

# Building Capacity of Proponents



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**Early engagement with First Nations: The foundation of project success**

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**First Nations rights in land and sea**

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**Caring for Country: First Nations Land and Water Management**



## About the toolkit

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### Information for Proponents Toolkit

#### **Beyond compliance: Building stronger projects with First Nations**

The clean energy transition in Australia cannot and will not happen without First Nations.

First Nations are leaders, decision-makers, and landholders in Australia's clean energy future—with sovereign rights and deep cultural connections to Country. We are not passive stakeholders—we are rights-holders. We bring not just consent, but capacity. Not just knowledge of Country, but a vision for it.

With over 60% of energy projects likely to be developed intersecting First Nations lands, our involvement is not optional—it's foundational. There can be no just or sustainable energy transition without our full participation and consent.

This Information for Proponents Toolkit exists for one reason: to reset the standard.

It was created to equip proponents, governments and investors with the guidance needed to engage First Nations early, meaningfully, and on equal terms, offering clear, practical guidance leading to strong agreements, shared equity, and benefits for all.

It shows some pathways and provides suggestions for building genuine partnerships that are ethical, lawful, and commercially smarter—grounded in Free, Prior and Informed Consent, aligned with international standards like the UN Declaration on the Rights of Indigenous Peoples, and designed to deliver shared benefit and long-term project certainty.



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And it goes beyond compliance to offer practical, actionable guidance for navigating land tenure, cultural heritage, native title processes, and co-designed agreements.

### Partnering from the start: A strategic imperative

Our [First Nations project tracker](#) demonstrates the transformative potential of a First Nations-led clean energy transition in Australia.

First Nations participation adds speed, certainty, and strength to major projects. Projects that embrace First Nations rights and values, and secure Free, Prior and Informed Consent, are more bankable, more resilient, and more likely to succeed.

This is not just about ticking a box. It's about **de-risking your project**, attracting **investment**, securing **community support**, and unlocking **long-term value**. In today's market, early and meaningful First Nations engagement is no longer a nice-to-have—it's a strategic, legal, and moral necessity.

That's why we've designed this toolkit to support proponents in their early and meaningful engagement with First Nations across the clean energy project lifecycle leading to trusting relationships, benefit-sharing and equity, strong agreements and partnerships, and sustainability on Country for generations to come.

This toolkit is not intended to replace the need to first and foremost talk to Traditional Owners and First Nations communities and to build genuine, enduring relationships.



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Rather, it will assist you to find the right people to talk to, navigate Traditional Ownership and land and sea tenure arrangements, understand cultural heritage rights and processes, and explore how legislation applies in states and territories with links to various First Nations representative bodies and organisations able to assist and partner with you in the clean energy journey.

The end result? You will meet various International Standards and expectations and supply chain requirements, have a better chance of government/investor funding, and can potentially make your project more commercially viable and valuable.

And you will understand why clean energy projects should proceed only with the Free Prior and Informed Consent (FPIC) of relevant Traditional Owners, that where native title is relevant FPIC requires an Indigenous Land Use Agreement (ILUA), and that FPIC agreements will often involve equity as a component.

This toolkit is your roadmap to building the trusted relationships, equitable frameworks, and shared prosperity that define the future of clean energy in Australia.

*This Toolkit is subject to change and improvement as more information becomes available.*

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## 1. Early engagement with First Nations

Early engagement enabling Free, Prior and Informed Consent (FPIC) is central to proposed clean energy projects in Australia.

Early engagement proactively exercises First Nations rights and responsibilities and protects community interests. It can mean the difference between project sustainability and unnecessary risk, cost and delay.

First Nations expect early engagement prior to a project being developed. In many cases there may also be a legal requirement to engage.

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## 1. Early engagement with First Nations

### Engage early. Partner right. Build better.

Early engagement leading to Free Prior and Informed Consent (FPIC) is getting to know and understand First Nations people likely to be impacted by a proposed clean energy project at a time and place of their choosing, from conception through to site selection, and ongoing throughout the project's life-cycle. Developers and investors must aim to ensure future owners also adhere to this principle.

Proponents must seek to understand the culture, history, challenges and aspirations of the First Nations groups that the proponent is going to working with. This will assist in co-designing strategies and projects – such as equity shares or community benefit funds – that will come out of the project and lead to greater impact as it will respond to what the community wants and needs.

Early engagement is all parties understanding where each other are coming from, setting expectations, looking for ways the community can capitalise on the opportunities, agreeing on communication protocols, and setting out steps for a successful relationship and project. Transparent information must be shared in a manner accessible to all parties including information about the companies involved, the proposed project, the risk to Country and families, and other relevant materials.

Many First Nations groups have pre-designed their own protocols for engagement with clear expectations built in. For example:

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**Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)** have produced a guide to assist developers to negotiate major projects with GLaWAC, with an expectation that all industries and governments involved in major project development on their country will be forming agreements with GLaWAC in line with international best practice.

**Nari Nari Tribal Council** are only looking to work with proponents that are prepared to:

- properly value Nari Nari's contribution of knowledge and skills;
- work hard to meet Nari Nari's decision making responsibilities;
- share knowledge and skills and pay for Nari Nari's independent advice;
- agree to Nari Nari's FPIC; and
- agree that Nari Nari should share in wealth creation, above and beyond landholdings, as an equity share.

The **Yindjibarndi** people believe in the principles set out in the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), including the right to own, control and develop their Ngunya (country).

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## Early engagement with First Nations

Balanggarra's vision includes:

- Balanggarra Traditional Owners will give permission for and decide on access to our country
- we will manage our own country by our own rules and others engage properly with Balanggarra Traditional Owners
- we want to keep our culture, language and law alive, protected and recognised
- we want to give our young people education, training, and employment for business opportunities on country to protect and control country.

Putting in place mechanisms to build respectful relationships must be prioritised from the very start of scoping a project and patiently developed as projects progress.

That includes enacting the principle of 'proponent pays' – proponents should put money on the table up front if they want engagement, including for Prescribed Body Corporate (PBC) fees and regulations.

A strong relationship helps with planning, design and construction, and it also plays a big role in the long-term success and sustainability of the project.

Establishing equitable relationships with impacted and neighbouring First Nations communities is also a good idea for building trust, and employment and procurement opportunities.

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## 1. Early engagement with First Nations

### Enable Free Prior and Informed Consent: A Cornerstone of First Nations Rights

Aligned with First Nations Peoples universal right to self-determination, Free, Prior and Informed Consent (FPIC) is a right recognised under international law and expected under most international standards but only partially implemented in Australian domestic law.

The standard of FPIC set by the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) is expected when engaging on projects which impact on the rights and lands of First Nations peoples, where:

**FREE** means that a community/group must be able to give consent voluntarily and without coercion, intimidation or manipulation.

**PRIOR** means the free consent of First Nations people is obtained before an action impacting a group and lands is taken, and the time needed for First Nations consultation / consensus processes has been respected.

For consent to be **INFORMED**, it must be based on accurate, timely, accessible and sufficient information.

**CONSENT** of First Nations people should be determined in accordance with a group's customary laws and practices, through procedures and representative institutions determined by First Nations peoples.

FPIC enables First Nations to engage in negotiations to shape the design, implementation, monitoring, operation, and evaluation of projects. This should include access to reports, and information such as social risk and impact assessments, environmental assessments, social investment, and complaints and grievance management, to enable First Nations people to participate in the decision-making process throughout the life of a project.

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Engagement initiatives such as enabling and incorporating Traditional Owner aspirations, control, participation, inclusion, and a boardroom role in decision-making – and co-designing realistic and equitable agreements for sharing the economic benefits derived from a proposed project, may further enable FPIC.

Genuine engagement enabling FPIC is a booster for the reputation of a business and the broader social licence to operate, globally. It's a pathway to shared value and project certainty.

Significant investor groups recognise the financial advantages of prioritising First Nations peoples rights and enabling FPIC. BlackRock, the world's largest asset manager, in its [investment stewardship guidelines](#) (2023) recognised that companies' failure to obtain and maintain FPIC from impacted Indigenous peoples can lead to increased financial – legal, reputational or regulatory – risk.

And various investor frameworks and international standards and rights require proponents to manage the impact of their business on First Nations, enabling the FPIC of project-affected communities, leading to equitable benefit sharing, project co-development and co-ownership, and First Nations-led decision making.

### Free, Prior and Informed Consent is:

- a dynamic and ongoing process
- co-design – equal decision-making roles, listening and implementing feedback
- sensitive to the context of the project, communities and histories
- allowing time for all parties to properly consider
- may require multiple consents from interested parties

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- open lines of communication and regular updates between First Nations groups and partners
- having policies and processes established to stand the test of time
- working creatively to make projects be mutually beneficial
- recorded in agreements
- the project only goes ahead with the agreement of the impacted First Nations community/ies.

### Free, Prior and Informed Consent is not:

- a one-off authorisation
- only consultation, or consultation as a 'tick box' process
- viewed narrowly
- rushed to meet deadlines
- consent from one person
- only reaching out when you have deadlines
- relationships rely on individuals without a succession plan
- only identifying the needs of the project proponent
- verified only by verbal means
- consultation feedback is considered, but ultimately the project proceeds with or without community consent.

Source: [Dhawura Ngilan \(Remembering Country\): A Vision for Aboriginal and Torres Strait Islander Heritage](#) – a First Nations-led guide for businesses and investors developed by the First Nations Heritage Protection Alliance. It is designed to support businesses and investors to protect First Nations cultural heritage. Enabling Free, Prior and Informed Consent (FPIC) is integral to that journey.

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### Native title upholds the right to consent

The rights and interests of native title holders are protected under the Native Title Act 1993 (Cth).

Proponents seeking access to land or waters covered by native title rights and interests must consult and negotiate with impacted native title claimants or holders. That may include consultation prior to the valid grant of certain interests in land (for instance, grants of tenure for projects).

The only approval pathway in the Native Title Act for clean energy developments is by using an Indigenous Land Use Agreement (ILUA).

First Nations may negotiate an ILUA with proponents which typically grants access to land or sea in exchange for agreed compensation and other commercial or shared benefits. ILUAs are voluntary.

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### Responsibility of industry and investors: Start with consent

Clean energy projects should proceed only with the Free, Prior and Informed Consent (FPIC) of relevant Traditional Owners. Where native title is relevant FPIC requires an Indigenous Land Use Agreement (ILUA).

Notwithstanding Australia's legal and regulatory framework for negotiating access to First Nations country, projects will only succeed if they engage with FPIC and go beyond their legal obligations.

Project proponents must guarantee and ensure First Nations communities are genuinely informed and real consent is obtained throughout all stages of the project.

The first step is identifying the First Nations group to engage, who has cultural authority, as well as which individuals to speak to.

The next key challenge is turning FPIC as a theory into practice. A good starting point is understanding what FPIC means for Traditional Owners relevant to a project or area. That includes the broader aspirations of the Traditional Owner group(s) impacted.

FPIC is more than securing an agreement with Traditional Owners at the start of a project. It's about developing an ongoing process for agreement making to enable mutually agreeable solutions throughout the life of a project. This is important because consent, once given, can be withdrawn if new information comes to hand or circumstances change.

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Independent, expert advice is critical to enabling FPIC. Any third party approaching a First Nations group with a proposal to undertake activities on Country must be prepared to fund the provision of independent legal and other expert advice to ensure the First Nations group and the people it represents can properly participate in the initial and ongoing engagement process. Funding independent experts builds First Nations capacity, facilitates effective negotiations, builds trust, and ultimately forges strong partnerships.

Ensuring FPIC with impacted First Nations can provide much needed certainty for all, increasing project viability. Failure to obtain FPIC may result in operational and reputational risks, and more often legal risk, which could lead to delays.

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### When consent is withheld: What it means and what comes next

Industry is fast learning that Traditional Owner consent can result in regulatory and financial approvals being obtained much faster, helping to de-risk projects.

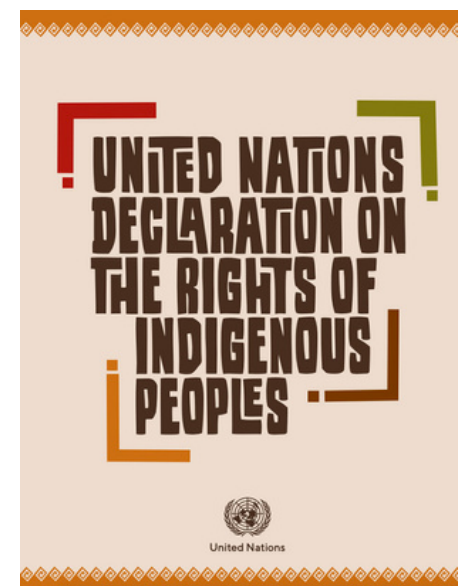
Development without Free, Prior and Informed Consent (FPIC) may cause unnecessary risk, costs and delay. It may also lead to litigation. See, for example, the University of Melbourne's Australian and Pacific Climate Change Litigation database.

It is critical that proponents engage early enabling FPIC.

If consent is not forthcoming, look to understand the objections of the impacted First Nations group and revisit the First Nations Clean Energy Network's Best Practice Principles, and also the Clean Energy Council's Leading Practice Principles, to understand what can and should be done differently.

Proponents should also consider the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in particular the principle of FPIC.

Ultimately, regulators and the legal system can be the legal arbitrator and adjudicators but these process can be considerably more costly and time consuming than a negotiated agreement.



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### Global expectations: International frameworks and standards

There are various international standards and frameworks requiring proponents to enable the Free Prior and Informed Consent (FPIC) of project-affected communities.

#### United Nations Declaration on the Rights of Indigenous Peoples

UNDRIP is increasingly treated as a mandatory minimum standard, provides that states shall consult and cooperate with Indigenous peoples “to obtain their free, prior and informed consent” before adopting measures that may affect them, including those related to land or natural resources.

#### International Convention on the Elimination of All Forms of Racial Discrimination

Promotes and encourages universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

#### Universal Declaration of Human Rights

Articulates the civil and political rights and fundamental freedoms to which every human being is equally and inalienably entitled.

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### United Nations Guiding Principles on Business and Human Rights

A set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations.

### International Finance Corporation Sustainability Framework, Performance Standard 7: Indigenous Peoples

Recognises proponents/companies can create opportunities for First Nations people to participate in, and benefit from project-related activities, and that First Nations can play a role in managing activities and enterprises as partners in development, meeting First Nations aspiration for economic and social development.

### International Covenant on Civil and Political Rights

Recognises the inherent dignity and equal and inalienable rights of all humans, including all people's right to self-determination, and the right to determine their civil and political rights and freely pursue their economic, social and cultural development.

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### International Covenant on Economic, Social and Cultural Rights

Articulates the States, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right.

### International Labour Organisation -- Indigenous and Tribal Peoples Convention (ILO 169)

Articulates First Nations people concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

### International Labour Organisation - Declaration on Fundamental Principles and Rights at Work

Supports the rights to a safe and healthy working environment grounded on the values and principles of social justice, and empowers representative organisations to tackle challenges to freedom, dignity, rights and health in their everyday life, including via negotiation with partners.

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### OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

Recognises enterprises impact on the entire spectrum of human rights, and provides recommendations for responsible business conduct re climate change, biodiversity, technology, business integrity and supply chain due diligence, among other areas, and avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur to make positive economic, environmental and social progress.

### OECD Due Diligence Guidance for Responsible Business Conduct

Recognises that business activities can result in adverse impacts related to workers, human rights, the environment, bribery, consumers and corporate governance, and so provides guidance for understanding and implementing due diligence for responsible business conduct.

### OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector

Provides practical guidance to extractive companies related to stakeholder engagement, recognising companies can contribute to positive social and economic development when they involve local communities in their planning and decision making.

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### Best practice principles in clean energy projects

The [Best Practice Principles for Clean Energy Projects](#), developed by the First Nations Clean Energy Network, offer a bold, actionable framework for governments, industry, and investors who want to lead—not lag—on equity, sustainability, and project certainty.

These [ten principles](#) are a strategic roadmap. They guide proponents to engage respectfully, secure Free, Prior and Informed Consent (FPIC), protect cultural heritage, embed land stewardship, and ensure economic and social benefits flow to First Nations communities. They reflect global human rights standards, including the UN Declaration on the Rights of Indigenous Peoples, and elevate what responsible development looks like in the clean energy era.

Proponents wanting to be recognised as industry leaders and setting the benchmark for responsible development must commit to undertaking their projects in line with the Best Practice Principles — from the earliest stages of planning through to decommissioning.

Regardless of the minimum legal requirements, proponents must adopt these principles early to gain trust, de-risk approvals, attract premium investment, and unlock faster project timelines. And investors demanding them will help ensure long-term viability and social licence.

These principles are the foundation for doing business with First Nations on Country—and doing it well.

Find these guides and more in our [Toolkit](#) to assist your clean energy journey.

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### The Best Practice Principles

1. Engage respectfully
2. Prioritise clear, accessible and accurate information
3. Ensure cultural 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



**Aboriginal and Torres Strait Islander  
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### Leading Practice Principles: First Nations and Renewable Energy Projects

The Clean Energy Council and KPMG worked with the First Nations Clean Energy Network to operationalise the Network's 'Best Practice Principles'.

The subsequent Leading Practice Principles sets expectations for meaningful engagement and partnering with First Nations, detailing key considerations for engagement at each stage of a project's life cycle including how to exercise meaningful engagement, consent, participation and benefit-sharing with First Nations people.



### Leading Practice Principles: First Nations and Renewable Energy Projects

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### The Best Practice Charter for Renewable Energy Projects

The First Nations Clean Energy Network's Best Practice Principles have also have made their way into industry practice and reporting frameworks.

The Clean Energy Council's Best Practice Charter for Renewable Energy Projects is a voluntary set of commitments for the clean energy industry. It outlines the standards that signatories need to uphold in the development of current and new clean energy projects. That includes engaging respectfully with the communities in which proponents plan and operate projects, including with the Traditional Owners, to seek their views and input before submitting a development application and finalising the design of the project.

It further includes offering communities the opportunity to share in the benefits of the project, consulting them on the options available including relevant governance arrangements, and providing local employment and procurement opportunities, to make a positive contribution to the regions in which they operate.



### BEST PRACTICE CHARTER FOR RENEWABLE ENERGY PROJECTS

We commit to honouring the Clean Energy Council's Best Practice Charter in our renewable energy projects and associated transmission infrastructure:

- 1 We will engage respectfully with the local community, including Traditional Owners of the land, to seek their views and input before submitting a development application and finalising the design of the project.
- 2 We will provide timely information and be accessible and responsive in addressing the local community's feedback and concerns throughout the life of the project.
- 3 We will be sensitive to areas of high biodiversity, cultural and landscape value in the development and operation of projects.
- 4 We will minimise the impacts on highly productive agricultural land and explore opportunities to integrate agricultural production.
- 5 We will consult the community on the potential visual, noise, traffic and other impacts of the project, and on the mitigation options.
- 6 We will support the local economy by providing local employment and procurement opportunities.
- 7 We will offer communities the opportunity to share in the benefits of the project, and consult them on the options available, including relevant governance arrangements.
- 8 We commit to using the project to support educational and tourism opportunities where appropriate.
- 9 We will demonstrate responsible land stewardship over the life of the project and welcome opportunities to enhance the ecological, cultural and/or agricultural value of the land.
- 10 During the life of the project, we will recycle waste materials where feasible and commit to responsible decommissioning or refurbishment/repowering of the site at the end of the project's life.

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## First Nations rights in land and sea

Valuing First Nations land, sea and water rights is essential to Australia's social and economic success.

First Nations peoples have the right to participate in decision-making in matters which affect their rights in land and sea country.

Proponents growing and investing in early engagement and Free, Prior and Informed Consent (FPIC) leading to genuine First Nations equity and benefit-sharing partnerships are meeting both domestic ambition and international obligations.

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## First Nations rights in land and sea

### Know the law: Legal standards and regulatory obligations

First Nations rights and interests in land and sea are recognised through a number of legal obligations and standards in Australia's states and territories.

**Commonwealth legislation** related to statutory land rights schemes and cultural heritage protection legislation Australia-wide includes:

- [Native Title Act 1993 \(Cth\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- [Aboriginal and Torres Strait Islander Heritage Protection Act 1984 \(Cth\)](#)
- [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#)
- [Protection of Movable Cultural Heritage Act 1986 \(Cth\)](#)
- [Underwater Cultural Heritage Act 2018 \(Cth\)](#)

Additional Acts include the Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth) which applies in Jervis Bay Territory, and the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987 (Cth) which applies to Condah land and Framlingham Forest in Victoria.

Significant for proponents, the Environment Protection and Biodiversity Conservation Act (EPBC Act) and the offshore energy regime with mandatory consultation requirements create a “legal standard and obligation” to negotiate.

Additionally, Traditional Owners with native title rights and interests under the Native Title Act can legally consent or veto clean energy developments depending on whether they voluntarily enter an Indigenous Land Use Agreement (ILUA).

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## First Nations rights in land and sea

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- [Heritage Act 2004 \(ACT\)](#)
- [Human Rights Act 2004 \(ACT\)](#)

### New South Wales

- [Aboriginal Land Rights Act 1983 \(NSW\)](#)
- [Aboriginal Land Rights Regulation 2020 \(NSW\)](#)
- [National Parks and Wildlife Act 1974 \(NSW\)](#)
- [Aboriginal Languages Act 2017 \(NSW\)](#)

### Northern Territory

- [Aboriginal Land Rights \(Northern Territory\) Act 1976 \(Cth\)](#)
- [Northern Territory Aboriginal Sacred Sites Act 1989 \(NT\)](#)
- [Heritage Act 2011 \(NT\)](#)

### Queensland

- [Aboriginal Land Act 1991 \(QLD\)](#)
- [Torres Strait Islander Land Act 1991 \(QLD\)](#)
- [Land Act 1994 \(QLD\)](#)

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- [Aboriginal and Torres Strait Islander Land \(Providing Freehold\) Act 2014 \(QLD\)](#)
- [Cape York Peninsula Heritage Act 2007 \(QLD\)](#)
- [Aboriginal Cultural Heritage Act 2003 \(QLD\)](#)
- [Torres Strait Islander Cultural Heritage Act 2003 \(QLD\)](#)
- [Human Rights Act 2019 \(QLD\)](#)

### South Australia

- [The Aboriginal Lands Trust Act 2013 \(SA\)](#)
- [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 \(SA\)](#)
- [Maralinga Tjarutja Land Rights Act 1984 \(SA\)](#)
- [Aboriginal Heritage Act 1988 \(SA\)](#)

### Tasmania

- [Tasmanian Aboriginal Lands Act 1995 \(TAS\)](#)
- [Land Titles Act 1980 \(TAS\)](#)
- [Aboriginal Heritage Act 1975 \(TAS\)](#)

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## First Nations rights in land and sea

### Victoria

- [Aboriginal Lands Act 1970 \(VIC\)](#)
- [Aboriginal Lands Act 1991 \(VIC\)](#)
- [Traditional Owner Settlement Act 2010 \(VIC\)](#)
- [Aboriginal Heritage Act 2006 \(VIC\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(VIC\)](#)

### Western Australia

- [Aboriginal Affairs Planning Authority Act 1972 \(WA\)](#)
- [Aboriginal Communities Act 1979 \(WA\)](#)
- [Land Administration Act 1977 \(WA\)](#)
- [Aboriginal Heritage Act 1972 \(WA\)](#)

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2.

## First Nations rights in land and sea

### Land rights: Legal recognition of First Nations ownership

Land Rights, which were fought for by First Nations for many many years, is the legal recognition of First Nations ownership of lands and waters.

Land rights are statutory rights granted to First Nations through legislation or agreements. It can include the transfer of ownership of land, or the granting of certain rights and interests in land, such as the right to use land for cultural, spiritual and economic purposes.

#### What's the difference between Land Rights and Native Title?

Whereas **Land Rights** schemes in Australia are rights created by governments (that is, governments have passed laws to recognise certain rights and processes to enable land to be granted and/or claimed) and usually include a grant of freehold land or perpetual lease title, or a process to claim land through an Act of Parliament, **Native Title** recognises, under Australian common law, that First Nations peoples have pre-existing rights and interests to areas of land and sea. The nature of these rights and interests will depend on a range of factors, including the traditional laws and customs of the native title group, and the potential impact of previous grants of tenure.

Land rights legislation or agreements exist in Australian states and territories.

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### Australian Capital Territory

There is no territory-wide Aboriginal land rights legislation in the ACT.

First Nations claims to land and waters are managed through the return of land or through collaborative management processes.

A portion of the Jervis Bay Territory was granted as inalienable freehold title under the [Aboriginal Land Grant \(Jervis Bay Territory\) Act 1986 \(Cth\)](#) to the [Wreck Bay Aboriginal Community](#).

### New South Wales

The [Aboriginal Land Rights Act 1983 \(NSW\) \(ALRA\)](#) applies.

A proponent must usually seek consent from the claimant Aboriginal Land Council for proposed works or activity if land has a claim lodged over it or if the land claim has been finalised and the land granted.

ALRA allows for the return of some Crown land as freehold title to Aboriginal land councils, allowing for economic development opportunities that land ownership brings. This can be done through the lodgement of a claim, or through negotiating an Aboriginal Land Agreement with the government which allow for the flexible negotiation of multiple land claims. For example, the [Orange Aboriginal Land Agreement](#) returned land to the Orange Local Aboriginal Land Council in 2021.

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Under ALRA, NSW Aboriginal Land Councils have lodged over 53,000 land claims with over 38,000 still to be determined (as of 2022), with a total of 4,826 land claims granted or part granted (as of June 2024).

Lands claimed and granted under ALRA on or after 28 November 1994 (when the Native Title (New South Wales) Act 1994 (NSW) commenced) have overlaid native title rights and interests.

### Northern Territory

The Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA) applies.

Almost 50% of the land and 85% of the coastline has been returned as freehold land.

Land granted under the Act, commonly known as 'Aboriginal Land', provides Traditional Owners with a strong form of inalienable tenure. Significantly, Traditional Owners have a powerful 'veto' right over proposals and developments on Aboriginal Land.

Four Aboriginal land councils were established under the Act, including the Central Land Council, Northern Land Council, Tiwi Land Council, and the Anindilyakwa Land Council.

The Northern Territory Aboriginal Sacred Sites Act (1989) creates an effective 'right to negotiate' on non-ALRA land.

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### Queensland

The [Aboriginal Land Act 1991 \(Qld\)](#) and the [Torres Strait Islander Land Act 1991 \(Qld\)](#) apply.

When land is granted or transferred under these Acts, the land is owned as inalienable freehold title - which means it can't be sold - by an Aboriginal and/or Torres Strait Islander corporation, including a Registered Native Title Body Corporate, or an existing Land Trust established under the Acts.

See a [map of land trusts and other entities holding Aboriginal and Torres Island land](#) under the Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991.

Aboriginal Deed of Grant in Trust (DOGIT) land is state land granted in fee simple in trust to First Nations under the [Land Act 1994 \(Qld\)](#). Licences, permits to occupy, and trust land are [not suitable](#) for renewable energy projects under the Land Act 1994.

Approximately 18,000 km<sup>2</sup> (from a total state land area of 1.85m km<sup>2</sup>) is held under Deeds of Grant in Trust granted under (what is now) the Land Act 1994 (Qld).

### South Australia

First Nations rights and interests in land are recognised through three different land rights laws.

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## First Nations rights in land and sea

The Aboriginal Lands Trust Act (1966) (ALTA 1966) established the Aboriginal Lands Trust (ALT) to administer and manage land held in the trust. The Aboriginal Lands Trust must consult with Traditional Owners and residents on Aboriginal Lands Trust lands before decisions are made about land use that may affect them, with Traditional Owners having a right to 'veto' proposals and developments on land.

The Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA) (APY Act) returned land to Traditional Owners who hold inalienable freehold title. The Act established Anangu Pitjantjatjara Yankunytjatjara (APY), a member-based incorporated body for Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra Traditional Owners.

The Maralinga Tjarutja Land Rights Act 1984 (SA) handed back a significant portion of the Maralinga Prohibited Area as freehold land to the Pitjantjatjara people. The Act established Maralinga Tjarutja to protect the interests of Traditional Owners in relation to the use and control of their lands, and to negotiate access to lands.

### Tasmania

The Tasmanian Aboriginal Lands Act 1995 (Tas) (ALA) transfers land of significance to the Aboriginal Land Council of Tasmania.

The Aboriginal Land Council of Tasmania manages and controls that land, and can lease areas according to provisions of the Land Titles Act 1980 (Tas).

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The Aboriginal Lands Trust Act (1966) (ALTA 1966) established the Aboriginal Lands Trust (ALT) to administer and manage land held in the trust. The Aboriginal Lands Trust must consult with Traditional Owners and residents on Aboriginal Lands Trust lands before decisions are made about land use that may affect them, with Traditional Owners having a right to 'veto' proposals and developments on land.

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### Victoria

Land is handed back through the Aboriginal Lands Act 1970 (Vic), Aboriginal Lands Act 1991 (Vic), and the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987 (Cth).

The Traditional Owner Settlement Act 2010 (Vic) (TOS Act) recognises Traditional Owners for a particular area (via Recognition and Settlement agreements) together with other negotiated benefits, and underpinned by the registration of an Indigenous Land Use Agreement (ILUA).

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## First Nations rights in land and sea

Land that is under the Settlement Act is subject to procedures under a Land Use Activity Agreement that is similar to but different from native title future acts and may have specific provisions of relevance.

### Western Australia

Western Australia has no dedicated Aboriginal land or land rights legislation.

The Aboriginal Communities Act 1979 (WA) creates a regime of 'community lands' declared by the State (and includes most First Nations communities).

Under the Land Administration Act 1977 (WA) (LAA) the Minister may set aside Crown land as reserve for a particular purpose in the public interest.

Reserve tenure (a lease) is then granted under the Aboriginal Affairs Planning Authority Act 1972 (AAPAA Act) (AAPAA). AAPAA established the Aboriginal Lands Trust (ALT) to use and manage land held by it in line with the wishes of First Nations people.

The Aboriginal Lands Trust estate covers some 22 million hectares of land in Western Australia, which is about 8.7% of the State. The ALT manages 301 parcels of land including 243 Crown reserves, 47 Freehold, 6 general purpose leases, and 5 pastoral leases.

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### Native Title: What proponents must know

Native title is recognition under Australian law that native title holders continue to hold rights and interests in land and waters.

Native title was first recognised in Australian law in 1992 via Mabo v Queensland (No 2) (1992) 175 CLR 1 (Mabo). Mabo overturned the idea that Australia was terra nullius (meaning land belonging to no one).

The Native Title Act 1993 (Cth) was passed in 1993. It established a process for claiming and recognising First Nations native title.

