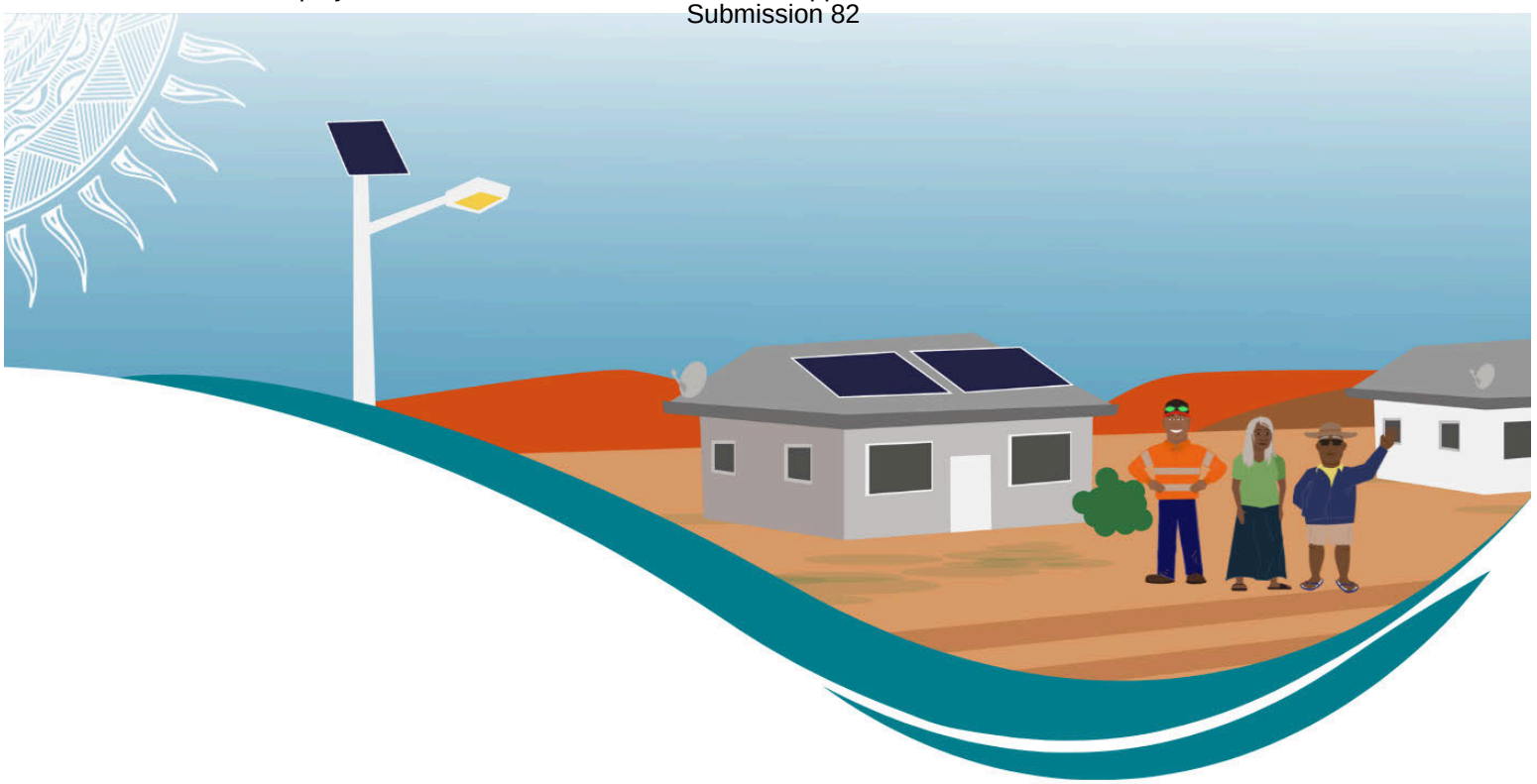


First Nations Clean Energy Network

Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs - Inquiry into economic self-determination and opportunities for First Nations Australians

June 2024

FIRST NATIONS
CLEAN ENERGY NETWORK

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Overview and background

The First Nations Clean Energy Network welcomes the opportunity to provide a submission to the inquiry of theJoint Standing Committee on Aboriginal and Torres Strait Islander Affairs into economic self-determination and opportunities for First Nations Australians.

About the First Nations Clean Energy Network

The First Nations Clean Energy Network (the Network) is made up of First Nations people, groups, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others - working in partnership to ensure that First Nations share in the benefits of Australia's clean energy transition.

The Network is led by a Steering Group of First Nations leaders.

As a national, First Nations-led coalition, the Network aims to enable and empower First Nations to participate in, benefit from, respond to, and shape clean energy projects that impact their communities, land, waters and Sea Country.

The Network's approach is built on three pillars:

- Community — The First Nations Clean Energy Network supports First Nations communities to shape the design, development and implementation of clean energy projects at every scale.
- Industry partnerships — The First Nations Clean Energy Network acts as an innovation hub, promoting best practice standards and principles that companies should adopt and investors should require before committing capital to a clean energy project.
- Policy reform — The First Nations Clean Energy Network advocates to lift significant federal and state regulatory barriers and stoke government investment, provide meaningful opportunities for energy security and clean energy generation for First Nations.

After being launched in November 2021 on Arrente country in Mparntwe (Alice Springs), the Network has learnt and achieved a lot in just 2 years, supported by our Steering Group, our 1000 First Nations members (individuals and organisations) and our thousands of other supporters.

