter relates to how fairly and proportionately project benefits are distributed among Aboriginal rightsholders and stakeholders.

Building on from inclusive definition, inclusive benefit sharing looks at the result of this process and the extent to which project benefits are shared with Aboriginal rightsholders and stakeholders. This might involve consideration of what % of total capital investment is being proposed to be delivered to communities. There must be some level of proportionality and ultimately most benefits should have some lasting impact on GRAC and their membership. It is also important to understand the terms and conditions under which the benefits will be realised. This ensures benefits are realised and delivered into the hands of GRAC and their members. In some instances, benefits have been agreed but the beneficiaries have not received them due to complicated governance and financial arrangements. Finally, this matter is therefore closely related to Section 4.1.3.3 of Engagement - Stakeholder and Rightsholder Analysis. Ensuring that benefits are shared fairly is key to delivering distributional energy justice²⁶. Equally, consideration of community defined benefits and social investment is recommended as minimum practice in the 'Leading Practice Principles: Aboriginal and Renewable Energy Projects' guide²⁷.

If rightsholders have not been identified or the benefits are not being shared fairly with those most impacted by the project, then the outcomes will have justice implications.

“Benefits should be about bringing everyone together and sharing what our region can provide for us all”

A well-defined benefit should be measurable and be derived from the outputs and outcomes that will enable it to be realised²⁸. Measurable benefits can be directly or indirectly received. For example, the benefits of a microgrid project could be directly received from revenue streams and electricity cost reduction, or indirectly received by improving connection to culture and reducing domestic violence. The benefits could also be tangible (physical or intangible). This will determine how benefit realisation can be measured, and the likelihood of it being received. Furthermore, this might involve consideration of the governance of, and magnitude of, community benefit sharing e.g. cumulative benefit sharing and distribution to maximise and ensure relevance of the benefits received by RNTBCs²⁹.

Consideration may need to be given to how these benefits are gained and communicated. Aboriginal communities have in places spoken about benefits, both actual and perceived, creating local tension and stoking incidents of racist behaviour.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's proposed benefits to be shared and the respective value considering proportionality and fairness.
2. How the applicant has identified benefit recipients and who the benefits are being shared with including stakeholder and rightsholder analysis.

SOURCE 26

SOURCE 27

SOURCE 28

SOURCE 29



4 PROJECT MATTERS

4.2.3.3 Procurement and Employment

This matter relates to the applicant's commitment to providing procurement and employment opportunities to Aboriginal businesses and individuals.

This matter relates to project procurement targets and opportunities for Aboriginal people and businesses as part of the project. Often there are minimal opportunities for Aboriginal business to participate, and often the percentage of total spend with Aboriginal businesses is low. Ideally, targets should be in line with the Federal Indigenous Procurement Plan or a State equivalent, however demonstration of opportunities is a minimum standard. Employment and procurement targets should flow throughout the supply chain to contractors and subcontractors. There must be some level of proportional value, and ultimately these benefits should have some lasting impact on GRAC and their membership.

Good practice would be a target derived from the localities in which an organisation operates referencing the Indigenous proportions of these regions, cities, or towns. Leading practice is a target that is equivalent or above to the Aboriginal population of the region, and where this target includes a local community element. However, some discussion or consideration may need to be given when a project is remote.

Supportive evidence for a leading practice parity approach and for further information on employment and procurement can be found in the 'Powering First Nations Jobs in Clean Energy' report²². An example may be developing career pathway opportunities that include a pre-employment and skills development program that addresses root cause barriers to employment.

Also considered in this matter is the adequate provision of employment and training opportunities to be able to capitalise on available positions, and an acceptable Aboriginal employment target, that flows throughout all contractors and subcontractors. A range of apprenticeships or career pathway opportunities may be made available directly through construction or ongoing maintenance and operational activities, which may be coordinated through other training and workforce providers³⁰.

