



First Nations Clean Energy Strategy

Submission by the Australian Council of Trade Unions in response to
the *First Nations Clean Energy Strategy* Consultation Paper

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Introduction

The ACTU (Australian Council of Trade Unions) is Australia's sole peak body for trade unions, consisting of affiliated unions and State and regional trades and labour councils. There are currently 43 ACTU affiliates with a combined strength of over 1.7 million members engaged across a broad spectrum of industries and occupations in the public and private sectors. ACTU is committed to its support for Australia's Aboriginal and Torres Strait Islander people and stands in solidarity with them in their ongoing fight for justice against discrimination and profound disadvantage.

The ACTU supports the Government's work to develop a First Nations Clean Energy strategy to build authentic partnerships with First Nations People for an equitable and just clean energy transformation. The impacts of the existential threat of climate change are being felt deeply, especially in remote and regional areas of our country. Australia's legislated commitment to achieve net zero by 2050 to keep global warming well below 2 C and as close as possible to 1.5 C is grounded in its natural advantage of generating low-cost renewable energy for decarbonizing its economy. The Clean Energy Transition is the pathway to fulfill that commitment. ACTU endorses and supports the government's commitment to ensure the benefits of Australia's energy transition are distributed amongst all Australians in terms of access, equity, and participation.

For many First Nations communities in Australia, access to reliable and affordable energy is not a reality. The existential threat of climate change adds to this energy inequity, requiring a timely and strategic response. For the clean energy transformation to be a just one, First Nations communities must be full participants in the transition, with ready access to jobs and investment, and possessing the ability to secure equitable arrangements for large-scale renewable projects on their lands.

The First Nation Clean Energy Strategy presents an opportunity to ensure energy justice while building organic partnerships with First Nations communities toward a net zero economy. The strategy is also well-positioned to unlock opportunities for expanding clean energy projects on First Nation lands and waters owned and led by Traditional owners/custodians. A successfully designed strategy should also create pathways through which deep and rich local and cultural knowledge of First Nations people inform and innovate how Australia transforms its energy systems toward the net zero goal. The strategy can also advance the priority reforms for the

National Agreement on Closing the Gap while bolstering Australia's commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Key Recommendations

- First Nations Clean Energy strategy be based on the pillars of respect and recognition of the ongoing connection of Aboriginal and Torres Strait Islanders towards the land and waters of the country.
- Broaden the strategy's goals to include *ongoing learning from First Nations cultural knowledge and heritage* to innovate and advance the clean energy transition's objectives.
- To ensure equitable access to clean energy for First Nations People, First Nations communities should be supported to develop their own community-based, de-centralized renewable energy systems as a priority.
- To provide reliable and quality information on clean energy transition, culturally relevant, codesigned platforms for information sharing and awareness creation should be developed.
- Modify legislative frameworks for land tenure arrangements (such as the Native Title Act) on traditional land for equitable benefit sharing.
- Provide policy and financial support to enhance the capacity of First Nations People to negotiate partnerships and benefit-sharing agreements in clean energy.
- Remove structural barriers to First Nations participation in the clean energy workforce by investing in enhancing cultural safety and new career transition pathways.
- Establish specific investment mechanisms like a First Nations Clean Energy Capacity Fund to promote First Nations participation in and ownership of clean energy infrastructure.
- To promote respect and recognition for First Nations, implement "Free Prior and Informed Consent" into law and policy for clean energy development.
- Develop a First Nations-led Environmental protection plan for all clean energy projects to promote environmental values and protect First Nations Identity.

