GOVERNMENT OF WESTERN AUSTRALIA

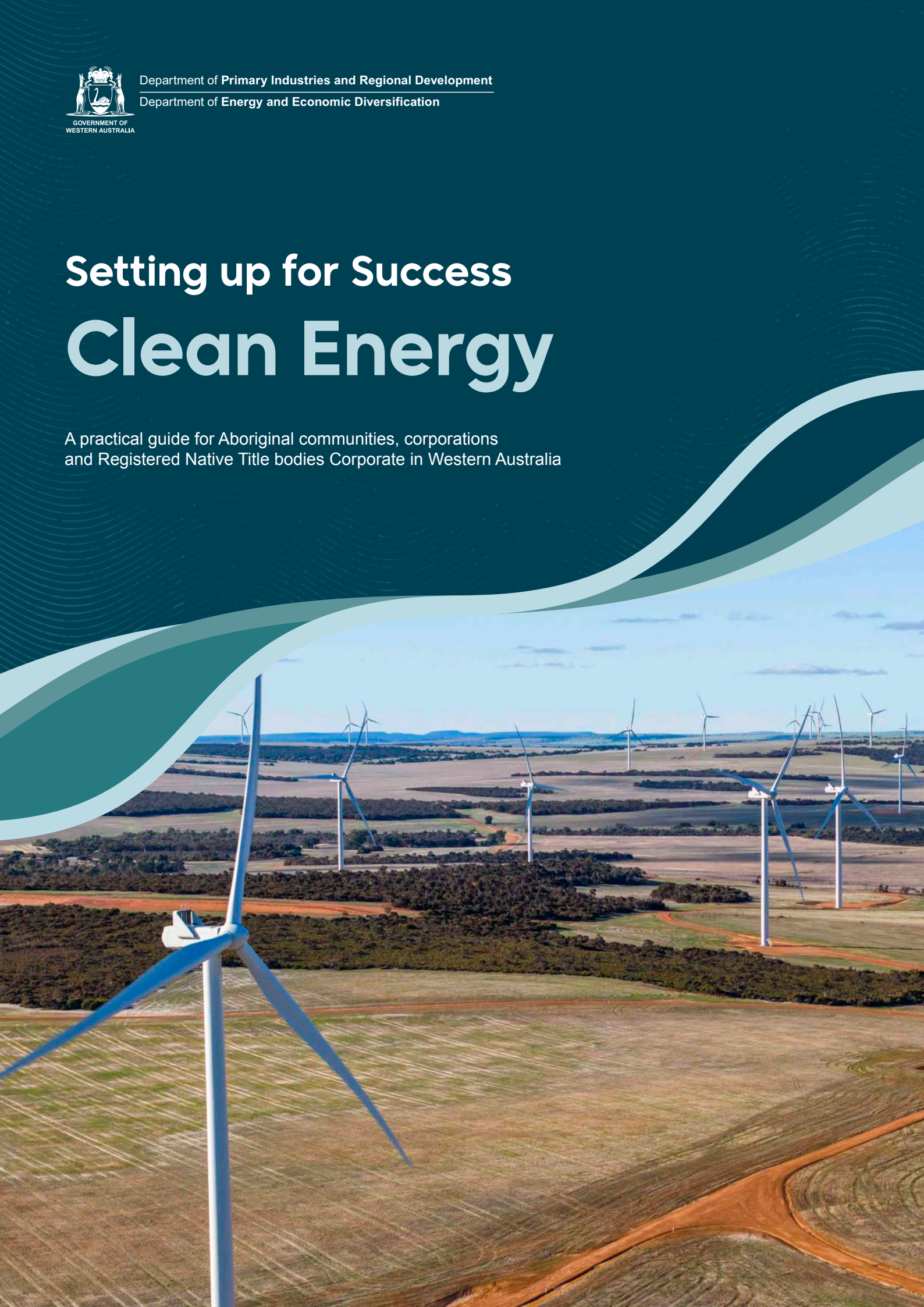
Department of **Primary Industries and Regional Development**

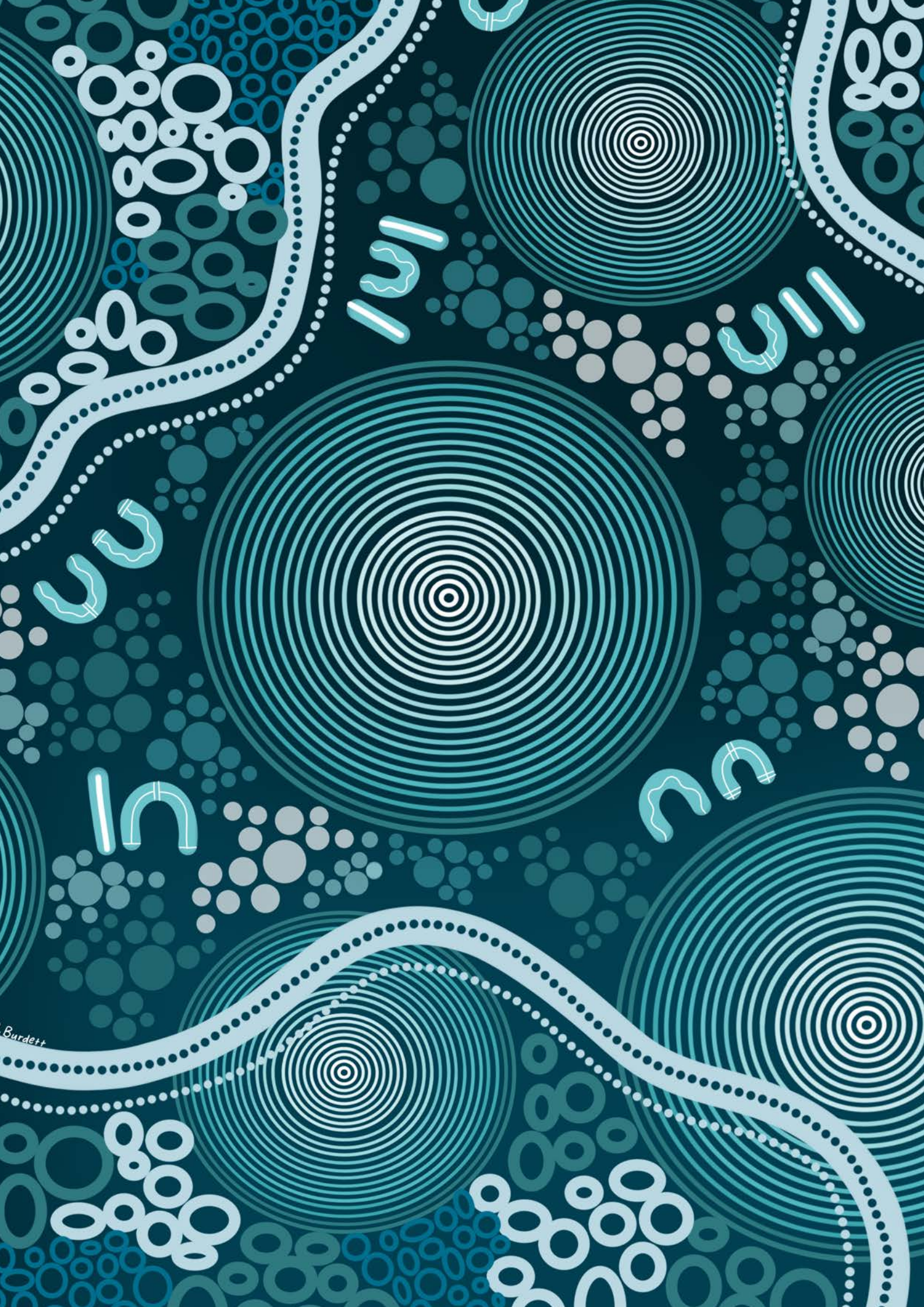
Department of **Energy and Economic Diversification**

Setting up for Success

Clean Energy

A practical guide for Aboriginal communities, corporations and Registered Native Title bodies Corporate in Western Australia




Burdett

Acknowledgement of Country

The Department of Primary Industries and Regional Development (DPIRD) acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia, and recognises their continuing connection to the land and waters. DPIRD respects the continuing culture of Aboriginal people and the contribution they make to the life of our regions and we pay our respects to Elders past, present and emerging.

Acknowledgements

The topics covered in this guide were chosen following discussions with Aboriginal organisations across Western Australia about the information that would be most valuable to their members and community. DPIRD thanks the many Aboriginal people and organisations who participated in these discussions and contributed to the development of this guide. In particular, DPIRD acknowledges the contribution from the Yindjibarndi Aboriginal Corporation RNTBC, Yindjibarndi Ngurra Aboriginal Corporation RNTBC, Yindjibarndi Energy Corporation, the Aboriginal community in Marlinja, the Aboriginal Clean Energy Partnership (Aboriginal Clean Energy Partnership Pty Ltd, Balanggarra Ventures Limited, Balanggarra Aboriginal Corporation, MG Corporation, the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation, Kimberley Land Council), the Ngardara Cooperative and Original Power Ltd, Wajarri Yamaji Aboriginal Corporation RNTBC and Wajarri Enterprises Limited, who shared stories for the case studies. DPIRD also acknowledges the Dja Dja Warrung community and Yamatji Marlpa Aboriginal Corporation, who also contributed important content to the guide.

Finally, the department thanks Chalk & Behrendt, Alinga Energy Consulting and Akin Consulting for their support in creating this guide.

Cultural Sensitivity Warning

Aboriginal and Torres Strait Islander people should be aware that this publication may contain images and names of people who are deceased.

Important Disclaimer

The Chief Executive Officer of the Department of Primary Industries and Regional Development and the State of Western Australia accept no liability whatsoever by reason of negligence or otherwise arising from the use or release of the information in this document or any part of it. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

The information in this document is to be treated as guidance only. It is not legal, planning, development or policy advice. Information in the guide will change over time and it does not address all scenarios. You should seek advice on your particular circumstances.

Artwork by Rickesha Burdett

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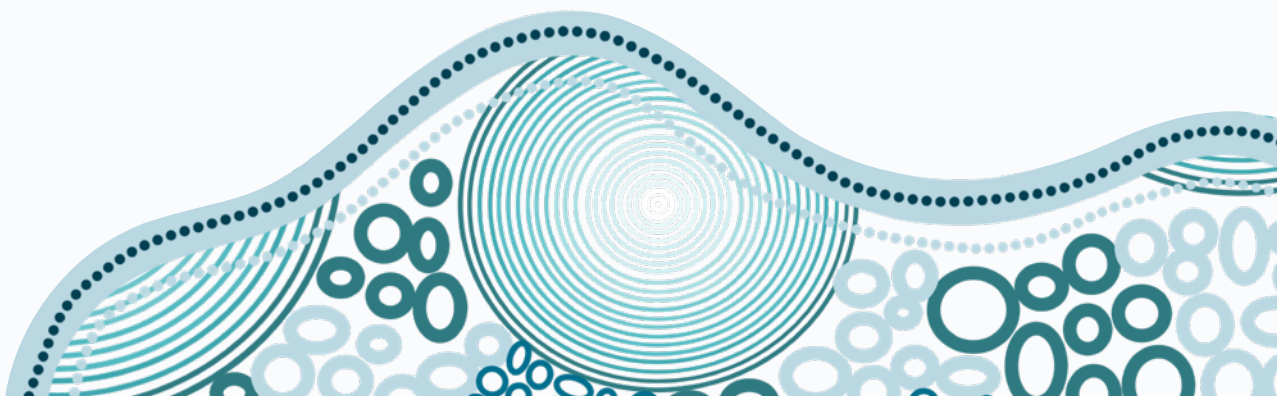


Abbreviations

ACHIS	Aboriginal Cultural Heritage Inquiry System
ARENA	Australian Renewable Energy Agency
ASIC	Australian Securities & Investments Commission
DPIRD	Department of Primary Industries and Regional Development (WA)
DPLH	Department of Planning, Lands and Heritage (WA)
FID	Final investment decision
FPIC	Free, prior and informed consent
GTE	Government trading enterprise
HIA	Heritage impact assessment
HPA	Heritage Protection Agreements
IBA	Indigenous Business Australia
ILSC	Indigenous Land and Sea Corporation
ILUA	Indigenous Land Use Agreement
MOU	Memorandum of understanding
NNTC	National Native Title Council
NNTT	National Native Title Tribunal
NWIS	North West Interconnected System
ORIC	Office of the Registrar of Indigenous Corporations
PBC	Prescribed Body Corporate
PPA	Power purchase agreement
PV	Photovoltaic
RAP	Reconciliation Action Plan
RNTBC	Registered Native Title Body Corporate
SKAO	SKA Observatory
SWIS	South West Interconnected System
WEL	Wajarri Enterprises Ltd
YAC	Yindjibarndi Aboriginal Corporation
YEC	Yindjibarndi Energy Corporation
YMAC	Yamatji Marlpa Aboriginal Corporation

Key terms used in this guide

A glossary of terms can be found at the end of this guide.

Aboriginal communities refers to the various types and sizes of groups of Aboriginal people in Western Australia.

Aboriginal organisations refers to the various types of Aboriginal organisations in Western Australia, whether formal or informal, with whatever purposes, whether incorporated or not, and if incorporated, under any incorporation legislation.

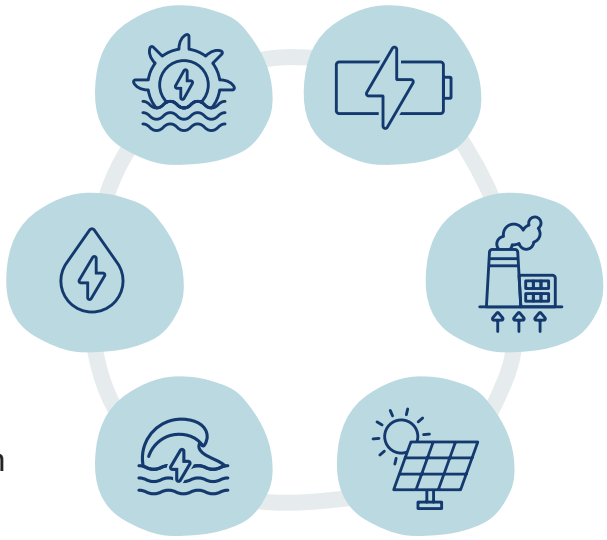
Land refers to land and waters of Western Australia.

Native title party describes native title holders, native title claimants or the legal entity holding native title rights and interests on behalf of the native title holders. That is, peoples and organisations involved in the recognition of native title rights and interests pursuant to the *Native Title Act 1993* (Cth).

Traditional Owners refers to peoples with a traditional connection to particular lands and waters, and **Traditional Country** refers to those particular lands and waters. They are used as general terms.

Registered Native Title Body Corporate (RNTBC) and Prescribed Body Corporate (PBC) are used to describe a legal entity that holds native title rights and interests on behalf of a native title holder.

Introduction



What is clean energy?

Clean energy, or renewable energy, is energy that comes from natural sources or processes that never run out. There are various types of clean energy that are common in Australia, such as wind and solar, and there are others that are emerging as technology develops.

The clean energy transition in Western Australia

Every year, more and more energy in Western Australia (WA) is coming from renewable sources. This is the ‘transition’ towards more sustainable types of energy production. The growth in renewables, batteries and innovative technologies, such as hydrogen, will lead to a very different energy system from the one we have had in the past (which was designed for fossil fuels). This is relevant to your communities and organisations because you may want to participate in the clean energy transition and have a say over whether and how Country is used.

Who is this guide for?

This guide will assist Aboriginal organisations and communities in WA to be proactive and self-determined in the energy transition. As shown in Figure 1, it is relevant to:

- Registered Native Title Bodies Corporate and native title claim groups.
- Aboriginal organisations, corporations, charities and businesses.
- Aboriginal communities and groups of people wanting to be involved in the clean energy transition.

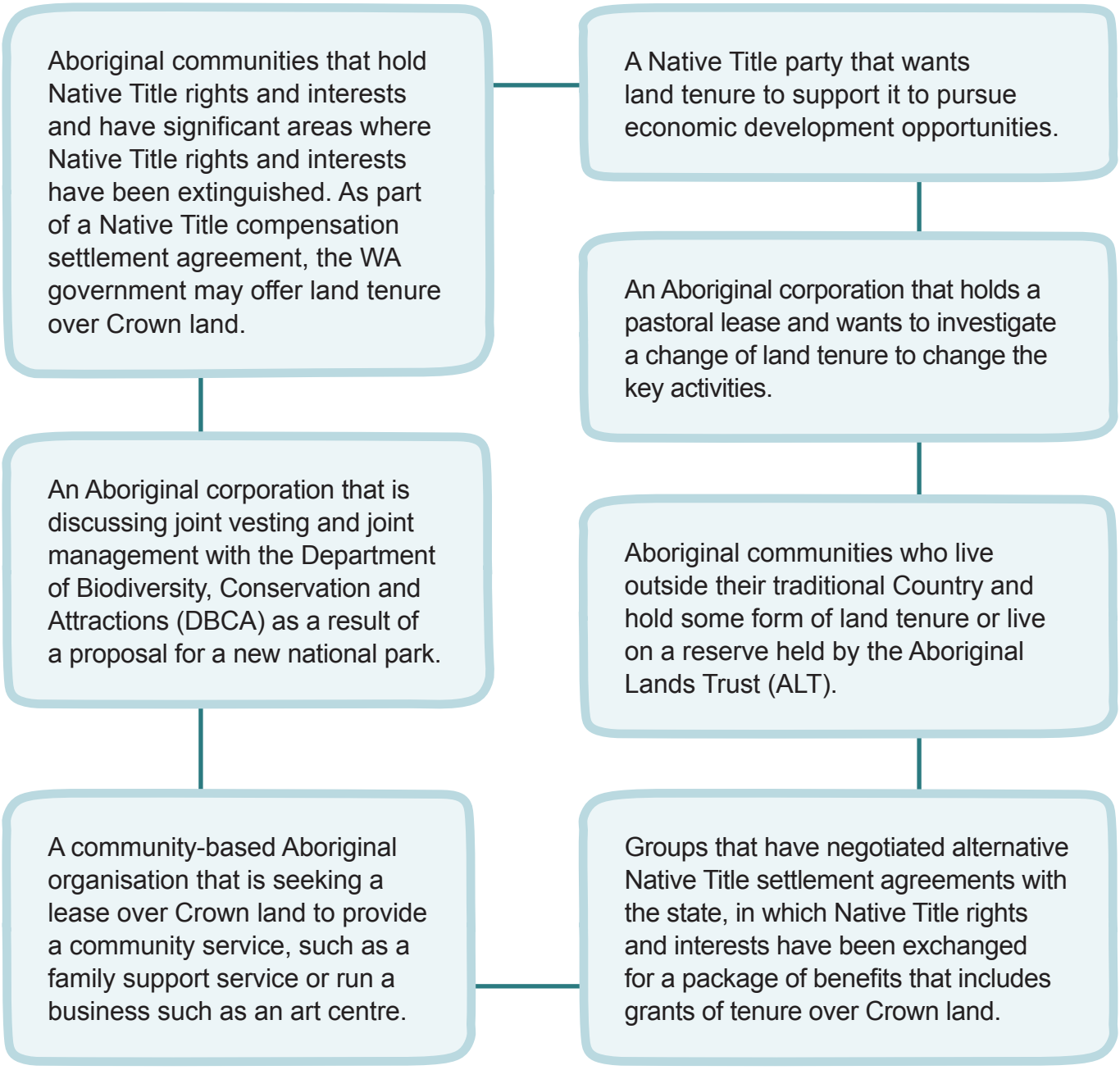


Figure 1: People and organisations who will find this guide useful

What the clean energy transition might mean for you will depend on the unique circumstances of your organisation or community, including your capabilities, needs and goals.

Figure 2 shows some of the ways your organisation or community can participate in the clean energy transition.

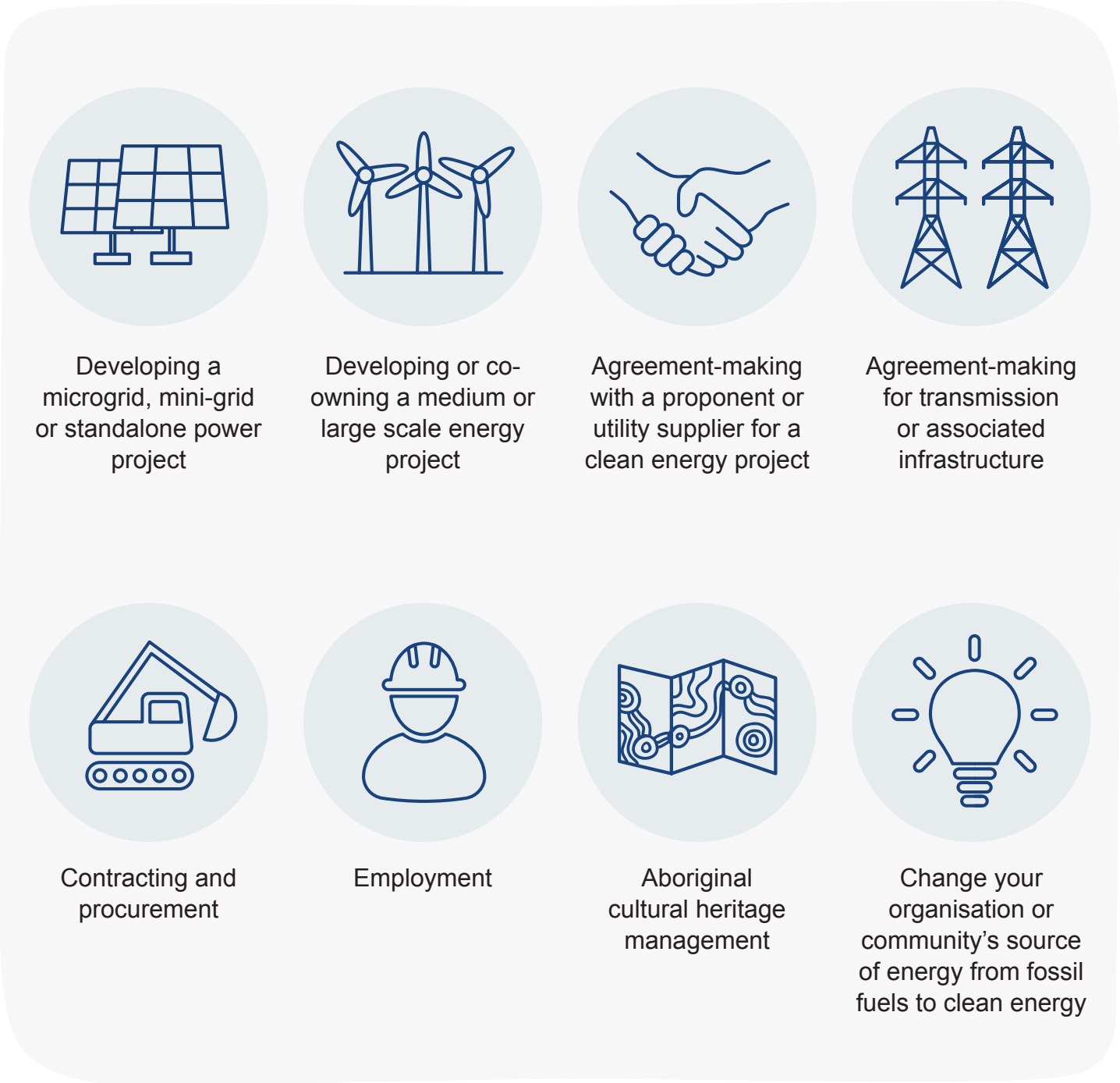


Figure 2: Some of the ways your organisation or community can participate in the clean energy transition

How to use this guide

The guide contains eight (8) parts. Table 1 outlines each part and gives guidance on who should read each part. Some parts may not be relevant to your community or organisation right now but may become relevant later.

Table 1: Parts in this guide and who should read them

Part	Who should read it
Part 1 – The clean energy transition in Western Australia	Any Aboriginal organisations and communities wanting to learn more about clean energy and key concepts used in the guide, such as: • electricity generation • transmission • distribution
Part 2 – Community stories	Everyone. This section introduces two Aboriginal organisations that are engaging in the clean energy transition in an empowered way. Elements of their journey and experience will be shared in different sections of the guide.
Part 3 – How other First Nations groups are participating in the clean energy transition	Aboriginal organisations and communities wanting to obtain/explore ideas on what might be possible by learning about opportunities other First Nations communities and organisations have found in the clean energy transition.
Part 4 – Deciding what the clean energy transition will mean for your community or organisation	Aboriginal organisations and communities who are just getting started in clean energy or who are looking for tips on developing a clean energy strategy.
Part 5 – Your community or organisation wants to develop a clean energy project. Where do you start?	Aboriginal organisations and communities who want more information about starting their own clean energy project (alone or with partners).
Part 6 – Negotiating agreements about clean energy projects	Native title parties who have a clean energy project proposed on their Country. This might be by a clean energy company looking to develop a new project, a mining company looking to decarbonise, or a government trading enterprise (GTE) like Horizon Power looking to develop or upgrade local energy infrastructure.
Part 7 – Employment and procurement	Aboriginal organisations, communities and individuals.
Where to from here?	Everyone

There is a resource box at the end of each part. It contains links to all the resources mentioned in that part. Some resource boxes contain additional resources that you might find useful.