As of January 2025, nearly 60% of Australia is covered by native title determinations with a further 9% of land being subject to a registered native title claim.

A native title determination recognises a collection of native title rights. Those rights may include the right to access, hunt, fish, camp, use water, conduct meetings and ceremonies, exclude others, and protect cultural sites on traditional lands, among others.

Native title determinations can specify:

- 'exclusive' rights, meaning the First Nations group has exclusive ownership and control over the area in question, or
- 'non-exclusive' rights, where First Nations groups must share rights and interests in the area.

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## First Nations rights in land and sea

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It is necessary for proponents to follow Native Title Act processes if there is a native title determination or a registered native title claim over land.

However, First Nations expect proponents to do much more than follow the Act.

Proponents should proceed with renewable energy projects only with the Free, Prior and Informed Consent (FPIC) of relevant Traditional Owners. Where native title is relevant FPIC requires an Indigenous Land Use Agreement (ILUA).

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## First Nations rights in land and sea

### Before you act: Future Acts and Native Title

A future act is something proposed to be done on land or waters that may cause impact to or affect native title rights and interests.

The [Native Title Act 1993 \(Cth\)](#) provides a framework for how interests in land or waters that affect native title (and are accordingly future acts) can be validly granted.

The Act sets out procedures that must be taken when people, government and companies want to do things on Country that affect native title. It also sets out approvals pathways that need to be followed depending on the type of future act. Native title holders (and registered claimants) have procedural rights, for instance, the right to comment or the right to negotiate.

Alternatively, the parties can reach an Indigenous Land Use Agreement (ILUA) which is a voluntary agreement.

These processes provide opportunities for native title parties to conclude agreements with proponents covering a range of matters, including economic and financial participation in a project, cultural heritage, and environmental protection.

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## First Nations rights in land and sea

### Indigenous Land Use Agreements: A pathway to consent and collaboration

Renewable energy projects should proceed only with the Free Prior and Informed Consent (FPIC) of relevant Traditional Owners. Where native title is relevant FPIC requires an Indigenous Land Use Agreement (ILUA).

An ILUA is a voluntary agreement about the use and management of an area of land or water made between native title parties and proponents under the Native Title Act 1992 (Cth).

An ILUA can be negotiated over areas where native title has been determined to exist, or has yet to be determined. They can be part of a native title determination, or settled separately from a native title claim.

An ILUA can be effective for ensuring First Nations rights and interests have been recognised, and consent enabled, even in areas where no native title claim or determination has been made.

ILUAs are also the only mechanism under the Native Title Act that come close to enabling FPIC.

Native title parties may want equity provisions and certain benefits in exchange for entering into an ILUA. They may include agreement on benefit-sharing arrangements, compensation for the loss or impairment of native title rights and interests, creating a protocol for dealing with First Nations cultural heritage matters, access to land and water, employment and training opportunities, and future activities on land or water, among other things.

ILUAs will likely be different each time they're negotiated. It depends upon who's negotiating, the activities being considered, and the unique land/water areas being considered.

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When registered, ILUAs operate as a contract and bind all parties to the terms of the agreement.

The particular benefit of an ILUA is the ability to authorise a range of separate future acts combined in a single project in a single authorisation process.

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## First Nations rights in land and sea

### Safeguarding cultural heritage: From planning to operation

Proponents have a responsibility to respect and protect First Nations cultural heritage.

Committing to protect, reinforce and embed the preservation of cultural heritage into the planning, construction and operation of clean energy projects will build trusting relationships and enhance a project's social licence.

It's also a statutory requirement: before large-scale projects can be established, proponents must ensure their projects don't have an adverse effect on cultural heritage.

First Nations cultural heritage tells the story of 65,000 years of living culture and history in Australia.

Cultural heritage is not static and not just tangible and historic. There are thousands of places of cultural importance including landscapes, water resources, carvings, rock art, tools, buildings, architecture, monuments, industrial structures, technology, buried deposits, archeological sites, artefacts and resources, and a continuous rich history of music and dance, stories, language, performance, digital heritage, customary practices, rituals and ceremonies. Cultural heritage includes these tangible and intangible assets and the need to ensure their protection for present and future generations.

The well documented destruction of 46,000 year old caves at Western Australia's Juukan Gorge by Rio Tinto has increased the emphasis placed on the protection and preservation of both tangible and intangible First Nations cultural heritage in Australia, as current legislative standards are not sufficient.

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Whether or not native title exists, processes required for the protection of cultural heritage can exist on an area, regardless of the land/sea tenure.

Proponents are advised to go a step beyond and develop robust and legally binding agreements with impacted First Nations enabling Free, Prior and Informed Consent (FPIC) processes to ensure cultural heritage is protected and safeguarded across the project lifecycle.

The First Nations Heritage Protection Alliance has produced two guides to assist proponents in engaging with First Nations in a way that protects and respects cultural heritage and enables the right to FPIC. This is an opportunity for the private sector to go beyond legislative standards and actively contribute to First Nations cultural heritage in Australia. The Alliance have also produced a Self-Assessment Tool for Businesses for businesses 'to identify opportunities to strengthen their capacity to work alongside First Nations peoples in the protection and celebration of First Nations cultural heritage; and uphold the human rights of First Nations people, including the right to Free, Prior, and Informed Consent.'

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First Nations cultural heritage tells the story of 65,000 years of living culture and history in Australia.

There are thousands of places of cultural importance including landscapes, carvings, rock art, tools, and archeological sites, and a rich history of music and dance, stories, language, rituals and ceremonies.

This section highlights the significance of First Nations cultural heritage. It offers links on who to talk to about cultural heritage in a particular area or jurisdiction, and provides the relevant Commonwealth and State legislation.

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### Legal standards for protecting cultural heritage

Australia has legal frameworks that operate to protect and manage cultural heritage. These laws acknowledge the rights of First Nations to their cultural heritage and provide mechanisms for their active participation in its protection and management.

The clean energy industry is required under cultural heritage legislation to engage with Traditional Owners regarding potential cultural heritage impacts.

**Remembering Juukan, meeting legislative standards is not sufficient. In many cases, heritage agreements between First Nations and proponents may provide more robust protections than legislation alone.**

Proponents are encouraged to move beyond the minimum legislative compliance standards for cultural heritage management. Current Australian cultural heritage legislation offers mixed results for protecting First Nations cultural heritage in line with international obligations such as United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and does not represent leading practice.

First Nations cultural heritage is primarily managed by states and territories through various legislative and policy settings, with Victoria's Aboriginal cultural heritage legislation generally considered the best in the country. There is as yet no nationally coordinated approach to the management of cultural heritage in Australia.

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At a Commonwealth level, the following legislation relates to First Nations heritage in Australia:

- Native Title Act 1993 (Cwth) - assists in protecting First Nations cultural heritage in areas where native title may exist, or has been determined to exist, through future act processes and recognised native title rights. Native title holders can negotiate cultural heritage protection and monitoring measures in Indigenous Land Use Agreements (ILUAs), section 31 agreements, and ancillary agreements, before future act works are undertaken.
- Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSHIPPA) - allows the Commonwealth to override any state-based Cultural Heritage approval, and to intervene and preserve and protect areas and objects of particular significance to First Nations peoples from being desecrated or injured.
- Underwater Cultural Heritage Act 2018 - protects underwater First Nations cultural heritage in Commonwealth waters.
- Protection of Movable Cultural Heritage Act 1986 (Cwth) - ensures objects with cultural significance remain in Australia.
- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) - protects Australia's National Heritage List which includes First Nations, and also World Heritage, Commonwealth places, and Commonwealth marine areas.
- Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cwth)

### New South Wales

- National Parks and Wildlife Act 1974 (NSW)
- Heritage Act 1977 (NSW)
- Environmental Planning and Assessment Act 1979 (NSW)
- Aboriginal Land Rights Act 1983 (NSW)

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### Northern Territory

- [Heritage Act 2011 \(NT\)](#)
- [Northern Territory Aboriginal Sacred Sites Act 1989 \(NT\)](#)
- [Aboriginal Land Rights \(NT\) Act 1976 \(Cwth\)](#)

### Queensland

- [Aboriginal Cultural Heritage Act 2003 \(Qld\)](#)
- [Torres Strait Islander Cultural Heritage Act 2003 \(Qld\)](#)
- [Aboriginal Land Act 1991 \(Qld\)](#)
- [Torres Strait Islander Land Act 1991 \(Qld\)](#)
- [Land Act 1994 \(Qld\)](#)
- [Land Court Act 2000 \(QLD\)](#)
- [Aboriginal and Torres Strait Islander Land Holding Act 2013 \(QLD\)](#)

### South Australia

- [Aboriginal Heritage Act 1988 \(SA\)](#)
- [Aboriginal Lands Trust Act 2013 \(SA\)](#)
- [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act \(1981\) \(SA\)](#)
- [Maralinga Tjarutja Land Rights Act 1984 \(SA\)](#)

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### Tasmania

- [Aboriginal Heritage Act 1975 \(Tas\)](#)
- [Aboriginal Lands Act 1995 \(Tas\)](#)
- [Native Title \(Tasmania\) Act 1994 \(Tas\)](#)
- [National Parks and Reserves Management Act 2002 \(Tas\)](#)
- [Crown Lands Act 1976 \(Tas\)](#)

### Victoria

- [Traditional Owner Settlement Agreement Act 2010 \(Vic\)](#)
- [Crown Land Reserves Act 1978 \(Vic\)](#)
- [Victorian Aboriginal Heritage Act 2006 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Planning and Environment Act 1987](#)
- [Environment Effects Act 1978](#)

### Western Australia

- [Aboriginal Heritage Act 1972 \(WA\)](#)
- [Land Administration Act 1997 \(WA\)](#)
- [Aboriginal Affairs Planning Authority Act 1972 \(WA\)](#)

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## 3. Safeguarding cultural heritage

### Cultural heritage by region: Understanding State and Territory differences

#### Australian Capital Territory

Proponents should engage with impacted First Nations groups before any proposed work is undertaken to enable Free, Prior and Informed Consent (FPIC).

The Heritage Act 2004 (HA (ACT)), protects and conserves First Nations tangible or intangible cultural heritage. There are offences and enforcement provisions for breaching the Act.

The Nature Conservation Act 2014 and Planning Act 2023 can intersect with the Heritage Act.

The Heritage Act establishes the ACT Heritage Council responsible for maintaining a register of heritage places and objects. The Council works with ACT Heritage to recognise, protect, conserve and celebrate heritage places and objects.

#### New South Wales

By law, consultation must be undertaken with First Nations before considering any proposed work or activity that may cause harm to First Nations cultural heritage.

Aboriginal Heritage Impact Permits must be sought before any work is undertaken.

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The [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) sets out requirements for consulting with First Nations people.

The [First Nations Guidelines for the NSW Electricity Infrastructure Roadmap: Guidance on engaging with local Aboriginal communities on electricity infrastructure projects to increase income and employment opportunities for Aboriginal people](#) provide practical advice for project proponents on respectful engagement and meaningful collaborations required under the [Electricity Infrastructure Investment Act 2020](#). This includes preparation of an Industry and Aboriginal Participation Plan documenting the engagement approach and the agreed commitments with Aboriginal people and businesses.

There is also the [Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW](#), and the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#).

Cultural heritage in NSW is primarily dealt with by the [National Parks and Wildlife Act 1974](#). Under the Act it is an offence to damage a First Nations object or place.

The Act establishes the [Aboriginal Cultural Heritage Advisory Committee](#) to advise and make recommendations to government on matters affecting First Nations cultural heritage, and the [Aboriginal Heritage Impact Management System](#) to record First Nations sites, objects and declared places.

Other relevant legislations include the [Heritage Act 1977](#), the [Environmental Planning and Assessment Act 1979](#), and the [Aboriginal Land Rights Act 1983](#).

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### Northern Territory

The Northern Territory has the strongest protection for First Nations sacred sites in the country, and a general requirement for engagement.

Sacred sites are places in the landscape, or above or below water, that have deep cultural heritage significance to First Nations people.

Proponents must engage with First Nations groups to ensure their wishes and interests are taken into account in decision-making processes and exercises relating to sacred sites.

There cannot be any work undertaken in the Northern Territory unless a sacred site clearance certificate is obtained. A sacred site certificate can be obtained either from the relevant Aboriginal Land Council (guided by the Aboriginal Land Rights (Northern Territory) Act 1976, or the Aboriginal Areas Protection Authority (AAPA).

The Aboriginal Areas Protection Authority (AAPA) oversees the protection of, and maintains a register of, sacred sites, guided by the Northern Territory Aboriginal Sacred Sites Regulations 2004. AAPA can issue Authority Certificates if there is no substantive risk to sacred sites, or if an agreement has been reached with traditional custodians.

The Northern Territory Aboriginal Sacred Sites Act 1989 (NTASSA) and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 assist in the protection of cultural heritage and sacred sites.

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Offences include entering or remaining on land that is a sacred site without permission, usage or working on a sacred site, desecrating a sacred site, or non-compliance with an Authority Certificate that results in damage to a sacred site or distress to a custodian.

The Heritage Act 2011 includes a Heritage Register and an obligation to report the discovery of First Nations and Macassan archaeological places and objects to the Heritage Branch. The Heritage Branch supports the NT Heritage Council, set up through the Act to provide advice to government on matters affecting the Territory's cultural and natural heritage.

### Queensland

First Nations cultural heritage exists, regardless of land tenure. Proponents must engage with First Nations before undertaking any activities.

Cultural heritage bodies serve as the first point of contact for cultural heritage matters.

Proponents should search the Aboriginal and Torres Strait Islander Cultural Heritage Online Portal to find a registered cultural heritage body for an area and their contact details, and also details about impacted Aboriginal or Torres Strait Islander parties in an area.

Aboriginal or Torres Strait Islander statutory parties – including native title holder and claimants, and First Nations recognised as being responsible for or who have particular knowledge about traditions, observances,

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customs or beliefs associated with an area – are key in assessing cultural heritage and managing any activity likely to excavate, relocate, remove or harm cultural heritage in an area.

The Aboriginal Cultural Heritage Act 2003 (Qld) and the Torres Strait Islander Cultural Heritage Act 2003 (Qld) require that proponents carrying out an activity take all reasonable and practical measures to ensure no harm to cultural heritage.

Under the Act's cultural heritage duty of care guidelines, proponents must include an agreement with First Nations towards an approved Cultural Heritage Management Plan (CHMP) when an environmental impact statement is required for a project. The cultural heritage management plan guidelines can assist.

To address cultural heritage with certainty, a Cultural Heritage Management Plan can also be voluntarily agreed to by Traditional Owners and proponents.

A cultural heritage database and register has been established under the Acts.

### South Australia

The first point of contact for proponents is engaging with impacted First Nations groups.

Three state-appointed Recognised Aboriginal Representative Bodies (RARBs) are able to speak for cultural heritage in a particular area. RARBs advise the Minister in relation to specified sites and objects. In areas where

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native title has been determined, the Prescribed Body Corporate (PBC) or Registered Native Title Body Corporate is the RARB.

The [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981](#) and the [Maralinga Tjarutja Land Rights Act 1984](#) provide vested title of certain lands to relevant Traditional Owners. Both Acts empower Traditional Owner 'body corporate' decision-making over development, access and other matters, meaning there cannot be any work undertaken by proponents unless consent has been provided.