Guiding Principles: First Nations and Australia's Clean Energy Transformation

ACTU endorses the guiding principles of the strategy informed by UNDRIP and broadly by the Sustainable Development Goals (SDGs) to formulate the goals of the strategy. While acknowledging the importance of the goal of respecting First Nations peoples' cultural knowledge, heritage, and connection to land and sea Country, ACTU recommends the strategy to be aspirational and broaden the goal to include ongoing learning from First Nations cultural knowledge and heritage to innovate and advance the clean energy transition's objectives. There is an intrinsic cultural connection between First Nations culture and renewable energy embedded in the sustainable and intergenerational nature of Aboriginal interactions with land, water, and sun for millennia. The strategy should consciously synergize this knowledge to deliver the sustainable community, commercial, and equity outcomes of the clean energy transition.

For the strategy to be successful in achieving the goal of improving First Nations people's lives and livelihoods through benefit sharing and participation, monitoring and legal frameworks that ensure equitable benefit sharing are essential. To ensure that the outcomes of the Clean Energy Strategy are achieved, ACTU recommends that an ongoing reporting framework with specific, time-bound actions, linked to measurable outcomes be included in the strategy design. Under such a framework, periodic reports measuring the outcomes achieved against the deliverables set by the strategy should be mandated. ACTU believes that enabling Free, Prior and Informed Consent (FPIC) is essential to facilitate First Nations self-determination and social and economic autonomy in their interactions with the Clean Energy Transition. Thus, domestic legislation that enforces FPIC in all energy developments is foundational to ensuring equity and authority for First Nations people and would validate Australia's commitment to UNDRIP.

Given the role of energy and the energy system in enabling well-being, ACTU envisions the First Nations Clean Energy strategy to be broader than a standalone policy document. Rather, it should become a platform that develops strong policy linkages between the Federal government's efforts in ensuring the well-being and progress of First Nations and the clean energy transition. The design of the strategy should establish integrated relationships that need cross-governmental work between policy frameworks driving the Clean Energy Transition and

other government policies and strategies impacting Australia's First Nations such as Closing the Gap, UNDRIP, etc.

Removing Barriers to First Nations Engagement

ACTU endorses the strategy's objective of *removing existing policy and regulatory barriers* that prevent First Nations People from accessing the benefits of renewable energy transition while fostering their ability to own and manage renewable energy assets. Improved equity and access to clean energy for First Nations people is vital for achieving the aspirational goals of the strategy in renewable energy, emissions, and climate targets.

Access to reliable, clean energy is still a distant reality to most remote First Nations communities across Australia. Limited access to electricity networks and poor socio-economic conditions force these communities to lead energy-deficient lives in renewable energy-rich regions. The Strategy outlines a high-level commitment to improve access to clean energy at lower costs to First Nations people, which would require understanding and addressing the existing factors that contribute to energy poverty in these regions. Remoteness from national electricity networks and frequent disconnections from transmission networks further add to the energy inequity faced by First Nations communities. In the absence of significant overhauls in the national energy transmission network, these problems are likely to be replicated in the clean energy transition pathway.

Decentralized energy systems such as microgrids have proven to enable indigenous communities to address local energy issues while promoting autonomy (Schatz & Musilek, 2020). The strategy should provide impetus to develop co-designed, decentralized microgrid systems with community-driven energy mapping across remote First Nations communities. There has been widespread consensus and interest in First Nations communities regarding the role of small to medium-scale community-led renewable energy projects in addressing their energy needs while promoting energy security in the community (FNCEN 2023a).

Across the nation, there is genuine interest amongst First Nations communities for meaningful partnerships with industry and governments to own and manage renewable energy assets for

long-term sustainability and community benefit. For the strategy's broader vision of *increasing First Nations People's ownership and management* of renewable energy assets, decentralized, community-led energy projects – sole enterprises or through equitable industry partnerships – should be promoted and supported. As these projects are community-led and governed, they would create local employment opportunities while providing training and capacity building in clean energy while inspiring the communities to increasingly engage in the clean energy transition for sustained community benefits.