Part 1 – The clean energy transition in Western Australia

This part of the guide explains the basics of the clean energy transition:

- types of clean energy
- benefits of clean energy
- getting electricity to the user: transmission and distribution
- microgrid, mini-grid, and standalone power systems
- how clean energy is changing things
- electricity systems in WA
- changes coming in WA

Types of clean energy

Table 2 explains the key types of clean energy you are likely to hear about.

Table 2: Types of clean energy and how they work

Energy type	How it works
Solar	Sunlight is converted into electricity by solar panels. Solar panels are made up of semiconductor cells or solar photovoltaic (PV) cells encased in glass and aluminium frames. Solar panels are joined together to form solar arrays of various sizes, from small arrays that can be mounted on roofs of buildings, to large scale, ground-mounted solar farms covering thousands of hectares of land.
Wind – onshore and offshore	Wind turbines use the wind's energy to spin an electric generator to produce electricity. They are commonly located on hilltops, other elevated land or near the ocean. They can also be built in the ocean, either floating on the surface or fixed to the sea floor.
Hydropower	Hydropower converts the force of moving water into electricity. There are two types. Hydroelectricity directs water through a turbine to produce electricity. Pumped hydro energy storage (known as PHES) consists of two dams at different heights working in a cycle. When electricity is needed, water is released from the upper dam and the force of the falling water spins the turbines and generates electricity. The water stays in the lower dam until a period of low demand for electricity, when the water is pumped back to the higher dam.
Hydrogen	Hydrogen is a new and emerging energy technology. Hydrogen can come from renewable or non-renewable sources. Renewable hydrogen (known as green hydrogen) is produced through electrolysis using electricity from renewable sources. Electrolysis means using electricity to split water molecules into hydrogen and oxygen molecules. Hydrogen is an energy storage option. However, the technology is usually not used due to its high cost compared to batteries. Green hydrogen can be used as a clean transport fuel and may be used to replace some natural gas usage.
Bioenergy	Bioenergy is generated from biomass (organic matter). The biomass can be sourced from waste products from forestry, agriculture or other sources. Biomass can be converted into electricity through burning (combustion), or through other methods such as pyrolysis (heating without oxygen), gasification (conversion from solid to gas), transesterification (a chemical reaction to create biodiesel), anaerobic digestion (using microorganisms to break down organic matter into biogas), and fermentation (using bacteria to convert biomass into ethanol or biodiesel).
Geothermal	Geothermal energy is heat from the Earth that is used for heating, drying, and/or generating electricity. Geothermal systems extract the Earth's heat in the form of steam or water.
Ocean energy	Energy from the ocean is generated from waves or tides. Wave energy is created by converting waves into electricity. Tidal energy comes in two forms: either harnessing the potential energy from the difference in tides or by capturing the energy from tidal currents.
Concentrated solar thermal	Solar thermal power generation uses mirrors to concentrate and capture heat from the sun, transferring it to a thermal energy storage system. The stored energy can be used to produce electricity or directly decarbonise industrial processes.

Many clean energy projects are accompanied by a battery energy storage system (sometimes called a BESS). This is an effective way to store clean energy which cannot be used immediately. Batteries come in all scales, from household size, to community and large scale, and they can be constructed out of a variety of materials.

Benefits of clean energy

Clean energy has many benefits.

- **Modularity and flexibility:** Most clean energy types can be developed at different scales. At the small end of the scale are distributed energy resources (outlined below). At the medium to large end of the scale are ground-mounted wind and solar farms. A medium-sized solar farm might be enough to power a single facility like a mine site, and larger solar farms can power entire towns.
- **Low generation costs:** Well-located wind and solar projects are cost effective compared to new fossil fuels projects.
- **Off-grid options:** Solar energy is well suited to powering remote locations that do not have grid access.
- **Low emissions:** Using clean energy reduces air pollution and greenhouse gas emissions.

Unlike electricity from coal and gas, clean energy can be generated at a small scale. Distributed energy resources (sometimes referred to as consumer energy resources) are small scale energy generation and storage systems. Examples are:

- rooftop solar systems
- electric vehicles and electric vehicle charging infrastructure
- small wind turbines
- household or other small scale batteries
- heat pumps

Distributed energy resources are often installed ‘behind the meter’ of residential and non-residential buildings on the distribution network. ‘Behind the meter’ means that the energy system is located on the customer’s side of the utility meter. They differ from completely off-grid systems because they are still connected to the main electricity grid. For example, a rooftop solar system on a community building allows that building to be powered by solar power some of the time and draw electricity from the grid when the sun is not shining.

Getting electricity to the user

All energy projects need a way to get the electricity generated by the project to the customer or user.

Transmission and distribution networks

The transmission system is like the freeway of electricity. High voltage transmission lines carry power many kilometres from generators to electricity substations where transformers reduce the voltage. From there, electricity runs through the distribution network and out to homes and businesses.

Transmission towers are generally between 50 and 80 metres high and are steel poles or lattice towers with large cables or lines strung between them. Figure 3 shows how electricity is transported via transmission towers and the distribution network.

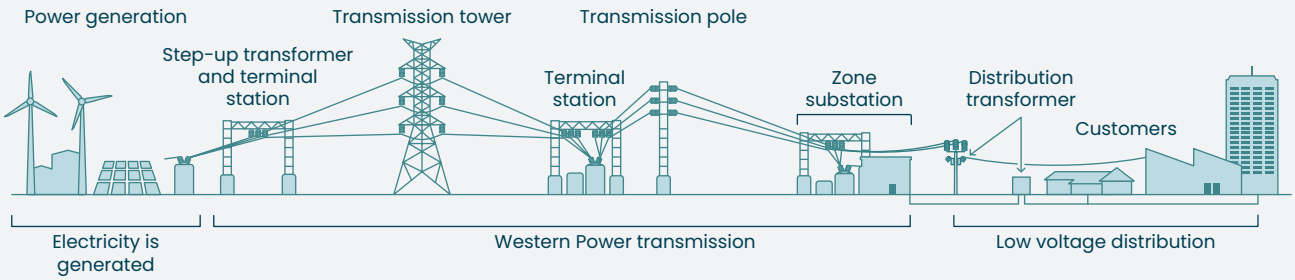


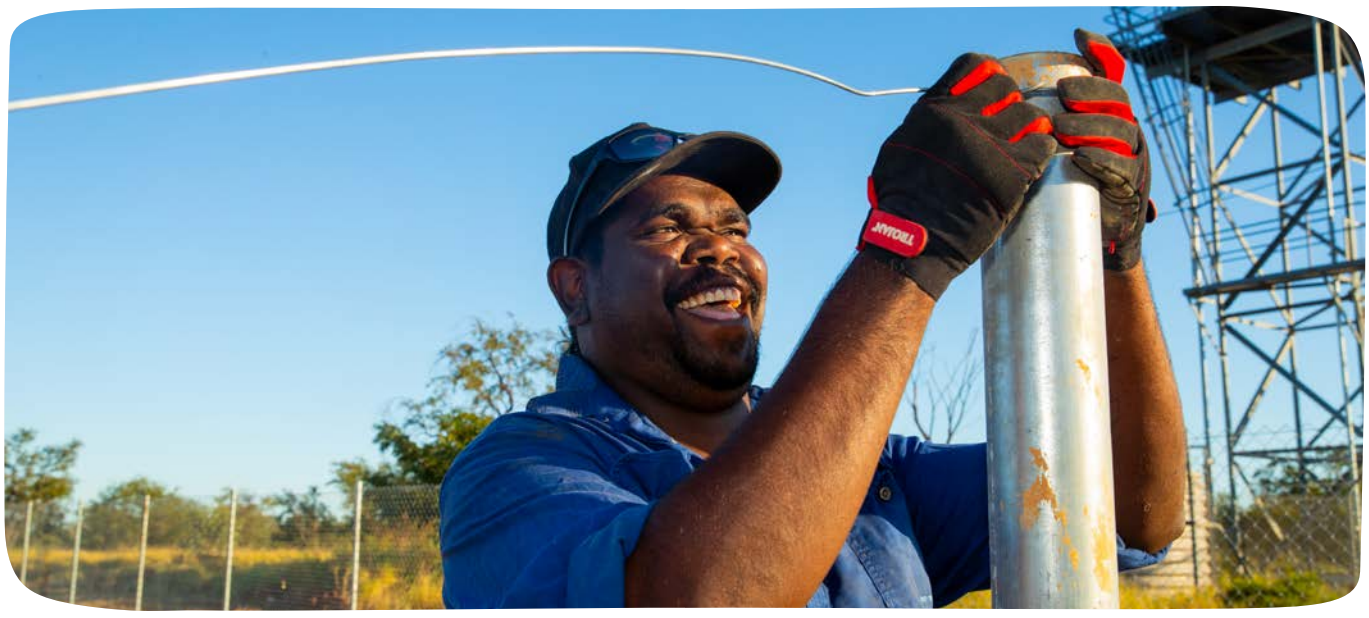
Figure 3: How electricity is distributed to end customers via the transmission and distribution network
Source: Western Power: westernpower.com.au/news/what-is-transmission-and-why-it-matters/

Microgrids, mini-grids and standalone power systems

Some energy systems are not, or do not need to be, connected to transmission lines. In this guide, we are using the terms in Table 3 to describe these kinds of energy systems.

Table 3: Terms used in this guide to describe energy systems that do not have to be connected to transmission lines

System type	Meaning in this guide
Standalone power systems	An electricity generation, distribution and/or storage system that supplies electricity to between one and five customers and which cannot connect to other networks. **Where would you find this?** In remote areas, long power lines can be less reliable, costly to maintain and are a bushfire risk. Very small communities or out-stations are often powered by standalone power systems that use a fossil fuel generator, clean energy sources or both (known as a hybrid system), with energy storage.
Mini-grids or remote microgrids or isolated power systems	A small electricity generation and storage system that involves some distribution. It is a larger version of a standalone power system. **Where would you find this?** A small community or remote area connected to a distribution network powered by fossil fuel generators, clean energy sources or both.
Islandable microgrids	A section of a network which can disconnect from the central electricity generation system and continue to run on its own electricity generation and storage. **Where would you find this?** A microgrid could be used to power a single building, a mine site or a whole community. In the event of a supply outage from the main network, the microgrid can operate independently using its own assets.



Marlinja microgrid development, a community-led and owned energy project. Image credit: Rachel Mounsey

How clean energy is changing things

There are three key components in the traditional electricity supply chain:

Large scale generation: Most electricity in Australia has traditionally been generated at large scale coal and gas fired power stations which were located away from most users.

Transmission and distribution: Once electricity is generated, it has to move through a high voltage transmission network and a lower voltage distribution network (power lines) to reach the customer.

Customer: In the traditional model, the customer would only receive electricity – not generate it or store it.

The traditional electricity supply chain is shown in Figure 4.

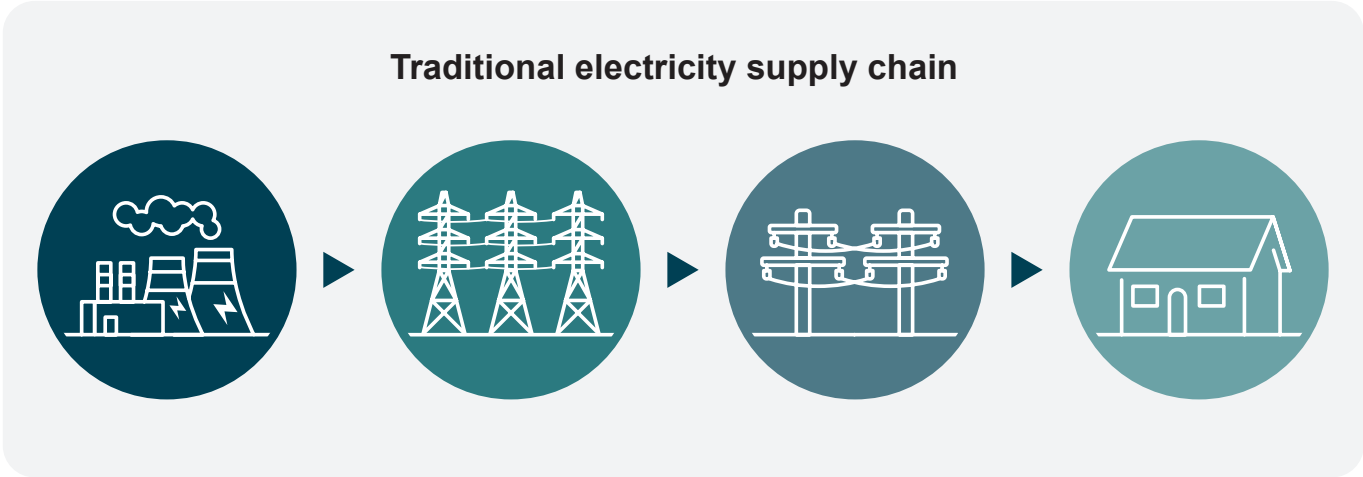


Figure 4: Traditional electricity supply chain. Source: Distributed Energy Resources Roadmap, WA Government Energy Transformation Taskforce, December 2019

Over time, this traditional energy model has changed to accommodate new opportunities and technologies.

Large scale generation: This has changed from the traditional model as there are a growing number of large scale clean energy projects. This puts new strains on the transmission network as these projects need a connection point.

Customers: Customers are no longer just receiving electricity. They are now also generating electricity through rooftop solar systems and, in some cases, storing electricity. Customers are also using other distributed energy resources such as electric vehicles and smart devices that can be remotely controlled (e.g. some air-conditioners).

Transmission and distribution networks: As electricity generation has changed, the requirements of the transmission and distribution network have also changed. New transmission lines and connections are needed for new large scale clean energy projects. The distribution network has to handle electricity flowing in two directions – both to the customer when they need to buy electricity and from the customer when rooftop solar panels are generating more electricity than a customer is using. To support the networks, large scale or utility-scale energy storage is being introduced.

The electricity supply chain is now a 2-sided market. Electricity is generated through large scale power projects on one end of the supply chain and also by customers at the other end of the supply chain. This new model is shown in Figure 5.

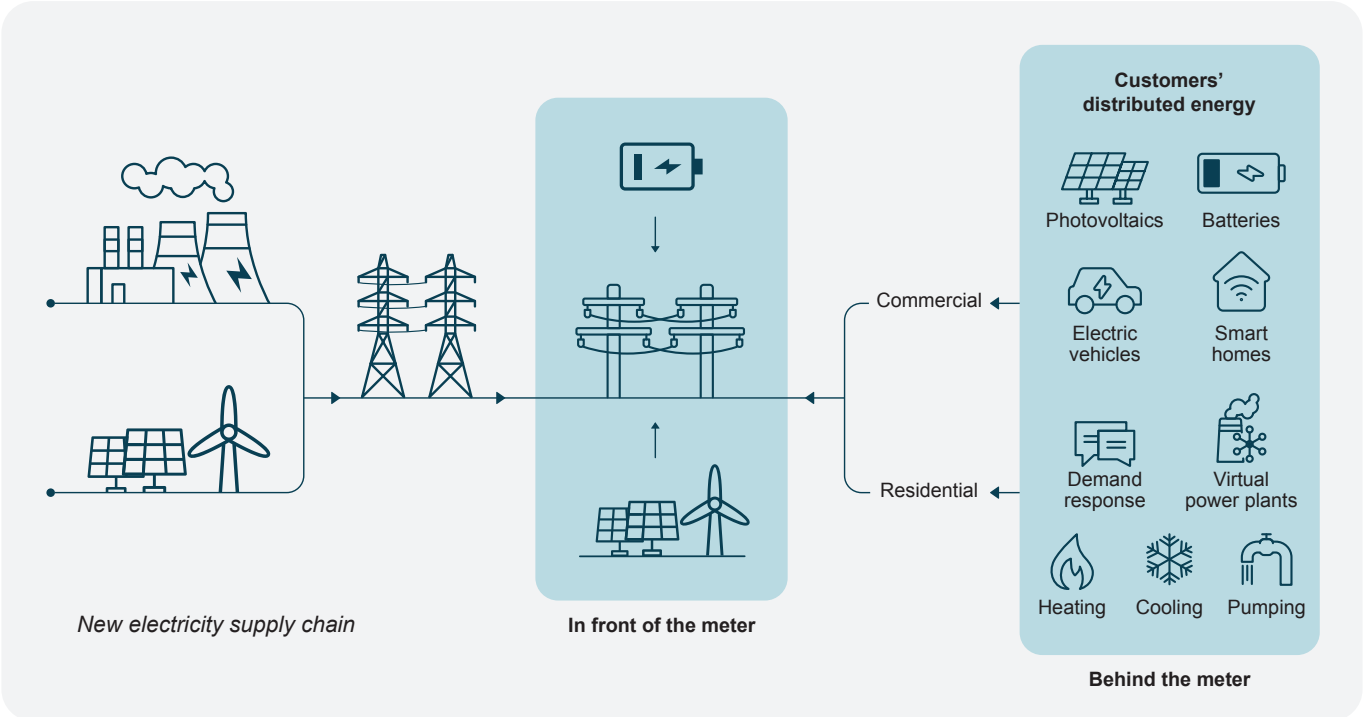


Figure 5: New electricity supply chain, showing different sources of power in front of the meter and behind
Source: Distributed Energy Resources Roadmap, WA Government Energy Transformation Taskforce, December 2019

Electricity systems in WA

The electricity supply chain in WA comprises three different systems. There are two major grid systems, and a number of smaller power systems in regional and remote areas.

South-west WA

In the area from Kalbarri in the north, Kalgoorlie in the east, and Albany in the south, electricity is taken from the generator to the user via the South West Interconnected System (SWIS). In 2023 the SWIS comprised 7,750 km of transmission lines and 93,350 km of distribution lines.

Energy in the south-west of WA used to mainly come from coal and gas power plants. However, an increasing amount of clean energy is being added to the mix. Customers are already generating a significant amount of clean energy, with more than one in three households having rooftop solar.

North-west WA

In the north-west of WA, there are a number of interconnected electricity networks with different owners. Together, these networks are called the North West Interconnected System (NWIS). The NWIS supplies electricity to some major towns and resource projects in the region, from Dampier to Port Hedland, and inland to Paraburdoo and Tom Price. In 2023 the NWIS was 1,925 km in total network circuit length.

Regional and remote areas of WA

There are large parts of the state not connected to the SWIS or NWIS. Electricity in most of these towns and communities is off grid or provided by Horizon Power's isolated power systems. These include 38 power systems for towns and 170 for remote communities. The areas served by Horizon Power are shown in Figure 6.

Many towns in remote parts of WA have been heavily reliant on diesel in the past, although community-scale solar generation is playing an increasing role.

The locations of the SWIS and NWIS are shown in Figure 7.

In regional and remote WA, Horizon Power has programs that tailor clean energy opportunities to communities and organisations. For example, the Kimberley Communities Solar Saver and the Aboriginal Community Embedded Networks programs.

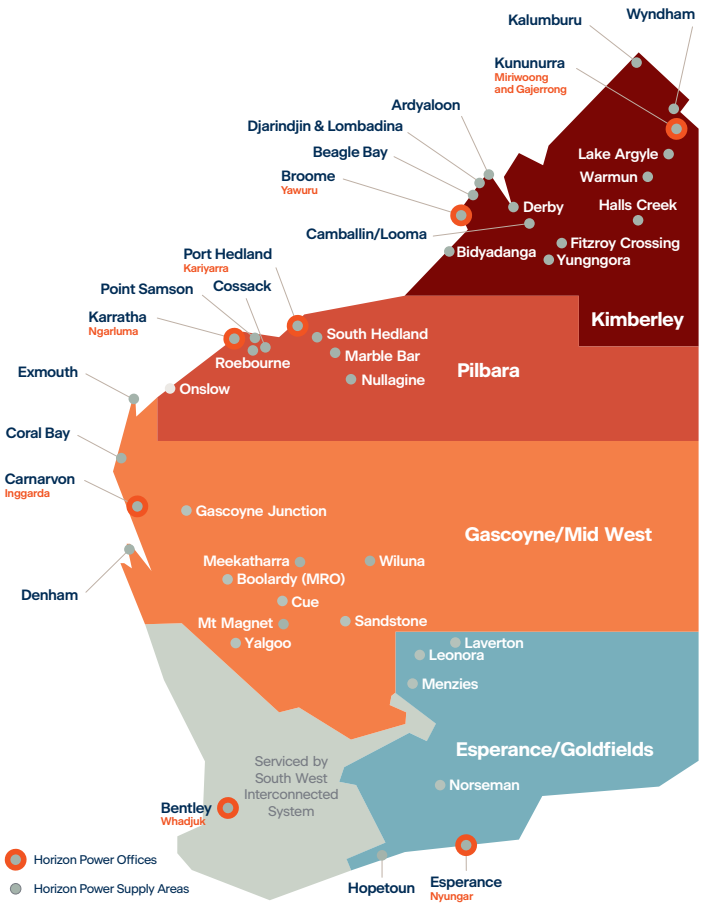


Figure 6: Horizon Power's service area for towns and communities not served by the two major power networks

Changes coming in WA

WA is going to need a lot more clean energy in the future. Fortunately, WA has some of the best clean energy resources in the world, with large areas rich in solar and wind that can be used to generate low-emissions electricity at scale. WA could also become a significant producer, user and exporter of green hydrogen.

Across WA, more clean energy projects have been constructed or are being investigated. Some of the areas that are well placed to generate clean energy happen to be near existing electricity networks and infrastructure, but many are not. This means that new transmission is needed. Additional energy storage is also needed.

The SWIS Demand Assessment released in 2023 estimates that the SWIS may need an additional 4,000 km of transmission lines and 50 GW of new clean electricity and storage infrastructure. PoweringWA has been established to coordinate the delivery of the new electricity infrastructure needed to decarbonise the SWIS.

Transmission in the Pilbara will also need to expand. Many mining companies have plans to decarbonise and are looking for opportunities to replace electricity generated by fossil fuels with clean energy. New transmission will be required to connect the clean energy projects with the mining operations. The WA government's Pilbara Energy Transition Plan aims to facilitate more common-use transmission infrastructure in the Pilbara and to collaborate with Traditional Owner groups and local communities to ensure meaningful and lasting benefit from the clean energy transition.

Figure 7 shows the transmission projects underway or being investigated in 2024.