The [Aboriginal Heritage Act 1988 \(SA\)](#) guides the protection and management of 'tangible' Aboriginal cultural heritage including sites and objects. Under the Act, Traditional Owner groups and proponents can make an agreement on the management of cultural heritage.

Under the Act, it is an offence to damage, disturb or interfere with an Aboriginal site, object or remains without authorisation from the Minister. There are also criminal penalties where information relating to a First Nations site, object, remains or traditions is divulged in contravention of First Nations tradition.

The [Aboriginal Lands Trust Act 2013](#) offers cultural heritage protections and establishes the [Aboriginal Lands Trust](#) which holds land titles on behalf of First Nations people.

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### Tasmania

First Nations likely to be impacted by proposed developments or activities must be engaged with before any action is taken.

Proponents must obtain preliminary information from Aboriginal Heritage Tasmania.

Aboriginal Heritage Tasmania administers the Aboriginal Heritage Act 1975 which provides statutory guidelines whereby a proponent's 'approach' to Aboriginal heritage is characterised as an exercise of due diligence, with general obligations to report new findings and not to harm relics.

Aboriginal Heritage Standards and Procedures assists proponents navigate processes for the protection and management of Aboriginal heritage and required permits.

There are penalties for damaging Aboriginal heritage under the Act.

Aboriginal Heritage Tasmania also administers the Aboriginal Lands Act 1995 establishing the Aboriginal Land Council of Tasmania, the Native Title (Tasmania) Act 1994, and oversees the implementation of Aboriginal cultural management outcomes in the Tasmanian Wilderness World Heritage Area Management Plan 2016.

Three areas of Tasmania have been declared protected sites under the Act, including West Point Aboriginal Site, Sundown Point Aboriginal Site, and Maxwell River Protected Archaeological Site.

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The Act establishes the independent [Tasmanian Aboriginal Heritage Council](#) advising the Tasmanian Government, land managers and owners on the protection and management of Aboriginal cultural heritage. The [Aboriginal Heritage Register](#) holds a database of Aboriginal heritage places and objects of significance.

### Victoria

Proponents proposing to undertake activities in Victoria need to apply for a [Cultural Heritage Permit](#).

The [Aboriginal Heritage Regulations 2018](#) provide guidance on when a [Cultural Heritage Management Plan](#) (CHMP) may also be required for a 'high impact activity' in an area of 'cultural heritage sensitivity'. The [Aboriginal Heritage Planning Tool](#) can assist to determine if a proposed development classifies as a high impact activity.

Proponents must engage [Heritage Advisors](#) to assist in preparing Cultural Heritage Management Plans for activities that could impact Aboriginal cultural heritage. Even if not required, proponents may find a Cultural Heritage Management Plan is an [effective risk mitigation strategy](#).

To apply for a cultural heritage permit, determine a cultural heritage management plan, or enter into a cultural heritage agreement, contact the relevant [Registered Aboriginal Party \(RAP\)](#), and if there is no RAP, the Secretary to the Department of Premier and Cabinet.

In Victoria, First Nations [Registered Aboriginal Parties \(RAPs\)](#) determine the approach to cultural heritage on behalf of the Traditional Owners over a specified geographical area. RAPs report to the independent [Victorian Aboriginal Heritage Council](#) which advises the Minister. RAPs also have responsibilities relating to the

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management of Aboriginal cultural heritage under the Aboriginal Heritage Act 2006 (AH Act) (Vic), which include evaluating Management Plans for their area.



Legislation protecting cultural heritage also includes the Traditional Owner Settlement Act 2010 (Vic), where some activities having a significant impact on Traditional Owner rights cannot go ahead without First Nations consent.

There are criminal penalties for knowingly damaging cultural heritage.

The Aboriginal Heritage Act works in conjunction with the Planning and Environment Act 1987 to manage permits and work approvals relating to cultural heritage. The AH Act also creates a Victorian Aboriginal Heritage Register, including for the return of places, objects and ancestral remains, and maintains the Aboriginal Cultural Heritage Register and Information System.

The Charter of Human Rights and Responsibilities Act 2006 (Vic), grants First Nations people a 'cultural right' including the right to enjoy culture, identity, language, kinship ties and the relationship to land and water.

### Western Australia

Proponents must engage with impacted First Nations to ensure a project's cultural heritage protections are mutually designed and enforced.

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For activities in the nearly 320,000 hectares of land in the Noongar Land Estate recognised through the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016, proponents must engage with the relevant Noongar Regional Corporation and/or South West Aboriginal Land and Sea Council. Proponents must enter into Noongar Standard Heritage Agreements (determining when and how to carry out heritage surveys on Noongar Lands) and other Aboriginal Heritage Agreements (as defined by the six South West Native Title Settlement Indigenous Land Use Agreements) in their respective ILUA areas.

Engagement must also consider economic participation and community development.

Western Australia's Aboriginal Heritage Legislation Amendment and Repeal Act 2023 repealed the Aboriginal Cultural Heritage Act 2021 and reinstated, with modifications, the Aboriginal Heritage Act 1972. Proponents should note there may be places of cultural heritage significance not recognised under the Act, and to take guidance from Traditional Owners through mutually beneficial Free Prior and Informed Consent (FPIC) processes and agreements.

There are different types of approvals under the Aboriginal Heritage Act, and in the Aboriginal Heritage Regulations 1974. The Aboriginal Heritage Act 1972 Guidelines can assist proponents in determining whether an intended land use poses a risk of committing an offence under the Act.

Licences, permits and authorities are also required for a range of activities and are issued under various legislation including the Conservation and Land Management Act 1984, Biodiversity Conservation Act 2016, Swan and Canning Rivers Management Act 2006 and Rottnest Island Authority Act 1987.

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The Heritage Council of Western Australia provides legal protection to places assessed as being important to the State under the Heritage Act 2018.

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### Who to talk to: Key contacts for cultural heritage engagement

There are a range of entities across the country that manage and strive to protect First Nations cultural heritage.

The [First Nations Heritage Protection Alliance](#) and the [Sea Country Alliance](#) represent Traditional Owner groups in all land and coastal states and territories.

Globally, the [United Nations Permanent Forum on Indigenous Issues](#) promotes respect for and full application of the provisions of the [UN Declaration on the Rights of Indigenous Peoples](#), assisted by the [UN Expert Mechanism on the Rights of Indigenous Peoples](#).

#### Australian Capital Territory

- [United Ngunnawal Elders Council](#)
- [Traditional Owners Aboriginal Corporation](#)
- [ACT Heritage Council](#)

#### New South Wales

- [Local Aboriginal Land Councils](#)
- [NSW Aboriginal Land Council](#)
- [NTSCORP Ltd](#)
- [Aboriginal Cultural Heritage Advisory Committee](#)
- [Aboriginal Affairs - NSW Government](#)

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### Northern Territory

- [Aboriginal Areas Protection Authority](#)
- [Anindilyakwa Land Council](#)
- [Central Land Council](#)
- [Heritage Branch](#)
- [Northern Land Council](#)
- [Tiwi Land Council](#)
- [NT Heritage Council](#)

### Queensland

- [Gur A Baradharaw Kod Torres Strait Sea and Land Council Torres Strait Islander and Aboriginal Corporation](#)
- [Cape York Land Council](#)
- [North Queensland Land Council](#)
- [Queensland South Native Title Services](#)
- [Aboriginal and Torres Strait Islander Cultural Heritage Database and Register](#)
- [Queensland government](#)

### South Australia

- [Recognised Aboriginal Representative Bodies \(RARBs\)](#)
- [Anangu Pitjantjatjara Yankunytjatjara \(APY\)](#)
- [Kokatha Aboriginal Corporation RNTBC](#)

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- [Maralinga Tjarutja](#)
- [Aboriginal Heritage Committee](#)
- [South Australian Native Title Services](#)
- [Taa wika \(South Australian government\)](#)

### Tasmania

- [Aboriginal Land Council of Tasmania](#)
- [Tasmanian Aboriginal Centre](#)
- [Tasmania Aboriginal Heritage Council](#)
- [Tasmanian Land Conservancy](#)
- [Tasmanian Regional Aboriginal Communities Alliance](#)
- [Aboriginal Heritage Tasmania - Tasmanian Government](#)

### Victoria

- [Barengi Gadjin Land Council Aboriginal Corporation](#)
- [Bunurong Land Council Aboriginal Corporation](#)
- [Dja Dja Wurrung Clans Aboriginal Corporation](#)
- [Eastern Maar Aboriginal Corporation](#)
- [Federation of Victorian Traditional Owner Corporations](#)
- [First People of the Millewa Mallee Aboriginal Corporation](#)

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- [Gunaikurnai Land and Waters Aboriginal Corporation](#)
- [Gunditj Mirring Traditional Owners Aboriginal Corporation](#)
- [Taungurung Land and Waters Council Aboriginal Corporation](#)
- [Wadawurrung Traditional Owners Aboriginal Corporation](#)
- [Wamba Wemba Aboriginal Corporation](#)
- [Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation](#)
- [Yorta Yorta Nation Aboriginal Corporation](#)
- [Victorian Aboriginal Heritage Council](#)
- [First Peoples - State Relations, Victorian Government](#)

### Western Australia

- [Banjima Native Title Aboriginal Corporation](#)
- [Kimberley Land Council](#)
- [Martuwarra Fitzroy River Council](#)
- [Yamatji Marla Aboriginal Corporation](#)
- [Heritage Council of Western Australia](#)
- [Aboriginal Heritage Action Alliance](#)
- [Western Australia government - Aboriginal Cultural Heritage Inquiry System](#)

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Noongar Regional Corporations:

- [Ballardong Aboriginal Corporation](#)
- [Gnaala Karla Booja Aboriginal Corporation](#)
- [Karri Karrak Aboriginal Corporation](#)
- [Wagyl Kaip Southern Noongar Aboriginal Corporation](#)
- [Whadjuk Aboriginal Corporation](#)
- [Yued Aboriginal Corporation](#)
- [South West Aboriginal Land and Sea Council](#)

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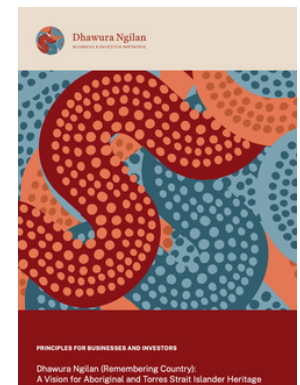
### Putting Best Practice Principles into operation

The [First Nations Heritage Protection Alliance](#) has produced two guides for business and investors on engaging with First Nations in a way that protects and respects cultural heritage and enables the right to Free, Prior and Informed Consent (FPIC).

[Dhawura Ngilan \(Remembering Country\): A Vision for Aboriginal and Torres Strait Islander Heritage](#)

[Principles for Businesses and Investors](#) presents an opportunity for the private sector to go beyond legislative standards and actively contribute to First Nations cultural heritage in Australia. The Principles highlighted for engaging with First Nations impacted by a project include recognising and empowering the rights of First Nations peoples as Custodians of cultural heritage, engaging early, building partnerships and benefit sharing agreements, and enabling Free, Prior and Informed Consent (FPIC).

[A Guide for Businesses and Investors](#) operationalises the principles. It is designed to support businesses and investors to protect First Nations cultural heritage on Country.



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## Walking together: Negotiating access to land and sea country

First Nations are key rights-holders and central to the future social licence and sustainability of our clean energy and resources sector.

Proponents must be prepared to negotiate access to land and sea with First Nations.

First Nations aim to share in resource development planning, and to benefit directly in the prosperity of a project through mechanisms including preferential contract bidding, co-ownership, equity stakes, ownership of resource and infrastructure projects, and revenue sharing.

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### Know whose Country you're on: Identifying rights and interests in land, sea, and water

Proponents must explore First Nations rights and interests in land, sea and water. This can be done both online and in person by directly approaching a relevant First Nations representative entity.

#### Online

Information on **land rights, determinations and claims** can usually be found by application in each jurisdiction.

**Native title applications and determinations, future act applications and determinations, and Indigenous Land Use Agreements (ILUAs)** can be found at the National Native Title Tribunal. The Tribunal also operates Native Title Vision, a free visualisation, mapping and query tool exploring native title across Australia, including overlays of administrative regions, non-freehold land parcels and resources tenure.

#### In-person

Proponents should approach the relevant Prescribed Body Corporate (PBC) or Native Title Representative Body / Service Provider, Aboriginal Land Council or Traditional Owner Corporation, to find out if the proposed project area has a **Land Rights, Native Title claim or determination, or Indigenous Land Use Agreement (ILUA)** over it.

If in doubt, approach the relevant body in the area.

- Find a PBC
- Find a Native Title Representative Body / Service Provider

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### Australian Capital Territory

As of March 2025, the [National Native Title Tribunal](#) records:

- no native title claims registered in the ACT, nor determinations.
- no registered Indigenous Land Use Agreements.

### New South Wales

(See the [NSW map](#))

The [NSW Aboriginal Land Council](#) can provide guidance to proponents about land dealings and properties recovered under the Aboriginal Land Rights Act 1983 (ALRA) and the Aboriginal Land Rights Regulation 2020 (ALRR). The [Office of the Registrar of the Aboriginal Land Rights Act](#) maintains the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

As of March 2025, the [National Native Title Tribunal](#) records:

- 8 native title claims registered in NSW, and 90 native title determinations of which 14 found native title exists in parts of the determination area and 6 found native title exists in the entire determination area.
- 31 registered Indigenous Land Use Agreements.

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### Northern Territory

As of March 2025, the [National Native Title Tribunal](#) records:

- no native title claims registered in the ACT, nor determinations.
- no registered Indigenous Land Use Agreements.

### New South Wales

(See the [NT map](#))

As of 2023, approximately 50% of the Northern Territory's land and 85% of the coastline is Aboriginal freehold land held under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth). The four land councils: [Anindilyakwa](#), [Central](#),

[Northern](#) and [Tiwi](#) can guide proponents regarding recognised legal title and control of lands in the NT. Aboriginal land is registered in the NT Government's [Integrated Land Information System](#).

As of March 2025, the [National Native Title Tribunal](#) records:

- 24 native title claims registered for the Northern Territory, and 125 native title determinations of which 116 found native title exists in parts of the determination area and 7 found native title exists in the entire determination area.
- 138 registered Indigenous Land Use Agreements

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Queensland  
(See the [Qld map](#))

Land is granted under the Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991. PBCs or [Registered Native Title Body Corporates \(RNTBC\)](#) can be trustees of this land. The [Indigenous land holding entity](#) registers have records of entities that hold land transferred to First Nations.

As of March 2025, the [National Native Title Tribunal](#) records:

- 38 native title claims registered in Queensland, and 237 native title determinations of which 38 found native title exists in parts of the determination area and 160 found native title exists in the entire determination area.
- 916 registered Indigenous Land Use Agreements

South Australia  
(See the [SA map](#))

Aboriginal lands account for some 22% of the state (as of 2024) granted under three Acts: the Aboriginal Lands Trust Act 2013, the Anangu Pitjantjatjara Land Rights Act 1981, and the Maralinga Tjarutja Land Rights Act 1984. Recognised Aboriginal representative bodies [Anangu Pitjantjatjara Yankunytjatjara](#), [Kokatha Aboriginal Corporation](#) and [Maralinga Tjarutja](#) can provide guidance to proponents. The [Aboriginal Lands Trust](#) holds titles of existing Aboriginal Reserves on behalf of First Nations people.