Applicants may provide supporting information or evidence in their statement that addresses:

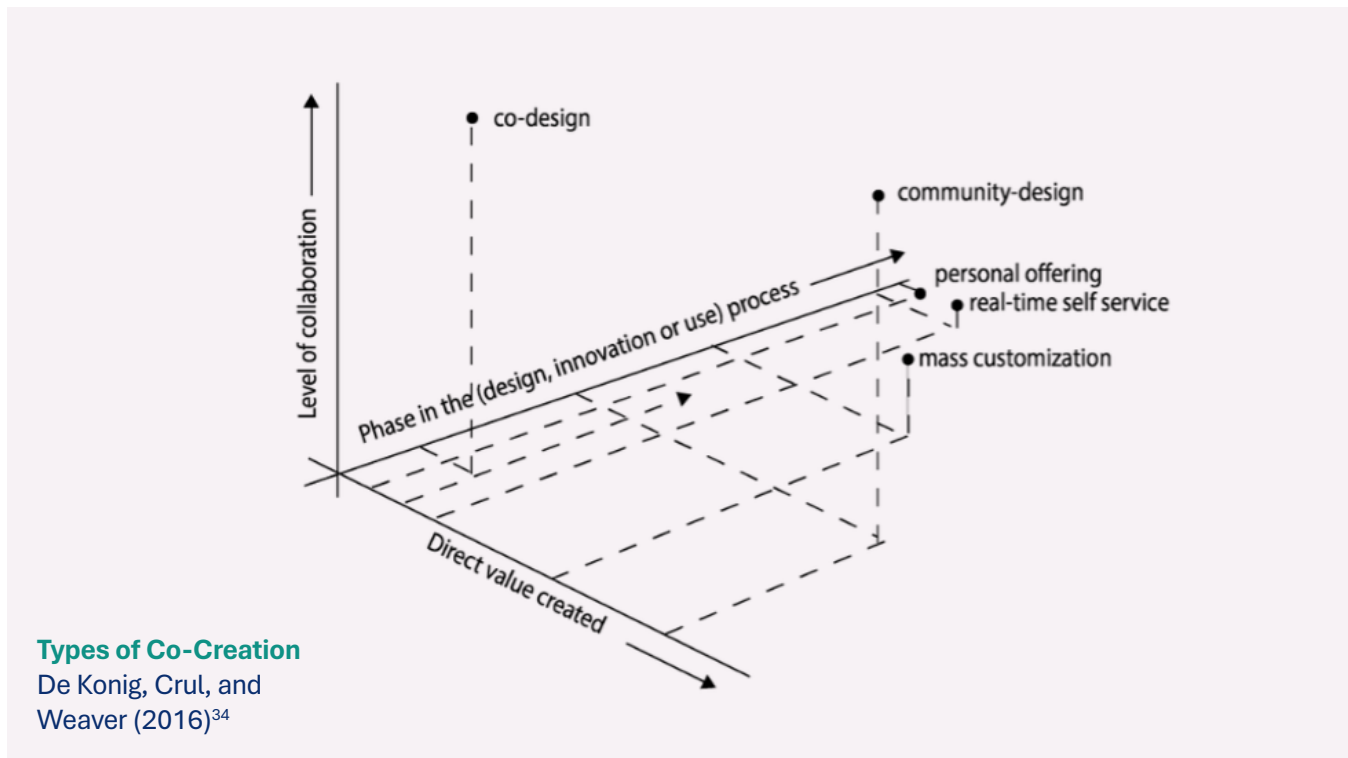
1. The applicant's policies, procedures, or framework relating to Aboriginal procurement.
2. The applicant's policies, procedures, or framework relating to Aboriginal employment.
3. The applicant's forecasted or actual progress to meet Aboriginal employment targets.

4 PROJECT MATTERS

4.2.3.4 Co-design

This matter relates to how inclusively GRAC are involved in the design and development of the project, ensuring mutual benefits and respect for cultural knowledge.

Co-design considers how inclusively a project and energy infrastructure have been designed with Aboriginal people and organisations. Legitimate co-design allows for, and assures, a mutually beneficial relationship with equal input. It goes further than status-quo engagement and ensures frank and fair discussions are had around key decisions with appropriate weighting given to the voices of RTNBCs. Key to co-design's success is mutual understanding. One part of this is ensuring that Aboriginal participants have sufficient energy literacy to understand and contribute meaningfully, and if not, helping them to understand technical concepts. Similarly, co-design may also involve weaving and demonstrating Aboriginal knowledge at an operational level such as in design, construction, or project management, and/or at a conceptual level e.g. the relationship between sustainable and distributed energy, and traditional knowledges and practices.