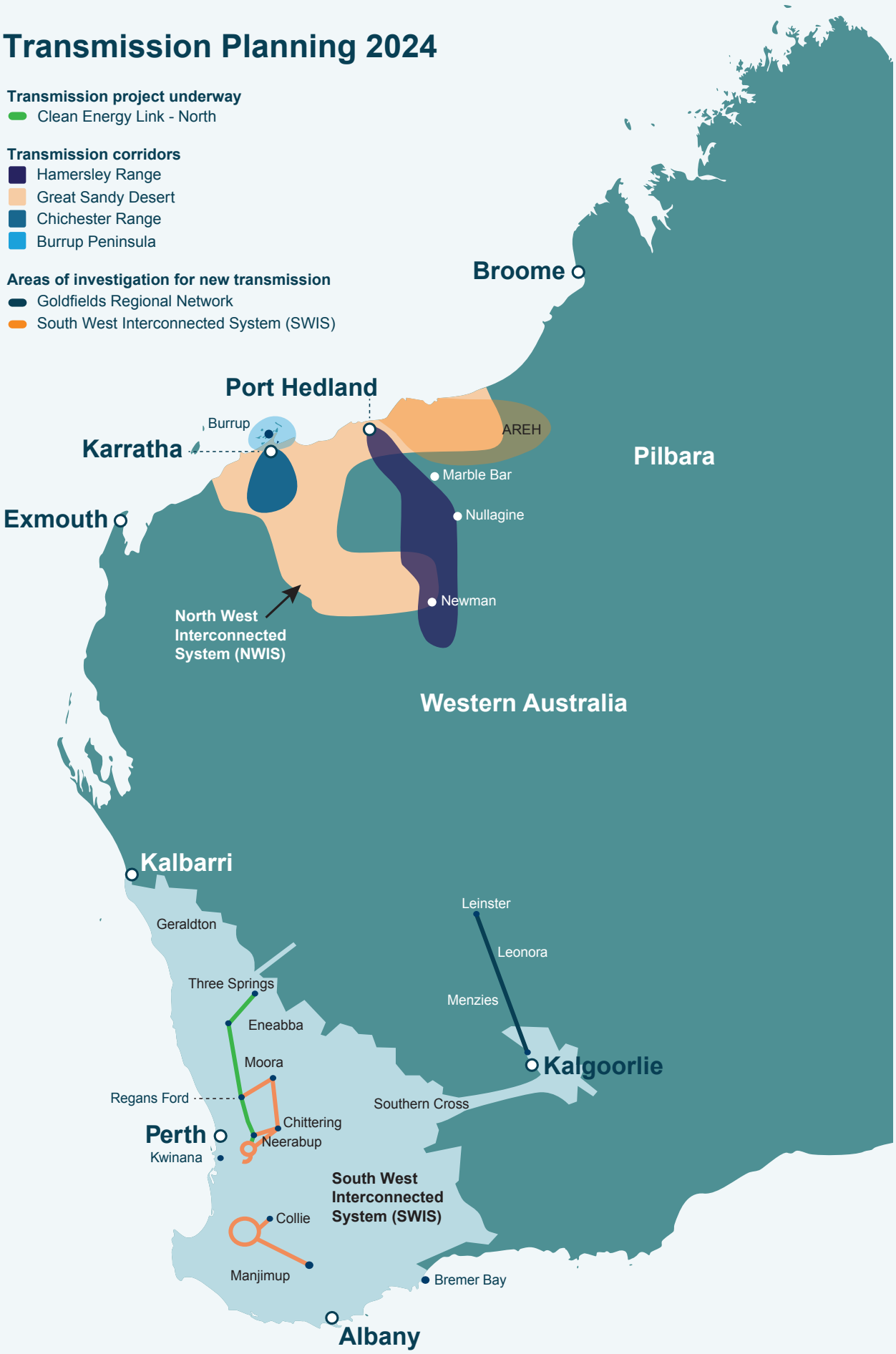


Figure 7: Transmission planning map for 2024, showing transmission projects underway and under investigation. Source: Energy Policy WA

Resources

The 2-sided energy electricity market

Horizon Power Kimberley Community solar saver program

Horizon Power Aboriginal Community embedded networks

SWIS Demand Assessment

Powering WA

Pilbara Energy Transition Plan

Additional resources

Further information on clean energy technologies

Maps

Pilbara Independent System Operator map, the government appointed independent system operator for the NWIS

Maps on PHES, solar PV and offshore and onshore wind potential

Offshore wind zone

Major power stations map

Map of current transmission lines in Western Australia

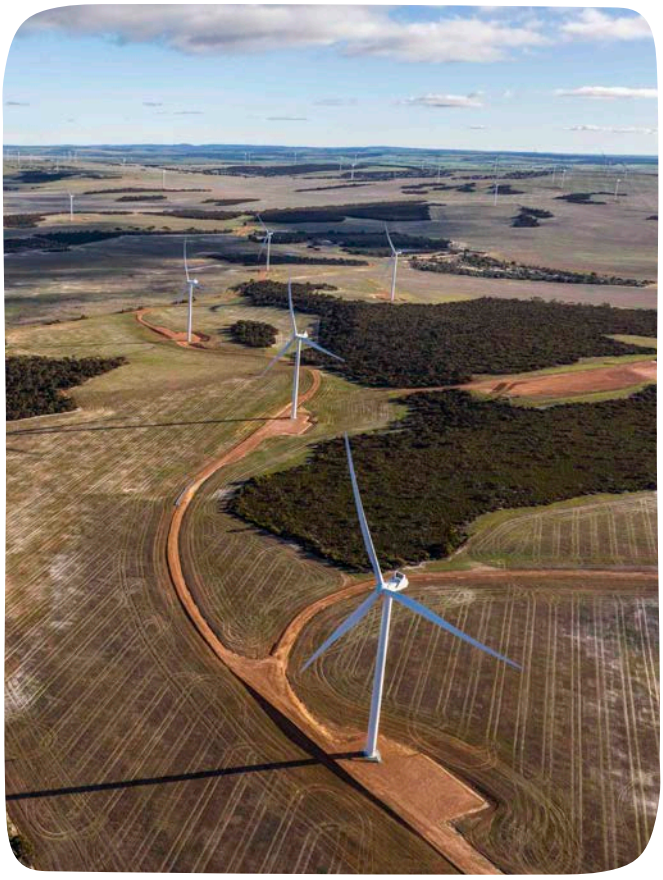
Western Power Network Capacity Mapping Tool

Part 2 – Community stories

Across the country, there are a growing number of Aboriginal and Torres Strait Islander organisations and communities who are engaging in the clean energy transition in their chosen way. The First Nations Clean Energy Network has a map of clean energy projects that are being developed by or with Aboriginal and Torres Strait Islander organisations.

In this part we are introducing two case studies at different scales. At the large end of the scale is a joint venture between an RNTBC and a clean energy company to build solar, wind and battery energy storage system projects in the Pilbara. At the community end of the scale is a microgrid project in the Northern Territory which is delivering benefits to 16 households.

In later parts of this guide we will refer to these case studies and explain the approach the organisations and communities took to various stages and challenges of development.



Good to know!

Michael Woodley is the CEO of Yindjibarndi Aboriginal Corporation RNTBC (the PBC) and Aaron Hubert is a Yindjibarndi man who is a director of Yindjibarndi Energy Corporation. They point out that all groups will be different. Their key steps were:

- Defining the PBC's overall strategy.
- Examining each idea and opportunity against that strategy and making sure it stacked up.
- Building strong positive relationships with all partners.
- Taking steps to put themselves at the decision-making table.
- Most importantly, bringing the community on the journey and fostering a sense of responsibility for community and Country.

Case study 1: Large scale project

Yindjibarndi Energy Corporation – a partnership between Yindjibarndi Aboriginal Corporation RNTBC and ACEN Corporation

The Yindjibarndi people started with a strategic plan centred on three themes: Community, Culture, Commercial.

Yindjibarndi knew their Country was well positioned for clean energy development and wanted to implement a strategy to participate in Australia's clean energy transition. They went from an idea to building one of the largest clean energy Traditional Owner partnerships in Australia.

Yindjibarndi Energy Corporation, the joint venture set up between Yindjibarndi Aboriginal Corporation RNTBC and ACEN, has proposed projects that could produce more clean energy than the current amount of energy being produced by WA's largest coal-fired power station.

What's the project?

Yindjibarndi Energy Corporation will develop, own and operate up to three gigawatts (GW) of clean energy on the traditional Country of the Yindjibarndi people in the Pilbara.

The initial goal of the corporation is to start construction of 750 megawatts (MW) of combined solar, wind and battery storage in the next few years, developed in two stages.

Stage 1
Jinbi (Project 1)

- 75–150 MW solar project.
- Connection to existing NWIS transmission infrastructure.
- Located on unallocated Crown land within an area of exclusive possession native title rights within Yindjibarndi Native Title Determination areas.

Baru (Project 2)

- 300 MW wind and 250 MW solar system with the option for a battery energy storage system.
- Construction of a new transmission line for connection into WA government Pilbara strategic industrial areas.
- Located within Yindjibarndi Native Title Determination areas with a combination of exclusive, non-exclusive and extinguished native title.

Stage 2

- Two to 3 GW wind and solar projects with an option for a battery energy storage system.
- Located within Yindjibarndi Native Title Determination areas with a combination of exclusive, non-exclusive and extinguished native title.

Case study 2: Small scale project

Marlinja solar microgrid

The Marlinja Community Microgrid is the first Indigenous-owned, grid-connected microgrid in Australia. The project was initiated by community in partnership with a First Nations not-for-profit organisation, Original Power Ltd, to address energy affordability and reliability challenges in the community.

Marlinja is a small remote Aboriginal community in the Northern Territory's Barkly region. Home to the Mudburra and Jingili people, the community's 60 residents and 18 households access electricity services at the end of a 25 km power line from a diesel and gas hybrid power station in the Elliott township. Essential services are supplied by the Northern Territory government-owned utility, Power and Water Corporation. Jacana Energy is the retailer.

Like many Aboriginal communities in the Northern Territory, Marlinja residents access electricity via a prepayment meter system. Households experience frequent disconnections from power due to an inability to afford top-up credit. Supply-side outages are also common due to voltage and maintenance challenges on the transmission line.

Marlinja microgrid. Image credit: Rachel Mounsey

The Marlinja community partnered with Original Power Ltd in 2019 to develop an innovative model for Aboriginal and Torres Strait Islander community energy that would give households access to lower cost, cleaner and more reliable energy.

What's the project?

Originally, the plan was to install rooftop solar systems and batteries, but due to challenges with this model, a new plan had to be developed. The new plan was to build a 100 kW centralised solar array (a group of solar panels connected together) and a 136 kWh community battery, which would be connected to the Elliott power station. All 18 households in Marlinja participated in the project. Household meters were given a daily credit by the retailer in proportion to the energy generated by the community solar project.

Marlinja microgrid development, a community-led and owned energy project. Image credit: Rachel Mounsey

Good to know!

The Marlinja microgrid was a demonstration project aimed at finding ways to overcome the barriers that prepayment power meters present to Aboriginal energy customers wanting to participate in, and benefit from, the clean energy transition. Funding was largely provided through philanthropic gifting and industry partners who had the shared goal of improving energy security for remote Aboriginal communities. Due to the community's limited resources, the project was unlikely to have been economically viable without this generous assistance from partners and advisers. More information about the project partners is set out in Part 5 of this guide.

Resources

Map of First Nations clean energy projects

Additional resources

Yindjibarndi Energy Corporation

Marlinja Solar microgrid: A Case Study in Community Energy

Part 3 – How other First Nations groups are participating in the clean energy transition

Australia is not the only country where First Nations groups are engaging with the clean energy transition. We can look to what First Nations communities are doing overseas to provide inspiration, insights and lessons for Aboriginal communities at home. This section details some case studies of First Nations groups from Canada who are actively involved in clean energy projects.

Canada

Canada is leading the way when it comes to clean energy projects with First Nations ownership. In the period from 2010 to 2020, 51% of clean energy projects on reserve lands or in traditional Indigenous territories were partially or wholly First Nations-owned.

Since 2020 First Nations ownership of and participation in clean energy projects has continued to grow. In 2022 First Nations, Métis and Inuit entities were partners or beneficiaries in nearly 20% of Canada's existing electricity-generating infrastructure projects. Figure 8 shows the percentage of each type of clean energy for these projects.

New technology projects are also in development. For example, the Sc'ianew (Chenuh) First Nation community is currently delivering an ocean thermal energy system that will draw heat from the ocean and use it to heat 50 local homes.

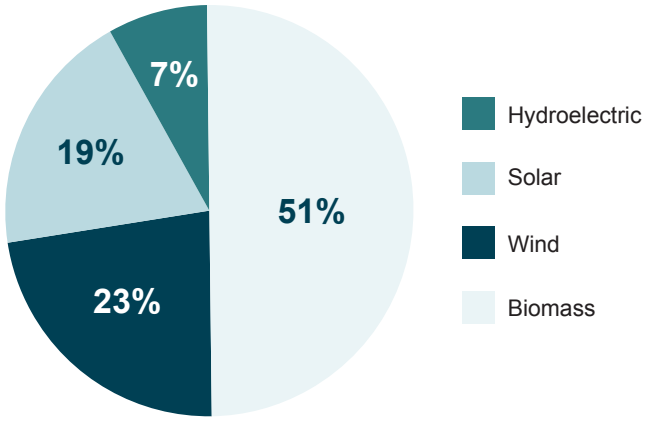


Figure 8: Active clean energy projects with First Nations, Métis and Inuit entities as partners or beneficiaries, showing the percentage of each type of clean energy. Information in this graph was sourced from Hoicka et al. Reconciliation through renewable energy? A survey of Indigenous communities, involvement, and peoples in Canada. 2021. Elsevier

Across Canada, there are 178 remote First Nations and northern communities that rely on diesel generators for electricity because they are not connected to the North American grid. Connecting these communities is a major focus of new projects, which include transmission infrastructure.

There are also First Nations co-owned transmission projects such as Wataynikaneyap Power; the name means 'line that brings light' in Anishininiimowin. The mandate of this group is to:

- provide reliable and accessible energy by connecting remote First Nations communities to the provincial grid;
- work in partnership to explore transmission development and ownership.

A transmission company has been set up as a joint venture between 24 First Nations communities, a developer (Fortis Inc) and other private investors. The ownership structure and how services are provided to the joint venture is shown in Figure 9. The 24 First Nations communities can increase their ownership and control to 100% after 25 years of operation. The project is to establish and operate 1,800 kilometres of transmission lines.

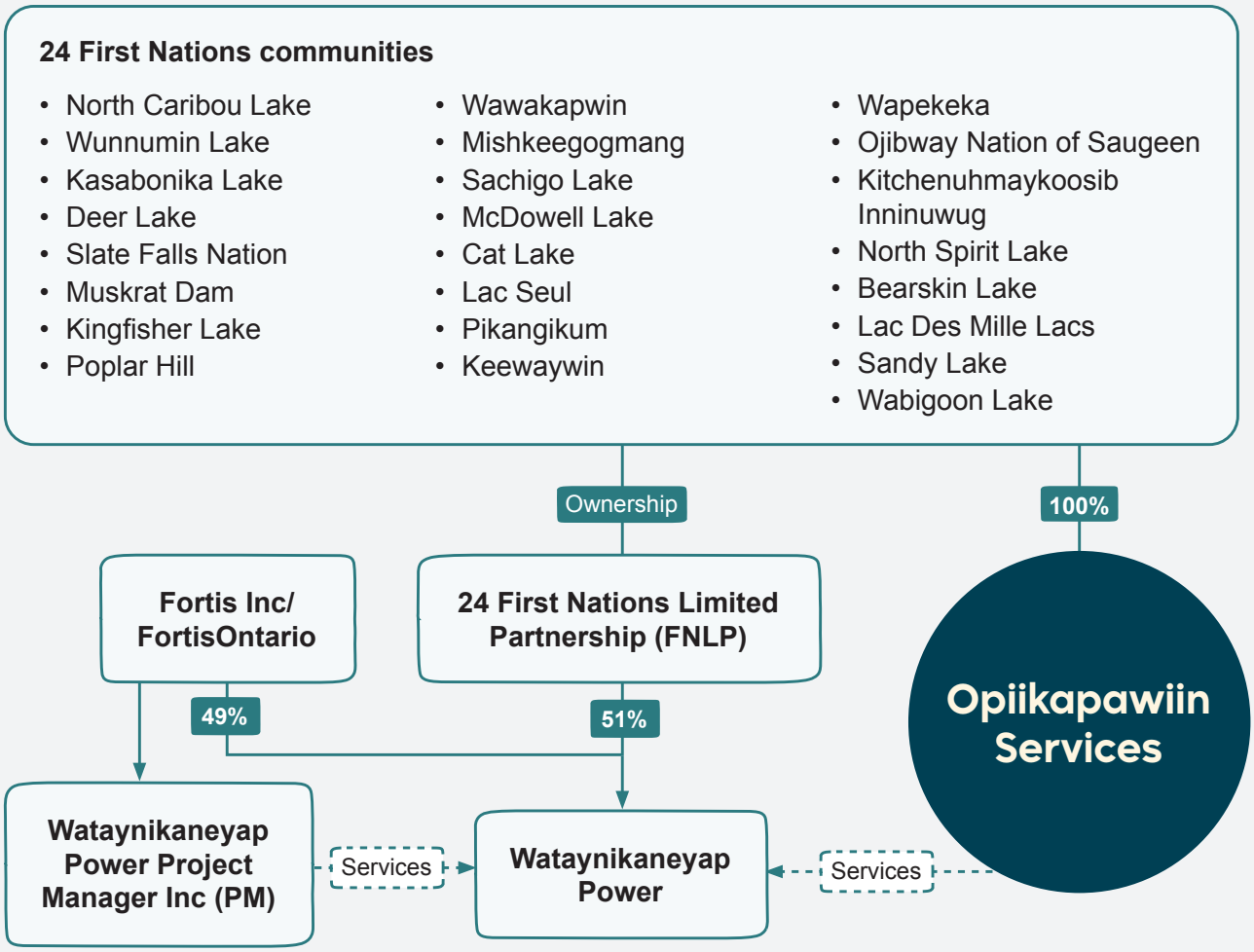
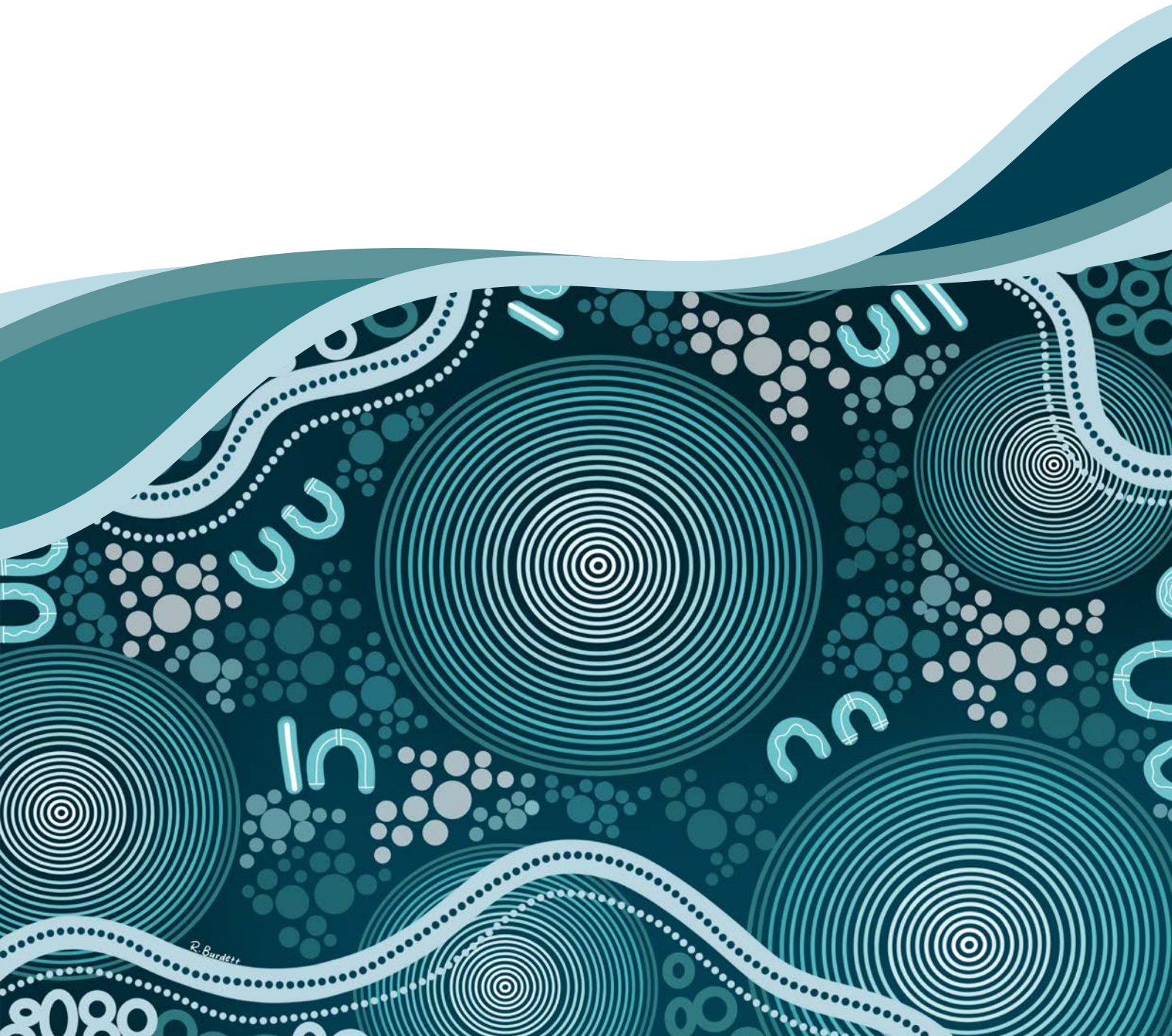


Figure 9: Structure of a transmission company set up between 24 First Nations communities and private investors in Canada. Source: wataypower.ca

Another example of shared equity in transmission is the Waasigan Transmission Line Project. The application filed with the Ontario Energy Board for this project states that the transmission line facilities will become owned by a future limited partnership that will offer a 50% equity stake to nine First Nations partners. Eight of these First Nations are represented by the Gwayakocchigewin Limited Partnership. This project has been proposed by a utility company, with an equity partnership model under which they propose to offer First Nations a 50% equity stake for every new transmission line valued at over CA$100 million.

Resources

Wataynikaneyap Transmission Project (Canada)



Part 4 – Deciding what the clean energy transition will mean for your community or organisation

This part will help you and your community or organisation to decide whether or how you want to get involved in the clean energy transition. It will help you to identify:

- opportunities for involvement in the clean energy transition;
- issues and needs that could be addressed through clean energy projects;
- goals and objectives for your community or organisation when participating in the clean energy transition.

Why is clean energy relevant to you?

Many Aboriginal peoples are at the frontline of climate change and energy reliability issues. For the Aboriginal community in Marlinja, for example, clean energy is an opportunity to solve energy security and reliability issues. It also means decarbonising their remote power system and generating energy to underpin economic development and community wellbeing.

Land and waters are being sought to host clean energy projects. Aboriginal peoples hold recognised native title rights and interests or registered native title claims over 80% of WA. For the Yindjibarndi people, their Country was suited to clean energy projects.

Depending on where you are located, the clean energy transition could be an opportunity for your community or organisation to increase your access to reliable energy or to be involved in shaping or owning projects on Country. How exactly this looks can be decided by your community or organisation.

Figure 10 identifies some of the reasons why you might get involved in the clean energy transition.

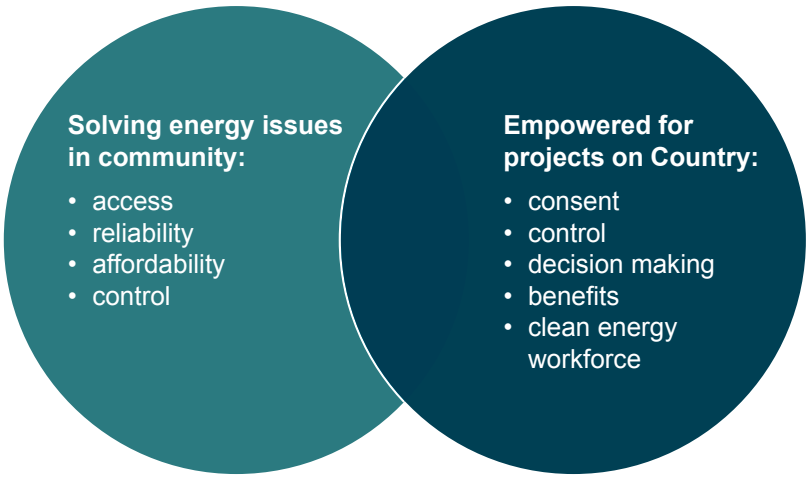


Figure 10: Reasons for your community or organisation to join the clean energy transition

Why the Yindjibarndi people decided to participate in the clean energy transition

Yindjibarndi were interested in commercial ventures they could develop in a way that would put their nation at the centre, and deliver jobs, training and financial benefits to the community. Clean energy was identified as an opportunity to deliver these benefits.

Michael Woodley, CEO of Yindjibarndi Aboriginal Corporation RNTBC, explains:

> *We live in the nation's engine room. Renewables are becoming the third industry that will dominate this region. The first being that of the pastoral industry and the second being this current industrialisation of mining.*

Michael explains that the Yindjibarndi people have two options:

> *We can either allow another industry to again dominate this region and we will again be outside of the workplace and the business development opportunities… or we can lead industry. Not just with native title and land access but as real partners which will allow us to be in a position to make money out of First Nations led projects which we can put back into our communities.*

Their community and their cultural responsibility to protect Country were at the centre of their thinking.

> *Climate change affects our country as a whole. We have seen those changes over the last 20 years. Through this project, we are bringing our people as decision-makers in looking after our people and our Country and contribute to the greater challenge of climate change globally.*

Think about your values and vision

Start by talking about your values and vision. What are the key principles that will guide your community or organisation when making decisions that support those values and vision? Being clear on your values and vision will help you identify whether clean energy could help you make some of them a reality.

How did clean energy fit into the Yindjibarndi people's values and vision?

The first step the Yindjibarndi people took, long before thinking about a clean energy project, was to develop a strategic plan. Their plan is built on the '3 Cs' Nation Building model of community, culture and commercial priorities, which will raise the Yindjibarndi social, cultural and economic living standards. You can read more on their website about the work they have done in each of these three areas.

The Yindjibarndi community could see that developing a clean energy enterprise on their own terms would align with all 3 Cs in their strategic plan.

Aaron Hubert is one of the directors of Yindjibarndi Energy Corporation Pty Ltd. He explains:

Doing it on our terms is critical. Our values are intrinsic in this – employment, training, heritage.

Developing a clean energy strategy

It is important to make the time to plan and develop a strategy. Proactive communities will be best placed to develop the capability to start or co-develop an energy project, or to respond to a proposal on their lands or waters.

You can prepare to participate in the clean energy transition by developing a strategy that outlines the goals and key values of your community or organisation. It is important to consider how a clean energy project may support or be detrimental to your goals and values. Some Aboriginal organisations and communities know their Country has desirable land for clean energy generation and are being proactive by developing clear strategies now.

A strategy will mean you are better prepared to have an active say on what happens on your Country.

To prepare your initial goals and strategies, you might need assistance with understanding what is possible on your Country. The flowcharts on pages 44, 45 and 46 in Part 5 of this guide will be a first step, but you are likely to need more detailed planning, tenure or economic advice to get a big picture of what is possible.