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As of March 2025, the [National Native Title Tribunal](#) records:

- 7 native title claims registered in South Australia, and 43 native title determinations of which 40 found native title exists in parts of the determination area and 1 found native title exists in the entire determination area.
- 124 registered Indigenous Land Use Agreements

### Tasmania

The [Aboriginal Land Council of Tasmania](#) can guide proponents regarding land returned to First Nations. The [Land Titles Office](#) also has land-related information.

As of March 2025, the [National Native Title Tribunal](#) records:

- no native title claims registered in Tasmania, nor determinations.
- no registered Indigenous Land Use Agreements

### Victoria

([See the Victoria map](#))

The [Register of Land Use Activity Agreements](#) assists proponents to understand land boundaries and meet their Land Use Activity Agreement (LUAA) obligations.

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As of March 2025, the [National Native Title Tribunal](#) records:

- 3 native title claims registered in Victoria, and 9 native title determinations of which 4 found native title exists in parts of the determination area and 2 found native title exists in the entire determination area.
- 60 registered Indigenous Land Use Agreements

### Western Australia

([See the WA map](#))

The Aboriginal Lands Trust (ALT) established by the Aboriginal Affairs Planning Authority Act 1972 holds nearly 9% of the State's land (as of March 2025). [LandGate](#) has information about tenure including the ownership and vesting of freehold and Crown land. [LandInfo WA](#) has information about all matters pertaining to land.

As of March 2025, the [National Native Title Tribunal](#) records:

- 20 native title claims registered in Western Australia, and 145 native title determinations of which 90 found native title exists in parts of the determination area and 49 found native title exists in the entire determination area.
- 236 registered Indigenous Land Use Agreements

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### Navigate the system: Land Rights and native title bodies by jurisdiction

When a project is being considered, proponents must contact the representative bodies that administer land rights and native title in each jurisdiction on behalf of First Nations people.

- Prescribed Body Corporate or a Registered Native Title Body Corporate
- Native Title Representative Body or Service Provider
- Aboriginal Land Councils
- Traditional Owner Corporations
  - Registered Aboriginal Parties
  - Noongar Regional Corporations

#### Prescribed Body Corporate or Registered Native Title Body Corporate

The first point of contact for proponents, government and other people wanting to conduct business with native title owners, or to do activities on native title land, are the more than 280 Prescribed Body Corporates (PBCs) across Australia.

When a native title determination is made, the Native Title Act 1993 (Cth) requires claimants to nominate an existing corporation or establish a Prescribed Body Corporate to manage, protect, and represent native title owners rights and interests.

Registered Native Title Body Corporates are often referred to as PBCs.

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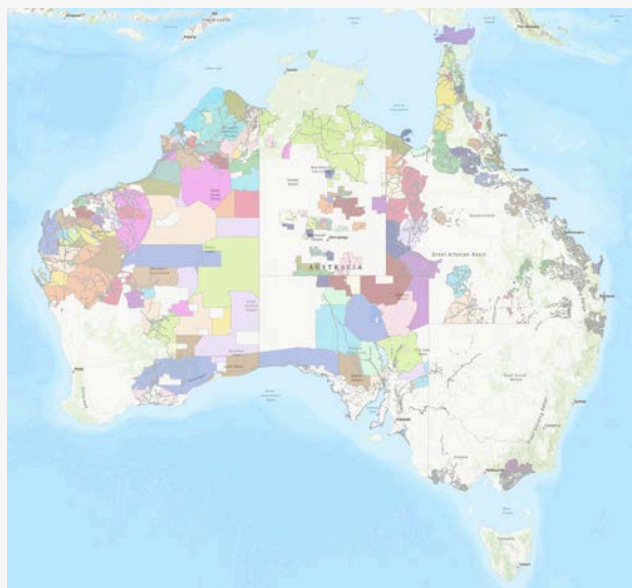


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PBCs and Registered Native Title Body Corporates (RNTBCs) are legal entities that hold and manage native title rights for Traditional Owners.

PBCs represent native holders on issues, including land and water management, tenure issues, biodiversity and environmental protection, cultural heritage, land use planning, and economic development activities.



PBCs are being approached on multiple fronts by project proponents, with many unable to deal strategically and effectively with the opportunities and risks of potential projects because of a lack of resourcing.

Most PBCs are significantly under-resourced, relying on government basic support funding of \$50,000 - \$80,000 per annum used for basic administration to help meet corporate and operational obligations.

Companies and governments must invest in PBCs capacity prior to any negotiation to ensure a level playing field. Putting money on the table up front can secure engagement – both in terms of PBC fees and regulations and for enabling the process.

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If there is no PBC (or you are unable to find one) then you should commence engagement with the Native Title Representative Bodies-Service Providers.

- [Find a PBC](#)
- [Find a Native Title Representative Body / Service Provider](#)

### Native Title Representative Body or Service Provider

Native Title Representative Bodies and Native Title Service Providers have statutory functions under the Native Title Act 1993 (Cth) and can identify the native title claimants and holders in a particular area.

They can also assist in negotiating land and sea use agreements.

If there is no Prescribed Body Corporate (PBC) then you should commence engagement with the Native Title Representative Bodies-Service Providers.

Their role is to assist native title claimants and holders with:

- native title applications, negotiations and proceedings
- responding to non-claimant applications and future act negotiations

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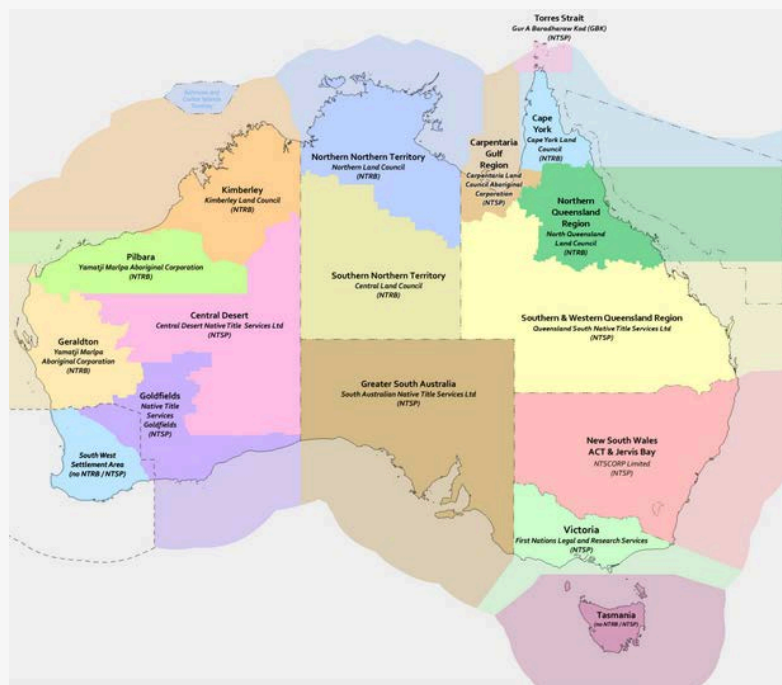
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- compensation and test cases
- heritage and site clearing tasks
- servicing of Prescribed Bodies Corporates (PBCs), including assistance in relation to future acts and ILUAs (and other agreements in relation to native title).

Native Title Service Providers perform the same function under the Native Title Act 1993 (Cth) as Native Title Representative Bodies in areas where there is no Native Title Representative Body.

Native Title Representative Bodies-Service Providers are funded by the Australian government under the Native Title Act 1993.

- [Find a PBC](#)
- [Find a Native Title Representative Body / Service Provider](#)

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### Aboriginal Land Councils

Aboriginal Land Councils are typically established under the relevant state or territory land rights legislation.

In some jurisdictions, land rights legislation also establishes entities called 'land trusts', which hold title to areas of land.

The legislation that established the relevant Land Council will typically set out their purpose and functions. Accordingly, the purpose and functions of Land Councils will differ between jurisdictions.

The functions of Land Councils will likely include assisting First Nations groups to negotiate agreements with proponents and governments over the use of land and waters.

### Traditional Owner Corporations

In Victoria, groups may become formally recognised through a Recognition and Settlement Agreement under Victoria's Traditional Owner Settlement Act 2010. If this occurs, then their corporation is typically referred to as a "Traditional Owner Corporation" (TOC).

The same groups may also have achieved a native title determination under the Native Title Act 1993, meaning the TOC will also be a PBC. The same corporation is also likely to be a Registered Aboriginal Party (RAP) under Victoria's Aboriginal Heritage Act 2006, appointed by the Victorian Heritage Council.

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Traditional Owner groups in south west Western Australia are represented by Noongar Regional Corporations.

### Registered Aboriginal Parties

All formally recognised Traditional Owners in Victoria are represented by Registered Aboriginal Parties (RAPs), also known as Traditional Owner Corporations.

The Victorian Aboriginal Heritage Act 2006 recognises RAPs as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage.

Proponents must contact RAPs for advice on all matters relating to places or objects in a proposed project area, and to negotiate a Cultural Heritage Management Plan.

The core functions of RAPs includes:

- evaluating Cultural Heritage Management Plans
- assessing Cultural Heritage Permit applications
- making decisions about Cultural Heritage Agreements

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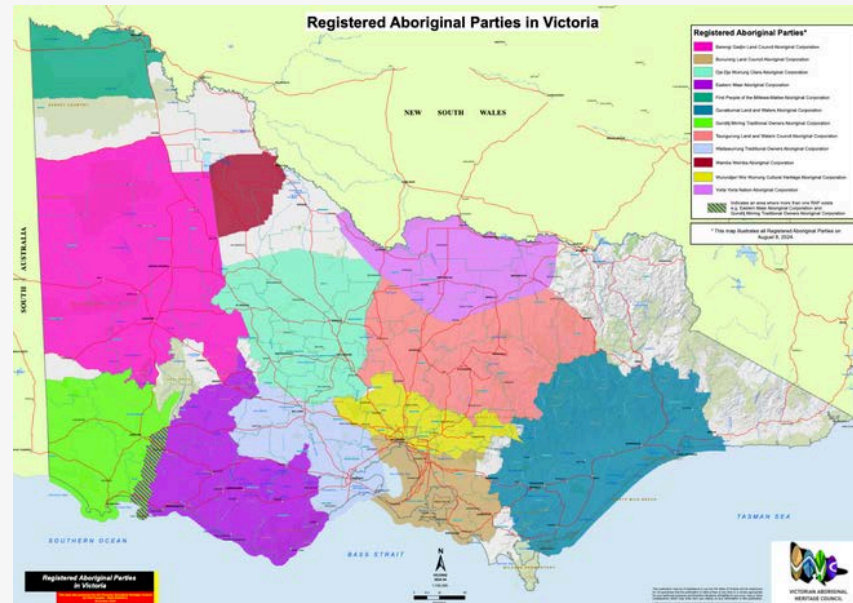
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- providing advice on applications for interim or ongoing Protection Declarations
- entering into Aboriginal Cultural Heritage Land Management Agreements with public land managers.

There are 12 RAPs (as of March 2025) covering approximately 77.5% of Victoria.

#### Noongar Regional Corporations

Traditional Owner groups in south west Western Australia are formally represented by six Noongar Regional Corporations.

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The Regional Corporations manage and care for the cultural land and waters within the region and have prescribed responsibilities under their Indigenous Land Use Agreements (ILUAs) to advance Noongar-led social, economic, cultural and environmental outcomes.

Proponents must engage with the Regional Corporations in accordance with these requirements. These include formalised partnership arrangements in relation to:

- [The Noongar Land Estate](#) (through the Noongar Land Fund)
- [The Conservation Estate](#)
- [Aboriginal Heritage](#)
- [Economic Participation](#)
- [Community Development](#).
- 

The [Regional Corporation Guide](#) highlights the obligations and provides a summary of the relevant sections in the ILUAs, Noongar Boodja Trust Deed and the Noongar Corporation Rule Books.

The Regional Corporations were established as part of the [South West Native Title Settlement](#) – a landmark native title agreement negotiated between the Noongar people and the Western Australian Government.

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### Connect with the right entity

Proponents must identify and approach the First Nations group with which to engage.

Where the proposed project area has a Land Rights, Native Title claim or determination, or Indigenous Land Use Agreement (ILUA) over it, proponents must approach the relevant Prescribed Body Corporate (PBC) or Native Title Representative Body / Service Provider.

In Tasmania, approach the [Aboriginal Land Council of Tasmania](#) or [Tasmanian Aboriginal Centre](#). And in Jervis Bay Territory, approach the [Wreck Bay Aboriginal Community Council](#).

If in doubt, approach the relevant Prescribed Body Corporate (PBC) or Native Title Representative Body / Service Provider in the area.

- [Find a PBC](#)
- [Find a Native Title Representative Body / Service Provider](#)

#### Australian Capital Territory

Native title representative bodies and service providers

- [NTSCORP Ltd](#)

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Prescribed Body Corporates and/or Registered Native Title Body Corporates

- None

Aboriginal Land Councils

- None

### New South Wales

Native title representative bodies and service providers

- [NTSCORP Ltd](#)

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There are 10 PBCs in NSW (as of March 2025) including:
  - [Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC](#)
  - [Barkandji Native Title Group Aboriginal Corporation RNTBC](#)
  - [Bundjalung of Byron Bay Aboriginal Corporation \(Arakwal\) RNTBC](#)
  - [Dunghutti Elders Council \(Aboriginal Corporation\) RNTBC](#)
  - [Githabul Nation Aboriginal Corporation RNTBC](#)
  - [Gumbaynggirr Wenonah Head Aboriginal Corporation RNTBC](#)
  - [Ngullingah Jugun \(Our Country\) Aboriginal Corporation RNTBC](#)

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- [Wangaan \(Southern\) Gumbaynggirr Nation Aboriginal Corporation RNTBC](#)
- [Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC](#)
- [Yaegl Traditional Owners Aboriginal Corporation RNTBC](#)
- [Find a PBC in NSW here](#)

Aboriginal Land Councils, with functions for administering statutory land rights schemes

- [NSW Aboriginal Land Council](#)
- 120 Local Aboriginal Land Councils (LALCs) - View an [interactive map](#) to see details of the Local Aboriginal Land Councils.