The mutual benefits if we design an economic system to support the energy transition that is inclusive of and prioritises First Nations rights, interests and responsibilities

There is a massive global and domestic renewables energy transition underway that is driving generational shifts in energy systems, the creation of new supply chains and demand for new resources, such as critical minerals.

First Nations people can, and should benefit from this revolution, whether from small community-based projects, to large scale, export-focused initiatives and participation in the upstream and downstream supply chains associated with renewable energy infrastructure.

This benefit and participation must also include being able to control and consent to (or to withhold consent) the development of projects (infrastructure, industrial projects, critical minerals etc.) on our country. With many First Nations communities at the forefront of the devastating impacts of climate change and struggling with unreliable and expensive power, coupled with the substantial rights, interests and responsibilities (through traditional ownership, cultural heritage, native title and land rights schemes) held by First Nations across Australia's land and seas, now is the time to position First Nations as co-designers and drivers of systems, policy, legislation, and projects needed to facilitate the energy transition, and the economic shifts the energy transition will deliver.

Put simply, by including and embedding First Nations as partners in the transition along with the right to free, prior and informed consent in systems, policy, legislation and projects, the transition can be fair and just, occur at the pace necessary (and avoid legal contestation), and will deliver mutual cultural, social, economic and environmental benefits to people and country.

Opportunities through design to develop systems, legislation, policy and regulatory frameworks that respect First Nations' rights to self-determination, and which implement principles of Free, Prior and Informed Consent

Systems that presently exist in Australia which regulate access to land, waters and resources for activities like mining, oil and gas, pastoral, infrastructure etc. have established by design an adversarial relationship with First Nations and First Nations rights and interests (e.g. native title, land rights, cultural heritage, resources etc.).

These systems- policy and legislative- were typically designed in an era, post-Mabo and post-Wik where the narrative of 'bucket loads of extinguishment' prevailed and where fear often outstripped reason.

The tone set by these Commonwealth, state and territory policy and legislative systems accordingly typically presupposes First Nations opposition, invites legal contestation, and ultimately generates additional and unnecessary project risk for proponents, particularly in an age where ESG metrics are increasingly important and where markets and the finance sector wants to understand the impacts of projects and capital on host communities, and particularly First Nations.

For example, in 2022 an insurer in North America adopted a policy stipulating that it will not underwrite new projects without the Free, Prior and Informed Consent of impacted Indigenous communities in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

In what will likely become a growing trend, this sends a strong signal to policy-makers that markets are demanding new rules that require such standards to be met in project design.

For a modern economy that will require access to land and waters to support an economic system built around new forms of energy (and the creation of new supply chains and access to new resources), designing an inclusive system that respects First Nations' rights makes additional sense, given the opportunity to attract First Nations as active participants and supporters (thereby reducing project risk and decreasing the cost of capital to fund new projects).

Accordingly, rather than the present system which is adversarial by design, we have the exciting opportunity in Australia to now design policy and legislative systems that enable and empower First Nations to participate in, make real decisions about (including the right to consent and withhold consent for mineral developments), and benefit from activities that will impact on First Nations' land, sea, waters, rights, interests and responsibilities. Failure to design such a system will inevitably result in an outcome that increases the likelihood of legal contestation and will lead to delay and increased cost for all stakeholders.

Lessons from Canada - First Nations are the second largest asset owners of clean energy infrastructure

Lessons from Canada, where First Nations have been engaged with the renewable energy sector for the past 20 years, help to highlight some of the wins from an approach based on principles of inclusion and partnership. In the last decade alone, First Nations-led initiatives have fostered 200 medium to large renewable energy projects, which have helped to generate $1.5 billion in Indigenous and employment contracts. These outcomes were achieved through actions by Governments acting with foresight, including mandating project ownership targets for the First Nations on whose lands the projects were proposed.

In the words of our sister organisation from Canada, Indigenous Clean Energy (and clearly highlighting the significant mutual benefits from processes founded on inclusion and engagement):

> *Indigenous communities are the second largest clean energy asset owners and partners in Canada with thousands of small to large scale projects underway and ongoing. These projects have led to community training and job creation, reduction in greenhouse gas emissions, advanced gender equity, materially improved economic stability, cultural revitalization and much more. Globally more action needs to be taken to amplify Indigenous voices in dialogues on the development of clean energy resources and climate leadership.*

How the energy system can be reformed to support economic self-determination and other opportunities for First Nations

Since being launched, the Network has advocated strongly for reform in the energy sector and for outcomes including First Nations-ownership of clean energy assets, given the key role of energy

(and access to secure, clean, affordable energy) as an enabler of economic participation and wellbeing - whether as individuals, households, communities or Nations.

Indeed, prior to the 2022 Federal Election, the Network had sought a commitment from political parties and independents that they would "*help ensure that First Nations people play a central role and harness the opportunities of Australia's clean energy boom*" (see the Network's Federal Election Ask).

On 12 August 2022 all State and Territory Energy Ministers and the Commonwealth Energy Minister committed to the National Energy Transformation Partnership (Partnership). Developing a First Nations Clean Energy Strategy was listed as a priority action under the Partnership. As set out on that website, the First Nations Clean Energy Strategy is about giving "First Nations people a say in renewable energy policies and programs" and identifying ways to support First Nations aspirations from Australia's clean energy transformation.

The Network considers that a properly funded, and ambitious First Nations Clean Energy Strategy and associated funding package will be an investment in Australia's future economic prosperity, whilst also having much potential to deliver social, economic and cultural justice for First Nations and the Australian community at large.