Co-design is not a new concept. There is much research regarding the importance and success of this within the health sector³¹. Importantly, it can create equitable outcomes but must have cultural integrity at its core³², and is therefore closely linked to cultural safety. Generally speaking, co-design includes consideration of the extent of collaboration, the point in the design process at which communities are involved, and the value that it creates for parties involved³³.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant has utilised or plans to use co-design methods throughout the project lifecycle.
2. How the applicant is collaborating with GRAC, Aboriginal community members and Aboriginal businesses around benefit management.
3. The applicant's specific interfaces with Aboriginal people and organisations via project engagement and participation.

SOURCE 31

SOURCE 32

SOURCE 33

SOURCE 34

4 PROJECT MATTERS

4.2.3.5 Benefit Value

This matter relates to the cultural, social, and economic value of the benefits provided by the applicant, ensuring they align with the community's aspirations and the proposed project's scale.

The value a benefit provides is a critical consideration. This matter considers the 'value' of a financial and non-financial benefits in the context of the project and GRAC, including cultural, social and economic benefits over the short and long term. If the benefits have been determined inclusively and shared inclusively, the value should be relevant and significant. The specific benefits and the extent of value they provide will vary depending on the scale of the project and local needs. The key is to identify the RNTBC's aspirations and find a way to unlock them, and not provide token or ill thought-through gestures.

When considering this matter, consideration should be given to the size of the local economy, the total benefit or financial size of the applicant's proposed project, and the proportion between the two. Companies should consider a range of financial and non-financial benefits and should consider benefits over different terms. Options may include equity, project co-ownership, energy literacy programs, cultural and nature reserves/sites, business establishment, school programs, or direct payments.

Key questions to ask when considering this matter include:

- What is the cultural, economic, social and environmental value of the 'benefits'?
- What is the total value of the project?
- Does the proportion of GRAC to applicant benefit appear appropriate?
- What is the impact that this project will have on achieving GRAC's aspirations?
- What is the impact the proposed project will have on the local economy?
- Will these benefits have the systemic or long-term impact that they are designed to?
- Are there short-term wins as well as long-term gains?
- Have the risks that are inherited by GRAC as a result of receiving these benefits been made apparent?

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's social, economic, cultural, and environmental value of the proposed benefits for GRAC and Aboriginal people.
2. The applicant's accessibility and longevity of proposed benefits including quick wins and long-term value.
3. How the applicant is has assessed and is managing disbenefits, negative impacts, and potential risks arising from the associated benefit.

4 PROJECT MATTERS

4.2.3.6 Land and Environmental Management

This matter relates to the applicant's approach to managing environmental impacts and land use in alignment with GRAC's perspectives and cultural heritage.

Land and environmental management considers whether potential negative impacts are being addressed and managed, and whether this is being done by or with GRAC. Fundamentally, environmental laws and requirements must be complied with, as well as GRAC's standards for environmental protection and land management. Environmental considerations are not just limited to the impact of the project but extend to how the supply chain and decommissioning align with place-based views and beliefs – their culture. This points firmly towards the trade-offs and performance of different technologies, materials and technical approaches, in terms of circularity, impact on biodiversity, and the broader environment, as well as embodied greenhouse gas emissions.

“Proponents need to understand that the environment - it's ecological make-up and our culture are one in the same”

This matter considers the potential alternative uses of land and its inherent value e.g. agricultural, cultural, commercial, and considers what the land will be used for at the end of the asset's life. Central to this is Aboriginal people's opinions or perspectives on alternative and future land uses. An understanding of alternative land use should be considered and analysed by the project, alongside the concepts of Country, Culture, Lore and Kinship.

The cultural heritage considerations in this matter aim to ensure that any relevant cultural heritage laws and requirements are being complied with alongside GRAC's standards with relation to cultural heritage. Best practice here is that GRAC have the final say on all cultural matters and are actively involved in completing cultural heritage assessments and plans. This can often be a contentious part of projects with disagreement arising between RNTBC representatives and applicant-engaged archaeologists or other technical third parties. The applicant may explore opportunities to involve Aboriginal Rangers or interface with existing programs³⁵. An emphasis on Country, long-term thinking, and RNTBC input are good indicators that the analysis on land use has been deeply considered and is likely in line with minimum practice. Co-developing a project-specific environmental management plan with local Aboriginal groups would be considered best practice³⁶.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How the applicant has identified, analysed, and assessed negative impacts and will continue to do so.
2. How the applicant can benefit the environment, ecology, climate, and cultural heritage.
3. The applicant's identified opportunities for Indigenous rangers throughout the project.
4. The applicant's reduction of any negative short and long-term environmental impacts.
5. The applicant's commitment to cultural heritage throughout and Native Title.