Poor housing standards -especially in public housing - across First Nations communities have a direct impact on well-being, particularly as extreme climatic events increase in regularity. Poor energy efficiency also increases household costs and a household's ability to afford energy. Often policy and regulatory barriers for public housing prevent tenants from accessing the benefits of rooftop solar. These policy and regulatory barriers are often in addition to the prohibitive upfront costs of rooftop and solar systems for many First Nations households. The quality of First Nations housing is also an issue: e.g. deteriorating physical conditions of housing facilities make it hard for First Nations communities to install and maintain renewable energy infrastructure, evidenced by the considerable disparity in residential solar panel diffusion across First Nations communities, especially in remote regions (Zhang et.al 2023). With the increasing impacts of climate change, insecure housing facilities are creating detrimental effects on the health and well-being of these communities. Hence, broader policy intent towards upgrading/building higher quality, energy efficient, climate-proof housing in First Nations Communities is elemental for achieving the strategy's objective of ensuring equitable access to clean energy.

For Australia to achieve its clean energy aspirations, almost half of all clean energy infrastructure will need to be situated on land where First Nations have legally enforceable rights and interests. These projects will lead to a range of benefits and economic multiplier impacts for regional economies, improving economic resilience and economic diversification. Investing in supporting First Nations ownership and co-ownership will provide a competitive and commercial advantage for Australia, through increased certainty, faster project approvals, better local content and employment outcomes, improved social license, and decreased risk of delay and host community opposition.

Information and awareness for a Just Transition

ACTU welcomes the strategy's second objective to *ensure access to quality information and resources to advance First Nations People's awareness, knowledge, and capacity* regarding all aspects of clean energy transition. ACTU also endorses the significance the strategy has placed on disseminating quality, reliable information regarding clean energy transition and its role in supporting First Nations families, households, and communities to make well-informed decisions regarding energy usage, clean energy generation, and future economic development opportunities including employment.

Even when the participation of First Nations People in the nation's energy systems is steadily increasing, there has been longstanding information inequity in the development of traditional energy resources (coal, oil & gas) and infrastructure, especially on aboriginal land, which has created a trust gap amongst first nation communities (Thornburn et.al 2019). With clarity, transparency, and reliability in information dissemination, the First Nations clean energy strategy can address this inequity for new energy infrastructure and bolster First Nations engagement and understanding of the clean energy transition.

Primarily, education and awareness creation about clean energy initiatives should be conducted through culturally sensitive and relevant methods of engaging First Nations communities focusing on collaboration in design and delivery, substantive engagement, and participation. As clean energy needs and aspirations differ from nation to nation, a place-based approach - that acknowledges these diverse needs and motivations - for information dissemination would be effective (FNCEN 2023 a). As successful engagement models suggest, communities are more likely to engage in clean energy discussions if framed from a local needs level that addresses unique energy system challenges and opportunities in their regions (Riley 2021).

The strategy must also envision the creation of a nationwide CEPA (Communication, Education and Public Awareness) on Clean Energy program for First Nations Peoples to coordinate education and capacity building for local communities that would share best practice examples not only from within Australia but also from clean energy projects led by First Nations communities across the globe.

Stronger frameworks for equitable benefit sharing

The ACTU endorses the third objective of the strategy that acknowledges the *influence of policy frameworks and programs in incentivizing First Nations People's participation* in Australia's energy transformation. To ensure that this objective is achieved, the existing government policy frameworks that guide First Nations people's participation in the clean energy transition need to focus on reforms based on land ownership/tenure arrangements, benefit-sharing frameworks, and the capacity of First Nations to engage in clean energy project development cycle.

With the prospect of a boom in the Australian clean energy export industry, most of the very large-scale clean energy generation and some supply chain activities (including critical minerals mining) would occur in Native land, having enormous potential to generate considerable benefits for Traditional custodians of this land. The strategy should not assume that these benefits would flow naturally to First Nations People. The legal and policy frameworks by which the traditional owners exercise their agency in agreement-making are the major determinants of how these opportunities would be used by First Nations communities for their benefit (O'Neill et.al. 2019).