Indeed, and as we have noted above, these aspects of Australia's national clean energy transition are mutually entwined - without First Nations participation and consent, the clean energy transition cannot occur at the pace and scale required, which will impact upon Australia's future economic prosperity and emissions reduction targets.

Actions that could be taken through reform of the energy system and as part of the energy transition to stimulate and support economic self-determination and opportunities for First Nations Australians

The Network has made submissions on a range of topics and issues associated with energy and First Nations. We have also created resources on policy settings (including relevant to the subject matter of this inquiry). These are all available on the Network's website.

Earlier this year, the Network provided a comprehensive response to the First Nations Clean Energy Strategy Consultation Paper.

That response essentially identified a comprehensive list of actions that could be taken through reform of the energy system to support First Nations Australians to participate in and benefit from the energy transition.

Given the energy system is inevitably a cornerstone and enabler of the Australian economy, many of the actions in the Network's list are directly relevant for this inquiry - and so we have set these out at **Attachment 1**.

Translating the range of actions: three core funding and policy recommendations to achieve systemic change through the energy transition for First Nations

Given the focus of the Network on systemic change through the energy transition, the list of actions at **Attachment 1** are part of three broader recommendations, which the Network set out in our submission to the 2024-25 Federal Budget.

These three recommendations from our pre-Budget submission again relate to topics being covered in this inquiry, and were:

Recommendation 1. Invest in First Nations housing energy efficiency, household electrification, and solar and battery systems to reduce costs of living and improve household wellbeing

Improving the energy performance of households and coupling that with electrification measures and support to connect to household solar and battery systems will assist to achieve a least-cost participation system whilst also assisting to build broad social licence for the energy transition underway (and which requires access to First Nations land and waters).

To achieve this outcome, investment needs to be directed towards funding:

- *a multi-year program to fully fund energy performance and climate-resilient retrofits* for all Aboriginal and Torres Strait Islander housing before 2030.

- *a First Nations Energy Efficiency program* being a First Nations-led program involving in-home energy visits (home energy assessments, personalised energy reports containing behaviour change recommendations and relevant information about energy and appliances) and financial counselling, providing in-home education sessions and home energy visits to help curb usage and keep costs down.

- *a First Nations Electrification program* to support shifting to electrical appliances, electric vehicles (EVs) and required community charging infrastructure.

- *a Renewable Energy for First Nations Household Solar program* to install household solar and battery systems on every First Nations household in those locations most impacted by climate change due to a lack of access to affordable, reliable, clean power (e.g. remote communities, prepayment meter customers, and social / community housing residents).

Recommendation 2. Invest in First Nations-led community energy and diesel reduction initiatives for improved climate resilience, emissions reduction and energy reliability

Replacing diesel generation of electricity with renewable energy demonstrably reduces emissions, improves air quality, reduces the cost of electricity for First Nations households in a community,

and improves the reliability and resilience of electricity supply. For many communities in remote locations on the forefront of extreme weather and climatic events, advancing renewable energy projects is a means to drastically improve energy security and energy reliability.

To achieve this outcome, and improve community and household well-being, energy security, community resilience and reduce the cost of supply of electricity, investment needs to be directed towards funding:

- *First Nations-led community energy solutions* to build energy and climate-resilient First Nations communities and reduce the cost of electricity supply.

- *Diesel Reduction Initiatives* that research and coordinate a national approach to harness local clean energy resources that will improve human and environmental health and to contribute to economic independence and job creation.

Recommendation 3. Invest in First Nations people, organisations and ideas to improve capacity and capability, and provide access to capital for First Nations clean energy project leadership to de-risk and add value to Australia's clean energy transition ambition

Modelling by Net Zero Australia estimates that for Australia to achieve its clean energy aspirations, almost 45% of all clean energy infrastructure will need to be situated on land where First Nations have legally enforceable rights and interests. These projects will lead to a range of benefits and economic multiplier impacts for regional economies, improving economic resilience and economic diversification.

Investing in and facilitating greater local participation through First Nations ownership and co-ownership provides a competitive and commercial advantage to industry and the economy - through increased certainty, faster project approvals, better local content and employment outcomes, improved social licence, and decreased risk of delay and host community opposition.

To achieve these outcomes, and establish these commercial and competitive advantages for Australia's clean energy industry and the Australian economy as a whole, investment is required in:

- *Clean Energy Country Planning for Traditional Owners* to:
    - aid in the recognition and protection of rights and responsibilities of Traditional Owners to land, waters and cultural heritage;
    - support Traditional Owners to identify and take advantage of feasible opportunities for clean energy infrastructure on their Country;
    - realise pathways to invest in, own, or co-own renewable energy infrastructure developments;
    - build on the economic aspirations and future priorities of Traditional Owners;
    - identify pathways for greater energy security and energy access;
    - monitor the impacts of renewable energy developments on First Nations.

- *a First Nations Clean Energy Capacity Building Fund* to:
    - (i) build the capability and capacity of First Nations representative entities by properly resourcing them to take advantage of economic opportunities, manage risks, and participate in project approvals processes; and
    - (ii) build the capability and capacity of First Nations Australians to become clean energy leaders.

- *a First Nations Clean Energy Project Fund*, being a substantial pool of capital that will:
    - (i) provide grants to support pre-feasibility and feasibility studies and other early stage clean energy project development costs; and
    - (ii) provide finance to First Nations groups for clean energy infrastructure projects, including the purchase of equity in projects.