SOURCE 35

SOURCE 36



4 PROJECT MATTERS

4.2.3.7 Inclusive Governance

This matter relates to the extent to which GRAC are involved in the proposed project's governance and decision-making processes.

Inclusive project governance looks beyond good project governance towards the extent to which Aboriginal rightsholders and stakeholders are included within decision making. This matter extends beyond appropriate engagement, which is often one-sided or transactional, and evaluates how the applicant is including the rightsholders and GRAC within the project governance. This matter closely interfaces with the co-design element, which relates to inclusive decision making throughout the early phase of the project, whereas this matter relates to inclusive decision making and potential benefits over the long term.

“Through our Elders’ teachings we must ensure that when it comes to future decision-making for our people, there is nothing about us, without us.”³⁷

Inclusive project governance can materially contribute towards Australia’s Closing the Gap targets, such as 8 - Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities and 17 - People have access to information and services enabling participation in informed decision-making regarding their own lives³⁸.

This matter involves consideration of the inclusivity of the project ownership structure, particularly any structures that involve GRAC ownership, or the processes where ownership changes, and includes what happens after the asset reaches end of life. Aboriginal equity ownership is the most inclusive option as an excellent way to enable economic participation³⁹. However, this must go hand in hand with implementing FPIC to ensure that communities are fully aware of equity risks and responsibilities.

Applicants should consider governance through all stages of the project ensuring that the appropriate protections are in place to guard against different risks. A key governance consideration will also be the land used and any leasing arrangements, ownership structures or changes concerning this land.

Applicants may provide supporting information or evidence in their statement that addresses:

1. How GRAC and Aboriginal stakeholders are involved in the applicant's project decision-making and information sharing, particularly relating to impact management.
2. The applicant's governance structure and how it includes GRAC and Aboriginal people.

SOURCE 37

SOURCE 38

SOURCE 39



4 PROJECT MATTERS

4.2.3.8 Assurance

This matter relates to the applicant's processes and policies to ensure that the promised benefits are delivered and that there is accountability for deviations and performance.

Assurance looks at whether the applicant has processes and governance that will ensure the proposed benefits eventuate into on the ground results. It is common across all sectors for projects to fail at or deviate from delivering their intended benefits⁴⁰. Furthermore, Aboriginal community engagement more broadly is often associated with a lack of measurable outcomes, and sometimes even a lack of professionalism or rigour.

Key to this is a lack of setting of metrics, baselining, monitoring and evaluation, and action where measures of success are not being met. While benefits are often poorly defined due to a lack of critical definition and detailed mapping, benefits must be measurable⁴¹.

Applicants could address this by undertaking detailed benefits mapping and implementing specific assurance reviews and/or an evaluation framework⁴².⁴³ Going one step further, benefits may be legally agreed via an Indigenous Land Use Agreement or other commercial arrangement.

The assurance process should include avenues for escalating poor performance (deviation from agreed benefits, and for tracking and reporting on delivery of outputs, outcomes, and benefits as the project progresses to project sponsors and funders.

This is part of a robust benefits management governance structure which should assign clear roles and responsibilities⁴⁴. This aims to ensure that benefits are being delivered as intended, and that corrective or remedial action is taken where benefits are not being released or planned actions not being completed.

This is especially relevant for Aboriginal communities. Due to the nature of the industry at present, some developers work with communities to drive a project forward to Financial Investment Decision with no intention of actually delivering the project, or with an intention to sell development rights to another party.

This places significant burden on and stress for rightsholders due to uncertainty and the need to form new relationships with new parties. If the applicant considers and addresses this matter in a meaningful way, this outcome is less likely to eventuate. Ongoing benefits evaluation must be transparent and available to all parties, and ideally publicly available.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's quality assurance processes and frameworks.
2. The applicant's benefits management processes and frameworks.
3. The applicant's escalation and complaints handling procedures.

SOURCE 40

SOURCE 41

SOURCE 42

SOURCE 43

SOURCE 44



4 PROJECT MATTERS

4.2.4 Self-Reflection

The below questions have been posed to aid the applicants in reflecting upon how they have addressed the matter above within their statement.