Tip!

Your strategy does not need to be long. The best strategies are short and easy to understand. DPIRD's Setting up for Success: Western Australian land tenure guide has more information on how to undertake land use planning. Scan the QR code to learn more.

Identifying options

Table 4 outlines four possible models you could use for participating in a clean energy project, depending on your location and context. It shows potential pros, cons, benefits and constraints and examples for you to consider with your community or organisation.

Table 4: Four possible models available to your community or organisation for a clean energy project

Project ownership	Government or utility	Private developer	Aboriginal partnership with energy provider or developer	100% Aboriginal owned
How would your community or organisation get involved?	Stakeholder engagement – consent and consultation activities. Need to be active and strategic to maximise opportunity.	Engagement – consent and consultation activities. Need to be active and strategic to maximise opportunity.	As co-owners. Need shared vision and clear communication for the long term; sophisticated negotiations and agreements in place.	As project proponents. Need vision, capacity, funding, expertise and support to drive project feasibility, development, construction and operation (see Part 5 of this guide).
Pros for Aboriginal community or PBC	No cost, risk or responsibility.	No cost, risk or responsibility.	Project developer shares risk and costs. Higher level of influence and control. Capability building. Benefits and profits shared between Aboriginal community or PBC and industry partner.	Control. Capability building. 100% of benefits and profits can flow to Aboriginal community or PBC.
Cons for Aboriginal community or PBC	Little influence on the project.	Medium level of influence. Little decision-making or control in the project. Proponent may change over time if developer decides to sell their interest in the project to a different company.	Higher risk, responsibility and potential cost. Project partner may change over time if stake of the developer is sold.	Full risk, responsibility and cost. This will vary depending on the project type. For example, a mid or large scale grid-connected project brings responsibility for project delivery and costs, ongoing operational costs (including maintenance, repairs, upgrades, licence requirements) and decommissioning. Developing a standalone power system, isolated power system, mini-grid or islandable microgrid will also bring responsibility for associated activities (e.g. network operations, retailing and billing, unscheduled maintenance) and decommissioning.

Table 4 (continued): Four possible models available to your community or organisation for a clean energy project

Project ownership	Government or utility	Private developer	Aboriginal partnership with energy provider or developer	100% Aboriginal owned
Potential benefits for PBC or local Aboriginal community	Energy security. Employment opportunities during construction. Business opportunities during operations. Land lease payments.	Energy security. Employment and other opportunities during construction. Annual payments and other benefit-sharing during operations. Land lease payments.	Energy security. Employment and other opportunities during construction. Potential revenue stream. Business opportunities during operations. May be able to negotiate increasing stake in project over time.	New community asset. Other benefits will depend on project type, goal and level of success, but could include: • revenue stream • energy bill savings • employment and business opportunities A small scale project may be less onerous to develop and may be delivered more quickly but bring less revenue. A mid or large scale grid-connected energy project could bring more benefit to the community if successful but carries more risk.
Constraints	Project outcome may be driven by external goals rather than your own.	Project outcome may be driven by external goals rather than your own.	Project outcome will need to meet the needs of multiple interest holders.	Internal capacity and access to resources of Aboriginal community or PBC.

Resources

Yindjibarndi Nation website

DPIRD Setting up for success: Western Australian land tenure guide

Additional resources

Building Power: A Guide for Aboriginal and Torres Strait Islanders who want to change the World by Original Power

Part 5 – Your community or organisation wants to develop a clean energy project. Where do you start?

Your community or organisation has decided that it wants to get involved in a clean energy project. Where do you start? This section provides an overview of the first steps to take when getting involved in a clean energy project, including:

- what to know before you get started and where to find this information;
- how to identify what land you have access to and assess the potential of that land for clean energy projects;
- how to determine what type of clean energy projects might be possible;
- how to undertake early planning, design, and feasibility studies for your preferred project type;
- how to build a business case;
- where to look for financing;
- how to decide what support you will need, including whether to involve a joint venture partner;
- how to decide the best ownership structure for your project.

Resourcing & educating yourself

Being well informed and resourced will help you take action towards your own energy projects. The Clean Energy Planning Toolkit for First Nations developed by the First Nations Clean Energy Network is a great tool that will help you get started.

Engaging your community or members and giving people the opportunity to be involved is an important first step. Figure 11 outlines three essential steps for getting your project started.

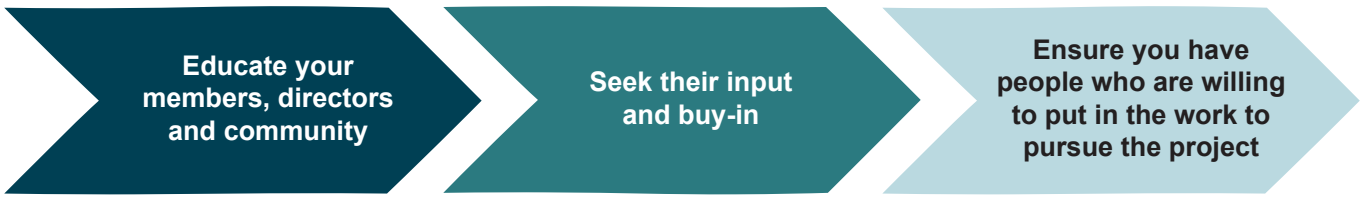


Figure 11: Important first steps towards getting your community or members engaged in your clean energy project

Education

Ideas for educating your community or the members of your organisation about the clean energy transition and the opportunities that it could bring include:

- events at the local school;
- community meetings;
- organising a site visit to a clean energy project;
- distributing your own information via flyer or email;
- having this guide or other printed resources in your office or key places where your community or members can access it.

Member of the East Kimberley Clean Energy Project by the Aboriginal Clean Energy Partnership PTY LTD. Credit - ACE - Aboriginal Clean Energy Partnership

Getting others involved

An energy project can and should have benefits for your community or your organisation's members. Make sure you have taken the time to understand everyone's needs and worked together to come up with goals and ideas.

It is also important to try to get the support of your members or community behind your energy plans. Some projects, like those using rooftop solar panels, are vulnerable to vandalism and must be protected collectively. Larger, ground-mounted solar systems or wind farms will require approval to use potentially large amounts of land.

Questions to consider at this stage include:

+ What are your community or organisational goals?
+ How can you get the word out about your idea and get people involved?
+ Who is keen to help with the project?

Tip!

Consider holding a community meeting to watch the following resources on community energy projects:

First Nations Clean Energy Network Community Energy Planning Toolkit Launch Webinar

Community Power Agency's Community Participation Webinar Series

The First Nations Clean Energy Network and Community Power Agency both hold in-depth training courses on community energy projects. See their websites for further details.

Resourcing

Planning and initiating an energy project is not a small task. It will need to be led by a group who have the capabilities and time to manage the different components that will be introduced in this guide. You will need people who are willing to spend a lot of their time on the project.

Tip!

Part-time volunteers may be able to deliver small projects, but large projects are likely to need greater resourcing. You may need to hire someone to take on a project management role to ensure you have someone available to drive the project.

Assessing your land or your potential land

At this stage, it is useful to get a basic idea about:

- what land, water or buildings you might be able to use;
- the kind of energy that could be generated from that land;
- how energy generated in that location would get to a buyer.

What land, water or buildings might you be able to use?

Does your community or organisation hold land tenure? Is your community or organisation in a position to apply for land tenure?

If your PBC holds native title rights and interests, these will not give you the right to build a project on the land, but you may be in a good position to apply for land tenure.

See DPIRD's Setting up for success: Western Australian land tenure guide for detailed information about the different types of land tenure and how to apply for land tenure for projects.

What kind of energy could be generated from that land?

You can get a sense of what kind of energy could be generated in your area from the maps made available by the Australian National University's 100% Renewable Energy Group, such as the Australian Solar PV and Wind Heat Maps. These maps can give you a general idea, but you will need more detailed mapping as you progress.

How would energy generated from that location get to a buyer?

For an energy project to be viable, the energy must get to a buyer in a cost effective way.

You need to find out whether your potential project site will have access to a transmission or distribution network. The utility provider will need to assess the capacity for that network to receive your power. They may advise a maximum size for your project or plan for an upgrade.

If you are in a more remote location, you will need to determine whether there are enough energy users nearby for the type of system you are considering – isolated power system, microgrid or mini-grid. Again, existing networks may require an upgrade if there is limited capacity.

Check out the following resources.

- The Digital Atlas of Australia tool can help you identify current transmission lines.
- The SWIS Transmission Infrastructure Planning Update has a map of the proposed areas for potential future transmission projects in the SWIS.
- Western Power's Network capacity mapping tool provides a view of its existing network, which will support projects that have been approved to connect to the existing network.
- Information about the proposed common-use infrastructure in the Pilbara is available as part of the Pilbara Energy Transition Plan.
- PilbaraISOCo has maps of some of the existing network infrastructure in the Pilbara.
- Horizon Power has these useful webpages: Getting Future Ready and Remote Communities.

Questions to consider at this stage include:

+ What land does your community or organisation hold?
+ Could your community or organisation apply for tenure over land?
+ What kind of energy could be generated on that land?
+ Is transmission and distribution available or proposed nearby?
+ Are energy buyers located nearby?
+ Is there existing energy infrastructure that needs to be replaced?

How did the Yindjibarndi people assess their land and scope the opportunity?

For a clean energy project to be viable, you need land that:

- can be used to generate clean power at the right times of the day and night;
- is located close enough to energy demand and transmission lines.

Yindjibarndi commissioned some desktop analysis of their land, which showed that Yindjibarndi Ngurra (land) was very well positioned for a wind project because it was close to the coast but outside of the cyclonic wind region. There is also great solar potential on land throughout the Pilbara.

The local demand for clean energy was clear. Yindjibarndi Ngurra is centrally located in the Pilbara and surrounded by mining projects that are looking to decarbonise their operations.

The land is close to existing transmission infrastructure. Also, the state government's Pilbara Energy Transition Plan is focused on coordinating the development of shared-use transmission infrastructure in the Pilbara to link clean energy developments to mining projects.

Through this analysis, Yindjibarndi were able to confirm that the scale of the opportunity was significant.

What options will meet your goals?

Initial considerations

There could be lots of options for you to consider. What's right for your community or organisation will depend on a number of factors, but it is a good idea to **start with your key goals**.

The flow charts in Figures 12, 13 and 14 indicate the types of projects that may help you reach your goals, whether you are looking to:

1. improve the reliability of your power supply (Figure 12);
2. create economic opportunities (Figure 13);
3. improve energy affordability (Figure 14).

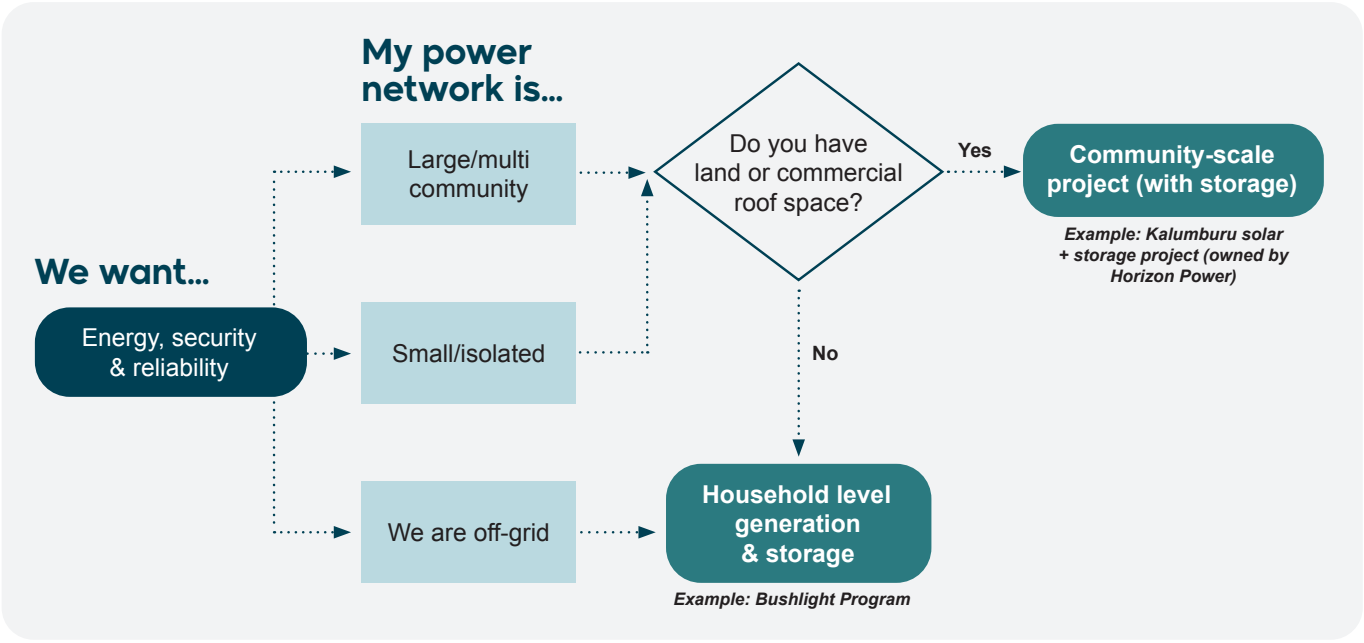


Figure 12: Improving the reliability of your power supply; project types that may be suitable for your community

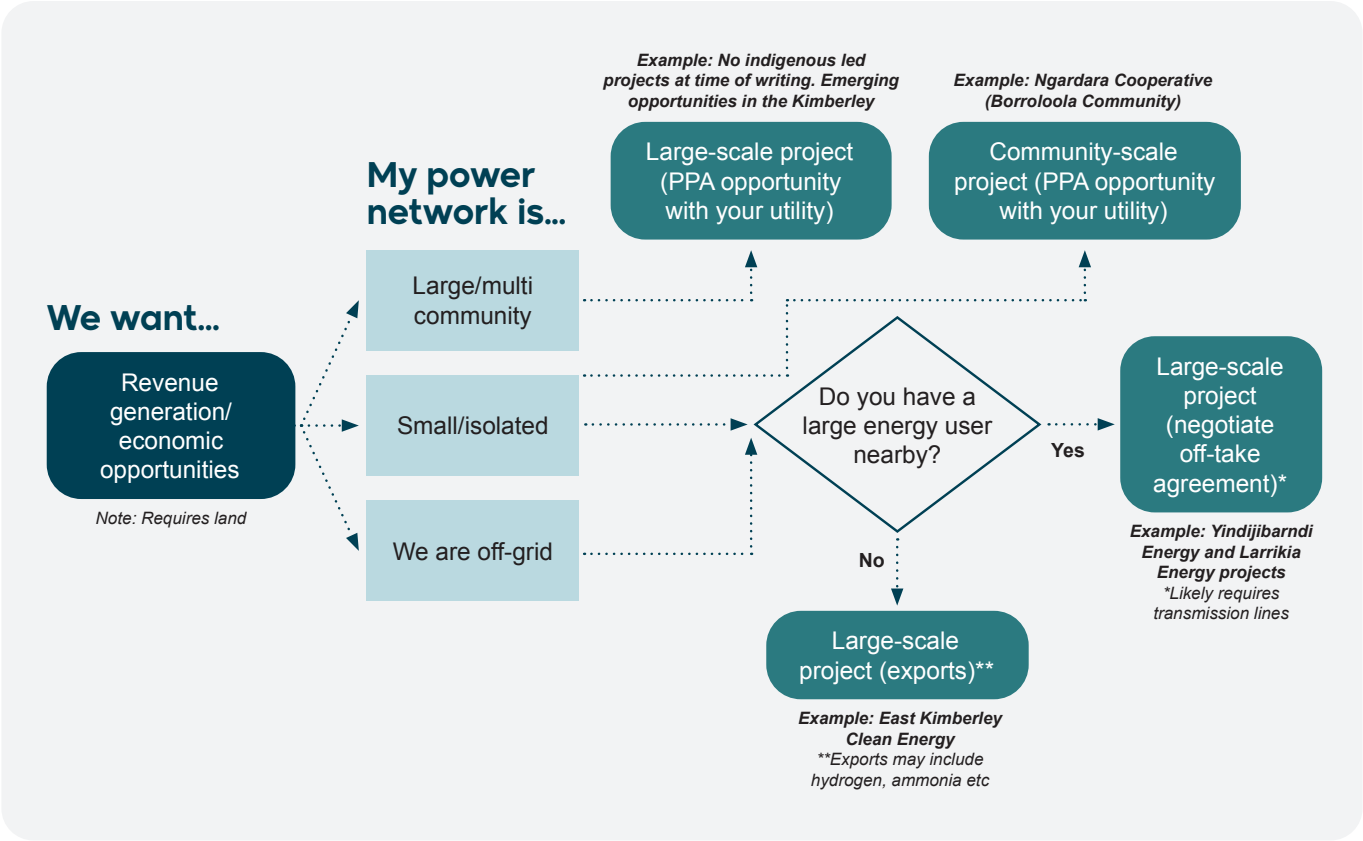


Figure 13: Creating economic opportunities; project types that may be suitable for your community

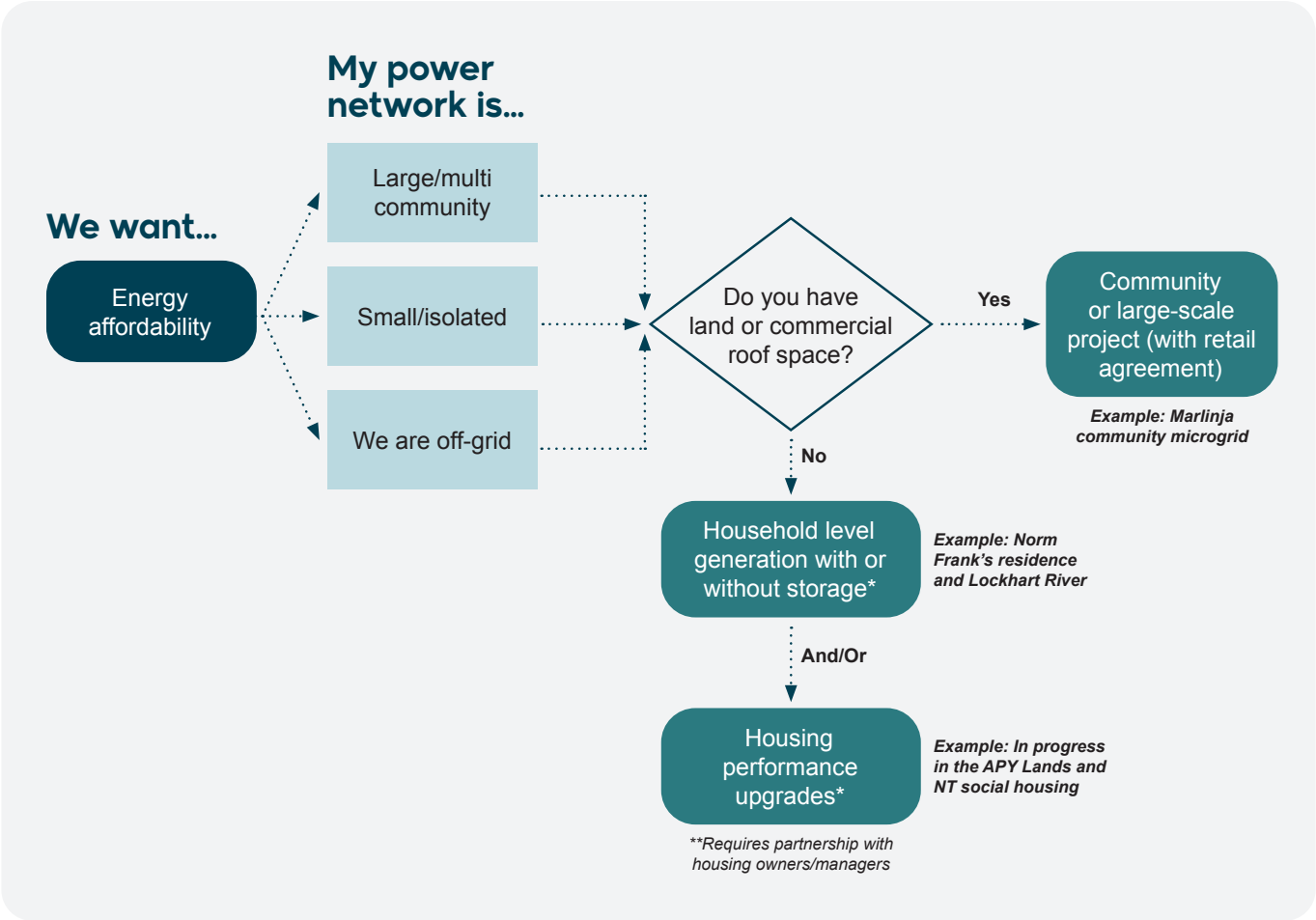


Figure 14: Improving energy affordability; types of projects that may be suitable for your community

Narrowing it down: How you can get a better idea of your energy generation options

A clean energy project on your Country will most likely be solar or wind power but could also be hydropower, bioenergy, or more emergent technologies as outlined in Part 2 of the guide.

There are a number of considerations to be aware of when determining what kind of project may be suitable. Table 5 sets out some key characteristics of the four most common technologies and the factors you will need to consider when assessing the opportunities that may be available. Review these characteristics when considering all clean energy technologies. It should be noted, however, that emerging technologies such as hydrogen can be even more complex and will require additional layers of consideration.

Please note that the costs and sizes in Table 5 are from a range of sources outside WA. They are not an accurate guide for WA projects, but are included as a reference point. You will need to seek your own costings, calculations and measurements as part of your project's pre-feasibility study.

Table 5: Factors to consider when evaluating clean energy project options

	Solar power 	Wind turbines 
Scale	Very scalable, from solar water pumps to single rooftops to large scale solar farms.	Limited scaling; generally only economical at large scale.
Power ratings	Solar panel efficiency is increasing over time. Currently a single panel is rated at 400–500 W. Household solar systems are typically between 4 kW and 6.6 kW (around 10 to 15 panels). In 2024 the largest solar farm in Australia is 400 MW (around one million solar panels).	Over time wind turbines have been increasing in size and power output. In 2024 the largest wind turbines are capable of generating up to 15 MW. It is more common to use turbines that are between 1 MW and 5 MW.
Size	Solar panels are typically around 1.6 m long by 1 m wide.	Wind turbines range from around 80 m / 40 m (tower height / blade length) up to around 250 m / 100 m.
Land requirements	Can be located on existing roofs that are structurally sound and strong enough, requiring no land. Ground-mounted systems require 0.3–3 hectares (1–7 acres) per megawatt of panels, dependent on technology.	Turbines must be spaced a minimum distance apart. A rule of thumb for linear spacing between turbines is up to 10 times the blade diameter in the dominant wind direction and 5 times the blade diameter in the cross direction. A rule of thumb for total area required is about 0.3 hectares or 1 acre per megawatt for 2 MW turbines; however, this varies widely depending on wind resource.
Land features	Flat land is ideal. Slopes generally below 5 degrees.	Flat land results in a cheaper and easier build. However, hilly areas tend to provide better wind resources. Slopes generally below 10 degrees.
Co-location	Agrivoltaics (growing native or food producing vegetation underneath the panels). Sheep grazing.	Cattle grazing. Crop farming.

Table 5: Factors to consider when evaluating clean energy project options

	Solar power	Wind turbines
Impacts and considerations	Challenges with recycling panels. Large area requirements per MW. Flight path considerations – a solar farm cannot be located close to an airport or aerodrome because of the potential glare from the panels.	Access roads required. Large concrete bases that are mostly left in place at end of life. Blades not currently recyclable. Flight path considerations. Water requirements for concrete foundations and access road construction. Some impacts on bird and bat populations. Visual and noise impacts.
Jobs	Survey data from the Clean Energy Council in 2020 suggests 2.3 jobs per MW during construction and 0.1 jobs per MW during operations.	Survey data from the Clean Energy Council in 2020 suggests 2.8 jobs per MW during construction and 0.2 jobs per MW during operations.
Timeline	Household installations can be completed within weeks, with installation typically completed in one day. 41 months is the average timeframe across Australia for large scale projects.	Average of 53 months for a large scale project, including 15 months construction period. Design and approvals often take years to obtain.
Costs	Competitive at all scales. Average installed costs: $800/kW (residential in WA) $1,020/kW (commercial in WA) $1,000/kW to $6,700/kW (large scale projects). Expect price premiums for remote areas. See solarchoice.net.au for monthly updates on average solar system pricing.	Most economical at large scale (>200 MW). Average installed costs: $1,000/kW to $4,500/kW.