- *a First Nations Clean Energy Workforce Fund* to support the rapid upskilling of First Nations Australians that is required to transition into job opportunities in the clean energy sector.

Powering First Nations jobs from the clean energy transition - the Network's Clean Energy Jobs Pathways Initiative

In 2023 the Network launched a Clean Energy Jobs Pathways Initiative.

We are working on this project because we know that along with transforming our energy system, we also need to transform our workforce and new opportunities will emerge in the years to come - we want First Nations Australians to be supported to enter the clean energy sector workforce and be able to access quality job opportunities and career pathways as they emerge.

We've also seen that some jurisdictions are starting to put in place targets for First Nations employment.

With all this activity, we're concerned that there is little focus or coordination across local, regional and federal levels to support First Nations workers access the education, apprenticeships, experiences, knowledge and support required to take advantage of the opportunities emerging in the energy transition.
Accordingly, we want to ensure that the range of current efforts in Australia, at regional, state/territory levels and by the Federal Government on developing the workforce for Australia's transition to a clean energy economy include:

- a strong focus on supporting the aspirations of First Nations workers to access quality jobs
- the right policy settings and proper funding for programs and services
- support for First Nations-controlled service providers
- clear pathways for quality jobs and careers for First Nations Australians into the clean energy sector.

We also don't want to reinvent the wheel, and so we want to highlight the approaches that work - particularly highlighting the success of First Nations community-controlled organisations and service delivery providers - but we want to see these services properly funded and supported so they can scale their impact.

We are working on this project with a range of partners, including from communities, industry, unions and the tertiary and vocational sectors.

On 25 June 2024 we are launching our 'Powering First Nations Jobs in Clean Energy' report, which contains a range of **recommendations and actions** from our work.

We have included a link to that comprehensive report, above, and also we have included it as an attachment to this submission (**Attachment 2**) given its relevance to the work of this inquiry, and the actions that can be taken, right now, to create opportunities for access to training, employment and career outcomes for First Nations from the energy transition.

Conclusion

The Network was established to ensure that First Nations Australians play a central role in and harness the opportunities from Australia's clean energy transition.

Given the energy transition will inevitably cause major structural reform of the Australian economy, the Network has advocated for systems and processes and policies and laws that do not replicate the extractive and exclusionary approach to First Nations of previous economic transitions.

The energy system is both an essential service and an enabler of all parts of our economy. The actions and recommendations noted in this submission are drawn from our discussions with First Nations communities across Australia and our experiences working to ensure that First Nations participate in and benefit from the energy transition and the energy system. If done right, and by transforming systems, policies and laws, Australia's transition to clean energy has great potential to support economic self-determination and opportunities for First Nations Australians.

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Attachment 1 - Actions for a more inclusive energy system that supports economic self-determination and opportunities for First Nations

Objective	Potential actions
Removing policy and regulatory barriers *to enable First Nations households in a range of housing types and community infrastructure to access the benefits of renewable energy. This includes rooftop solar, electrification and energy efficiency measures.*	*Improved Housing Energy Efficiency* 1. Mandatory energy performance reporting and disclosure requirements for any Australian Government funding directed towards Aboriginal and Torres Strait Islander housing - requirement to (a) report on energy performance of portfolios and (b) measure and address financed emissions in Aboriginal and Torres Strait Islander housing portfolios 2. The Federal Government to use its influence to mandate State and Territory governments to introduce minimum energy performance standards for rental properties by the end of 2025 in all jurisdictions, with climate-resilience standards set and adhered to soon after, as part of broader standards for what constitutes healthy and habitable rental housing. 3. Phase out gas in First Nations community / social housing by 2030 4. Strengthen and enforce energy efficiency regulations and standards for residential buildings, incorporating First Nations perspectives and cultural considerations 5. Directly invest in energy audits and deep and accelerated retrofits for First Nations housing and utilise this investment to (i) support new First Nations business development and local manufacturing; and (ii) support training and job creation with First Nations people and in First Nations communities 6. Leverage partnerships to conduct comprehensive housing assessments of existing stock to identify deficiencies, prioritise upgrades and address energy inefficiencies in First Nations housing stock 7. The Federal Government, in partnership with state and territory governments, to build on existing social housing retrofit funding to establish a multi-year program to fully fund energy performance and climate-resilience retrofits for all Aboriginal and Torres Strait Islander housing before 2030. **[Funding]** *First Nations Electrification Program* 1. Mandate minimum standards for appliances being sold in remote communities, and regional towns and centres (Greenhouse and Energy Minimum Standards) 2. Develop a “First Nations Electrification Program” (which should also include financial incentives and affordable financing, including grants) which would be designed to support fuel shifting to electric appliances (e.g. replace existing inefficient heating and cooling systems with efficient reverse cycle air conditions; replace inefficient hot water systems with heat pump hot water systems; replace gas cooking systems with efficient induction electrical systems; plan for electrification of transport systems including electric vehicles,