- What is the cultural, economic, social and environmental value of the benefits?
- Do the benefits provide a fair exchange between the applicant, rightsholders, and stakeholders?
- Will these benefits have the systemic or long-term impact that they are designed to?
- Have you identified short-term wins as well as long-term gains?
- Have potential impacts been assessed and managed?
- Are there any unintended consequences and risks that have not been identified or evaluated?
- Have the risks that are inherited by GRAC as a result of receiving these benefits been made apparent?
- Has benefit definition been done in a culturally safe, fair, and transparent way?
- Did the process account for and address power imbalance?
- What resources were provided to Aboriginal parties to remove any barriers to negotiation and enable negotiation on their terms?
- Has GRAC been able to access third party advice where required?
- How early in the process were Aboriginal groups involved in designing or influencing benefits?
- Are the benefits proportional against the industry benchmark? (where existing/known)

4 PROJECT MATTERS

4.3 Cultural Responsiveness

4.3.1 Definition

This matter relates to the applicant's organisational culture and commitment to positive Aboriginal outcomes, including cultural competency and long-term relationship-building.

4.3.2 Description

This matter seeks to understand cultural responsiveness, which very simply is the organisational culture of the applicant with regards to Aboriginal outcomes. This 'organisational culture' is constituted of the individual mindsets of staff, organisational systems and processes, structures, working norms, etc. The culture also pertains to themes such as cultural awareness and subconscious bias.

Legitimate organisational culture and commitment is the only antidote to ensure corporate practice and resultantly project engagement delivers material, long-term, and measurable impact. Cultural competency or responsiveness is the bedrock for the sustainable long-term relationships with Aboriginal groups. These long-term relationships should transcend the project lifecycle and are a primary way to reconcile the fundamental difference between the rate at which the clean energy projects move, and the rate at which many Aboriginal outcomes are achieved.

Reconciliation Action Plans (RAP) are the primary tool through which organisations, assess and report on their contribution to the livelihoods of Aboriginal Australians. Having an active RAP demonstrates enduring commitment to positive outcomes for Aboriginal communities and addresses significant risks in industry caused by the fast-paced nature of development. While applicants may be culturally competent on a project basis, having a RAP provides additional assurance that it is supported by organisational cultural maturity that will last beyond the project end date or resource changes. The RAP should outline an applicant's commitment to Closing the Gap targets. The National Agreement on Closing the Gap has 17 socio-economic targets, most of which are not on track or are worsening instead of making progress⁴⁵.

The energy transition provides a significant opportunity to close the gap in a fair and just manner if it is approached considerately.

4 PROJECT MATTERS

4.3.3 Addressing the Matter

This matter seeks to understand the applicant's cultural responsiveness.

The applicant may demonstrate how they address the matters set out below either presently or, where relevant, a plan to do so over the license term.

4.3.3.1 Reconciliation Action Plan (RAP)

This matter relates to the existence and effectiveness of a RAP, demonstrating the applicant's long-term commitment to reconciliation and Indigenous outcomes.

A Reconciliation Action Plan or RAP is the primary tool by which corporate Australia and organisations more broadly, organise and report on their contribution to the betterment of Indigenous Australians. This matter considers if an applicant has one, and if so, how effective and committed it is. This is important particularly because it shows enduring commitment to positive outcomes for Indigenous communities. It also addresses significant risks in industry caused by the fast-paced nature of development, with some applicants addressing cultural matters on an application basis without having the underlying organisational structures and maturity to commit to the right outcomes.

The RAP should outline an applicant's commitment to Closing the Gap targets. Inequity is a significant issue for Indigenous Australians with significant work required to close the gap. The National Agreement on Closing the Gap has 17 socio-economic targets, most of which are not on track or are worsening instead of making progress⁴⁶. The energy transition provides a significant opportunity to close the gap and get it right.

There are four types or levels of RAPs ranging from Reflect, Elevate, Stretch, Innovate⁴⁷, with a significant variance between and within the different RAP types, particularly in their impact, and how embedded commitments are. The CEC 'Leading Practice Principles: First Nations and Renewable Energy Projects' guide specifies that a RAP is minimum (medium practice) and acts as a framework for coordinating your organisation's Aboriginal commitments⁴⁸. Whereas, continuing to progress organisational cultural competency and reconciliation journey by progressing towards the next level of RAP is considered best practice.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's current or proposed RAP.
2. The applicant's experience with developing and making progress on a RAP.

SOURCE 46

SOURCE 47

SOURCE 48



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4.3.3.2 Experience Level and Mindsets of Staff

This matter relates to the cultural awareness, experience, and mindsets of staff within the applicant's organisation regarding Aboriginal engagement.