The Native Title Act (NTA) 1993 is the framework that governs the land access regimes for many of these large-scale renewable energy projects (O'Neill et.al 2019). However, if a state/federal government acquires a native title land for a renewable energy project, the Native Title holders do not receive the same level of legal protection offered in the case of an independent resource extractive project (Chandrashekeran 2021). Instead, provisions of the act include lesser procedural rights for Traditional Owners including limited opportunity to comment, consult, or object to such a process, thus functioning against the core intent of NTA, created to provide the highest procedural protection for Traditional Owners about agreements on Native Lands. NTA is also ambiguous on how agreement benefits flow in cases where there is no mutual consensus between traditional owners and clean energy developers in which compensations are determined by legal proceedings where some cultural values might be not compensated (O'Faircheallaigh 2015).

Considering these policy and legal gaps in ensuring energy justice for First Nations, the First Nations' clean energy strategy should provide direction to build legislative frameworks that enforce equitable benefit-sharing agreements and Land tenure arrangements between clean

energy proponents and Traditional owners. Global examples such as Canadian provinces that have mandated renewable energy projects on First Nations land to have compulsory equity ownership (varying from 20% to 51%) to ensure equitable benefit sharing and agency for self-governance by Traditional Owners can guide in this regard (Henderson & Sanders 2017).

The strategy should simultaneously aim at building pathways that incentivize and enhance the capacity of First Nations People to negotiate partnerships and benefit-sharing agreements as this can help these communities to overcome the existing legislative barriers. Institutional and financial support in the form of resources, training, and capacity for First Nations proponents to negotiate with renewable energy proponents to achieve identified community priorities can ensure a level playing field. Broader planning frameworks for renewable energy systems that impact First Nations should have provisions to ensure meaningful involvement of First Nations in initial design and planning so that they can bring their vision and ideas into these outlays. For example, the Integrated System Plan – an integrated roadmap for the future development of the National Electricity Market (NEM) – should be embedded with processes that include First Nations collaborations and consultation to include their perspectives, values, and priorities in the future energy system design.

In the clean energy industry, there is momentum for a First Nations-led policy framework, founded on principles and standards for fair and equitable benefit sharing in negotiating agreements for renewable energy development among First Nations communities, First Nations Energy groups, and advocacy groups (Original Power 2020). The concept of legal recognition of frameworks that ensure fair and equitable benefit sharing of indigenous communities is gaining traction in international processes on Human rights and resource management (Parks & Morgera 2015). With the Government's commitment to establish a National Environment Protection Agency (NEPA) as the enforcer of national environmental law, ACTU recommends that a First Nations-led Fair and Equitable benefit-sharing framework on resource sharing (including clean energy assets) be included in the legislative structure of the new NEPA. As environmental legislations have clear standards and strong compliance measures, the inclusion of such a framework would drive renewable energy proponents to adhere to the principles of fair and equitable benefit sharing leading to better outcomes for First Nations communities.

First Nations Capacity Building for Clean Energy Transformation

ACTU welcomes the strategy's fourth objective of *enabling coordination and capacity development in First Nations organizations* for Australia's clean energy transformation. To fully realize the potential benefits of the clean energy transformation for First Nations People, the strategy should promote knowledge-building and clean energy expertise based on First Nations' on-country planning for their clean energy needs and aspirations. Aspiration for self-determination and autonomy in energy systems, foundational for a successful embrace of clean energy transformation by First Nations, can only be materialized through community capacity building.

There are a variety of mechanisms through which the strategy can ensure that clean energy transition brings about capacity-building outputs. Building frameworks for the creation of Community Benefit Funds which ensure long-term income streams to fund community capacity development in clean energy, training, investments in local infrastructure, etc. can lead to long-term positive outcomes. The strategy's framework needs to ensure that the fund governance of these income pools has considerable representation from First Nations communities to promote autonomy and transparency.