Objective	Potential actions
	etc.) **[Funding]** *Guaranteed energy security, supply and storage* 1. In keeping with the principle that access to energy is a fundamental right (including through Sustainable Development Goal 7), establish a nationwide ban on involuntary disconnections for prepayment metering / institute extended consumer protections by the AER (in line with the "energy as a human right" principle) 2. Establish a ban (moratorium) on involuntary disconnections for prepayment and post payment customers during designated critical periods (e.g. extreme climatic events such as heat wave, fire, flood, cyclone, extreme cold) 3. Other specific actions to address the issue of energy security related to prepayment meters: a. Ensure that consumer protections (legal protections) are equally available to all customers across Australia, regardless of remoteness or whether electricity is supplied through prepayment or postpayment b. Require that disconnection reporting be made mandatory for all customer types c. Impose and extend mandatory disconnection notification (reporting) requirements on networks d. Mandate retailers to expand their functions for delivering and overseeing hardship programs (tailored to individual circumstances) 4. Enhance accountability mechanisms for energy providers serving First Nations communities by mandating that utilities / retailers be required to publish data quarterly on disconnections of prepayment customers 5. Enhance Australian Energy Regulator (AER) Retail Law Performance Reporting Procedures and Guidelines: a. Support the AER's proposal to introduce a separate reporting category to capture alternative meter types that are similar to prepayment meters, that is so-called 'card operated' meters which are separately defined and used on a mandatory (or default) basis in many of Queensland's remote First Nations communities. b. Broaden current reporting indicators for retailers offering card-operated meters or prepayment meters to better reflect the different rules applicable to card-operated meters. c. Considering findings from recent quantitative analyses from comparable jurisdictions in the NT and WA, recommend that the AER apply reporting requirements for card-operated meters both proactively and retrospectively. 6. Explore the potential for tariff reform for First Nations communities to mitigate high electricity bills and to realise the goal of access to reliable clean energy being a human right. 7. Ensure that regulatory barriers for prepayment customers accessing household solar and energy storage systems are removed. 8. Establish a funding pool of **[Funding]** to be called "Renewable Energy Funding for First Nations Housing" the purpose of which is to install renewable energy technologies (like solar and battery storage) on First Nations housing - noting the positive impact of rooftop solar on reducing electricity costs and improving energy security for First Nations households.

Objective	Potential actions
	<u>*Residential Solar for households most impacted by climate change and lack of access to affordable, reliable, clean power*</u> 1. Establish a fund and program to install household solar and battery systems on every First Nations household in those locations most impacted by climate change impacts and lack of access to affordable, reliable, clean power (e.g. remote communities, prepayment metering customers, social / community housing residents **[Funding]**
Ensure quality information and resources to support First Nations-led outcomes: *expand and consolidate existing data, research, and create culturally sensitive First Nations led research to improving accessibility, grow awareness and support participation.*	<u>*First Nations-led research on clean energy*</u> 1. Establish a focus through research and data to understand the cultural, health, economic and wellbeing impacts of clean, affordable, reliable power for First Nations households. 2. Conduct research looking at the benefits of and barriers to First Nations ownership of clean energy projects (at all scales), from a risk/cost management perspective (including speed of approvals, time to generation / close) 3. Mandate that proponents, governments and companies provide clear, quality, detailed and appropriate information about clean energy plans and proposals at an early stage to First Nations communities 4. Ensure that data collected from First Nations communities and groups is owned and managed by those communities and groups
Influence and develop policy frameworks and programs *associated with energy infrastructure developments and processes so that First Nations people can participate in and benefit from the clean energy transformation*	<u>*Ensure that Free, Prior and Informed Consent is embedded in all aspects of the Strategy*</u> ***Overarching policy principle:*** *Free, Prior and Informed Consent in accordance with the United Nations Declaration on the Rights of Indigenous Peoples established as a priority focus in all policy frameworks and programs and mandate as a condition for accessing government contracts or funding.* <u>*Align system planning, energy rules and the energy system*</u> 1. Energy systems and land and water planning (including in Sea Country) should recognise First Nations rights, use and occupancy, and adopt an approach of early-stage and substantive engagement and participation in decision-making with Traditional Owners and First Nations communities. Traditional Owners must be enabled (through access to transparent, detailed and appropriate information about companies, projects and impacts) to guide the preparation, implementation, evaluation, and improvement of planning and approval schemes for the energy system and land and water. 2. Embed processes in the Integrated System Plan to: a. ensure that the ISP development process includes active consultation and collaboration with Traditional Owners to integrate First Nations perspectives, values and priorities into the ISP; b. explicitly acknowledge and recognise the rights, responsibilities and obligations of First Nations people, including land rights,

Objective	Potential actions
	native title, cultural heritage, and other inherent rights, within the ISP; c. embed policies within the ISP that ensure the protection of First Nations cultural heritage and sacred sites, clarifying this within the network design. 3. Establish Identified Positions (as First Nations people) within the Australian Energy Market Commission (AEMC) to ensure the AEMC *actively* seeks out input from impacted First Nations communities for rule change projects, reviews and other processes. *Facilitate First Nations development rights through project development / approvals processes (including through the Capacity Investment Scheme)* 1. The Capacity Investment Scheme (CIS) is the Commonwealth's most significant policy for directly delivering and influencing clean energy investment. It is targetting development by 2030 of 23 GW of variable generation capacity and 9 GW of clean dispatchable capacity. While it is important that the CIS complements, rather than overlaps with, the design of State schemes, there is an opportunity for the Commonwealth to work with the jurisdictions to establish a high benchmark for benefit sharing, economic participation, and equity ownership for First Nations communities. The CIS should include the following as mandatory requirements for assessing tender bids from proponents under the CIS: a. Stage A Project bid stage - evidence of obtaining Free, Prior and Informed Consent for the development from the Traditional Owners and of proponent cultural competency b. Stage B Financial bid stage - specifically include as looked upon as highly favourable equity ownership of at least a set % by First Nations (and under the proposed 'long-term target framework' consider setting sub-targets for First Nations equity ownership to drive this ambition) c. when assessing First Nations participation, the Commonwealth should adopt the 'Industry and Aboriginal Participation Plan' approach for CIS tenders as developed for the NSW LTESA tenders (delivered by AEMO Services), which includes seeking detailed inputs on First Nations participation, such as training opportunities, employment levels, and First Nations Aboriginal business contribution. 2. As the Commonwealth negotiates bilateral Renewable Energy Transformation Agreements (RETAs) with the jurisdictions under the National Energy Transformation Partnership framework, the Commonwealth should: a. establish meaningful minimum standards for First Nations participation with the jurisdictions under the RETAs b. create incentives for industry to maximise First Nations benefits - potentially by offering accelerated / priority state environmental and planning assessments to CIS projects that meet minimum First Nations participation and equity ownership 3. Network connection processes: the incentives described immediately above (i.e. accelerated / priority state environmental and planning assessments for projects that meet minimum First Participation and equity ownership) could also be replicated for the network connection process, possibly via the application stage with AEMO for projects in the NEM. 4. Establish a National Benefits-Sharing Framework: to be developed with First Nations by close of 2024 - to ensure that First Nations