### Northern Territory

Native title representative bodies and service providers

- [Northern Land Council](#)
- [Central Land Council](#)

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There are 36 PBCs in the NT (as of March 2025)
- [Find a PBC in the NT here](#)

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- [Northern Land Council](#)
- [Central Land Council](#)
- [Anindilyakwa Land Council](#)
- [Tiwi Land Council](#)

### Queensland

Native title representative bodies and service providers

- [Cape York Land Council](#)
- [Carpentaria Land Council](#)
- [Gur A Baradharaw Kod Torres Strait Sea and Land Council](#)
- [North Queensland Land Council](#)
- [Queensland South Native Title Services](#)

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There are 94 PBCs in Queensland (as of March 2025)
- [Find a PBC in Queensland here](#)

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- [Cape York Land Council](#)
- [Carpentaria Land Council](#)
- [Gur A Baradharaw Kod Torres Strait Sea and Land Council](#) (Peak Body PBC)

### South Australia

Native title representative bodies and service providers

- [South Australian Native Title Services](#)

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There are 25 PBCs in South Australia (as of March 2025)
- [Find a PBC in SA here](#)

Aboriginal Land Councils, with functions for administering statutory land rights schemes

- [Anangu Pitjantjatjara Yankunytjatjara](#)
- [Maralinga Tjarutja](#)
- [South Australian Aboriginal Lands Trust](#)

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### Tasmania

Tasmania Aboriginal Centre is the first point of contact. The Commonwealth does this for future act notices.  
Native title representative bodies and service providers

- None

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- None

Aboriginal Land Councils, with functions for administering statutory land rights schemes

- Aboriginal Land Council of Tasmania

### Victoria

Native title representative bodies and service providers

- First Nations Legal and Research Services

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There are 4 PBCs in Victoria (as of March 2025) including:
  - Barengi Gadjin Land Council Aboriginal Corporation RNTBC

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- [Eastern Maar Aboriginal Corporation RNTBC](#)
- [Gunaikurnai Land & Waters Aboriginal Corporation RNTBC](#)
- [Gunditj Mirring Traditional Owners Aboriginal Corporation RNTBC](#)
- [Find a PBC in Victoria here](#)

Traditional Owner Corporations or Registered Aboriginal Parties (RAPs)

- [Barengi Gadjin Land Council Aboriginal Corporation](#)
- [Bunurong Land Council Aboriginal Corporation](#)
- [Dja Dja Wurrung Clans Aboriginal Corporation](#)
- [Eastern Maar Aboriginal Corporation](#)
- [First people of the Millewa Mallee Aboriginal Corporation](#)
- [Gunaikurnai Land and Waters Aboriginal Corporation](#)
- [Gunditj Mirring Traditional Owners Aboriginal Corporation](#)
- [Taungurung Land and Waters Council Aboriginal Corporation](#)
- [Wathaurung Aboriginal Corporation](#) (trading as Wadawurrung)
- [Wamba Wemba Aboriginal Corporation](#)
- [Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation](#)
- [Yorta Yorta Nation Aboriginal Corporation](#)

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### Western Australia

Native title representative bodies and service providers

- [Central Desert Native Title Services](#)
- [Kimberley Land Council](#)
- [Native Title Services Goldfields](#)
- [Yamatji Marlpa Aboriginal Corporation](#)
- Goldfields Land and Sea Aboriginal Council Corporation

Prescribed Body Corporates and/or Registered Native Title Body Corporates

- There were 82 PBCs in Western Australia (as of March 2025)
- [Find a PBC in Western Australia here](#)

Noongar Regional Corporations (Traditional Owner Corporations)

- [Ballardong Aboriginal Corporation](#)
- [Gnaala Karla Booja Aboriginal Corporation](#)
- [Karri Karrak Aboriginal Corporation](#)
- [Wagyl Kaip Southern Noongar Aboriginal Corporation](#)
- [Whadjuk Aboriginal Corporation](#)
- [Yued Aboriginal Corporation](#)

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Aboriginal Land Councils, with functions for administering statutory land rights schemes

- [South West Aboriginal Land and Sea Council](#)
- [Yamatji Bana Baaba Marlpa Land and Sea Council](#)
- [Kimberley Land Council](#)

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## Walking together: Negotiating access to land and sea country

### Learn from the past: Real-world examples of agreements and settlements

[Agreements, Treaties and Negotiated Settlements Database](#) - overseen by the University of Melbourne, includes links to browse legislation, case law and [agreements](#), including:

- [Native Title Consent Determinations](#)
- [Indigenous Land Use Agreements](#)
- [Commercial Agreements](#)
- [Memorandum of Understanding \(MOUs\)](#)
- [Indigenous Partnerships](#)
- [Joint Venture Agreements](#)
- [Funding Agreements](#)
- and more

[National Native Title Tribunal](#) - established as an independent body under the Native Title Act 1993 (Cth), the Tribunal contains information about all native title applications and determinations, Indigenous Land Use Agreements (ILUAs), section 31 agreements, and future act applications and determinations.

- [Native Title Claims](#)
- [National Native Title Register](#)
- [Register of Indigenous Land Use Agreements](#)
- [Section 31 Agreements](#)

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- [Native Title Applications, Registration Decisions and Determinations](#)
- [Future Act Applications and Determinations](#)

The Tribunal also produces national and jurisdiction-wide [native title themed maps](#) showing native title applications, determinations, ILUA's, and so on.

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## Walking together: Negotiating access to land and sea country

When communities lead: Co-designed success stories in clean energy



We're tracking First Nations involvement, ownership and equity in clean energy projects in Australia through negotiated participation agreements.

Our [First Nations project tracker](#) demonstrates the transformative potential of a First Nations-led clean energy transition.

In addition to exploring the projects on our tracker, we provide below four co-design examples from both Australia and Canada.

### Yindjibarndi Aboriginal Corporation and ACEN Australia

- Yindjibarndi equity participation of 25% to 50% in all projects
- Preferred contracting for Yindjibarndi-owned businesses & training and employment opportunities for Yindjibarndi people
- Yindjibarndi site approval
- Fast-tracking of approvals

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Yindjibarndi Aboriginal Corporation (YAC) and renewables developer ACEN have an agreement that provides the Yindjibarndi people equity participation of 25 to 50% in all projects, ensures Yindjibarndi approval rights for site selection, gives preferred contracting for Yindjibarndi-owned businesses, and also training and employment opportunities for Yindjibarndi people.

YAC initiated the structure, setting up in 2023 a business that's 100% owned by the Yindjibarndi people, Yiyangu Pty Ltd which with ACEN Renewables developed a partnership agreement and created Yindjibarndi Energy Corporation. Yiyangu owns 25% of Yindjibarndi Energy Corporation with the balance controlled by ACEN.

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In April 2024, an Indigenous Land Use Agreement (ILUA) was registered to advance renewable energy generation and storage on Yindjibarndi ngurra (country). Parties to the ILUA are Yindjibarndi Aboriginal Corporation (YAC), Yindjibarndi Ngurra Aboriginal Corporation (YNAC), ACEN Corporation, and Yiyangu. The ILUA provides the necessary native title consents for the development of large-scale renewable energy projects on Yindjibarndi country.

Yindjibarndi Energy Corporation plans to develop, own and operate three large-scale renewable energy projects of up to 3 gigawatts (GW) in capacity in Western Australia's Pilbara region.

In 2024, the WA Government awarded YEC Project Priority status for the Chichester Range Transmission Corridor ensuring that YEC, 'as the successful proponent will receive the necessary support and resources for timely development'. Then in March 2025, two of YEC's renewable energy projects were selected for the National Renewable Energy Priority List, 'unlocking access to enhanced regulatory support and streamlined processes'.

### East Kimberly Clean Energy Project, Australia

- Co-ownership model with First Nations equity shares divided equally
- First Nations voice in key project decisions
- Model significantly de-risks and accelerates project delivery
- Government feasibility funding secured following project announcement

The East Kimberly Clean Energy Project positions First Nations as shareholders, not stakeholders.

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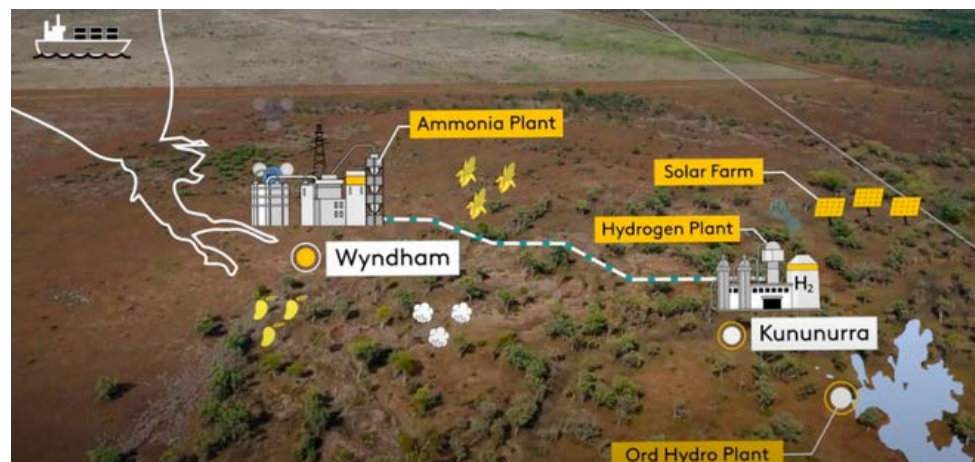
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The Western Australia Project has a unique benefit sharing scheme involving co-ownership through a partnership between investment firm Pollination and 3 local First Nations groups including MG Corporation representing the Miriuwung and Gajerrong people, Balangarra Ventures Corporation, and the Kimberley Land Council.

Each of the four partners will own one-quarter of the project, providing meaningful financial benefits to First Nations groups whilst ensuring First Nations have a voice in key project decisions.

Co-owners say the partnership significantly de-risks and accelerates project delivery as heritage, native title, environmental, engineering and approvals are integrated in project development activities, providing a model for infrastructure projects that ensures First Nations benefit from the scale and pace of the energy transition.

Announced in July 2023, the Project garnered \$1.6 million towards a feasibility study from the Australian Renewable Energy Agency (ARENA) in March 2024.



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### Wocawson Energy Project, Canada

- Equal equity partnership model with First Nations
- Strong relationship between the partners
- Development shaped by First Nations
- First Nations have a seat at the table
- Revenue back into the community

The Wocawson Energy Project located in New Brunswick, Canada was proposed by the Wocawson Energy Limited Partnership, a partnership formed between the Tobique First Nation group and private independent power producer Natural Forces, with the project majority owned by Tobique First Nation.



Tobique First Nation and Natural Forces signed a 30-year Power Purchase Agreement (PPA) with NB Power Inc in 2018. The PPA allowed for the sale of renewable energy generated from the wind energy project. The Government of New Brunswick's 'Locally Owned Renewable Energy Projects that are Small Scale' renewable energy procurement program allowed NB Power to obtain up to 40 megawatts (MW) of renewable energy from First Nations and an additional 40MW of renewable energy from local entities.

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Tobique First Nation and Natural Forces developed, constructed, and now own and operate the Wocawson Energy Project, 5 wind turbines with an installed capacity of 20 megawatts (MW) which became operational in December 2020.

In its [case study on collaborative partnerships](#), Natural Forces states it ‘operates exclusively under an equity partnership model. This model ensures that all owners in the project receive the same share structure and the same profit. Every partner has a voice at the table, and all project decisions are made together.’

### Bow Lake Wind Farm, Canada

- Free Prior and Informed Consent in practice
- Co-development, ownership and operation partnership formed DURING project development
- First Nation employment
- Revenue returned to the community

[During project development](#) of the 58MW Bow Lake Wind Farm in Ontario, the Batchewana First Nation of Ojibways expressed interest in participating as a partner.

The Nodin Kitagan Limited Partnership – a [50/50 commercial partnership](#) between the Batchewana First Nation of Ojibways and developer [BluEarth Renewables](#) – was formed in 2012 to develop, own and operate the Bow Lake Wind Farm, which was then commissioned in 2015.

Batchewana First Nation’s [‘Letter of Assertions’](#), outlining their expected relationship with developers, was the foundation for the relationship with partner BluEarth Renewables.

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Batchewana First Nation brought their own financial resources to the partnership (via favourable Canadian government programs) and improved the project by contributing cultural and ecological knowledge.

The Bow Lake Wind Farm established a Community Liaison Committee to facilitate two-way communication between the project team and stakeholders.



During some points in construction, 50% of employees were Batchewana First Nation.

The facility operates under a 20-year power purchase agreement with the Independent Electricity System Operator.

In September 2024, Batchewana First Nation acquired 100% ownership of the facility with BluEarth Renewables remaining as operators. To facilitate the transaction, Batchewana First Nation secured financing through the First Nations Finance Authority.

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First Nations businesses and suppliers are ready and able to partner with proponents across the supply chain.

There are various federal and state instruments and mechanisms in place compelling proponents to work with First Nations suppliers.

Supports for First Nations businesses are available across the nation, and can additionally be provided by proponents.

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

### First Nations-owned businesses and suppliers: Why it counts and what matters

A First Nations business or supplier is commonly at least 50% or more owned by a First Nations person/s. The First Nations business owner receives equal or more benefit from the arrangement, depending on their percentage share above 50%.

Joint ventures (JV) are also legitimate, subject to being 50% First Nations owned and controlled.

Sometimes, non-Indigenous businesses or individuals falsely claim to be a First Nations business or individual for the purpose of gaining access to First Nations procurement policies or contracts. In Australia this practice of misrepresentation is known as 'black cladding' and is essentially a form of fraud.

Proponents and developers should ensure that local and regional communities benefit from their presence. Partnering with local and First Nations suppliers directly supports First Nations businesses and boosts local economies.

Proponents should look to add local First Nations businesses to their supply chain. This can be done by making it easier for local suppliers to compete for contracts – such as offering adjusted payment terms for First Nations small businesses, ensuring upcoming work opportunities are promoted carefully to enable First Nations suppliers to register interest, and by providing a dedicated team to support local suppliers through the procurement process through supported capacity building programs.

Working to strengthen the capability of local industry means First Nations businesses can be more competitive in the procurement process, which will in turn maximise local economic benefits.

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### Find First Nations businesses and suppliers

#### Australia-wide

- The [National Indigenous Business Chambers Alliance](#) is a collective of First Nations business chambers.
- Non-profit [Supply Nation](#) runs a national [Indigenous Business Direct database](#) of verified (registered or certified) First Nations businesses.
- [Industry Capability Network \(ICN\)](#) is a business network providing a list of (unverified) [First Nations suppliers](#).

Some First Nations businesses are not registered with a national directory or local chambers.

Working with the Traditional Owners to identify businesses and suppliers that are wanting to participate in the supply chain can provide an opportunity for direct contracting and/or enable capacity building activities for businesses to engage in the project during the life cycle.

Proponents must do their own due diligence with the assistance of Traditional Owners to combat black cladding. Ask Traditional Owners how to approach this.

#### States and Territories

##### Australian Capital Territory

- [Aboriginal and Torres Strait Islander Enterprise Search](#)
- [Canberra Indigenous Business Network](#)
- ACT Indigenous Chamber of Commerce and Industry

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

### New South Wales

- [NSW Aboriginal Business Portal](#)
- [NSW Indigenous Chamber of Commerce](#)

### Northern Territory

- [Blak Business Directory](#)
- [Northern Territory Indigenous Business Network](#)

### Queensland

- [Black Business Finder](#)
- [First Nations Chamber of Commerce and industry](#)
- [Murri Chamber of Commerce](#)
- [Queensland Indigenous Business Network](#)
- [South East Queensland Indigenous Chamber of Commerce](#)

### South Australia

- [Aboriginal Business Directory](#)

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### Tasmania

- [Palawa Business Hub](#)

### Victoria

- [Kinaway Aboriginal Business Database](#)
- [Kinaway Chamber of Commerce](#)

### Western Australia

- [Aboriginal Business Directory](#)
- [Council of Aboriginal Services Western Australia](#)
- [Goldfields Aboriginal Business Chamber](#)
- [Noongar Chamber of Commerce and Industry](#)
- [Pilbara Indigenous Business Network Group](#)
- [Regional Chambers of Commerce and Industry](#)

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

### Support for First Nations enterprises

This section provides information about support and programs available for First Nations businesses. It includes business accelerators tailored to First Nations, and government agencies, networks, and commercial entities established to assist and support First Nations businesses.

Proponents partnering with First Nations may access support and assistance to build the skills, knowledge and capacity of First Nations businesses across the supply chain.

There are a number of agencies, networks and accelerators assisting and supporting First Nations businesses. They include, but are not limited to those listed below, both Australia-wide and in jurisdictions.

#### Australia-wide

##### Networks

- [National Indigenous Business Chambers Alliance](#) is a collective of majority-owned Indigenous businesses that advocate for a First Nations-led, place-based approach to growing the Indigenous business sector. Membership includes active state, territory and regional Indigenous Chambers of Commerce and Industry.