ACTU also acknowledges the strategy's commitment to build internal government capacity to support First Nations participation and benefit. In this regard, the progressive step taken to establish the Net Zero Authority should be complemented by the establishment of a permanent First Nations Energy Office with long-term investment for capacity building and staffing. Such an office will be able to coordinate policies and programs across governments to support First Nations communities and regions to attract and take advantage of new clean energy industries. The office would also be capable of embedding on-country planning for clean energy into the planning frameworks as First Nations knowledge and lived experience about the country would be elemental in exploring clean energy potential across the length and breadth of the nation.

Building First Nations Clean Energy Workforce and Businesses

ACTU endorses the strategy's objective of facilitating the growth of a clean energy workforce and business development amongst First Nations People to revitalize their role in Australia's clean energy transformation. Historically, ineffective policy responses to low levels of First Nations Employment have resulted in First Nations People engaging in low-paid, insecure, and unsafe work environments in the country (AIHW 2023). Contrary to this, the transitional energy sector - particularly the coal and mining industries - has had higher First Nations People employment levels at 3.4% compared to the National labour force average at 1.9%, a trend which the clean energy sector is yet to replicate (JSA 2023). Indigenous Australians have confidence in the outcomes and growth of a clean energy economy in driving employment and economic outcomes for First Nations Communities (FNCEN 2023 b). The First Nations Clean Energy strategy is a unique opportunity to cement this trust and to rectify the historic gap in the participation of First Nations People in the country's workforce.

One of the primary barriers that First Nations People face in engaging in the clean energy workforce is structural discrimination and racism that place identity strain and cultural load on the First Nations People thus affecting their hiring, retention, and career progression (JSA 2023). Further, First Nations women face gendered workplaces that compound their racial stratification limiting them to lower-paid and semi-skilled roles (ALRC 2017). As a response, the First Nations Clean Energy Strategy should guide policy in developing industry-level mechanisms that mandate employers to invest in improving the cultural safety of their workplaces and the cultural competence of non-Indigenous staff as a means of promoting well-being, retention, and career growth of First Nations employees (WGEA 2021).

Another barrier that limits First Nation's engagement in the clean energy workforce is the limited supply of suitably qualified First Nation candidates in regional and remote labour pools where large-scale energy generation projects are located (Parmenter & Barnes 2021). With the persistent disengagement between the clean energy industry and established First Nations service providers in employment and consultation, finding suitable First Nations candidates becomes strenuous for clean energy employers (CSIRO 2023). In addressing this challenge, the strategy should develop targeted employment strategies in clean energy projects, including

requiring a minimum number of First Nation apprentices on all state and Commonwealth-funded projects. This should be complemented by targeted mentoring and support programs, to maximize apprentice completions and support school leavers considering a career in the clean energy sector.

The historic and disproportionate overrepresentation of First Nations people in the criminal justice and correctional systems is an absolute roadblock for First Nations people entering the clean energy workforce, particularly in licensed occupations (ALRC 2017). Criminal records are a strong deterrent for employers irrespective of conviction details. As licensed occupations like engineering and electrician roles are projected to rise in the clean energy workforce, this can be an absolute barrier that can result in many First Nations workers being avoided from the transition's workforce. The strategy should steer industry and employers to explore adjusting eligibility requirements for licensed occupations in favour of First Nations people pursuing or wanting to pursue such occupations.

Unions are key partners with the industry in the Nation's energy transition and ensure that all workers and communities have an equitable share in the benefits of the transition. In large-scale renewable energy projects impacting indigenous interests, the best outcomes for First Nations workers often come from unions negotiating binding outcomes with employers (Fernandez & Silver 2017). Considering the history of widespread negligence of First Nation workers' rights and low levels of workforce participation in the clean energy industry, unionizing First Nations workers is pivotal in ensuring that the clean energy transition is a just one.