Objective	Potential actions
	groups / communities directly benefit from clean energy infrastructure projects on Country. The Framework should include: (i) First Nations involvement in individual project governance (including through equity partnerships); (ii) the need for capacity supports to assess and participate in projects; (iii) the need to address barriers in accessing capital; (iv) a desire for greater consistency of benefits received from projects. *Strengthen land and sea tenure and rights* 1. *Native Title Act 1993* (Cth) amended to incorporate the right to Free, Prior and Informed Consent (FPIC) and clarify that 'the right to negotiate' applies to all renewable energy infrastructure projects, public or private 2. Amend the *Offshore Electricity Infrastructure Act 2021* and *Offshore Electricity Infrastructure Regulations 2022* to (i) ensure Traditional Owners must be consulted prior to the declaration of an offshore area as suitable (and considering the views of Traditional Owners is a mandatory decision point for decision-makers); (ii) provide Traditional Owners with the right to Free, Prior and Informed Consent before the grant of feasibility licences or commercial licences (including that a registered ILUA must be in place before the grant of these licences); (ii) include provisions to require the Minister to issue guidelines about consultation and negotiation requirements for project proponents and establish minimum requirements for First Nations ownership and economic participation in offshore wind projects. *Align existing Commonwealth clean energy special investment vehicles* 1. Reform of the *Clean Energy Finance Corporation Act 2012* to: (i) include a new provision (section 14A) to replicate section 17(4) of the *National Reconstruction Fund Corporation Act 2023* (Cth); (ii) include "the First Nations sector" as a field in s 16(2). 2. Reform of the *Clean Energy Finance Corporation Investment Mandate Direction 2023* to include new section 20A which will require that the Corporation *must* take into account First Nations outcomes in assessing its investments by reference to: (i) the extent of ownership by First Nations of the project; (ii) whether Traditional Owners have been afforded a right of Free, Prior and Informed Consent; (iii) the extent to which the proponent has engaged with Traditional Owners; (iv) the extent to which the investment will deliver economic benefits / opportunities for First Nations. 3. Reform of the *Australian Renewable Energy Agency Act 2011* (Cth) to (i) include a new provision (section 18(4)) to replicate section 17(4) of the *National Reconstruction Fund Corporation Act 2023* (Cth). 4. Reform of the *Northern Australia Infrastructure Facility Act 2016* (Cth) to (i) include a new provision (section 14(5)) to replicate section 17(4) of the *National Reconstruction Fund Corporation Act 2023* (Cth) *Establish new financing initiatives to support First Nations access to capital and First Nations-led clean energy infrastructure projects* 1. Establish a government-backed loan guarantee scheme to improve First Nations access to financing (and to make financing more affordable) for First Nations communities and groups who wish to purchase equity in clean energy infrastructure projects. 2. Tax and other financial incentive opportunities:

Objective	Potential actions
	a. Establish a tax credit scheme for contributions to First Nations-led clean energy infrastructure projects (allowing eligible investors to claim a percentage of their investment as a tax credit - to incentivise financial support for First Nations-led clean energy initiatives) b. Allow accelerated depreciation for renewable energy assets, such as solar panels or wind turbines, owned or operated by First Nations entities. c. Exempt income generated from qualifying renewable energy projects owned or operated by First Nations entities from certain taxes. d. Introduce tax incentives for investments in clean energy projects located on First Nations land. e. Offer deductions or credits for investments in renewable energy projects that directly benefit First Nations communities. f. Facilitate the issuance of green bonds specifically for First Nations-led renewable energy projects. Provide tax advantages for investors in these green bonds, encouraging capital flow into sustainable projects. g. Establish tax credits for First Nations communities that actively participate in and benefit from renewable energy projects. First Nations communities could receive tax benefits based on their engagement and ownership in community energy initiatives. h. Enhance research and development tax incentives for First Nations entrepreneurs engaging in innovative renewable energy technologies and clean energy manufacturing supply chains. i. Introduce tax credits for businesses or investors involved in training and employing First Nations individuals in the renewable energy sector. j. Offer tax deductions for First Nations businesses or individuals implementing energy efficiency improvements or upgrades in their operations or homes. k. Provide tax credits for businesses or investors that contribute to community development and well-being in First Nations areas. l. Encourage corporate social responsibility by rewarding investments that have a positive impact on local communities. *Support First Nations rights for new transmission assets* 1. A capital injection to the Aboriginal and Torres Strait Islander Land and Sea Future Fund (ATSILSFF) to provide the Indigenous Land and Sea Corporation funds to enable Traditional Owner groups whose lands are now covered by transmission infrastructure (and who are not able to access the substantial compensation payments made to current landowners) to acquire and manage adjacent land and/or otherwise receive compensatory benefit from / participate in transmission projects **[Funding]** 2. National Electricity Law and National Electricity Rules for transmission infrastructure be amended to require alignment with the First Nations Clean Energy Networks, Best Practice Principles and also demonstrated compliance with benchmarks prior to approval being granted to transmission projects, which would cover (i) benefit sharing (revenue sharing) agreements with Traditional Owners; (ii) economic participation opportunities; (iii) cultural heritage protection; (iv) environmental protection.