Table 5: Factors to consider when evaluating clean energy project options

	Hydro power	Biomass
Scale	Dependent on river, dam or lake characteristics.	Limited scaling flexibility due to engine sizes.
Power ratings	Small systems or micro-hydro turbines: 2 kW to 100 kW. Large scale: up to 22,500 MW.	Small systems: from around 2 kW. Large scale up: to 750 MW. Note that power output is greatly dependent on the type of biomass.
Size	Turbines vary from around the size of a car tyre for micro turbines to needing buildings to house the turbines, or massive dam walls in the case of large scale systems.	Small systems can fit on a car trailer. Large systems are the size of conventional power stations.
Land requirements	May require piping or small buildings on land for small scale run-of-river systems. Large scale systems require dam walls to be built across the width of a water resource.	Large scale systems require a large facility to house the feed stock and the turbines. In some cases, dedicated land is required to grow biomass as well.
Land features	Requires flowing water with a change in elevation.	Flat land for construction of a plant.
Co-location	Where dams may be required for other reasons.	With industries that produce a lot of organic waste such as a timber mill.
Impacts and considerations	Large scale projects require existing or greenfield dam/s which may significantly alter the landscape.	May compete with other land uses for fuel (planting crops or trees specifically for fuel rather than human or animal feed). Requires a large plant for large scale projects.
Jobs	Construction – several thousand for large scale projects. Operations – several dozen for large scale projects.	Construction – hundreds of construction jobs for large scale projects. Operations – several dozen for large scale projects.
Timeline	Even small systems require detailed studies and measurements before construction. Projects under 100 kW can be achieved in 2 to 4 years. Large scale projects typically take between 5 and 10 years to design and construct.	Average of 5 – 10 years for large scale projects. Permitting and equipment lead times can cause delays.
Costs	Average installed costs: $3,000–$10,000/kW (micro-hydro), $2 million/MW (large scale).	Average installed costs: $3,000–$4,000/kW (small and large scale).

Key advantages of biomass and hydro power projects are that they are not dependent on intermittent sources like sunlight and wind to generate power and may provide continuous supply throughout the day and night.

Solar and wind power projects may need to be paired with energy storage technologies to help keep the power supply stable or to provide power when those sources are not available. The most common energy storage technologies are batteries or battery energy storage systems.

Questions to consider at this stage:

+ What idea(s) do we want to investigate further?
+ What scale of project would we consider?
+ What are the key physical requirements for that kind of project (land size, water, access roads etc.)?
+ Is that project suited to the land (or roof area) we could access?
+ What mapping or further information do we need to check this?
+ What budget or resources do we need for further advice or a pre-feasibility study?
+ What additional funding and support do we need? Where can we find it?

Is your idea viable?

Once you have settled on an idea, it is time to work out whether it might be viable. There is a lot to consider in this stage and it can take a while.

Business case

You will need to consider the business case for your project regularly to make sure it makes sense to keep progressing. There is useful information in the Clean Energy Planning Toolkit for First Nations.

For projects of any size, it is important to identify who might buy your energy and whether they are likely to pay a price that will make your project worthwhile. Saving or making money from a clean energy project is never guaranteed.

If you are looking at a community-scale energy project, it is important to understand that WA's Uniform Tariff Policy ensures that all WA customers of a retailer pay the same rate per unit of electricity. This means that most regional and remote small-use customers pay less than the cost of producing their electricity and are subsidised by customers who receive electricity via the SWIS. Therefore, generating your own electricity may not result in cheaper power. This can be determined by a feasibility study.

Questions to consider:

+ Who might buy the energy?
+ How can you start talking to them?
+ What is a fair and viable price?
+ What power purchase agreements (PPAs) or off-take agreements will you need?

A PPA is an agreement in which a business or organisation commits to purchasing electricity from a generator (such as a solar or wind farm) at a set price over a fixed term.

Yindjibarndi Energy Corporation: Selling energy in the Pilbara

The energy generated by Yindjibarndi Energy Corporation projects will need to be sold through PPAs with third parties.

In October 2023 Yindjibarndi Energy Corporation and Rio Tinto signed a conditional Memorandum of Understanding (MOU), agreeing to investigate and study potential opportunities to develop clean energy projects on Yindjibarndi Country to supply clean energy to Rio Tinto's operations in the Pilbara.

Yindjibarndi are also exploring options with several other prospective customers who are looking to decarbonise. Yindjibarndi Energy Corporation CEO, Craig Ricato, explains that clean energy PPAs are a compelling business case for mining companies:

Yindjibarndi Energy Corporation representatives visiting an ACEN project in the Philippines. Image Credit: ACEN

> Land assembly is the #1 challenge for clean energy in the Pilbara. Yindjibarndi Energy can resolve this issue for the miners and then fund the development costs of the projects, so the miners simply have to purchase the clean energy they need to meet their commitments. And in the process, they are helping Traditional Owners participate in the clean energy transition in a meaningful way, which supports self-determination and stronger communities. It ticks all the boxes.

The Marlinja microgrid: A pilot project rather than a for-profit project

The Marlinja project was an important project for unlocking energy possibilities for Aboriginal and Torres Strait Islander people living in social housing where pre-payment meters are used. The project developed a mechanism that gave pre-payment customers access to reduced household energy costs, similar to those associated with installing rooftop solar. It also brought additional benefits through the development of a fairer benefit-sharing model from a community energy asset.

Commercial replicability was not a goal – instead the initial focus was:

- proving the mechanism could work;
- establishing a project regulatory pathway and a commercial valuation process that could be replicated in other remote communities and power networks;
- spreading the benefit and de-risking the connection process for other communities;
- building ongoing relationships with various government agencies.

Phase 2 of the Marlinja microgrid project will focus on exporting excess energy beyond the community. This will support network resilience and unlock commercial opportunities for the microgrid's owners.

The pricing agreement with energy retailer, Jacana Energy, was the first of its kind. A new fee structure and system design was required so that the benefit-sharing arrangement would replicate a behind-the-meter benefit, similar to rooftop solar, but within the limitations of the pre-paid metering system.

To meet the requirements of grid connection and overcome power station load hosting limits, a battery was needed, which added about $550,000 to the project cost. This capital was raised through philanthropic assistance from Original Power and the community.

Without generous assistance from industry partners, 5B and GoodWe, the project was unlikely to be economically viable, given the community's limited resources.

Marlinja microgrid development, a community-led and owned energy project. Image credit: Rachel Mounsey

Planning, design, feasibility and development

This guide does not provide detailed guidance on planning, design, feasibility and development because there are other resources that can assist with this (listed below). However, you will need to consider some of the following questions.

- How much energy resource is there (i.e. sun, wind or access to flowing water)? What are the best technologies and system sizes to meet your needs? How much energy would your project generate? Who would buy the energy?
- How would the project connect to transmission lines? What studies, approvals, permits or licences will be required? If connecting to the SWIS or other network, is there spare capacity on the network in your location or will additional lines be needed? Will electrical system upgrades be required?
- What funding will you need for pre-feasibility, feasibility and development? How could you secure funding for the various stages?
- How much land will you need for your project? What land is suitable? Will land also be needed for access roads, transmission, pipelines, a port facility or other infrastructure connection?
- What kind of tenure will you need during the feasibility stage and for construction? How will you secure it?
- Will the grant of tenure be a future act under the *Native Title Act 1993* (Cth)? Will an Indigenous Land Use Agreement (ILUA) be required? Should you start discussions with the native title party?
- Are there existing pastoral leases? Should you start discussions with the pastoral lessee?
- How will Aboriginal heritage be protected? Who will you need heritage agreements with?
- How will each stage of the project affect the environment? How will these impacts be managed? What environmental and planning assessments and studies will you need?
- What approvals, permits and licences will you need (e.g. zoning, development, environment, clearing, water, roads and land access)?
- Will you need an economic impact assessment?

Helpful resources

For guidance on planning, design, feasibility and development, you should look at the following resources.

The Clean Energy Planning Toolkit for First Nations sets out a 7-stage framework for working with your community or members to develop, design, fund, action and monitor a clean energy project. This is a particularly good guide for community-scale projects. It explains what is involved in a feasibility study, likely project costs, potential capital sources, project delivery methods, etc.

The Project Timeline developed by Yamatji Marlpa Aboriginal Corporation (YMAC), which is part of the YMAC Renewable Energy Guide, is an excellent tool to help you understand the project development pathway.

YMAC Project Timeline

YMAC has developed a Project Timeline (Figure 15) which is designed to support Traditional Owners, industry and government to effectively and respectfully navigate the project development pathway. The Project Timeline guides the negotiation of a clean energy project to deliver positive outcomes for Traditional Owners and industry alike, whether on PBC-led or industry-led projects.

It is designed as a 'big picture' framework for clean energy projects, noting that all projects are different, and the Project Timeline is not intended to be a perfect fit for all projects. For any project, stages may occur or commence at different times or not be required. Some stages are linear, and others may occur, in whole or in part, at the same time. Each stage incorporates considerations for other stages, as relevant to a project.

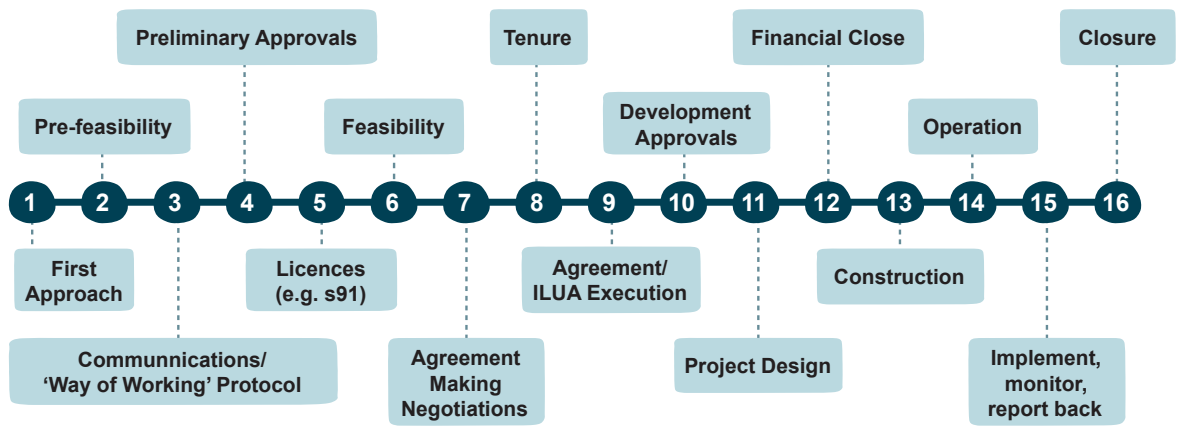


Figure 15: YMAC's Project Timeline

For larger projects, Figure 16 shows the pathway for clean energy development which sets out indicative steps from development to construction.

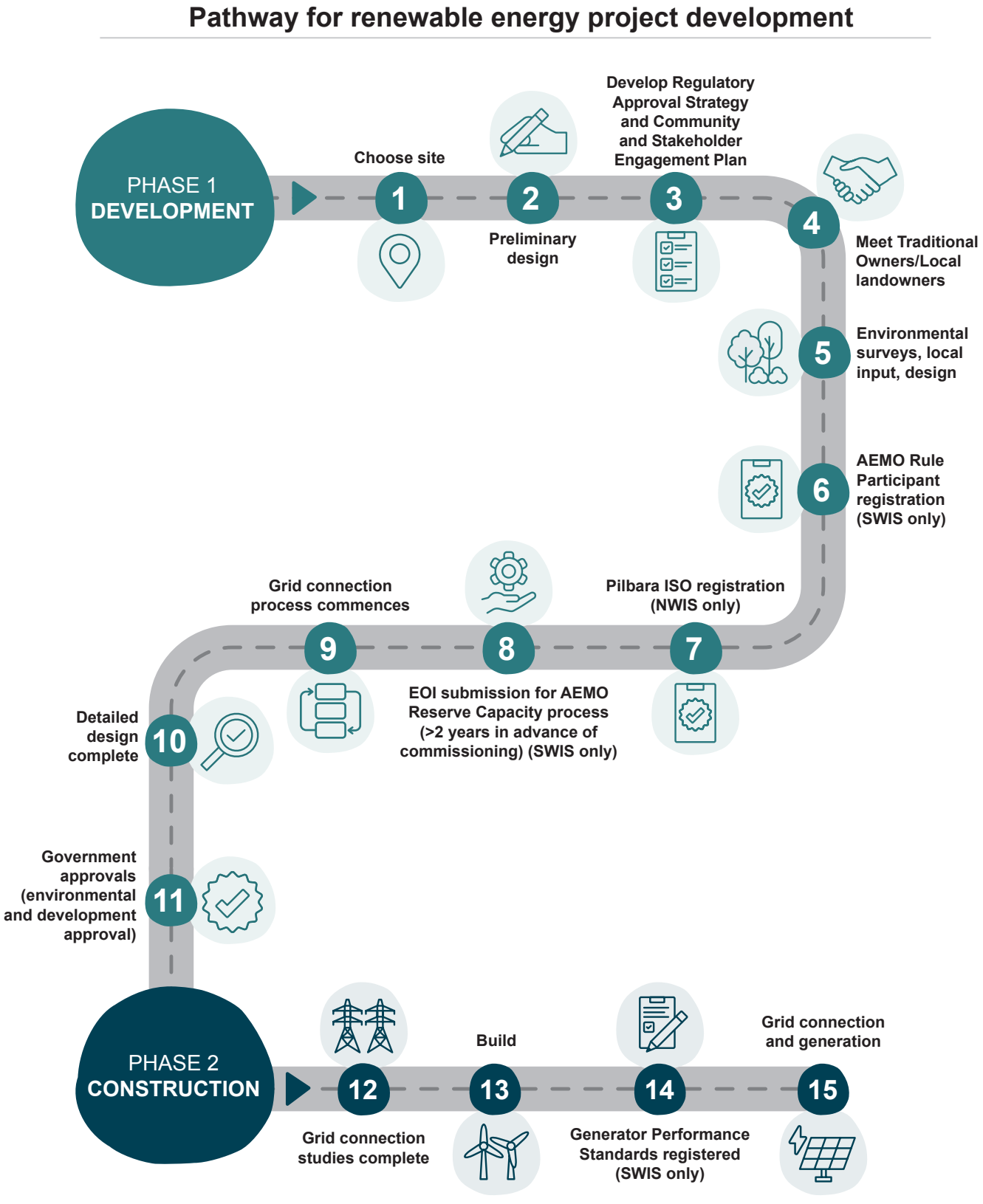


Figure 16: Development pathway for larger clean energy projects from development to construction

Tip!

Some of the steps involved in planning and developing a clean energy project will need to happen on an ongoing basis. For example, you will probably need to keep considering financing and stakeholder engagement at every stage. You may also need to revisit some decisions multiple times as things change.

Snapshot of Yindjibarndi Energy Corporation's approach to approvals

Native title: An Indigenous Land Use Agreement (ILUA) was registered in 2024. It states that large scale clean energy projects can only be developed in areas where Yindjibarndi Aboriginal Corporation RNTBC and Yindjibarndi Ngurra Aboriginal Corporation RNTBC agree that the proposed location is socially, culturally and environmentally appropriate.

Aboriginal heritage: The Heritage Protection Agreement in the ILUA says no application can be made for a Section 18 approval to impact sites under the *Aboriginal Heritage Act 1972* without the consent of both organisations.

Land agreements: The Yindjibarndi Aboriginal Corporation subsidiary Yiyangu submitted a Section 91 Licence to Occupy Crown Land application under the *Land Administration Act 1997* (WA) in June 2022 over the entirety of the Yindjibarndi Native Title Determination Areas. This was granted in August 2023 and Yindjibarndi Traditional Owners began participating in on-Country environment and heritage field surveys for the first clean energy project.

The CEO of Yindjibarndi Energy Corporation, Craig Ricato, says that valuing culture is embedded in the processes.

> As a project developer, heritage is often a tick of the box, but in our project, when we identify artefacts and sites it is celebrated as part of the project. The project is giving the Yindjibarndi an opportunity to increase their own intellectual property regarding their Country and registered sites.

Environmental approvals: In June 2024 the Western Australian government fast-tracked environmental approval for the 150 MW Jinbi solar project (Jinbi – Project 1). The environmental approval was the first to be given under the state government's new Green Energy Approvals Initiative. Development consent via local government is pending.

Navigating challenges: How the Marlinja project was revised after the feasibility stage

The first step for Original Power and the Marlinja community was to conduct a community energy planning process and feasibility study of the community clean energy options that could improve affordability and reliability of energy services in the area. By 2021 they had raised the funds to install rooftop solar systems and batteries at Marlinja, but this plan stalled because of challenges with securing approval to install the assets on homes managed under a Territory Housing lease.

The community decided to focus on a different model: a 100 kW centralised solar array and 136 kWh community battery, which would be connected to the Elliott power station. Now the key challenge was to work out a technical and commercial arrangement that would reduce household energy bills.

Overcoming technical barriers to pre-paid meter and solar integration was the focus of a previous trial by Original Power in 2019, in which rooftop solar was connected to a single public housing dwelling in Tennant Creek. The trial demonstrated the potential for solar integration. However, new commercial arrangements would be needed to make a community-scale solution work in Marlinja.

A trial was conducted with Northern Territory government retailer, Jacana Energy, and pre-payment meter manufacturer Secure Meters. They developed a ‘credit upload’ function that provided direct crediting of household meters at a community-scale in Marlinja. Under the scheme, household meters are given a daily credit by the retailer in proportion to the energy generated by the community solar project. While the project is still in the early stages of operation, it is anticipated that households will save an average of 70% or $70 per week on their energy costs. A pool of community funds was established to generate funds for ongoing asset operation and maintenance.

Funding and finance

Funding will be needed at various stages. You will need enough funds to pay for planning, feasibility, design and development. You will also need finance to construct the project.

Tip!

The final investment decision (FID) stage of project development is when a final decision is made about whether to finance the construction of the project. At this stage, a detailed assessment is made of the project's technical, economic and environmental aspects (including risks), and the investor(s) or lender(s) decide whether to lend or invest the necessary funds to make the project a reality. Once a project has received a financial investment commitment, it is considered likely to proceed.

Looking for funding and finance

Some of the financing and funding opportunities that may be available to your organisation include government grant funding, low interest loans, ethical investment, and grants through charitable or non-governmental organisations (Figure 17). Your organisation or community may also consider setting up a charity so you can take donations.

If you are looking at a large scale project, you will need to secure significant investment and/or loan funding for the project. You may need a partner who would contribute upfront funding or who has experience in securing finance for clean energy projects. See page 72 for more information on this decision.

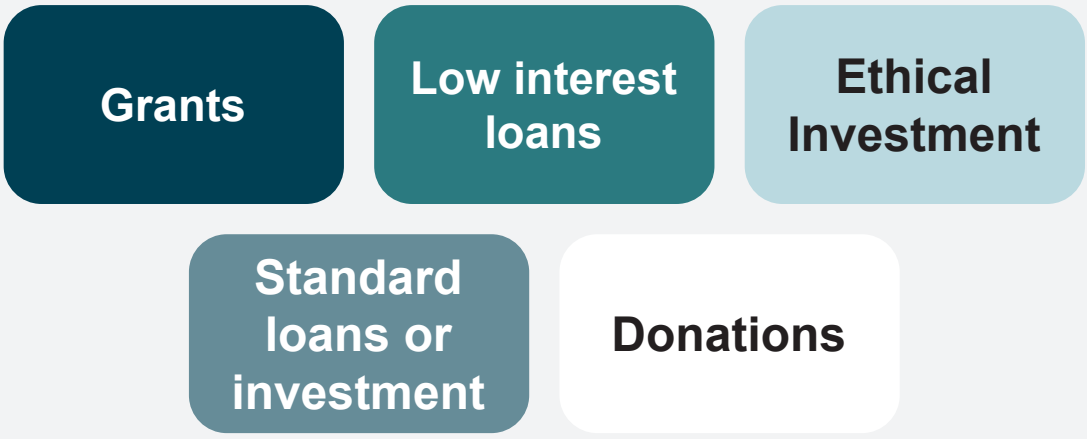


Figure 17: Potential sources of funding and financing

The funding opportunities that are suitable for you will depend on your type and scale of project, profit margin, location and goals.

The Financing and Funding Opportunities page on the First Nations Clean Energy Network website provides detailed information about the various funding and financing sources available for clean energy projects in WA and nationally.

Following are other examples of funding sources that could be relevant.

- Horizon Power supports community partnerships through funding local projects. When applications are open, they are advertised on the website.
- The Indigenous Land and Sea Corporation (ILSC) can assist Aboriginal and Torres Strait Islander organisations with the acquisition and management of land for economic, social and environmental benefit. Our Country Our Future is the ILSC's national funding program. It operates across urban, regional and remote areas Australia-wide. Through Our Country Our Future, the ILSC provides a wide range of assistance, from brokering and developing partnerships, to facilitating and coordinating support, and providing funding assistance.
- Indigenous Business Australia helps Aboriginal and Torres Strait Islander organisations pursue sustainable business ventures through direct investment, or asset and funds management services.
- The Australian Renewable Energy Agency (ARENA) has a wealth of information about clean energy projects on its website. It also has funding opportunities available, including its Regional Microgrids Program.
- The Citizens Own Renewable Energy Network Australia Inc (CORENA) is a non-profit organisation that has a revolving clean energy fund.
- The Clean Energy Finance Corporation is a specialist investor in Australia's transition to net zero emissions by 2050. With access to more than $30 billion from the Australian Government, the Clean Energy Finance Corporation invests in some large scale projects and has programs with banks and financiers for smaller scale clean energy projects across agriculture, industry, property and transport.

Recognising the value brought by Yindjibarndi

It was important for Yindjibarndi to find a partner who valued their contribution. ACEN recognises that Yindjibarndi are contributing significantly to the enterprise on multiple fronts, including:

- cultural knowledge
- relationships with industry in the Pilbara
- an ILUA and land access

In addition, there is employment and contracting with Yurra. Through Yurra, Yindjibarndi bring their own workforce, a hire car company and other Yindjibarndi business services to the project.

Yindjibarndi will hold a minimum of 25% of the equity in all projects, with their investment supported by funding arrangements with ACEN.

Where will you need support?

Figure 18 outlines the types of things you may need to support for, provides links to useful resources and provides tips on things to look out for.

General information

Make sure your community fully understands the impacts and opportunities of the energy transition.

Check out

First Nations Clean Energy Network website resources.

Tip! Contact DPIRD for help aed@dpird.wa.gov.au

Technical advice

Engineers can advise you on energy systems to meet your needs with your resources.

Check out

Energy advisory companies that do energy feasibility studies.

Tip! Beware advice from people trying to sell you solutions.

Funding advice

Funding projects and the necessary design studies can be a huge hurdle for our communities.

Check out

Funding resources on page 80 of this guide.

Tip! There are several ways to fund a project that you may not be aware of.

Negotiation assistance

You may need some support to negotiate with proponents, contractors or your energy provider.

Check out

First Nations Clean Energy Network Negotiation Guide.

Tip! Well resourced and supported community organisations negotiate better deals.

Figure 18: Areas where you may need support and where you might find it

Business advice

To secure economic opportunities you will need to establish companies with business plans.

Check out

Indigenous Business Australia

Australian Government Business

Tip!
WA has support organisations including:

WAALITJ Hub

Yarnline

Legal advice

This may be for land tenure, energy sale contracts, legal structures or partnerships.

Check out

Setting up for Success – Land Tenure Guide.

Tip! Not all legal firms have energy expertise.

It can be hard to know where to start when looking for support. You may be contacted by people and organisations you have not heard of, or who are new to the clean energy sector.

Some tips for ways to check their reliability are outlined in Table 6.

Table 6: Tips for assessing organisations that provide project support

Key aspect	What to ask	What to check yourself
Are they an experienced, credible and reliable adviser?	How long have they been operating? Can they prove they have the full resources needed to deliver the project? What have they delivered before? Can they put you in touch with former clients?	Are there any news articles about their previous work? Is their corporate website professional?
Do they have experience working with Aboriginal communities and organisations? **Do they have a good environmental record and social licence?**	Can they put you in touch with former Aboriginal clients? Do they have Aboriginal employees? Have their staff undertaken cultural awareness training?	Can you talk to another community they have worked with? Ask other Aboriginal communities and organisations if anyone has heard of the adviser. Ask the First Nations Clean Energy Network if the adviser is working with any of the network's members.
What will they do for you? **Will they give you all the data they prepare?**	Can they provide examples of work they have done before, including reports or studies they gave their clients? Can they give you their proposed scope of work?	Check examples of previous work and your proposed scope of work carefully to see whether you will be getting what you need. Check to make sure the scope of work includes a requirement to give you the data they prepare.
Is the cost reasonable?	Can they help you find any external funding for this work?	Obtain other quotations to check that what this partner will provide is similar in price and scope to others.
How will they communicate with you?	Do they have a dedicated point of contact throughout the whole contract? Are they open to taking your directions on how communication needs to work for your organisation or community?	Is communication with you consistent and respectful? Is the process and information clear?
What are their contract terms?	Can they give you their proposed contract?	Check that the contract terms are reasonable. It is a good idea to get legal advice, particularly on any large contracts. Ask for a contract in plain English. If there is technical clean energy language, ask them to redraft it so that people without any clean energy experience can understand it.

Will you need co-owners or a joint venture partner?