This matter relates to the general cultural awareness, underlying mindsets, subconscious bias of staff within the applicant's organisation. Assessing these underlying thoughts and mindsets is vital to understanding where applicants may be on their journey to reconciliation and will provide critical insights for feedback provided to applicants.

Often this type of measurement or monitoring has not been done, however even if this data is not available an organisation's openness or willingness to conduct and maintain such monitoring is an excellent litmus test for 'capacity to be cultural responsiveness'. Here we will consider any previous projects of a similar or adjacent nature, specifically demonstrating an ability to effectively engage and provide benefit for Aboriginal people.

The experience of an applicant in working with Aboriginal people requires a nuanced assessment. This could be demonstrated through length of experience. However, the most important evaluative measure of this is the strength of an applicant's relationships with GRAC and their cultural safety. The best indicator of this is the perspectives on the ground, which is difficult to assess in the application documents. If available, the applicant may demonstrate this through feedback, ILUAs, or letters of support from GRAC.

Many applicants may not measure their 'culture' and may not have experience that can be used as a proxy, in these cases, it is important for an applicant to consider their willingness and propensity to eventually shift mindset, measure culture and gain experience with Aboriginal peoples and communities. Like all 'soft' measures, measuring willingness remains difficult and will likely require the consideration of a number of inputs.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's understanding of organisational culture, mindsets, thinking, and bias as they relate to Aboriginal culture and people, and any action taken or intention to measure this.
2. The applicant's learning and development framework for staff in relation to cultural awareness and capability.
3. How the applicant has progressed its cultural responsiveness and approaches for assessing and embedding continuous improvement.

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4.3.3.3 Organisational Relationships

This matter relates to the strength, maturity, and commitment of the applicant's relationships with Aboriginal communities, focusing on long-term engagement and formalisation efforts.

This is a very important matter within Section 4.3 'Cultural Responsiveness' as it considers as it assesses past and/or existing relationships the applicant has with Aboriginal communities or groups. This will provide vital insights into how the applicant works with Aboriginal interests. Often publicly available information, or initial intentions and plans are very good, however in practicality, things go wrong, and challenges are inevitable. A longitudinal assessment, or assessment of mature community relationships, can give an unparalleled view into how capable and committed an organisation truly is.

This matter considers both the strength of a relationship or where the relationship is new, the strength of an applicant's commitment to maintaining a relationship. Secondly, this matter considers the robustness and longevity of the relationship, accounting for an applicant's attempts and actions to formalise the relationship and to assure these relationships are ongoing and meaningful.

An important consideration here is whether relationships are, or intended to be, individual or organisational, and thus considers whether senior leaders and other key staff are committed to said relationship. Various other indicators of formalisation should be identified or considered to demonstrate the relationship is strong. This includes fundamental indicators such as community governance e.g. representation, organisation, decision making processes, as these factors are reflective of community's ability to maintain or establish an equitable relationship.

Applicants may provide supporting information or evidence in their statement that addresses:

1. The applicant's long-term relationship history with Aboriginal communities and/or GRAC.
2. The applicant's participation and inclusion of Aboriginal people within the organisation.

4.3.4 Self-Reflection

The below questions have been posed to aid the applicants in reflecting upon how they have addressed the matter above within their statement.

- What is our organisation's commitment to reconciliation?
- How is our reconciliation journey being integrated within the business and progressed?
- What is our relative cultural competency and cultural responsiveness?
- Are we actively seeking to understand and challenge inherent cultural biases?
- Does our organisation create space for and encourage both western and Indigenous worldviews and thinking?
- Have we sought independent and culturally appropriate feedback on our cultural responsiveness and/or RAP?

References and Further Information



5 REFERENCES AND FURTHER INFORMATION

A list of further resources including key resources referenced within the guide is outlined below.

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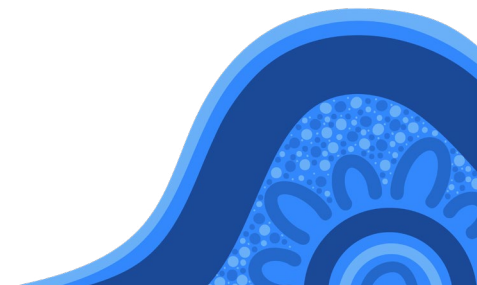
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