##### Accelerators

- [Barayamal](#) is a First Nations charity running a First Nations Entrepreneurship program.
- [Dream Venture Masterclasses](#) (via Minderoo) equips First Nations with connections, capabilities and access to capital to become investor-ready.

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

- [EnergyNext accelerator](#) is for energy startups that are looking to grow and need to raise capital/partner with corporates to build.
- [First Nations Innovation Accelerator](#) offers ongoing development, support, and mentoring to grow businesses into successful enterprises.
- [Gandaywarra: First Nations Innovation Hub](#) offers business and commercial development support.
- [iAccelerate](#) for business ideas, start-ups and scale-ups.
- [Jawun](#) manages secondments from the corporate and public sectors to a range of First Nations partner organisations in urban, regional and remote communities.
- [Many Rivers](#) helps First Nations people to start and grow their own small business.
- [MURRA Indigenous Business Program](#) is a subsidised program for First Nations entrepreneurs and managers wanting to develop business knowledge and confidence.
- [The Difference Incubator](#) works in partnership with entrepreneurs and local communities.

### Government agencies

- [AusIndustry](#) provides support for First Nations businesses to access market opportunities, connections and networks to improve economic opportunities.
- [Austrade](#) supports First Nations businesses to export goods or services.
- [Indigenous Business and Employment Hubs](#) provide business advice and support. The Hubs are currently located in -
  - NSW: [Yarpa Indigenous Business and Employment Hub](#)
  - NT: [Northern Territory Indigenous Business Network](#)
  - SA: [The Circle - First Nations Entrepreneur Hub](#)
  - WA: [Waalitj Hub](#)

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- [Indigenous Business Australia](#) provides finance to First Nations, including business grants as well as co-investments.
- [Indigenous Land and Sea Corporation](#) assists some First Nations businesses and groups that own land, as well as acquiring and managing rights and interests in land, sea and freshwater country.
- [National Indigenous Australian Agency](#) delivers the government's priorities on First Nations, including providing grants and funding.

[Office of the Registrar of Indigenous Corporations](#) (ORIC) is an independent statutory office holder which has a number of regulatory powers under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) to address issues within corporations (such as PBCs).

### Australian Capital Territory

- [ACT Indigenous Chamber of Commerce and Industry](#)
- [Canberra Indigenous Business Network](#)

### New South Wales

- [Aboriginal Business Advisory Initiative](#)
- [NSW Indigenous Chambers of Commerce](#)
- [Yarpa NSW Indigenous Business and Employment Hub](#)

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### Northern Territory

- [Northern Territory Indigenous Business Network](#)

### Queensland

- [Balkanu Cape York Development Corporation](#)
- [Business Queensland](#)
- [First Nations Chamber of Commerce and Industry](#)
- [Gulf Regional Economic Aboriginal Trust \(GREAT\)](#)
- [Mentoring for Growth program](#)
- [Murri Chamber of Commerce](#)
- [Queensland Indigenous Business Network](#)
- [South East Queensland Indigenous Chamber of Commerce](#)
- [Support for Indigenous Businesses](#)

### South Australia

- [Aboriginal Business Industry Chamber of South Australia](#)
- [The Circle - First Nations Entrepreneur Hub](#)

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### Tasmania

- [Business Tasmania](#)
- [Palawa Business Hub](#)
- [Tasmanian Chamber of Commerce and Industry](#)

### Victoria

- [Kinaway Chamber of Commerce](#)

### Western Australia

- [Department of Finance](#)
- [Goldfields Aboriginal Business Chamber](#)
- [Noongar Chamber of Commerce and Industry](#)
- [Pilbara Indigenous Business Network Group](#)
- [Small Business Development Corporation \(SBDC\)](#)
- [Waalitj Hub](#)

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### Maximise training and employment opportunities

Established access to well-designed employment and training pathways, competitive salaries, high levels of collaboration, and cultural awareness should be a key focus for proponents wanting to compete with regional and remote area jobs in mining.

Maximising training and employment opportunities for First Nations people from the Traditional Owner groups on whose land or sea the project is being built, as well as from surrounding communities, provides a ready-set-go employment pool from which to draw upon in the local area, and firms up trusting relationships.

Building longer-term employment and skill development ('careers not jobs') is also a primary pathway to generational change and wealth building for First Nations Australians.

Proponents can implement enabling measures, including:

- **Developing** a community of practice for First Nations suppliers to collaborate and share knowledge on participation in the project
- **Developing** industry support programs: such as embedding project officers for recruitment and training
- **Ensuring** place-based collaborations between industry, First Nations organisations and training bodies
- **Funding** capacity building programs which support the creation of First Nations businesses
- **Hosting** apprentices in and across projects
- **Implementing** long-term commitments to First Nations cadetships
- **Improving** cultural awareness through greater take-up of Reconciliation Action Plans (RAPs) and equivalent commitments

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- **Increasing** cultural competency through incentives, funding and tender requirements.
- **Leveraging** procurement and voluntary commitments to increase demand for First Nations workers
- **Meeting** First Nations employment and training targets in programs such as the Capacity Investment Scheme (CIS) and in Renewable Energy Zones (REZs)
- **Providing** support for First Nations businesses to participate in clean energy projects through capacity building for tendering

### Case Study: Wiradjuri people work with Beon and Iberdrola to build Avonlie Solar Farm

Following building a relationship with the Wiradjuri people of Narrandera in NSW, renewable energy companies Beon Energy Solutions (Beon) and Iberdrola Australia successfully employed more than 30 local First Nations people in the construction phase of their 245 MW Avonlie Solar Farm, located 20 kilometres south of Narrandera.

In 2021, Beon was contracted by Iberdrola Australia to build the Avonlie Solar Farm. For several months before construction began in December 2021, Beon undertook extensive engagement with the local First Nations Wiradjuri community.

To coordinate this process, Beon employed a local Wiradjuri and Yorta Yorta woman who was well-known to the local Wiradjuri community, as the company's community engagement coordinator.

With the help of the community engagement coordinator, and the early focus on establishing a respectful relationship between key Beon staff and the local Wiradjuri elders, the company committed the Avonlie project to providing employment and skills development opportunities for Wiradjuri people.

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With the support of Wiradjuri elders, Beon hosted community meetings and barbecues as its way of introducing themselves to the local Wiradjuri community.

Through these engagement activities, Beon realised that if they were going to be successful in employing Wiradjuri people, they would need to address some of the barriers to employment they were facing. For example, many community members, particularly women, had limited prior experience of formal employment due to a range of factors such as extensive caretaking responsibilities. Some community members did not have the official documents needed to register for tax file numbers and superannuation accounts.

To help the local people become job ready, Beon held an 'ID (identity) day' at the local TAFE for community members interested in gaining employment at the Avonlie project site. The ID day assisted community members to secure documentation (e.g. birth certificates and Medicare cards) needed to obtain requisite employment credentials such as White Cards.

Beon also provided a week of pre-employment training which addressed topics such as health and safety in the workplace. The local Wiradjuri community supported this training by organising childcare for participants.

Building confidence and encouraging and supporting community members to pursue employment at the solar farm was key to Beon securing a local First Nations construction workforce for the Avonlie Solar Farm project.

As a result of Beon and Iberdrola Australia's community engagement efforts, more than 30 First Nations men and women were employed in the construction of Avonlie Solar Farm.

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At the conclusion of the construction phase, Beon helped Wiradjuri employees secure new jobs with other local solar PV projects. In some cases, based on the experience gained with the Avonlie project, employees were able to find work with other local employers such as the local council.

The Avonlie project has been described by Narrandera's Wiradjuri community as bringing 'generational change'. Project employment allowed individuals to better provide for their families and extend support to their wider community.

In addition to the employment outcomes, Beon's management of the construction project helped deliver other benefits such as the installation of rooftop solar on the local Aboriginal corporation's Gundyarri building and on five community-owned homes. The legacy of this will be permanently reduced electricity bills for these households. For local Wiradjuri people, there is pride in their community's involvement in the project, often expressed in comments made to their children as they drive by the solar farm.

Iberdrola Australia and Beon have committed to further expanding this engagement approach in any future renewable construction projects pursued together.

The Beon and Iberdrola Australia case study demonstrates the value of genuine and early engagement with First Nations people. For First Nations people, this value leads to wide ranging, intergenerational benefits such as jobs, which in turn leads to greater self-esteem, empowerment and self-determination.

For clean energy project developers and their contractors, building effective relationships with First Nations communities offers a realistic pathway to securing community support for clean energy developments. Beon's commitment to employing the Wiradjuri labour force helped generate long lasting.

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“ The Avonlie Solar Farm has been a great example of how projects like these and proper Aboriginal engagement based on trust and respect, can not only benefit Aboriginal communities, but also benefit the projects themselves by getting good workers and community support.” - Gundyarri Aboriginal Corporation

First Nations people sometimes face significant structural barriers to obtaining employment. Beon’s approach to working with Narrandera’s Wiradjuri community to overcome these barriers required Beon to move away from simple transactional interactions to more authentic relationship building activities. Activities such as employing local First Nations people to engage with their community and introducing programs supporting individuals through the employment process built the necessary links with the community. Above all, Beon’s work on the Avonlie Solar Farm project demonstrated commitment to improving the cultural competency of their own organisation.

Overall, what this engagement process with the local Aboriginal community illustrates is that meaningful engagement and the creation of training, employment, and business opportunities, is not only the right thing to do and good for local communities, but it is also good for business.

Source: [First Nations Clean Energy Strategy](#).

### Case Study: CitiPower and Powercor Pre-apprentice and training programs

Offering training programs, financial support, development opportunities and career pathways both empower First Nations and help create stronger, more inclusive industries.

Training and employment programs need to embed additional support mechanisms to successfully recruit and retain First Nations people in the energy industry.

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CitiPower & Powercor's First Peoples Pre-apprenticeship Scholarship provides a pathway for applicants to enter a Certificate II at TAFE, assisted by a scholarship of \$2000 – recognising the financial barriers that can block access to education.

These scholarships assist with costs such as tools, clothing, rent, childcare, or supplementing income during study. The scholarship also includes a specialised practical training week at CitiPower and Powercor depots. This hands-on experience includes trying out some of CitiPower and Powercor's power tools, and site visits, with students receiving personal protective equipment (PPE).

Additional training provided to remove barriers to employment includes practical job application assistance, including help with cover letters, CVs, and interview preparation.

CitiPower and Powercor's Pre-Apprenticeship Program is taking deliberate steps to create opportunities, foster understanding, and building a shared future with First Nations.

Source: <https://explorecareers.com.au/energy-careers-for-first-peoples/>

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### Indigenous Procurement Policies: A tool for economic inclusion

An Indigenous Procurement Policy (IPP) aims to significantly increase the rate of purchasing from First Nations businesses.

IPPs may include annual targets for the number and value of contracts to be awarded to First Nations businesses, employment targets, mandatory set asides, first refusal, and financing assistance, and will likely preference First Nations businesses before a general approach to market.

There are private sector IPPs and Government IPPs.

**Private sector IPPs** may be part of a negotiated land access agreement with the existing cost of a proponent's business simply redirected to the First Nations business partner(s).

**Government IPPs** operate to improve First Nations socio-economic outcomes, and may impose obligations on companies contracting with the Government.

#### What should proponents do?

Even if an IPP is not included in a land access agreement, setting up a private IPP with policies and targets is good practice for proponents.

Proponents designing IPPs can review government IPPs for guidance. Possible design features (targets by volume and/or value) can include employment targets, mandatory set asides, first refusal, financing assistance, role of Joint Ventures, and so on.

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A project-based IPP should be designed in conjunction with relevant Traditional Owners as part of enabling Free, Prior and Informed Consent (FPIC) to maximise outcomes.

There are a lot of relevant First Nations businesses across Australia. Proponents should consider elevating and supporting First Nations businesses by being proactive in the following ways:

- Early engagement and communication of opportunities
- Doing a local and First Nations businesses assessment
- Having an accessible EOI (Expression of Interest) process
- Assisting Traditional Owners with additional support to create businesses
- Setting up partnerships with established First Nations businesses to assist with skills transfer
- Working closely with lead contractors to ensure subcontractor opportunities are made available.

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### Applying Indigenous Procurement: Turning policy into practice

Under existing rules in Federal and state-based Indigenous procurement policies, a First Nations business or enterprise must be at least 50% or more owned by First Nations Australians, or registered with the [Office of the Registrar for Indigenous Corporations](#) (ORIC). To be eligible for the Indigenous Procurement Policy, joint ventures (JV) must be 50% First Nations owned and controlled, and have a plan to grow the First Nations business partner's capability and it's First Nations workforce.

The Australian government's Indigenous Procurement Policy was recently [reviewed](#) and [changed](#). **From 1 July 2026**, First Nations businesses must be **51% or more First Nations owned and controlled** (or registered with ORIC) to access the IPP.

The government has also **lifted Indigenous procurement targets from 2.5% of the total value of contracts to 3% from 1 July 2025**. The targets will then rise annually until they reach 4% by 2030.

The Commonwealth funds [Supply Nation](#) to verify businesses are First Nations owned in line with Indigenous Procurement Policy eligibility criteria.

There are national and jurisdictional IPPs.

The Australian government's [Indigenous Procurement Policy](#) has a [Mandatory Set Aside](#) requiring First Nations businesses to be given an opportunity to demonstrate value for money before a general approach to market. It also has [Mandatory Minimum Indigenous Participation Requirements](#) for First Nations employment and business participation targets.

Review the specifics of each jurisdiction's Indigenous Procurement Policy below.

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### Australian Capital Territory

The ACT's Aboriginal and Torres Strait Islander Procurement Policy (2019) targets 2% of the Government financial year's addressable spend to be with First Nations enterprises. Proponents should seek quotes from relevant First Nations businesses and sub-contractors wherever possible.

[Find a First Nations business](#) | [Read the policy](#)

### New South Wales

New South Wales' Aboriginal Procurement Policy (2021) includes first consideration be given to First Nations businesses, and minimum requirements for First Nations participation.

The government is targeting increases in the number of First Nations businesses awarded contracts, an increase in direct spend with First Nations businesses, and an increase in full time employment opportunities for First Nations peoples on NSW Government contracts.

Proponents must submit an 'Aboriginal Participation Plan' during the procurement process setting out how they plan to meet participation requirements including identifying and addressing upcoming procurement opportunities for First Nations participation. Proponents must then report quarterly against the Plan and requirements for any First Nations participation spend.

[Read the policy](#) | [Find a First Nations business](#)

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### Northern Territory

The Northern Territory's Aboriginal Procurement Policy (2022) targets 5% of the total number of contracts to be awarded to Aboriginal Business Enterprises which must be at least 51% Aboriginal owned.

Proponents must support Aboriginal employment and business opportunities. Preferring Aboriginal participation in tenders may consider the following:

- Training and development opportunities for Aboriginal Territorians
- Work performed by Aboriginal Territorians
- Aboriginal Business Enterprise involvement as subcontractors and supply chain.

[Read the policy](#) | [Find a First Nations business](#)

### Queensland

Queensland's Indigenous Procurement Policy (2017) targets 3% of the value of government procurement contracts to be with First Nations businesses.

an Indigenous business is at least fifty per cent owned by Aboriginal peoples and Torres Strait Islander peoples.

When planning procurement, proponents should give consideration to repackaging or unbundling large projects in order to maximise the opportunity for First Nations businesses.