Typically, the decision to bring in another organisation as a co-owner is often based on the additional capacity or expertise the other organisation would contribute, or other strategic reasons. Key drivers may be:

- Financial considerations. Financing large scale projects is challenging. You may decide to look for an organisation that has money it can contribute to the planning and feasibility of the project and that has proven experience in securing finance and investment for project development.
- Strategic reasons. If there is another organisation that is critical to the success of the project (such as other Traditional Owners who will need to agree to the use of Country for the project), you may consider whether bringing them on board as a co-owner would make the project more likely to succeed.

It is important to note that co-ownership is not the only way to secure these things – you may instead decide to enter into some other form of agreement with the organisation(s) you have identified.

Negotiating a co-ownership or joint venture agreement is complicated and detailed. It is important to get legal advice from someone with experience in co-ownership or joint venture agreements involving Aboriginal organisations.

Table 7 outlines the key aspects you will need to assess when considering potential partners.

Table 7: Key aspects and questions to ask when considering potential partners

Key aspect	What to ask the potential partner	What to consider yourself
When should you bring on the joint venture partner?	What is their experience with Aboriginal groups locally or First Nations groups internationally?	What do you need from a partner and when will you need it? Does it make sense to take the project as far as you can yourselves to increase the value in the project?
Are they experienced, credible and financially profitable?	How long have they been operating? Can they provide you with examples of similar projects they have worked on? Can you talk to former clients? Can they give you their annual reports?	Are there any news articles about their previous work? What does your accountant think about their annual reports?
Are they likely to be able to raise the money you will need for the project?	Where would they be looking for funding? Can they introduce you to the people, investors, banks or funding partners they have worked with before?	Have they raised funding for a similar project before? If not, you should look for independent financial advice to check whether what they are proposing is realistic.
How will the equity structure and other benefit-sharing work?	Do they have experience with this?	Will your contribution be adequately valued? Will you retain a fair share in the project? What would other potential partners give you? You should get economic or financial advice on the model.
Will the joint venture partner lend your organisation or community the money?	What interest rate will they charge?	Could you get a lower interest rate elsewhere?
How long do they want to be involved with the project?	Are they looking to sell the project or are they an experienced builder–owner–operator that has longer term interests?	Check their website and news articles to see what they have done before. Consider if your goals are aligned.
Do they have experience working with Aboriginal communities and organisations?	What have they done in the past to empower Aboriginal communities? Do they have Aboriginal employees? Have their staff undertaken cultural awareness training? Do they follow best practice toolkits such as from First Nations Clean Energy Network or the Clean Energy Council?	Can you talk to another community they have worked with? Ask the First Nations Clean Energy Network if the adviser is working with any of the network's members.

Tip!

The Clean Energy Council has released the Leading Practice Principles: First Nations and Renewable Energy Projects, an engagement guide for the clean energy industry. This is a comprehensive national guide on meaningful engagement, consent, participation and benefit-sharing with Aboriginal people on clean energy projects. You can give a copy to potential partners and ask them to provide their rating against leading practice principles.

How Yindjibarndi found a joint venture partner

Once Yindjibarndi had decided to proceed with a clean energy project, picking the right partner was vital.

'What cements all of this is picking the right partners. Having the same values is important. That's all part of creating a successful model that is nation-led,' says Yindjibarndi Aboriginal Corporation RNTBC CEO Michael Woodley.

When Yindjibarndi went to speak to people in the industry, they went with threshold expectations, for example:

- **commercial** – Yindjibarndi wanted significant equity, both during development of projects and after construction.
- **culture** – They had to have the right to approve the location of all projects. The heritage approach and finalisation on heritage projects needed to be led by Yindjibarndi. They would need to be involved in, and receive copies of, environmental studies.
- **community** – Multiple layers of benefit would be required. They wanted preferred contractor status for Yindjibarndi businesses and the opportunity to create genuine commercial, training and employment opportunities.
- **partnering experience** – They wanted a proponent who had experience in joint ventures.
- **track record** – They needed a partner who had the experience and reputation to raise the capital needed for the project, and experience in developing, building and operating a large scale clean energy project.
- **values** – Above all, the partner had to have shared values, trust and commitment.

Yindjibarndi contacted various clean energy companies. Some were not able to consider the kind of partnering approach that Yindjibarndi were looking for. As a result, the search quickly started to focus on discussions with ACEN. They got to know the company that they would later choose as their partner in two important ways:

1. Talking with Aboriginal groups who had dealt with the company. They visited an ACEN project in Australia and talked to Aboriginal groups who had worked with them on that project. They later visited ACEN projects in the Philippines. They were able to check out how they worked with Indigenous groups in other locations.
2. On-Country relationship building with the company's senior leadership. When they met with ACEN, the company's CEO in Australia came to the community and stayed overnight. They got to understand what a relationship might look like before talking business. Since then, more ACEN senior leadership members from across Australia and the Philippines have visited and stayed on Country.

It took about nine months to negotiate the partnership agreement.
It includes principles such as:

- Yindjibarndi equity of 25% to 50% in all projects;
- Yindjibarndi approval of all proposed project sites;
- preferred contracting for Yindjibarndi-owned businesses;
- training and employment opportunities for Yindjibarndi people.

Case study: The East Kimberley Clean Energy Project by the Aboriginal Clean Energy Partnership Pty Ltd

The East Kimberley Clean Energy Project is being developed by a Traditional Owner-led partnership. The project is the first 100% green energy, hydrogen, and ammonia export project in Australia to date. The project will produce green ammonia for use in local irrigated agriculture and mining industries, as well as for export. Under the ownership model, Aboriginal people are the majority shareholders, enabling Traditional Owners to be the key decision-makers. They will design the physical and commercial architecture of the project, and actively make decisions about the impacts, opportunities and benefits of the project.

The Technical Components

The project will involve the development of a ~1 GW solar farm over ~2,500 hectares of freehold land near Kununurra, which is owned by MG Corporation. This will be used to produce green hydrogen. The hydrogen plant would be capable of producing around ~50,000 tonnes of green hydrogen per year. The green hydrogen would be transported via a ~120 km pipeline to Balanggarra Country, where it will be processed into ~250,000 tonnes of ammonia per year, using 20–30 MW of firm power from the existing Ord Hydro Power Plant located at Lake Argyle. The project components are shown in Figure 21 (page 74).

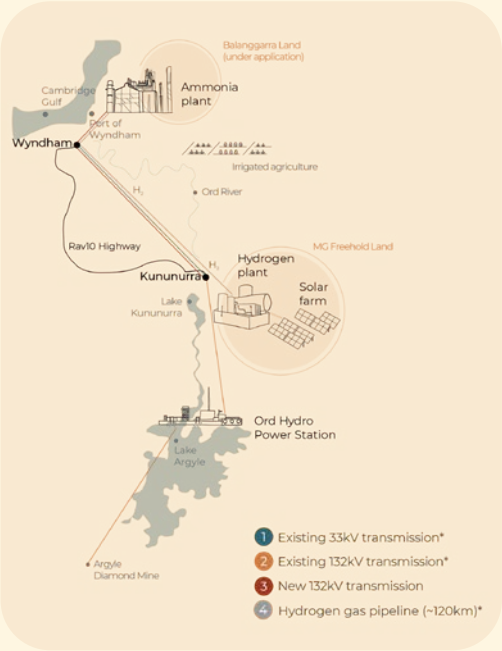


Figure 19: Proposed project design

Ownership and governance

Following the closing of the Argyle Diamond Mine, the Ord Hydro Power Plant had spare capacity. The opportunity to use this capacity for a new project, together with a drive by partners to set a new standard of Aboriginal ownership and economic empowerment, brought the partnership together.

The partnership is designed to bring together the skills, capability and lived experience of Traditional Owners and clean energy developers as partners for the first time in Australia. The project's ownership model is an Aboriginal clean energy partnership, which places Traditional Owners in the driver's seat.

The project will be developed by a joint venture, which includes equal share ownership by Balanggarra Ventures Limited (a subsidiary of Balanggarra Aboriginal Corporation), MG Corporation (the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation), Kimberley Land Council and Pollination, a specialist climate change investment, project development and advisory firm.The Aboriginal Clean Energy Partnership Pty Ltd is an incorporated private company that wholly owns the project vehicle. All parties have equal decision-making rights. During the development process, the partnership will decide how they are to be compensated and included in the project, before and after the final investment decision. The partners have clearly defined roles, responsibilities and areas of expertise that they bring to the project team (Figure 20).

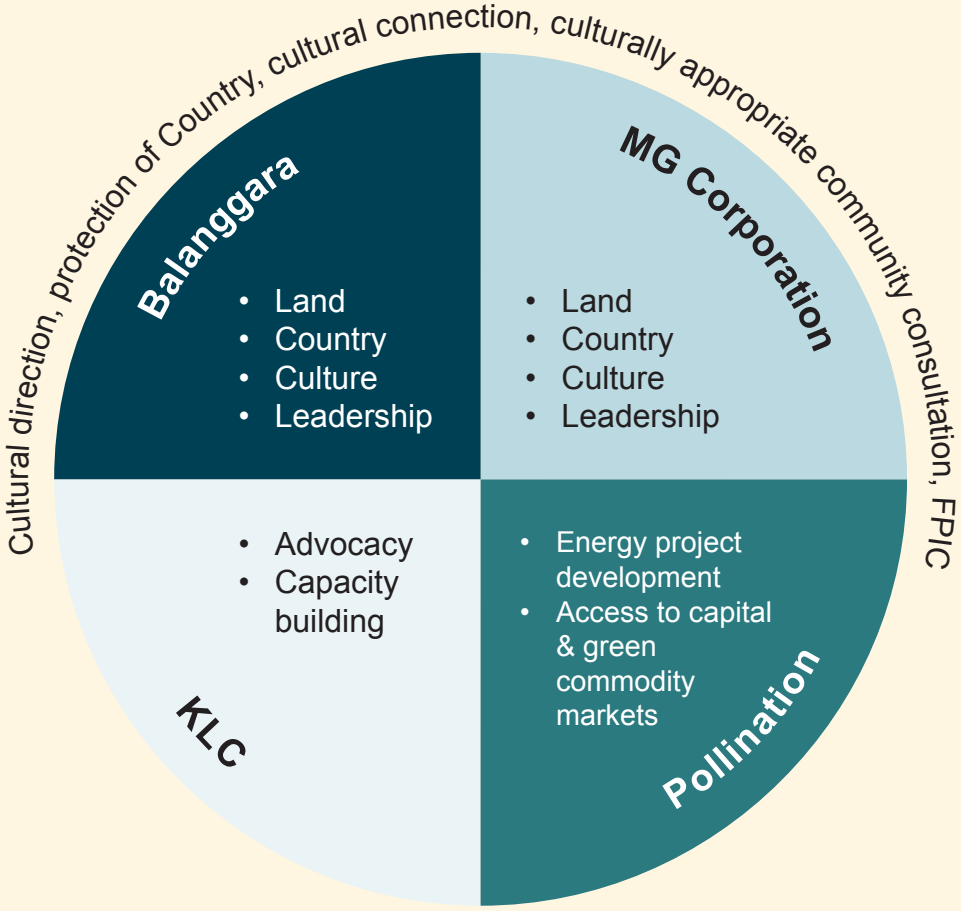


Figure 20: Project partners and key responsibilities and expertise

Financing

At December 2024 the project was in the feasibility stage. The first phase of the feasibility study has been completed, after receiving $1.67 million from the Australian Renewable Energy Agency (ARENA) to cover 50% of the investigation costs.

The final investment decision to proceed with the project is expected in 2026. The estimated construction cost of the project is around $3 billion. Development partners will be invited to invest in the project from the front end engineering design phase, once key physical and commercial architecture is established.

Key outcomes

- The development of an effective and sustainable model of clean energy development that ensures the clean energy transition improves the lives of First Nations Australians.
- The development of a Workforce and Capacity Building Plan which outlines how knowledge will be gained and shared with Traditional Owner groups and how a local, clean energy workforce will be created.
- Meaningful ownership interests, equitable sharing of benefits and economic independence for Traditional Owners.
- Equitable sharing of land and culture by the Traditional Owners connected to the project.
- Knowledge sharing and capacity building within the partnership and the broader First Nations community.
- Key learnings of the mindset shift for Traditional Owners, moving from operating as stakeholders to shareholders.
- A First Nations ownership stake which ensures construction is consistent with First Nations peoples' cultural considerations and values.
- 533 jobs in the construction period on average per annum, peaking at 825 jobs at the height of construction, as well as ongoing roles.
- Contribution to the decarbonisation of the agriculture sector in Australia.

Scan here to watch a mini documentary about this project and partnership. Hear Traditional Owners tell their story.

Decide how the project will be owned and how decisions about the project will be made

It is important to make decisions upfront about how the project will be owned.

You may have an existing entity that can be used for your project or you may have to set up a new entity to own a clean energy project.

Some of the advantages of a new entity are:

- Managing risk – The project risk is separated from your other organisation.
- Clean energy focused board – The right board members for the clean energy project might be different from the right board members for your other organisation. A new entity will let you appoint directors with skills relevant to the clean energy project and potentially some independent directors (depending on your constitution).
- Flexibility – It gives you flexibility in the future to bring an investor into the project.
- Separate management – Often Aboriginal organisations have lots of different priorities to juggle. Setting up a subsidiary with a different manager will mean they can just focus on the clean energy project.

Some of the disadvantages of a new entity are additional cost, compliance and complexity.

The board of your main organisation can still have overall control of the new entity, but if you bring in an investor you will have to agree how control will be shared.

Figure 21 provides an overview of key business structure and ownership options to consider for your project. Depending on factors such as your current organisational structure, funding sources and capacity, different business structures may be more suitable. This flow chart does not cover all possible considerations, so it is important to seek legal and tax advice tailored to your specific circumstances.

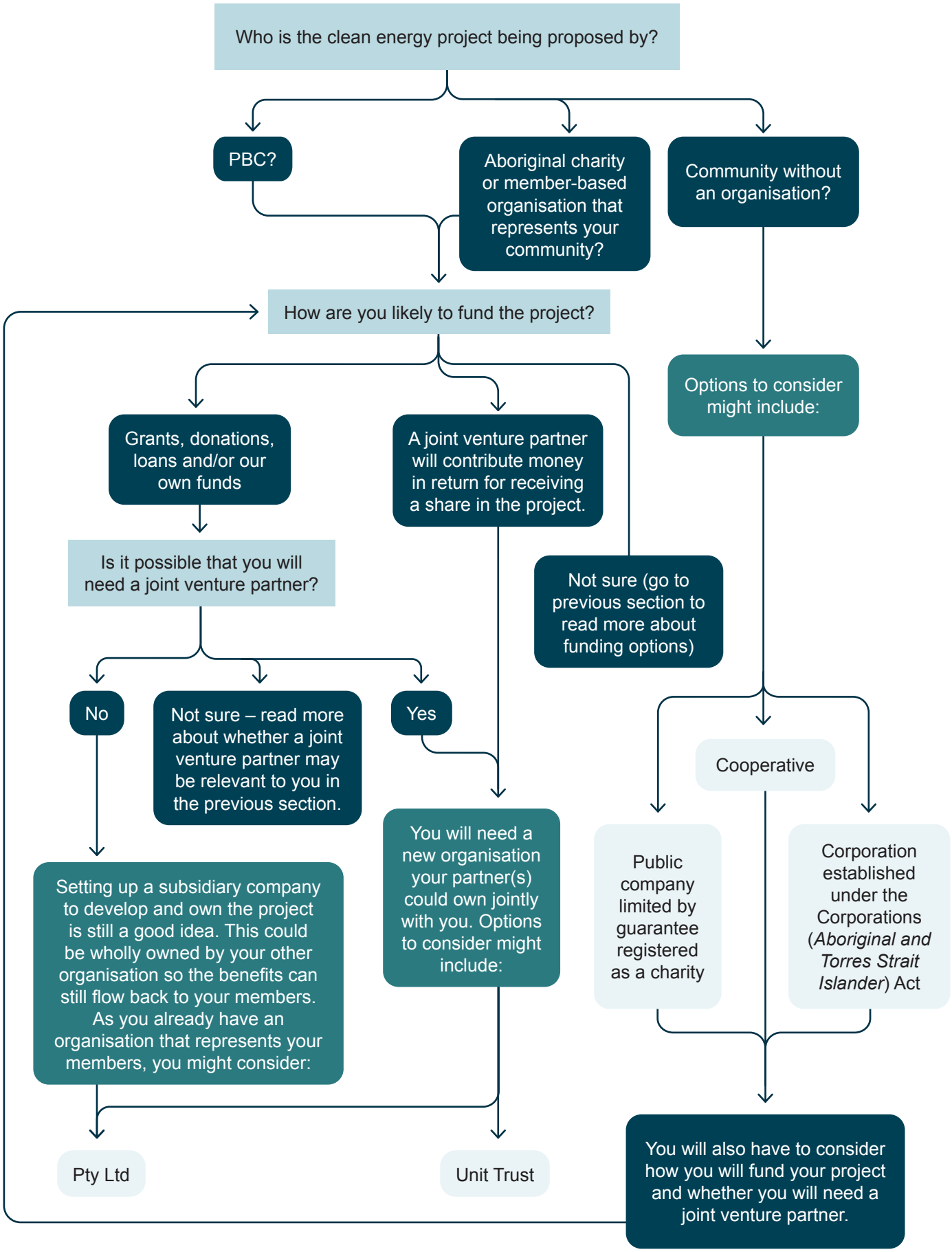


Figure 21: Some options for how your project might be owned

Table 8 explains how different corporate structures work and things to consider for each type.

Table 8 does not profile companies incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act* as many Aboriginal organisations and communities are already familiar with these. Information on these kinds of companies is available at the Office of the Registrar of Indigenous Corporations.

Table 8: Corporate structures you could consider for a new entity to develop or own your clean energy project

Key aspect	Unit trust with a corporate trustee	Pty Ltd company	Public company limited by guarantee & registered as a charity	Cooperative
How does it work?	Your organisation would set up a unit trust and a Pty Ltd company to be the trustee of the unit trust. The trustee would own the project on behalf of the unit trust.	Your organisation would set up a Pty Ltd company. It would own the project.	Your community or organisation would set up a public company limited by guarantee. It would own the project.	Your community would set up a cooperative. It would own the project. If you want it to be a charity, it would need to be a non-distributing cooperative.
Initial documents you would need	Shareholders agreement and constitution for trustee. Unit-holders agreement and trust deed for the unit trust.	You might rely on the rules in the Corporations Act and/or adopt a constitution. You may also need a shareholders agreement.	Constitution. To be a charity, that constitution would need to show the company is not-for-profit, has only charitable purposes that are for the public benefit and complies with other requirements for registration as a charity with the ACNC.	Cooperative rules. Rules need to explain what 'active membership' is required of members.
Members or shares?	Shares in the trustee company and units in the unit trust. Your organisation would hold these unless/until a joint venture company invested, at which point it would get some units in the unit trust and shares in the trustee company.	Shares. Your organisation would hold the shares unless/ until a joint venture company invested, at which point it would probably get some shares.	Members. Consider who would be eligible for membership and explain this in the Constitution. For example, your existing organisation or people in your community might be eligible.	Members. Consider who would be eligible for membership and explain this in the rule book. Members must meet the 'active membership' test.
Example	The shareholders in Yindjibarndi Energy Corporation intend to use this structure for each project.	Yindijibarndi and ACEN used this structure for their initial joint venture partnership.	Original Power Ltd is a public company limited by guarantee.	The Aboriginal people living in Borroloola used this structure for the Ngardara Project.
Tip	You could consider creating a different class of units for your organisation and different rights in the unit-holders agreement for those units. For example, decisions in relation to entering into ILUAs, Aboriginal heritage and Aboriginal employment opportunities could be reserved for your organisation.	You could consider making it a 'profit-for-purpose' company.	The law governing corporations limited by guarantee is different from the law governing PBCs. Make sure your constitution is prepared by an adviser who understands your needs and has advised Aboriginal communities before.	If you are relying on grants, check that the funding provider will accept applications by cooperatives.

How did the Yindjibarndi people approach the ownership structure for their joint venture?

The structure of the Yindjibarndi Energy Corporation joint venture is shown in Figure 22.

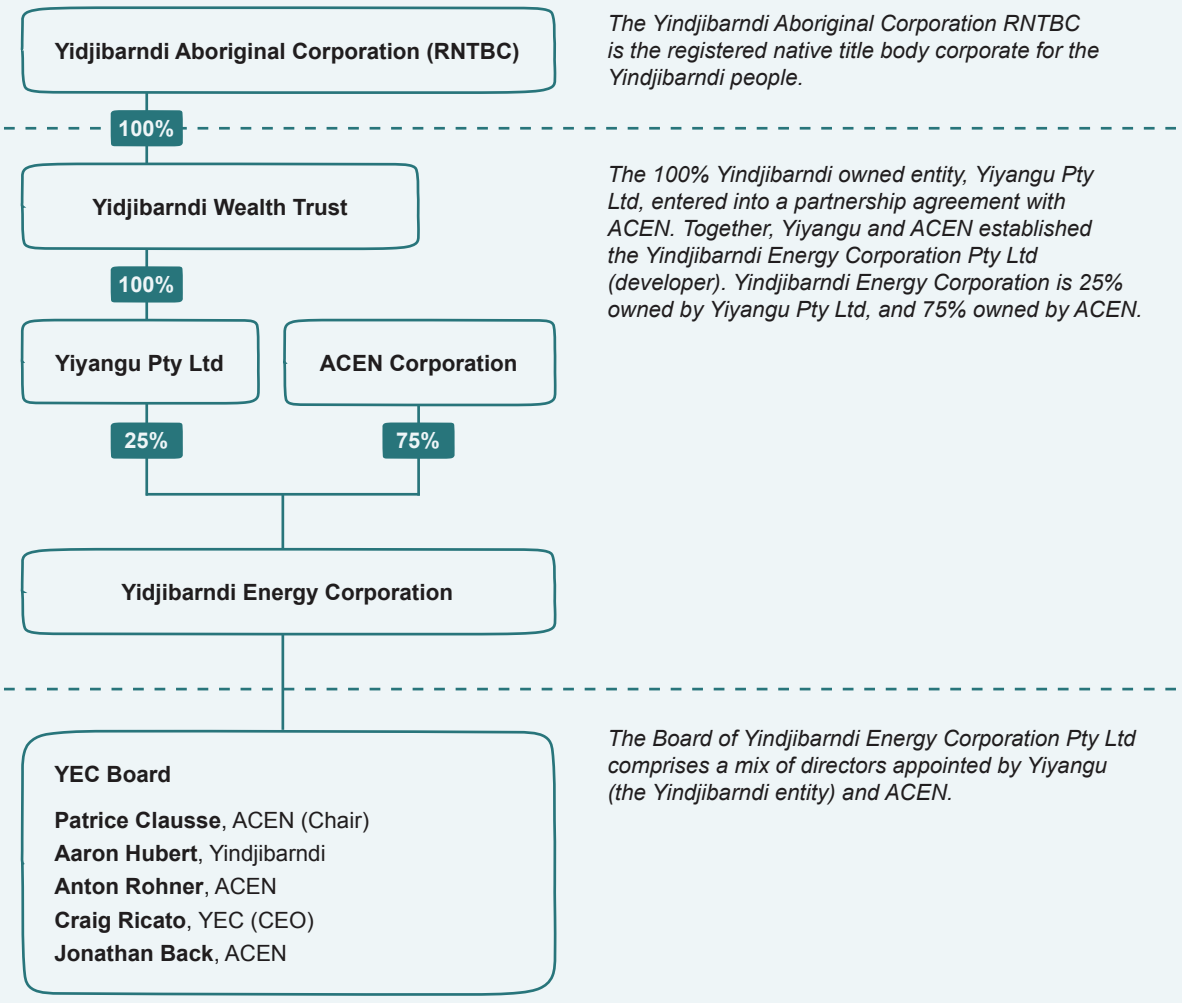


Figure 22: Yindjibarndi Energy Corporation joint venture structure

As you can see from the structure in Figure 22, the Yindjibarndi PBC is not a direct owner, but holds its shares indirectly through a subsidiary of the PBC called Yiyangu Pty Ltd. Craig Ricato, CEO of Yindjibarndi Energy Corporation, explains that it was crucial for the Yindjibarndi PBC to be separated from the commercial ventures 'to ensure that commercial risk is appropriately ringfenced'.

For each clean energy project, a unit trust with a company trustee will be set up to own it. The units in each of those unit trusts will be owned by Yiyangu and ACEN.

For each project, Yiyangu will hold the primary tenure and sublease the project site to the special-purpose entity set up for the relevant project.

The Ngardara microgrid in Borroloola

The Yanyuwa, Garrawa, Mara and Gudanji clans living in the small township of Borroloola in the Northern Territory's Gulf of Carpentaria are developing a utility-scale microgrid with the support of Original Power.

Ngardara Cooperative formation meeting, Borroloola, August 2023. Image credit: Original Power

Over a 5-year partnership, the community project has moved from feasibility stage, driven by a community reference group, to a registered, community-controlled cooperative as majority-owner and driver of the $16 million project.

