

**GUIDELINES IN RELATION TO AN APPLICATION FOR A PROPOSED LICENCE
OVER NATIVE TITLE LAND**

Hydrogen and Renewable Energy Act 2023

For the purposes of sections 17(4)(b), 19(6)(b) and 21(5)(b) of the *Hydrogen and Renewable Energy Act 2023 (HRE Act)*, the Minister has issued the guidelines below.

1. These guidelines apply to any of the following licences under the HRE Act (a **proposed licence**):
 - a. a renewable energy feasibility licence (**REFL**);
 - b. a renewable energy infrastructure licence (**REIL**); and
 - c. a renewable energy research licence (**RERL**).
2. Before the Minister may grant a proposed licence over any native title land within the Gawler Ranges native title determination area, the Minister must be satisfied that:
 - a. the proposed licensee has consulted and entered into an agreement with Gawler Ranges Aboriginal Corporation RNTBC (**GRAC**) on behalf of the Gawler Ranges native title holders on terms satisfactory to GRAC; or
 - b. GRAC has provided written notice to the Minister that it does not require the proposed licensee to enter into an agreement with GRAC before the grant of the proposed licence.
3. For the purposes of Item 2(a), the agreement must address cultural heritage protection provisions in relation to the undertaking of activities authorised to be undertaken under the proposed licence and may contain any other terms upon which GRAC consents to the undertaking of those activities.
4. In these guidelines, a reference to a proposed licensee includes any person who has assumed the rights and obligations of a proposed licensee under an agreement entered into for the purposes of Item 2(a) (providing that any consent of GRAC required by the agreement has been obtained).

Notes:

1. *The Minister notes that there is an existing native title agreement (the Gawler Ranges Native Title Claim Settlement Indigenous Land Use Agreement (ILUA) SI2012/004) which authorises the grant of a proposed licence within the Gawler Ranges native title determination area for the purposes of sections 17(4)(a), 19(6)(b) and 21(5)(b) of the HRE Act. As such, an agreement entered into for the purpose of these guidelines may (but is not required to) be in the form of an ILUA.*
2. *An agreement entered into for the purposes of Item 2(a) of these guidelines may provide for the matters outlined in Item 3 in respect of one or more proposed licences.*

Example – an agreement may provide for the matters outlined in Item 2 in respect of a REFL and a REIL.

Dated: 26 March 2026

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