Objective	Potential actions
	Facilitate First Nations community energy projects (including a diesel switching program) 1. Develop and properly fund a program aimed at reducing diesel reliance in remote First Nations communities **[Funding]** 2. Reform energy system rules to provide First Nations communities with the right to develop and generate their own electricity, and obligate utilities to enter into long-term off-take agreements when the project reduces the costs of servicing the community by an agreed percentage (e.g.by 20%). Once a diesel switching strategy and network connection reforms are in place, introduce energy sovereignty initiatives that empower communities to generate their own electricity, and promote greater control over their own energy sources and strengthen resilience. Accompanying this reform: (i) develop standardised contracts; (ii) integrate and acknowledge community microgrid projects as contributors to renewable energy targets.
Support and enable coordination and capacity development in First Nations organisations: *to improve regional planning and support engagement with the risks and opportunities*	*Improve Household capacity and energy literacy* 1. Design, fund and implement a First Nations Energy Efficiency Project which will provide energy-related support to First Nations people - this would be a First Nations-led program involving in-home energy visits (home energy assessments, personalised energy reports containing behaviour change recommendations and relevant information about energy and appliances) and financial counselling, providing in-home education sessions and home energy visits to help curb usage and keep costs down. **[Funding]** 2. Develop a specific First Nations stream within the national energy literacy program proposal announced at ECMC on 24 February 2023 and which is currently being explored by Energy Consumers Australia. *Support dedicated Country Planning ahead of renewable energy projects* 1. Establish a dedicated pool of funding to support Renewable Energy Country Planning processes to: aid in the recognition and protection of rights and responsibilities of Traditional Owners to land, waters and cultural heritage; support Traditional Owners to identify and take advantage of feasible opportunities for clean energy infrastructure on their Country; to realise pathways to invest in, own, or co-own renewable energy infrastructure developments; build on the economic aspirations and future priorities of Traditional Owners; identify pathways for greater energy security and energy access; monitor the impacts of renewable energy developments on First Nations. **[Funding]** *Greater clean energy knowledge and support for representative entities* 1. Increasing the resourcing and capacity of representative entities (including PBCs) is essential to enable proper engagement and consultation with native title holders and to support representative entities (including PBCs) to take advantage of economic opportunities and manage risks. At a minimum substantial additional (multi-year) funding for Traditional Owner and First Nations representative entities in clean energy hot spots (e.g. REZs, industrial areas, critical minerals regions) must be made available to support First Nations to engage with and take advantage of economic opportunities and manage risks **[Funding]**

Objective	Potential actions
	Establish First Nations clean energy capacity building fund (see further below in financial support section) 1. Establish a substantial new fund to support (i.e. fund) First Nations clean energy capacity and capacity development initiatives **[Funding]** *Improved cultural safety in the private sector* 1. Mandatory cultural safety training (Using Commonwealth funding and political levers (e.g. Rewiring the Nation funding, Capacity Investment Scheme rules, Renewable Energy Transformation Agreements, National Reconstruction Fund)) *Jurisdictional specific proposal - Resolve Outstanding New South Wales Land Claims* 1. Urgently provide resourcing and support to stakeholders to expedite the processing of the thousands of outstanding land claims under the *Aboriginal Land Rights Act 1983* (NSW) and similarly provide urgent resourcing and support to native title claimants to enable native title determination application processes to be progressed and finalised (pursuant to the *Native Title Act 1993* (Cth) in NSW **[Funding]**. **See further in the 'Ensure access to financial support' section**
Facilitate workforce and business development: *by identifying options and activities to build First Nations participation in the workforce and supply chains and expanding the opportunities for jobs on Country*	*Supporting clean energy careers for First Nations youth* 1. Establish a suite of nationally accredited skills development, training and education programs, to be provided in each jurisdiction that equip First Nations youth and young adults to pursue clean energy careers. Building pathways for employment, work experiences, and learning will position young First Nations people to fill leadership positions in the electricity sector, with regulators and within government agencies. *Building the First Nations clean energy workforce* 1. Using Commonwealth funding and political levers (e.g. CEFC funding, Rewiring the Nation funding, Capacity Investment Scheme rules, Renewable Energy Transformation Agreements, National Reconstruction Fund), establish: a. requirements that First Nations employment targets for projects in REZs are based on the higher of (a) the First Nations population in the REZ, (b) 4% b. embedded First Nations training targets within government funding guidelines (e.g. like the NSW Infrastructure Skills Legacy Program - all NSW government infrastructure projects have to meet certain targets, including skills and training targets based on contract value)