The community did not have an existing fit-for-purpose representative organisation to make key decisions about project development, so in 2023 they decided to form a new one. The community members wanted to be actively involved in the project and decided to explore a cooperative structure. This structure had been used for several other community energy projects in Australia and around the world, but had not yet been used for Aboriginal clean energy projects.

Ngardara Cooperative Ltd was established to alleviate poverty, distress and disadvantage as a result of energy insecurity, pricing and inefficiency for Aboriginal residents of the Borroloola region through the production and delivery of clean energy. Currently, the board has six directors and one independent director who is also a technical adviser.

Ngardara means 'sun' in the local Garrwa and Yanyuwa dialect, and the Ngardara Project is an innovative community-led approach to clean electricity.

The project is now in the advanced stages of development for a 2.1 MW DC solar PV array and a 3.2 MW / 6.2 MWh battery system. Project commercials are supported by a 20-year power purchase agreement with the Northern Territory government retailer, and project funding is reliant on a mix of grants, low cost debt and third-party investors. Ngardara Cooperative is the majority owner of the project.

Once in operation, the system is expected to provide cheaper electricity to the Borroloola Community and improve energy security for residents and local enterprises. It will build on Marlinja community's innovative benefit-sharing model that uses pre-payment meters to distribute solar credits to Aboriginal households across the township. By reducing energy poverty and diesel generation costs, the project will also improve health and social wellbeing outcomes for the community. It is envisioned that this community-led, impact investment funded approach will unlock opportunities for sustainable growth, and act as an exemplar project for other regional and remote Aboriginal communities in the Northern Territory and across Australia.

Reflecting and learning

Like any project, it is important to make time for checking in along the way and learning from what has and has not worked well.

How has the microgrid helped the Marlinja community?

Ray Dimakarri Dixon, Mudburra Elder and a key driver of the microgrid project, explains:

> Before this microgrid project, our community were totally reliant on the government-run diesel power station and we struggled with the rising costs of energy and high disconnection rates from household pre-paid meters which disconnect as soon as a family's credit runs out. Now, we're looking forward to a much brighter, solar-powered future for our community.

Marlinja residents look forward to leading energy efficiency upgrades in the community, as well as identifying pathways to local energy productivity. A skills and training program is underway and will be expanded over time to support the local operations and maintenance of Marlinja's energy ecosystem.

What has Yindjibarndi Energy Corporation achieved so far?

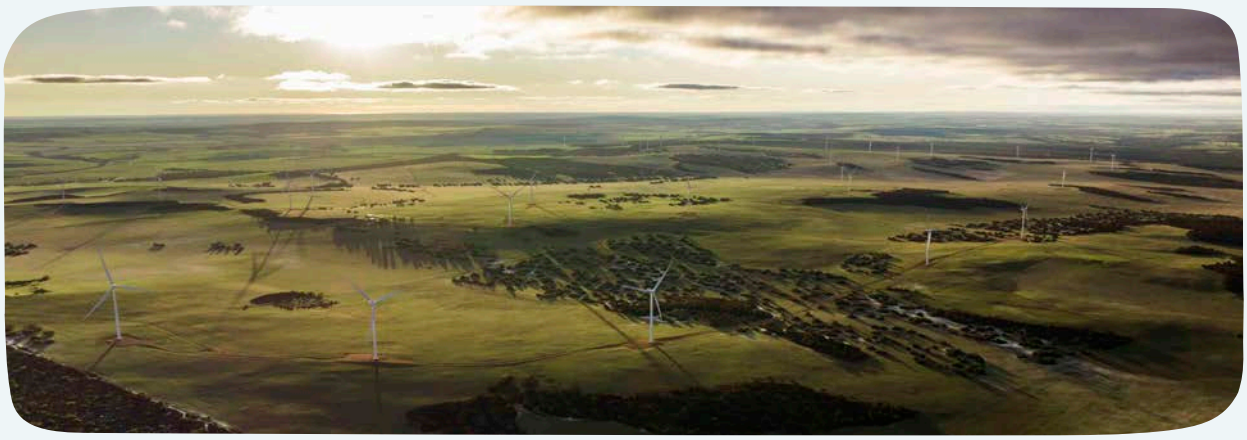
Engaging community is happening at many different stages and there are genuine opportunities for people who live locally. **Yindjibarndi Energy Corporation CEO, Craig Ricato, explains:**

> Yindjibarndi have the second largest majority Indigenous-owned business in WA, Yurra Pty Ltd, and this business is a key contractor to our projects. This means that people who live in community are the operations and maintenance crew. The projects are designed to create sustainable long-term skilled employment on Country.

The company tracks levels of expenditure on Indigenous participation in the project. So far, Yindjibarndi Energy Corporation estimates that about 23% of development expenditure has been spent with Indigenous businesses.

Aaron Hubert is one of the directors of Yindjibarndi Energy Corporation Pty Ltd. He points out that there are also other benefits for Yindjibarndi people. In 2024 Yindjibarndi Energy Corporation and Ngarluma Yindjibarndi Foundation Limited signed an MOU to work together on activities that provide social outcomes and enhanced self-determination for the Ieramugadu (Roebourne) Traditional Owner community. The MOU includes initial funding for a small scale food growing facility. Produce grown will supply the foundation's Ieramugadu store, which is owned by Ngarluma and Yindjibarndi people and provides food to community. Ngarluma Elder Violet Samson said growing fruit and vegetables in the community is important to the Elders and next generation:

'We want to grow vegetables and fruit here in community. Us Elders love to grow a feed. It's good for the mungurla (children) to get their hands dirty!'



Resources

First Nations Clean Energy Network Community Energy Planning Toolkit

Community Power Agency webinars

DPIRD's Setting up for success: Western Australian land tenure

Australian National University 100% Renewable Energy Group

Digital Atlas of Australia – electricity transmission lines map

SWIS Transmission Planning Update

Western Power network capacity mapping tool

Pilbara Energy Transition Plan

Pilbara ISOCo system map

Horizon Power webpage on Aboriginal Community Embedded Networks

Horizon Power remote communities program

Clean Energy Planning Toolkit for First Nations

Yamatji Marlpa Aboriginal Corporation Renewable Energy Guide

Yamatji Marlpa Aboriginal Corporation Project Timeline

First Nations Clean Energy Network webpage on finance and funding opportunities

Horizon Power community partnerships

Indigenous Land and Sea Corporation funding and investment program

Indigenous Business Australia

Australian Renewable Energy Agency funding opportunities

Citizens Own Renewable Energy Network Australia Inc (CORENA) funding

Clean Energy Finance Corporation

Clean Energy Finance Corporation asset finance

First Nations Clean Energy Network Negotiation Guide

Business Australia

WAALITJ hub

Yarnline

First Nations Clean Energy Network Leading Principles for First Nations and Renewable Energy Projects

Aboriginal Clean Energy Workforce and Capacity Building Report

Information from the Australian Charities and Not-for-profits Commission about starting a charity

Information from the WA government about rules for cooperatives

Business Council of Cooperatives and Mutuals guide to drafting active membership rules

Ngardara Project

Additional resources

Information from the Australian Securities & Investments Commission (ASIC) about starting a not-for-profit or charitable organisation

Information from ASIC about starting a company

Information from the Office of the Registrar of Indigenous Corporations (ORIC) on starting a new Aboriginal and Torres Strait Islander Corporation

Aboriginal Clean Energy Partnership website and mini documentary

A guide to power purchase agreements and a template

Part 6 – Negotiating agreements about clean energy projects

Part 6 of this guide describes how Aboriginal communities can start their own clean energy projects on Country. This part of the guide provides guidance for native title parties when someone else (the 'proponent') has proposed a clean energy project or related infrastructure on their Country. It covers:

- what information you should try to find out about the proposal;
- what to expect;
- how to identify the value your native title claim group or PBC brings;
- tips for negotiations.

Getting prepared

Find out information about the project

If you find out about a proposed clean energy project on your Country, the first thing you should do is find out more about the proposal, the proponent, and how far the project has progressed.

- What kind of new project or infrastructure has been proposed on or near your Country?
- A community-scale system proposed by Horizon Power?
- A solar and/or wind project proposed by a mining company?
- A clean energy project proposed by a clean energy company?
- A battery energy storage system?
- A new transmission line?
- Something else?

The kind of information you should look for online or ask for from the proponent is set out below.

Information about the proponent:

- Where is the proponent based?
- What projects have they developed in the past? Do they still own them?
- How have they engaged with Aboriginal communities and PBCs elsewhere? Can you talk to those communities or organisations?
- Does the clean energy company have a Reconciliation Action Plan or a statement on its website about its values in relation to social responsibility, sustainability or engaging with Aboriginal communities?
- What has the company announced about this project?
- Has the company applied for any approvals?

Project:

- What is the size and scale of the project?
- What infrastructure will be built?
- What is the project timeline?
- What happens at the end of the project?

Land:

- How much land will be required? Where?
- What kind of tenure will the proponent seek over the land? For how long?
- How will the land be remediated at the end of operations/decommissioning?
- What are the access rights that would be available to Traditional Owners during operations?
- How will Aboriginal places of cultural significance, heritage, flora and fauna be managed and preserved?

Environmental impacts:

- What are the likely environmental impacts?
- Will the proponent agree to provide copies of environmental reports?
- How will they mitigate key risks such as water usage and fire?

Financial factors:

- What is the estimated cost of the project?
- Who will buy the energy from the project?
- Who is financing the project?
- Does the clean energy company's bank or financier have a Reconciliation Action Plan or a social responsibility or impact policy on its website?
- Is the proponent going to hold or sell the project? Will the proponent bring another company in as a co-owner?

Jobs and contracting:

- What kind of jobs and contracting opportunities will the project generate?
- Does the proponent have genuine pathways for Aboriginal training and employment in its organisation (not just for the project)?
- Are construction workers going to be fly-in-fly-out (FIFO) or set up in a camp or town?
- What impact will this have on the local community during construction?

Other stakeholder engagement:

- Who are the other key stakeholders?
- Is the proponent negotiating with pastoral lessees? If so, can the proponent tell you what offers are being made to them? Confidentiality may be an issue if other agreements have been made, but the proponent could ask to share details with the PBC on a confidential basis.

Some of the key project milestones to look for are shown in Figure 23. These milestones can tell you how far along a project is and give you an idea of what steps still need to be completed before it is a reality.

Figure 23: Some of the key project milestones that will tell you about the progress of the project

What to expect if you have been approached by a clean energy proponent

The proponent will be looking to achieve several things by engaging with your community. They will have regulatory, legal and other matters that they need to address before their project can proceed.

Some initial things you might consider are:

- Ongoing communication and resourcing
  - How will you manage communication with the proponent?
  - Do you have well-established communication and decision-making protocols within your group to ensure this process is simple for your representatives?
  - Will you need more resourcing to keep up with the negotiations?
- Aboriginal heritage protection
  - Do you have a standard heritage protection agreement that holds proponents to a high standard that your people are comfortable with?
  - In the project area and for the types of activities that will be part of the project, who are the people with the appropriate cultural knowledge to undertake Aboriginal heritage surveys and monitoring? Will you want to use the project as an opportunity to train young people?
  - Does your organisation have policies, procedures and processes in place to make sure you have everything you need to implement heritage protection agreements? This might include insurance, vehicles, personal protective equipment, standard payment rates, financial and accounting processes, and proper invoicing procedures.
- Native title and social licence
  - How will you start discussions within your organisation to work out if they would want to support a project or not?
  - Does the proponent understand what information, time and support you will need in order to make a free and informed decision? Are they aware of any seasonal or regular cultural obligations which may affect your ability to make decisions at certain times of the year?
  - Do you need help to negotiate an agreement and document it, map out the consultation and consent process, and implement it and keep proper records?
- Local capacity
  - Do you have or need a register of local businesses that could work on a project?
  - Will those businesses need tendering support to apply to work on a project?
  - Do you have or need a register of people looking for work and their skillsets and training requirements?

Taking a proactive approach to projects on Country

If you are being (or are likely to be) contacted by several proponents, you may want to develop a protocol or set of standards that you expect all proponents to meet. For example, it could specify the information you expect all proponents to provide upfront, and the benefit-sharing principles you expect to be incorporated into any offer.

Developing this will take some time upfront but should make it easier when dealing with several proponents.

Yamatji Marlpa Aboriginal Corporation Best Practice Standards

Representing seven Traditional Owner groups, Yamatji Marlpa Aboriginal Corporation (YMAC) has released a Renewable Energy Guide that includes Best Practice Standards and a Project Timeline.

The Best Practice Standards aim to support Traditional Owners, industry and government to effectively and respectfully navigate the development pathway for projects on Country. In YMAC's experience, using these standards will guide the behaviours of all parties to create mutually beneficial working relationships that pay respect to what has come before, while delivering the best outcomes for the future.

The 8 standards:

1 – Engage respectfully with First Nations communities

2 – Share information that is clear, accurate, accessible and timely

3 – Jointly define and agree a process to deliver a shared outcome

4 – Engage independent experts

5 – Formalise project approvals and announcements

6 – Respect, preserve and protect cultural heritage, Country and the environment

7 – Share the economic and social benefits

8 – Implement, monitor, document, report back, repeat

For more information, see ymac.org.au/renewable-energy/

Valuing your contribution

This section outlines the reasons why the proponent should value a strong relationship with the Traditional Owners. The reasons why you should have a meaningful seat at the negotiation table are shown in Figure 24.

Figure 24: Securing a meaningful seat at the negotiation table

Native title

The proponent may need your native title party to enter into an ILUA, or otherwise need to engage with your native title party in accordance with the Native Title Act 1993 (Cth). There are some factors you should consider in relation to different types of projects.

Clean energy project not related to mining

If the project needs a new licence (or other tenure) over Crown land, the tenure is likely to be a 'future act' under the Native Title Act. If you hold native title rights and interests in the relevant land or waters (even if the rights are not yet recognised in a native title determination), the proponent might need to negotiate an ILUA with you.

Clean energy for mining

If the project is proposed by a mining company that already has an ILUA with you, questions to consider include: Will new tenure be required? What did the original ILUA authorise? When was the ILUA entered into? Have agreement-making standards and social licence expectations evolved since the agreement was entered into, and do they justify updating the agreement?

Tip!

Power generated by a clean energy project on a miscellaneous licence granted under the *Mining Act 1978* can only be used where its consumption is directly connected with mining.

Offshore wind project

A proponent wanting to undertake an offshore clean energy project will need a licence under the *Offshore Electricity Infrastructure Act 2021* (Cth) and will need other tenure or land access agreements. If you hold native title rights and interests in land or waters required for the project, the proponent might need to negotiate a ILUA with you.

Aboriginal heritage management

Agreements between proponents and Traditional Owners should be a standard aspect of developing clean energy projects. To maximise the protection of Aboriginal heritage, Aboriginal parties and proponents can agree a cultural heritage management plan and a heritage protection agreement (HPA) to ensure that projects and activities are conducted in a way that avoids or minimises harm to Aboriginal heritage.

Good to know!

A cultural heritage management plan is a plan developed by an Aboriginal party, and may be developed jointly with a proponent. It is designed to manage identified cultural heritage values, including Aboriginal sites, during activities or projects.

A heritage protection agreement, or heritage agreement, is a voluntary agreement often entered into between a proponent and an Aboriginal party. It sets out how Aboriginal heritage will be protected during a project or activity.

Standards of HPAs have been developing over many years in relation to minerals and petroleum projects across WA. Many Traditional Owner groups and representative bodies have standard or 'template' heritage protection agreements for resources projects and these may require some modification depending on the project type or project area.

Typically, a robust HPA will provide processes and procedures for:

- requiring the proponent to obtain the consent of Traditional Owners before seeking Ministerial consent or Registrar's authorisation under the *Aboriginal Heritage Act 1972* (WA);
- assessing the impacts of proposed activities on Aboriginal heritage, including conducting an Aboriginal heritage survey;
- placing conditions on activities to ensure that they are conducted in a way which avoids or minimises impacts to Aboriginal heritage;
- protecting the natural environment, which may be interlinked with Aboriginal heritage;
- monitoring of activities once they are underway to ensure they are conducted in a way approved by the Traditional Owners.

Some HPAs may also include compensation or other community benefits payable to the Traditional Owners for any impacts on their heritage or other rights, including native title rights and interests.

Proponents and Traditional Owners can negotiate the terms of these agreements so that there are specific processes and procedures which will adequately define the roles and responsibilities of each party and so that heritage is protected throughout the life of a particular project.

Robust HPAs,which are recommended for clean energy proponents, will need to provide for a heritage impact assessment.

Heritage impact assessments

A heritage impact assessment typically involves consultation with the Traditional Owner group. The proponent provides information about the activities they are proposing to carry out over a particular period on an area of land.

Information provided by the proponent needs to be clear and detailed to ensure that the Traditional Owner group can accurately assess the potential impacts on Aboriginal heritage and determine whether further assessment is needed.

Further assessment will often include an Aboriginal heritage survey, the engagement of Traditional Owner monitors for the activities, or a combination of both.

Aboriginal heritage surveys

An Aboriginal heritage survey will often need to be conducted so that a Traditional Owner group can accurately identify the Aboriginal heritage which may be impacted by particular activities.

Traditional Owners are best placed to identify and determine the Aboriginal heritage in an area and how it might be impacted by particular activities. An Aboriginal heritage survey will also typically be conducted with the assistance of expert archaeologists or anthropologists to ensure that the information provided by Traditional Owners is recorded accurately.

Western Australian Aboriginal heritage laws

The *Aboriginal Heritage Act 1972* (AHA) is the legislation primarily responsible for the protection of Aboriginal heritage in WA. All Aboriginal heritage is protected by the AHA, even if it is not included in the Aboriginal Cultural Heritage Inquiry System (ACHIS). The ACHIS provides locations and information about Aboriginal heritage that has been provided to the state government.

An Aboriginal site is one that meets one or more of the criteria set out in section 5 of the AHA:

(a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;

(b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;

(c) any place which, in the opinion of the Aboriginal Cultural Heritage Committee established under the AHA, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;

(d) any place where objects to which the AHA applies are traditionally stored, or to which, under the provisions of this AHA, such objects have been taken or removed.

The primary mechanism in the AHA for protection of Aboriginal sites is section 17, which makes it an offence to excavate, destroy, damage, conceal or in any way alter any Aboriginal site.

Sections 16 and 18 of the AHA provide mechanisms for landowners to apply for authorisation or consent to use land for a purpose which would likely otherwise be an offence under section 17.

The Aboriginal Heritage Regulations 1974 outlines general provisions relating to Aboriginal sites and protected areas as well as procedural matters. Approval is required from the Registrar for Aboriginal sites before any plant, digging or lifting equipment and/or explosives may be brought onto an Aboriginal site (regulation 7). Approval is required to undertake minor activities impacting Aboriginal heritage (regulation 10).

Traditional Owners have procedural rights in relation to section 16 authorisations and section 18 consents. These include a right to make submissions in relation to a section 16 or 18 application and a right to seek a review by the State Administrative Tribunal of a section 18 consent given by the Minister for Aboriginal Affairs.

Traditional Owners should be consulted by proponents in accordance with the consultation policy for section 18 applications published by DPLH.

DPLH has also published the *Aboriginal Heritage Act 1972* Guidelines to help landowners to determine whether a consent from the Minister is required to undertake a proposed land use and avoid committing an offence under the AHA.

Good to know!

The DPLH's Aboriginal Heritage division is responsible for the administration of the *Aboriginal Heritage Act 1972* and the Aboriginal Heritage Regulations 1974. You should contact DPLH via the ACHKnowledge portal for advice on the process and approvals that may apply for activities related to clean energy generation proposals or projects that may interact, impact or potentially harm Aboriginal heritage. More information can be found here: Aboriginal Heritage Act in Western Australia.

National Aboriginal heritage law

At a federal level, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) allows Aboriginal and Torres Strait Islander people or their representatives to make an application to protect a specified area or object that they believe is under threat of injury or desecration. The Minister has the power to make a declaration in relation to an area or object in certain circumstances. Before the Minister makes a declaration, the Minister must check with the Minister of the relevant state or territory to confirm whether the area or object is protected under state or territory law.

Social licence

The support of Traditional Owners also helps proponents demonstrate their 'social licence to operate'. From an environmental, social and governance (ESG) perspective, there are expectations that proponents actually do what they say they are committed to doing.

If the proponent is representing itself (on its website or elsewhere) as being committed to:

- promoting human rights:
  - point out that the right of Aboriginal people to free, prior and informed consent (FPIC) is a principle of international human rights. It means that they have the right to give or withhold consent to a project that may affect them or their lands and should be able to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated;
- reconciliation:
  - point out their Reconciliation Action Plan commitments and how they could achieve those commitments by supporting the Aboriginal community and organisations in your area;
- Aboriginal employment:
  - ask what they are doing to achieve this. Do their employment initiatives extend to their entire organisation and project delivery team?

Land tenure

Do you have tenure or could you apply for tenure that could be suitable for the project – including for access, transmission or other infrastructure? If you could offer to sublease land to the proponent, this could assist your organisation to secure a seat at the negotiating table, because it would be another reason why the proponent would be seeking an agreement with your native title party. See the DPIRD Setting up for success: Western Australian land tenure guide for more information on the different types of land tenure and contact the DPLH Land Use Management division at proposals@dplh.wa.gov.au to investigate land tenure opportunities.

Workforce and contracting

Increasingly, proponents will have targets for Aboriginal procurement and employment on their projects. Does your native title party have any entities that are capable of delivering services to proponents? This might include campsite services, construction services or other types of services required to ensure that a project can operate. You should consider discussing with proponents how best they can work with you to achieve their targets in ways that benefit your members; preferably have this documented in a formal agreement.

Indigenous Ecological Knowledge

Clean energy proponents may underestimate the knowledge that Traditional Owners can bring to projects. Indigenous Ecological Knowledge refers to Aboriginal and Torres Strait Islander peoples' knowledge of Country, including the native plants and animals that co-exist with them, and associated stories, songs, language, techniques and knowledge.

When the Far North Queensland coastal community at Lockhart River began a solar PV and battery storage project in 2017, Traditional Owners brought knowledge that assisted with project logistics during construction. The Traditional Owners noticed the subtle signs in the flora and fauna that indicated the start of the rainy season at the proposed start of construction. This was not in national weather forecasts at the time. Communicating this to the project manager resulted in the delay of mobilisation, which would otherwise have led to additional costs for re-mobilising after the rain event, as well as the stranding of vehicles and equipment in the community for around eight weeks.

Good to know!

Aboriginal organisations can develop best practice protocols to ensure they are in control of how their Aboriginal Ecological Knowledge is used and shared. You can speak to a lawyer who specialises in Indigenous cultural intellectual property for assistance with developing best practice protocols.

Tips for negotiations

This section sets out tips for negotiating an agreement with a proponent.

If you are a native title party, this agreement might be an Indigenous Land Use Agreement (ILUA), which is a special type of agreement under the *Native Title Act 1993* (Cth). Further information about ILUAs is provided under the heading 'Clean Energy ILUAs'.

Negotiation protocol and funding agreement

The most important step to position you to best participate in negotiations is to take time to agree on how the negotiations will take place and be funded.

It is important to get legal advice and negotiate a binding agreement for these factors.

Factors to consider:

Funding – Will there be a binding funding agreement so that your costs are covered, even if an ILUA is never signed? Does this cover legal and commercial costs, as well as your attendance, travel costs and administration fees?

Planning time – It is a good idea to factor in planning time upfront, so that your board or Registered Native Title Claimant can consider the corporation or native title claim group's overarching goals and how this project might fit into its strategy. You may want to speak to other native title parties or Aboriginal organisations about their clean energy experiences, or seek legal, land tenure, commercial or other advice.

Relationship building – How will relationship building be prioritised? Do you want the proponent to invest time in understanding your community and your needs before negotiations start?

Parties, advisers and mediators – Who will be involved in negotiations? Who can be brought in if negotiations break down?

Logistics – How will information be shared? Where will negotiations take place? Choose somewhere your representatives will be comfortable.

Seeing the proposal in context – Will you be given an opportunity to see the site in person? Site inspections are a reasonable request – you need to see the likely project footprint before you start discussions.

Scope – What will the negotiations relate to? Will the negotiations be staged and only relate to certain parts of the project, or are the negotiations about everything related to the project? How much information the proponent provides will be relevant to determining what the negotiations should cover.

Best practice standards for engagement

The First Nations Clean Energy Network has developed the Aboriginal and Torres Strait Islander Best Practice Principles for Clean Energy Projects. These principles have been designed to support First Nations communities to play a key role in the development of medium and large scale clean energy projects and to negotiate effectively on an even playing field. Designed for First Nations communities with clean energy projects proposed on or near their land, the principles will also be useful for all groups involved in the development of energy projects – so that we can work together cooperatively, fairly and respectfully in our joint mission to power the nation with clean energy.

The principles:

1. Engage respectfully
2. Prioritise clear, accessible and accurate information
3. Ensure Aboriginal heritage is preserved and protected
4. Protect Country and environment
5. Be a good neighbour
6. Ensure economic benefits are shared
7. Provide social benefits for community
8. Embed land stewardship
9. Ensure cultural competency
10. Implement, monitor and report back

Confidentiality and exclusivity agreements

Sometimes a project proponent will ask you to sign a confidentiality or exclusivity agreement before you even get started on negotiating the terms of the main agreement.