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When including First Nations benefit considerations, a clear rationale should be articulated, setting out the benefits, any costs and including a value and risk management assessment and mitigation plan.

The [local benefits test](#) may assist in procuring from First Nations businesses where they employ a local workforce.

[Read the policy](#) | [Find a First Nations business](#)

### South Australia

South Australia has an [Aboriginal Economic Participation Strategy](#) (2017), embedded in the state's Industry Participation Policy which applies to all suppliers, contractors and supplier activity.

The Industry Participation weighting of tenders can be lifted so First Nations businesses, and businesses with high First Nations employment or subcontracting, are more likely to win tender contracts.

A South Australian Aboriginal business is a business operating in South Australia that is 50% or more owned by an Aboriginal resident of South Australia, or where the Aboriginal owner is a non-South Australian resident but the business provides economic benefit to South Australian Aboriginal people through ongoing employment in the State.

The [Aboriginal Economic Participation Initiative](#) leverages government procurement to generate jobs and strengthen the Aboriginal business sector to competitively engage in both government and private sector contracts.

[Find a First Nations business](#) | [Read the Industry Participation Policy](#)

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### Victoria

Victoria's Social Procurement Framework (2018) includes a government procurement target of 1% from small to medium enterprises to be from First Nations businesses to facilitate purchasing from and employment of Victorian Aboriginal people by suppliers to the Victorian Government.

In some cases, government can set targets for supplier expenditure with Victorian Aboriginal businesses and ask suppliers to demonstrate how they will meet such targets.

The Victorian Government defines an Aboriginal business as at least 50% Aboriginal and/or Torres Strait Islander-owned with its main business in Victoria.

[Find a First Nations business](#) | [Read the Framework](#)

### Western Australia

Western Australia's Aboriginal Procurement Policy (2023) requires agencies to award 4% of their total contracts to registered First Nations businesses and/or Aboriginal Community Controlled Organisations (ACCOs) each financial year.

In some cases, First Nations participation requirements apply to contracts, like where a contract will be delivered predominantly to First Nations people or targets the specific needs of First Nations people.

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First Nations employment targets require suppliers to engage from 2-10% of the total number of the contract labour force with First Nations persons in each year of contract delivery.

In 2024, the Policy was reviewed with recommendations to update the Policy, effective 1 July 2025.

[Find a First Nations business](#) | [Read the updated policy](#).

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### Other mechanisms driving First Nations outcomes: Structural change for lasting impact

Proponents can benefit from the Australian Government investment decision committing to ensure First Nations participation and benefit in a range of legislative, policy, program and funding schemes in Australia's clean energy transition.

Incorporating First Nations consent, partnerships, and ownership – and incentivising proponents to achieve First Nations outcomes through innovative tax and procurement rules across the supply chain – has become part of the competitive advantage that jurisdictions are seeking to establish.

Proponents wanting to secure investment must engage with Traditional Owners and heed First Nations criteria in a range of schemes, going a step beyond to secure low risk and sustainability in projects.

The government has included First Nations-specific criteria in the design of:

**First Nations Clean Energy Strategy** - a 5 year national framework for action that will help all governments, industry and community members work together in a coordinated approach to create opportunities for First Nations people to gain social and economic benefits by addressing access to affordable clean power, and ensuring benefit-sharing, partnerships, and First Nations-led projects. [Read the Strategy](#).

**Capacity Investment Scheme (CIS)** - a massive investment in renewable energy generation and capacity over four years to meet the Federal government's 2030 renewable energy targets. Proponents in the underwriting Scheme are required to meet weighted criteria concerning First Nations engagement, community engagement and benefits sharing, and First Nations and social licence commitments, thereby reducing risk and increasing shareholder value which can be gained through First Nations partnerships and ownership of renewable energy projects.

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The Australian Energy Market Operator (AEMO) assesses proponents bids to the CIS against, among other things:

- consideration of the Proponent's approach to engagement strategies and understanding of Traditional Owners and First Nations groups
- evidence of respectful and productive engagement with First Nations communities, and for First Nations communities to be afforded genuine social and economic opportunities and partnerships
- consideration of the Proponent's commitments to First Nations outcomes. Examples include opportunities for equity and revenue sharing and energy off-take agreement models for First Nations communities.

AEMO suggests proponents should consider applying [Leading Practice Principles](#) for engaging with Australia's First Nations peoples on renewable energy projects.

[Learn more here](#)

**Future Made in Australia Act 2024** - establishes the National Interest Framework to support consideration and decision making around public investment that facilitates private sector investment in the national interest. It also establishes community benefit principles which aim to ensure investments deliver benefits to and grow First Nations participation and economic outcomes in Future Made in Australia initiatives. [Read the Act](#)

**National Reconstruction Fund Corporation Act 2023** - establishes the [National Reconstruction Fund Corporation](#) to facilitate increased flows of finance into priority areas of the economy, highlighting the need for investments (which may include renewable energy and low-emissions products) to positively impact First Nations. [Read the Act](#)

**Net Zero Economy Authority Act 2024** - the bill establishes the [Net Zero Economy Authority](#) to identify, broker, facilitate and catalyse transformational projects in priority regions. The Authority supports First Nations to participate in, and benefit from, Australia's energy transition. [Read the Act](#)

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**Hydrogen Headstart** - provides revenue support for large-scale renewable hydrogen projects, and ensures First Nations engagement, decision-making and benefit sharing is a key requirement for beneficiaries of hydrogen production contracts. [Learn more here](#)

**Northern Australia Infrastructure Facility** - is a development financier with funding providing financial assistance to infrastructure projects to drive public benefit and economic growth, and materially improve the lives of First Nations people in northern Australia. Proponents are accountable for shaping and delivering an [Indigenous Engagement Strategy](#) 'to transform good intentions into a clear, culturally appropriate, locally contextual plan with tangible commitments'. [Learn more here](#)

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### Partners in progress: Other relevant organisations

There are many First Nations-led alliances and organisations in Australia working in community, regional and national settings.

These organisations do not replace a proponent's necessary contact with Traditional Owner groups impacted. Rather, knowledge of these organisations may be useful for building trust and relationships with local communities.

#### National Peak Organisations

**Coalition of Peaks** - made up of national, state and territory Aboriginal and Torres Strait Islander community-controlled peak and member organisations across Australia, representing some 800 organisations. Find their members [here](#).

**First Nations Heritage Protection Alliance** - a coalition of member organisations representing First Nations Peoples from across Australia, including major Native Title, Land Rights, Traditional Owner, and community-controlled organisations nationally. Find their members [here](#).

**National Native Title Council** - the peak body for the native title sector made up of regional Native Title Representative Bodies (NTRBs), Native Title Service Providers (NTSPs), local Prescribed Body Corporates (PBC)s and Traditional Owner Corporations (TOCs). Find their members [here](#).

**National Aboriginal and Torres Strait Islander Housing Association (NATSIHA)** - addresses housing issues facing Aboriginal and Torres Strait Islander communities through community-controlled housing solutions.

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

### Australian Capital Territory

ACT Aboriginal and Torres Strait Islander Elected Body - represents Aboriginal and Torres Strait Islander people. The Elected Body is the only Aboriginal and Torres Strait Islander voice to government in Australia.

### New South Wales

NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) - seeks to change the way government works with Aboriginal services and sector. It is made up of peak Aboriginal community-controlled organisations in NSW.

Aboriginal Regional Alliances/Assemblies - regional Aboriginal governance bodies that advocate and negotiate on behalf of their local Aboriginal communities with the NSW Government through Local Decision Making about which services are delivered and how services are designed and implemented in their communities.

They include:

- NSW Coalition of Aboriginal Regional Alliances (NCARA)
- Barang Regional Alliance (Central Coast)
- Illawarra Wingecarribee Aboriginal Alliance Corporation (Illawarra/Wingecarribee)
- La Perouse Aboriginal Community Alliance
- Murdi Paaki Regional Assembly (Far Western NSW)
- Regional Aboriginal Development Alliance (North Coast)
- Riverina-Murray Regional Alliance
- Three Rivers Regional Assembly (Central West)
- Western Sydney Aboriginal Regional Alliance

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### Northern Territory

Aboriginal Peak Organisations Northern Territory (APO NT) - an alliance committed to increasing First Nations involvement in policy development and implementation, and to expanding opportunities for First Nations community control.

### South Australia

First Nations of SA Aboriginal Corporation (FNSAAC) - the peak body for First Nations. It includes representatives of Prescribed Bodies Corporate (PBCs) and native title groups across the state. It has an authoritative voice on issues relating to First Nations heritage and well-being.

### Tasmania

Tasmanian Aboriginal Centre - represents the political and community development aspirations of the First Nations community.

### Victoria

Federation of Victorian Traditional Owners Corporations - a state-wide body that convenes and advocates for the rights and interests of Traditional Owners while progressing wider social, economic, environmental and cultural objectives.

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## Investing in First Nations Businesses and Suppliers: Building the Indigenous economy

### Western Australia

Council of Aboriginal Services Western Australia (CASWA) - aims to strengthen and increase the capacity of Aboriginal Community Controlled Organisations involved in service delivery to Aboriginal people in Western Australia.

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## Caring for Country: First Nations Land and Water Management

This section explains how First Nations are organised – in some cases via government programs – when it comes to land and water management, which can be different to representative organisations proponents are engaging with in regard to land rights, cultural heritage, native title, and so on.

It provides an overview of Indigenous Protected Areas and First Nations Ranger Programs across the country.

We also highlight additional First Nations alliances working to protect Country.

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# Caring for Country: First Nations Land and Water Management

## Getting to know Indigenous Protected Areas

Indigenous Protected Areas (IPAs) are areas of land or sea that Traditional Owners have agreed to manage and protect in line with Traditional Owner objectives.

IPAs are intended to support First Nations people's right to self-determination under the United Nations Declaration on the Rights of Indigenous People by voluntarily managing land as protected areas.

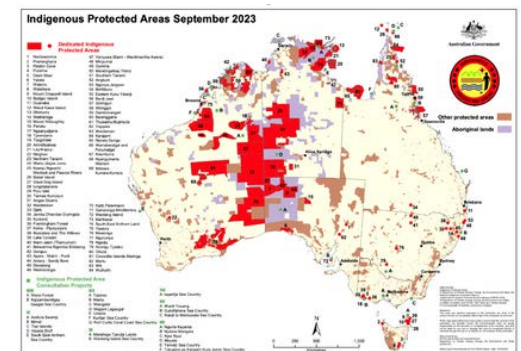
When Traditional Owners enter into an IPA agreement with the Australian Government, the parties negotiate and agree to an environmental and cultural plan specific to that area.

Tools and mechanisms by which Traditional Owners manage IPAs include:

- management planning processes (including Healthy Country Planning, based on Indigenous cultural values and governance)
- establishing Indigenous land and sea management ranger groups
- partnering with government agencies, non government organisations, neighbouring ranger groups, landowners, philanthropists and natural resource stakeholders.

There are close to 100 IPAs in Australia.

Visit this [interactive map](#) showing the location of Indigenous Protected Areas, their administering bodies, and First Nations ranger groups in Australia.



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## Caring for Country: First Nations Land and Water Management

### Respecting First Nations rights in Indigenous Protected Areas

Significant for proponents, establishment of an Indigenous Protected Area (IPA) doesn't change ownership or control of land. Proponents must still engage early with impacted First Nations groups and Traditional Owners in an intended project area if it's in an IPA.

First Nations rights are recognised to some extent in IPAs through a combination of legal and other effective means. 'Legal' mechanisms that may support Traditional Owner management of IPAs include:

- legal ownership of lands
- Indigenous customary resource use rights enshrined in legislation
- protection of sacred sites and other cultural sites and areas through cultural heritage legislation
- protection of significant species and habitats through biodiversity conservation and natural resource management legislation.

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### The Indigenous Ranger Program

The Commonwealth government's [Indigenous Ranger Program](#) aims to assist First Nations people in managing Country according to Traditional Owners' objectives. Rangers work in Indigenous Protected Areas, national parks, privately-held land, and on the sea.

Relevant to proponents, rangers may be able to deliver environmental services for a fee.

Funded by the Australian government, there are over 120 separate Indigenous Ranger groups in Australia, including the [Women Only Ranger Program](#), the [Indigenous Ranger Biosecurity Program](#), and the [Junior Ranger Program](#).

This [interactive map](#) shows the location of First Nations ranger groups in Australia and their administering bodies.

Many jurisdictions also support ranger programs:

- [New South Wales' Local Land Services Aboriginal Ranger Program](#)
- [Northern Territory's Aboriginal Ranger program](#)
- [Queensland's Indigenous Land and Sea Ranger Program](#)
- [South Australia's Aboriginal Ranger Program](#)
- [Tasmania's Working on Country Ranger Program](#)
- [Western Australia's Aboriginal Ranger Program](#)

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## Caring for Country: First Nations Land and Water Management

### First Nations Alliances protecting Country

Some First Nations groups have come together as an alliance to protect and manage land and sea country in Australia, and relevant to proponents, may be open to forming partnerships or connecting developers to opportunities for clean energy development on Country.

First Nations alliances include, but are not limited to:

Aboriginal Carbon Foundation - supports carbon farming projects led by Indigenous rangers. It connects First Nations communities who supply carbon credits with organisations seeking to offset their carbon pollution, and also provides training for Indigenous rangers.

Balkanu Cape York Development Corporation - a not-for-profit trustee entity supporting the economic development of the First Nations people of Cape York, individuals and communities to achieve self-determination in Far North Queensland.

Country Needs People - a not-for-profit alliance with over 41 Aboriginal and Torres Strait Islander land and sea management organisations advocating for the growth of Indigenous Protected Areas and Indigenous ranger programs

Federation of Victorian Traditional Owner Corporations - an alliance of Traditional Owner Corporations in Victoria.

Firesticks Alliance - invests in people, education, and on-ground land management.

First Nations Heritage Protection Alliance - is working to reform Australia's cultural heritage legislation and protection.

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Fitzroy Catchment Traditional Owners Alliance - with representatives from 17 Traditional Owner groups in the Fitzroy Catchment in Central Queensland, it's advocating for action, knowledge sharing and collective decision-making on whole-of-Basin issues, and to work on establishing respectful partnerships with key stakeholders.

Indigenous Carbon Industry Network - responsible for managing and making decisions regarding carbon/nature-repair projects (including the right to veto projects) across approximately 50% of Australia's landmass.

Murray Lower Darling Rivers Indigenous Nations - is focussed on caring for rivers and achieving water rights for First Nations.

North Australian Indigenous Land and Sea Management Alliance - supports Indigenous Land and Sea Managers across north Australia through the delivery of small and large scale projects.

Ropa Woda Governance Council: Living Spirit, Living Water - united traditional First Nations people from the Roper River aiming to protect the Roper catchment in the NT, including the groundwater and floodplains.

Sea Country Alliance - brings together Traditional Owner groups with regulatory and cultural responsibilities for Sea Country, ensuring Traditional Owner voices are heard in decision-making about Sea Country.

Torres Cape Indigenous Council Alliance - represents 16 of Queensland's 17 First Nations local governments, as well as Cook Shire Council and Weipa Town Authority, representing the common interests of local governing bodies within the region.

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### Caring for Country: First Nations Land and Water Management

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Western Cape Futures Association - a First Nations-led alliance advancing sovereign capability, clean energy, and regional development across Far North Queensland and the Torres Strait.

There are also numerous Indigenous Ranger groups across the country that provide land and sea management services to Australia.



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