Objective	Potential actions
	c. embedded First Nations clean energy training initiatives within energy programs. 2. Develop a package of funding and capacity development to support the growth/emergence of First Nations employment and training providers to deliver services to First Nations people and communities. 3. Develop a national program and funding package to support First Nations school leavers to transition to training, skills development, apprenticeships (including funding school-based apprenticeships) and job opportunities in the clean energy sector. **[Funding]** 4. Develop a national program and funding to provide subsidies to employers to take on First Nations trainees and apprentices. **[Funding]** 5. Increase funding for the following existing initiatives: (i) regional university centres; (ii) Jobs Ready Graduates package; (iii) Higher education participation and partnerships program; (iv) Foundation skills for your future. **[Funding]** 6. Increase cultural safety and cultural competency [*link to Cth funding mechanisms*] *Building First Nations business and supply chain opportunities* 1. Using Commonwealth funding and political levers (e.g. CEFC funding, Rewiring the Nation funding, Capacity Investment Scheme rules, Renewable Energy Transformation Agreements, National Reconstruction Fund, etc.), establish: a. requirements for all projects (including critical minerals) receiving Commonwealth funding to meet targets for supply of goods and services by First Nations business (value of project contract expenditure) based on the higher of (a) the First Nations population in the area of the project or, (b) 4%. b. Include the clean energy sector as an industry category with mandatory minimum Indigenous participation requirements (MMR) as part of the Indigenous Procurement Policy. 2. Establish a funding stream and dedicated program to grow the number of First Nations businesses participating in the clean energy sector and its supply chains **[Funding]**
Ensure access to financial support: *create an enduring economic legacy through government and private sector financing initiatives to enable participation at the household, community, and large-scale project levels*	*Household / families* 1. See energy efficiency, electrification, energy security initiatives above, including the proposed 'First Nations Energy Efficiency Project' **[Funding]** *Community / Climate Action Fund* 1. See diesel reduction initiative above **[Funding]** *Targeted Early-Stage First Nations Project Grant Fund* 1. Establish a program and associated substantial fund to: (i) provide grants for pre-feasibility and feasibility studies, other early stage project development costs; (ii) provide finance for First Nations clean energy infrastructure projects **[Funding]**

Objective	Potential actions
	First Nations Clean Energy Capacity Building Fund (also noted above in the "Support and enable coordination and capacity development in First Nations organisation section) 1. Establish a substantial fund to support (i.e. fund) First Nations clean energy capacity and capacity development initiatives **[Funding]** 2. Establish a fund to support Traditional Owners to undertake renewable energy and economic development planning (Renewable Energy Country Planning described above) **[Funding]** *First Nations Clean Energy Workforce Grants and Fund* 1. Align and complement existing Skills and Employment grants and programs to ensure First Nations participation in the clean energy workforce (with a focus on quality jobs, career pathways, and involvement at executive and leadership levels) **[Funding]** 2. Establish a dedicated *First Nations Clean Energy Workforce Fund that support national workforce and capacity building initiatives* **[Funding]**
Embed cultural and heritage protection: *that supports First Nations people and all Australians to recognise, respect and celebrate our cultural heritage.*	*Embed cultural and heritage protection* 1. Urgently implement all of the recommendations contained in "*A Way Forward - Final report into the destruction of Indigenous heritage sites at Juukan Gorge*", Joint Standing Committee on Northern Australia, October 2021. 2. Reform the *Underwater Cultural Heritage Act 2018* (Cth) to ensure that First Nations underwater cultural heritage is properly identified, defined and protected. 3. Require the CEFC to adopt and apply the principles in the *Dhawura Ngilan (Remembering Country) Investor Guide* on cultural heritage protection. 4. Using Commonwealth funding and political levers (e.g. CEFC funding, Rewiring the Nation funding, Capacity Investment Scheme rules, Renewable Energy Transformation Agreements, National Reconstruction Fund, etc.), require beneficiaries of Commonwealth funding to adopt and apply the principles in the *Dhawura Ngilan (Remembering Country) A Guide for Business.*
Recognise First Nations peoples' environmental values, management and expertise: *at all stages of the clean energy project life cycle and create opportunities for*	*Recognise First Nations peoples' environmental values, management and expertise* 1. Implement the recommendations put forward by the Country Needs People campaign to: a. double the number of First Nations rangers b. establish a fund for ranger training, capacity building, networking and capital costs c. substantially increase (at least double) the funding available for the Indigenous Protected Area (IPA) program d. ensure equal employment opportunities for female rangers by 2030. 2. Urgently implement the recommendations from the *Independent review of the EPBC Act* in a way that ensures that First Nations

Objective	Potential actions
environmental co-benefits through Indigenous design thinking.	peoples' full and effective participation is enabled at every stage of any action that may affect them directly or indirectly, and that information on the likely impact of any activities must be disclosed in advance. In particular implement *Appendix B2* of the *Independent review of the EPBC Act (Recommended National Environmental Standard for Indigenous Engagement and Participation in Decision-Making (October 2020)).* 3. Energy systems and land and water planning (including in Sea Country) must recognise First Nations rights, use, and occupancy and adopt an approach of early-stage and substantive engagement and participation in decision-making with Traditional Owners and First Nations communities in the development of plans. Traditional Owners must be enabled (through access to transparent, detailed and appropriate information about companies, projects and impacts) to guide the preparation, implementation, evaluation, and improvement of planning schemes for the energy system and use of land and waters.

Attachment 2 - First Nations Clean Energy Network: Powering First Nations Jobs in Clean Energy