Confidentiality agreements

A confidentiality agreement usually states that you cannot disclose information about the proposed project to third parties while you are in talks with the project proponent.

Consider confidentiality agreements and confidentiality clauses carefully.

- Make sure you are allowed to discuss the project and the proposed agreement with your community.
- If you want to talk to other native title parties or Aboriginal organisations about the proponent or their experience of clean energy agreement-making, make sure the confidentiality restrictions allow for this.
- How will your traditional knowledge and other cultural information provided by your native title party be kept confidential by the proponent?

You should seek legal advice before signing any confidentiality or other agreements.

Exclusivity agreements

An exclusivity agreement is an agreement which protects the proponent's 'exclusive' right to develop a project on your Country while they investigate whether your Country might be suitable for a potential project. Depending on the type of agreement, this could mean you cannot pursue other opportunities which might arise on your Country.

It is important that you carefully consider any proposed exclusivity agreement and get advice. A lawyer can help you understand and negotiate the terms of the agreement with the project proponent to protect your interests. You may also want to talk to a commercial adviser or valuer with experience in clean energy.

Tips for considering and negotiating exclusivity agreements:

Value – What are you being offered in return? Is what you are receiving worth being tied to one proponent?

Area – Could the exclusivity with one proponent be limited to a certain area so that you can still talk to other proponents about other areas?

Other proponents – Are other companies looking at projects in your area?

Traditional Owner protections – Are projects developed by or with your native title party exempt from the agreement?

Proponent's timeframe – What is the proponent's timeframe for site investigations? What happens if they decide not to pursue this site? Should you have the right to end the agreement early if initial investigations have not started within a certain timeframe?

Information sharing – Is the proponent required to keep you updated about their investigations? Could you request certain data be shared with you to increase your knowledge of clean energy and the opportunities on your land?

End of agreement – When does the exclusivity period end? Should the proponent be required to tell you if they are not likely to proceed with your land? Should you have the right to end the agreement early if investigations are not progressing?

Clean energy ILUAs

An ILUA is a voluntary agreement between a native title party and other people or bodies about the use and management of areas of land and/or waters.

There is no one-size-fits-all approach to an ILUA. A good ILUA will be tailored to fit with the strategic plan of your native title party and will provide new opportunities as you grow.

> **Tip!**
>
> If your native title party does not have a strategic plan yet, take the time to work on this before you negotiate commercial terms for an ILUA, so you have a good understanding of how this negotiation could help achieve your broader goals.

This guide does not give you an exhaustive list of what to include in an ILUA but gives you some considerations. Two excellent resources which will give you ideas on things to include in an ILUA are:

- the First Nations Clean Energy Network's Clean Energy Negotiations Guide for First Nations;
- the Clean Energy Council's Leading Practice Principles for First Nations and Renewable Energy Projects.

Benefit-sharing

Benefit-sharing from large scale clean energy projects could include the following elements:

- co-ownership or innovative financing, such as an equity stake in a project. Currently across Australia, there is momentum towards co-ownership and equity arrangements;
- financial return, including annual payments and other revenue models, typically based on energy generation;
- energy offers, including discounted pricing or free energy.

The Clean Energy Council's Leading Practice Principles for First Nations and Renewable Energy Projects provides the following leading practice recommendations:

- Explore opportunities to enter equity partnership agreements with First Nations peoples and communities, sharing benefits, risks and potential financial facilitators for community;
- Support First Nations peoples and communities to enter into equity and partnership agreements that may include:
  - funding/grants for First Nations communities/PBCs to participate in specific critical project steps like feasibility studies, impact assessments, financial analyses and project approvals;
  - supporting access to independent business (including legal and financial) advice and mentoring;
- Ensure First Nations peoples and communities have the opportunity to be involved through co-governance of projects, such as seats on decision-making bodies such as the board and/or through a steering committee;
- Appropriately communicate all project risks to First Nations communities and confirm their understanding and agreement;
- Support the establishment of a dedicated investment grant fund and/or a development bank to create and/or finance First Nations ownership.

Jobs, training and procurement

It is important to start with an understanding of where your members are at. If you do not have a skills and businesses register, it can be helpful to seek funding to prepare one. The proponent might need to review the skills register when considering employment or contracting. The register could also be used for a gap analysis to identify training needs and opportunities in your community.

Ask for detailed information about the types of job and contracting opportunities that the project will bring and how the proponent will support your organisation and members to participate in those opportunities. For example:

- Will the proponent support your members to undertake training before the project so they will be ready for jobs when they become available?

- Will the proponent support your RNTBC or a related business to purchase equipment which can be used in procurement for this and other projects?
- If the jobs will be available only during construction, will the proponent work with other companies undertaking projects in the region to create pathways to new positions on completion?
- Will the proponent work with you to establish an Aboriginal employment strategy and procurement plan that will allow you to create long-term employment pathways for members and business opportunities for your organisation?
- Will the proponent commit to working with its contractors to find employment and procurement pathways, such as the project delivery company who will actually build the project?

Your lawyer should also be able to advise you on best practice employment and training terms.

Identifying future opportunities from existing relationships

The Wajarri Yamaji People have a strong existing relationship with the CSIRO, Australia's national science agency. Wajarri Country hosts Inyarrimanha Ilgari Bundara, the CSIRO Murchison Radio-astronomy Observatory, and is one of the best locations in the world to operate telescopes that collect radio signals from space. An ILUA is in place for the observatory and existing telescopes and is also enabling construction of the first mega-science project in Australia, the international SKA Observatory (SKAO) SKA-Low telescope.

Wajarri Enterprises Limited (WEL) and the SKAO's infrastructure contractor, Ventia, established a joint venture that was awarded a 3-year SKAO contract to operate the SKA-Low construction village, Nyingari Ngurra. Up to 170 employees and contractors will stay at the camp at a time during construction, including the many Wajarri Yamaji who are working on the SKA-Low telescope construction. Additionally, other Wajarri-owned businesses are contracted for construction work, both by the SKAO and as subcontractors, including WEL, Wajarri Holdings and Baaden.

The SKAO intends the SKA-Low telescope to primarily be solar powered once fully built, which could mean new clean energy related opportunities. The Wajarri Yamaji Aboriginal Corporation will acquire knowledge about the services and skills that are likely to be required for the solar and clean energy sectors and then work with Wajarri People in advance to prepare for those opportunities. Upskilling is a keen focus, for example, through training and apprenticeships.

Strong existing relationships and anticipating future opportunities is an important aspect of Traditional Owners' participation in the clean energy transition in WA. The existing relationship between the CSIRO, the SKAO and the Wajarri Yamaji People in this example could provide the foundation for ongoing Traditional Owner participation in the clean energy sector.

Co-design

Best practice proponents will seek Traditional Owners' input into project design and location. This will assist with Aboriginal heritage and environmental management.

Celebrating cultural connections

Best practice proponents will work with Traditional Owners on opportunities to celebrate, maintain and enhance culture and Country. This could start with incorporating:

- cultural awareness training at all levels of the proponent's business;
- Aboriginal design in project infrastructure;
- Aboriginal heritage storyboards;
- additional environmental conservation projects.

Supporting your goals

There are likely to be programs, projects or goals that your native title party is working on which the proponent could assist you with. For example, this could include support for:

- a local clean energy project or energy efficiency initiatives;
- telecommunication and internet access;
- sponsorship, grant and legacy initiatives, such as a community fund over the life of the project;
- renovations of local community facilities. For example, while heavy equipment is on site for the energy project;
- tourism, community health, environmental or housing initiatives.

Resources

Yamatji Marlpa Aboriginal Corporation Renewable Energy Guide

Yamatji Marlpa Aboriginal Corporation Best Practice Standards

Yamatji Marlpa Aboriginal Corporation Project Timeline

WA Government Aboriginal Cultural Heritage Portal

Aboriginal Heritage Act 1972 Guidelines

Aboriginal Heritage Act in Western Australia

Section 4 on Indigenous Land Use Agreements within the DPIRD Setting up for success: West Australian land tenure guide

First Nations Clean Energy Network Aboriginal and Torres Strait Islander Best Practice Principles for Clean Energy Projects

First Nations Clean Energy Network Negotiations Guide

Clean Energy Council Leading Practice Principles for First Nations and Renewable Energy Projects

Inyarrimanha Ilgari Bundara

SKA Observatory

Wajarri Enterprises joint venture with Ventia

Additional resources

First Nations Clean Energy Network guides on best practice

Guide to Benefit Sharing Options for Renewable Energy Projects

Conservation International: Indigenous Negotiations Resource Guide

Information from the Commonwealth Department of Climate Change, Energy, the Environment and Water about the *Federal Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

Information from the First Nations Heritage Protection Alliance about the Federal law

The National Native Title Tribunal (NNTT) provides a range of assistance with ILUAs such as the identification of areas where native title rights and interests have been recognised to exist and pre-registration checks of proposed ILUAs

The National Native Title Council is the peak body for the native title sector

Part 7 – Employment and procurement

An important way in which Aboriginal people and organisations may benefit from the clean energy transition is through employment and contracting opportunities. This part explains how to find out more about these opportunities. This information will be relevant to:

- a native title party involved in clean energy agreement-making, as covered in Part 6, as it will help identify opportunities the proponent could make available to your members;
- any community or organisation looking to find opportunities for members from the clean energy transition.

Employment opportunities

The kinds of jobs that the clean energy transition is bringing include electrical trades, technicians, scientists, engineers, and construction, corporate and training roles.

The Queensland government has published a comprehensive guide to clean energy jobs called the Future Energy Jobs Guide. This guide is an excellent tool to help you understand the job opportunities in the clean energy sector and the education and training pathways to get those jobs.

The Clean Energy Council also has a Clean Energy Careers Guide.

Tip!

There are job opportunities not just with project proponents, but also with the companies that contract to clean energy companies, such as design, engineering, construction and project management. To get a sense of the kinds of organisations engaged in the clean energy industry, scan the QR code to view the Clean Energy Council's membership list.

Employment opportunities with companies who contract to proponents

Beon Energy Solutions (Beon) is a design, engineering, construction and project management company that delivers energy projects, including large scale solar energy projects across Australia. They have built 11 solar farms since 2017.

Beon has embedded Aboriginal engagement as a key part of its model. This is underpinned by their Reconciliation Action Plan, which aims to ensure Aboriginal women, men and youth participate in, and benefit from, the large scale solar farms Beon builds in or near their communities.

Aboriginal employment outcomes from the Girgarre Solar Farm

In 2023–24 Beon delivered the Girgarre Solar Farm, a 100 MW solar farm owned by Enel Green Power, which is located on Yorta Yorta Country east of Shepparton, Victoria. Beon engaged early with the Rumbalara Football and Netball Club to discuss employment opportunities and then formed a partnership with the Algabonyah Employment Program, a program run by Rumbalara. As a result of this partnership, 31 Yorta Yorta people (7 women and 24 men) were employed in the mechanical build of the solar farm, representing 27% of the mechanical workforce.

In addition to the Aboriginal employment program, Beon also actively sought to engage two Aboriginal businesses. The first of these provided traffic management services during construction and provided further employment for one Yorta Yorta woman and one man. The second provides drone services to monitor and document the construction process.

Aboriginal employment outcomes from the Avonlie Solar Farm

In 2022–23 Beon delivered the Avonlie Solar Farm, a 240 MW solar farm owned by Iberdrola Australia, which is located on Wiradjuri Country, east of Narrandera, southern NSW.

In order to maximise outcomes, Beon employed two local Aboriginal women as community engagement coordinators and to coordinate pre-employment training and support. Over 30 local Aboriginal women and men were employed on this project, many of whom were long-term unemployed. Beon also supported the local Aboriginal cooperative to get their community centre up and running again.

The key supportive actions of Beon through this project:

1. Engagement and relationship building with the local Aboriginal community that included: setting up an Aboriginal advisory committee; supporting the development of a funding proposal for an Aboriginal community centre; using local Aboriginal-designed art for personal protective equipment and the site office; funding rooftop solar on seven Aboriginal-owned buildings; running events for the Aboriginal community to promote the project; facilitating an exchange with four Aboriginal workers from the Northern Territory.

2. Pre-employment training and on-the-job support and mentoring that included: assisting applicants to get job ready; providing a paid one-week pre-employment program for 18 Aboriginal women and men; paying for white card certification; having a full-time Aboriginal community engagement coordinator on site; on-the-job mentoring, support and training.
3. Taking steps to create a culturally safe working environment that included: a smoking ceremony to launch the project; cultural awareness training for all managers; celebrating Reconciliation and NAIDOC week with events.
4. Providing ongoing post-employment support to secure ongoing employment that included: preparing CVs; providing references; approaching local governments and businesses about job opportunities; providing post-job training in traffic management for 20 Aboriginal people; personal mentoring; and practical support such as providing transport for job interviews.

Of the 25 Aboriginal workers from Narrandera who worked on the solar farm – most of whom were previously unemployed – 22 went on to ongoing employment.

Both these projects were recognised by the Clean Energy Council annual awards for Best Practice for Aboriginal Engagement.

'This project has brought around generational change. Because not a lot of our women have ever been employed before... we've built self-esteem from zero to twenty... the impacts have been huge.'

Shaurntae Lyons, Aboriginal Community Coordinator, Avonlie

Good to know!

WA's Jobs and Skills Centres are one-stop shops for careers, training and employment advice and assistance, and are located throughout Perth and regional WA. See Jobs and Skills Centres | Jobs and Skills WA or phone 13 64 64.

Procurement

The kinds of contracting and procurement opportunities that you may be able to participate in through the clean energy transition will depend on what is happening in your region. An indicative list of contracting and procurement needs for different kinds of projects at different stages is set out in Table 9.

Table 9: Potential contracting and procurement needs for different kinds of clean energy projects

Procurement opportunity	Pre-Construction	Construction	Operations	General	Electrical	Civil	Site services	Wind	Solar	BESS
Aboriginal heritage monitoring	X	X					X	X	X	X
Access tracks	X	X	X			X		X	X	
Accommodation	X	X	X	X				X	X	X
ATV spares and accessories		X		X				X	X	
ATV and buggie hire		X		X				X	X	
Cable and materials supply		X			X			X	X	X
Cable pulling and cable jointing		X			X			X	X	X
Catering – food van		X	X	X				X	X	X
Catering – workers camp		X		X				X	X	X
Cleaners – workers camp and on-site offices		X					X	X	X	X
Community engagement and liaison	X	X		X				X	X	X
Coach services		X		X				X	X	X
Concrete pouring		X				X		X	X	X
Crane operation		X				X		X	X	X
Crane hire		X				X		X	X	X
Drug and alcohol testing		X	X	X				X	X	X
Dust suppression		X				X		X	X	X
Earthworks plant hire (wet and dry)		X				X		X	X	X
Earthworks and grading		X				X		X	X	X
Electrical site setup		X			X			X	X	X
Electricians and technicians		X			X			X	X	X
Environmental audit	X						X	X	X	X
Equipment hire – boomlifts, jackhammers etc		X		X				X	X	X

Procurement opportunity	Pre-Construction	Construction	Operations	General	Electrical	Civil	Site services	Wind	Solar	BESS
Equipment hire – generators, transportable lighting etc		X		X				X	X	X
Fencing and gates	X	X		X				X	X	X
Freight		X		X				X	X	X
Fuel supply and diesel tank hire		X		X				X	X	X
General office equipment		X	X	X				X	X	X
Geotechnical investigations	X						X	X	X	X
Labour		X				X		X	X	X
Laydown yard plant and equipment (cranes, forklifts, storage etc)		X					X	X	X	X
Light vehicle hire	X	X	X	X				X	X	X
Material testing	X	X					X	X	X	X
Mechanical fitter and maintenance		X	X	X				X		
Metal fabrication		X		X				X	X	X
O&M facility construction		X		X				X	X	X
Operation and maintenance			X	X	X		X	X	X	X
Photography and videography	X	X		X				X	X	X
Plumbing services – site setup		X					X	X	X	X
PPE		X	X	X				X	X	X
Quarry products		X				X		X	X	
Road maintenance		X	X			X		X	X	
Safety equipment		X		X				X	X	X
Security		X	X				X	X	X	X
Site surveying	X	X					X	X	X	X
Site rehabilitation and revegetation		X	X				X	X	X	
Slashing		X	X				X	X	X	X
Snake catcher		X					X	X	X	X
Steel fixing		X				X		X	X	
Tool supply		X				X		X	X	X
Training (inductions, tickets etc as needed)		X		X				X	X	X
Traffic management		X					X	X	X	X

Procurement opportunity	Pre-Construction	Construction	Operations	General	Electrical	Civil	Site services	Wind	Solar	BESS
Transport (e.g. bus driver)		X					X	X	X	
Trenching		X			X			X	X	X
Truck drivers		X		X				X	X	X
Tyres, batteries and exhaust		X					X	X	X	
UHF radios		X					X	X	X	
Vehicle hire	X	X		X				X	X	X
Vegetation management		X	X				X	X	X	X
Waste management		X	X				X	X	X	X
Waste removal		X	X				X	X	X	X
Water (construction and potable)		X				X	X	X	X	X
Welding		X		X				X	X	X

Resources

Queensland Government Future Energy Jobs Guide

Clean Energy Council Clean Energy Careers Guide

Clean Energy Council membership list

Jobs and Skills Centres WA

Additional resource

University of Technology Sydney and Clean Energy Council publication on Renewable Energy Jobs in Australia

Part 8 –Where to from here?

The clean energy industry is changing rapidly, and each year there are more and more opportunities for Aboriginal people and their organisations to get involved. Below are some organisations and information sources to keep an eye on to stay across changes in the industry.

Getting further help – WA Government initiatives

DPIRD's Aboriginal Economic Development Program provides tailored support to Aboriginal organisations to facilitate a flourishing and self-sustaining Aboriginal business sector, career pathways for Aboriginal people, and lasting economic empowerment. Contact the Aboriginal Economic Development Program to find out more and see if they can assist you and/or connect you to other government agencies, funders or industry service providers. Contact aed@dpird.wa.gov.au to find out more.

The Green Energy Major Projects Division of the Department of Jobs, Tourism, Science and Innovation facilitates green energy projects and can help steer you through government processes. Contact GreenEnergyWA@jtsi.wa.gov.au.

Energy Policy WA has a leading role in WA's energy transformation and may have information relevant to your organisation and community.

The DPLH's Land Use Management division is responsible for the administration of land through the *Land Administration Act 1997*. Contact the DPLH Land Use Management division at proposals@dplh.wa.gov.au for advice on the process and required approvals for licence grants and land tenure for clean energy proposals.

Getting further help – National initiatives

Nationally, the First Nations Clean Energy Network is supporting Aboriginal and Torres Strait Islander communities to prepare for the clean energy transition and has released numerous publications to support them, such as the Clean Energy Planning Toolkit for First Nations. You can access these resources at the First Nations Clean Energy Network website. Aboriginal and Torres Strait Islander people and organisations can join the network as First Nations members. Members receive regular updates, networking and collaboration opportunities, access to member-only webinars and sessions, training and participation opportunities, access to a members hub on the website and other opportunities to build skills and engage with the clean energy transition.

The Department of Climate Change, Energy and the Environmental and Water has released the First Nations Clean Energy Strategy. The Strategy is a national framework to guide investment, influence policy, and support First Nations people to self-determine how they participate in, and benefit from, Australia's clean energy transition.

The Indigenous Land and Sea Corporation (ILSC) offers funding and assistance to Aboriginal and Torres Strait Islander people to acquire and manage land, water and water-related rights to achieve economic, environmental, social and cultural benefits. Clean energy is a key focus area of the ILSC's National Indigenous Land Strategy. See its website for further information and contact the Western Divisional Office on (08) 9420 6300.

Indigenous Business Australia (IBA) supports Aboriginal and Torres Strait Islander organisations with pursuing sustainable business ventures through direct investment or asset and funds management services.

The Australian Renewable Energy Agency (ARENA) has a wealth of information about clean energy projects on its website.

The Australian National University (ANU) is undertaking research about Aboriginal engagement in the clean energy sector through its Indigenous Engagement with Renewable Energy Industries program. More information about this research and contact details for the project team can be found on their website.

The National Native Title Council (NNTC) is a membership-based non-profit entity and the peak body for the native title sector. Through the native title system, the NNTC advocates for the rights and interests of all Aboriginal and Torres Strait Islander people. Through its policy reform advocacy work, the NNTC is aiming to achieve better funding and resources, economic development opportunities, and capacity building for PBCs. The NNTC also provides a range of assistance with Indigenous Land Use Agreements.

Glossary

Term	What that term means in this guide
Aboriginal community	Any kind or size of group of Aboriginal people living in the same region or community in WA.
Aboriginal organisation	Any type of Aboriginal organisation in WA, whether formal or informal, with whatever purposes, whether incorporated or not, and if incorporated, under any incorporation legislation. We use this term to include a Registered Native Title Body Corporate, native title claim group, community group, charity or corporation. We also use the term to include a group of people looking to start an Aboriginal organisation together.
Battery energy storage system	Also called a BESS. A device that stores clean energy, such as from wind or solar power, and releases that energy when the electricity is needed.
Community-scale energy	We use this term to include standalone power systems, islandable microgrid and mini-grids or isolated power systems.
Distributed energy resources	Small scale energy generation, storage assets or other resources including rooftop solar systems, electric vehicles, electric vehicle charging infrastructure, small wind turbines, batteries and heat pumps.
Distribution	A network of wires that carries electricity from a substation to houses and businesses. See also transmission.
Final investment decision	A final decision about whether the construction of the project will be financed, whether through an investor or a lender.
First Nations Clean Energy Network	The network has released numerous publications to support Aboriginal communities, such as the guide on Aboriginal and Torres Strait Islander Best Practice Principles for Clean Energy Projects. You can access all the network's resources here: firstnationscleanenergy.org.au/tool_kit
GW	Gigawatt; a unit of measurement for power equal to one billion watts. A gigawatt is a very large amount of power. One hour of this power is called one gigawatt-hour (GWh). This is the power used by about 108 large households (of five people each) across an entire year.
Heritage protection agreement	A voluntary agreement often entered into between a proponent and an Aboriginal party, which defines how Aboriginal heritage will be protected during a project or activity.
Islandable microgrid	A section of an electricity network which can disconnect from the central electricity generation system and continue to run on its own electricity generation and storage. See page 16.
kW	Kilowatt; a unit of measurement for power equal to 1,000 watts. The capacity of a rooftop solar system is around 5 kW. The energy delivered by one kilowatt of power for one hour is called a kilowatt-hour (kWh). An average 5-person home in Australia uses around 25 kWh per day. A refrigerator uses about 1–2 kWh per day (more if it is left open).
Mini-grid	A small electricity generation system that involves some distribution and may include storage. Also called remote microgrids or isolated power systems. See page 16.

Term	What that term means in this guide
MW	Megawatt; a unit of measurement for power equal to one million watts. The energy delivered by one megawatt of power for one hour is called a megawatt-hour (MWh).
Native title claim group	Persons who, according to their traditional laws and customs, hold the common or group rights and interests comprising the particular native title claimed and who have a native title claim that is registered on the Register of Native Title Claims.
Native title party	A Registered Native Title Body Corporate, a Registered Native Title Claimant or any other meaning given to that term in the *Native Title Act 1993* (Cth).
Network	The physical infrastructure for the transmission or distribution of electricity, such as transmission towers, substations, poles and wires which supply electricity. Transmission networks transport electricity at high voltages. Distribution networks transport electricity from transmission networks at lower voltages to end-use customers.
NWIS	North West Interconnected System
Off grid	Electricity users or systems that are not connected to the SWIS, NWIS or other networks.
PPA	Power purchase agreement. This is an agreement in which a business or organisation commits to purchasing electricity from a generator (such as a solar or wind farm) at a set price over a fixed term.
Pre-feasibility study	A preliminary feasibility study where income, construction and operating costs are estimated with a wide potential band, e.g. plus or minus 30%.
Registered Native Title Body Corporate (RNTBC)	A Prescribed Body Corporate (PBC) or other legal entity that holds native title rights and interests on behalf of the native title holder.
Registered Native Title Claimant(s)	A person or group of persons whose name or names appear in an entry on the Register of Native Title Claims as the applicant in relation to a claim to hold native title in relation to the land or waters.
Solar panels	A panel made of material that produces electricity when exposed to sunlight (photovoltaic cells or PV). Solar panels are typically mounted on roofs or on frames on the ground.
Standalone power system	Standalone power system. In this guide, we are using this term to mean an electricity generation, distribution and/or storage system that supplies electricity to between one and five customers and which cannot connect to other networks.
SWIS	South West Interconnected System
Traditional Owners	Peoples with a traditional connection to particular lands and waters, and Traditional Country refers to those particular lands and waters. They are used as general terms.
Transmission	High voltage lines that carry electricity many kilometres from generators to substations.
You	You together with the Aboriginal community or organisation you are part of.

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