Aboriginal and Torres Strait Islander workers have been identified as the demographic group that is most unlikely to access an institutional grievance mechanism at the workplace (DCA 2021). Therefore, the establishment of an enhanced dispute resolution process is elemental in ensuring safe and fair workplaces in the clean energy industry. Unionized workplaces expedite such processes with a third-party mediator (retired Fair Work commissioners/ First Nations organizations) in a structure agreed upon between the Traditional Owners and the proponent, which applies to all matters of employment, procurement, and environment. This effective role of unions can create safe workplaces and attract more skilled First Nations workers to an industry that is projected to experience workforce supply shortfalls, especially in remote and regional areas (JSA 2023).

When First Nations people find that skill requirements limit their entry into the clean energy workforce, registered apprenticeships are an attractive and efficient pathway for a clean energy career. Unions hold great potential for working collaboratively in planning and delivering apprenticeship opportunities for First Nations aspirants on renewable projects by working with group training companies thereby maximising the potential workforce with clean energy experience. Effective collaboration between unions and proponents in the new energy industry is crucial for the effective rollout and uptake of industry-specific apprenticeships such as the *New Energy Apprenticeship Program* among all sections of aspirants including First Nations workers. The First Nations clean energy strategy should, in its design and ideology, commit to promoting Unions as genuine stakeholders working for the benefit of First Nations workers and in the genuine interest of developing a First Nations clean energy workforce.

First Nations business involvement is essential for expanding pathways for Australia's clean energy future. First Nations-owned-businesses are well positioned to drive clean energy systems in regional and remote locales while creating a genuine opportunity to drive down regional unemployment if they have a controlling stake in clean energy projects (WA 2023). Global examples of successful First Nations ownership and management of renewable energy projects show efficient and ongoing governmental support as policy action and funding commitments (OECD 2020). Taking lessons from these examples, policy instruments such as Commonwealth Indigenous Procurement Policy (IPP) targets should be expanded including mandatory minimum indigenous participation requirements throughout clean energy supply chains. Such a move would lead to local job creation, community training, improving economic stability, and cultural preservation in First Nations communities while driving down greenhouse gas emissions.

Nonindigenous business entities fabricating themselves to be First Nations-owned – especially for fulfilling governmental procurement mandates – is a considerable challenge faced by genuine First Nations businesses (Owen & Hanna 2023). The existing processes for verifying First Nations Business ownership are complex and involve multiple Indigenous business registries that use different criteria for assessment (Evans & Polidano 2022). To streamline these processes and to increase transparency, the government needs to support the work of finance industry partnerships like *the Indigenous Economic Power Project (IEPP)* which works

towards developing national standards that define and verify First Nations-owned businesses (Polidano et.al 2022).

Financial Support and First Nations Participation

ACTU believes that financial support mechanisms for First Nations participation and benefit in the clean energy transformation are essential for achieving the strategy's broader objectives. Aligning existing investment mechanisms in clean energy and devising new funding mechanisms towards First Nations participation and benefit are key in materializing the strategy's goals in capacity development, First Nations business development, workforce development, and ensuring heritage protection. There are multiple ways to ensure that public investments and private sector financing provide First Nations people better access to capital to develop and be involved in clean energy projects.

The strategy should lead to the design and implementation of an umbrella *First Nations clean energy capacity fund* having sub-funds to support efforts by First Nations to build a clean energy workforce (workforce development fund) and for First Nations businesses and communities to develop independent clean energy projects (Clean Energy development fund). Such a fund can complement existing capacity-building initiatives such as Indigenous Advancement Strategy (ISA) funding to specifically develop clean energy expertise for Prescribed Bodies Corporates (PBCs) while improving their capacity for effective native title agreement-making to ensure equity in clean energy transition.

Due to the growing workforce need for a net zero economy and the low-level participation of First Nations people in the clean energy workforce, funding mechanisms for First Nations workforce development are foundational to achieving the strategy's goals. Establishing a First Nations Clean Energy Workforce Fund with provisions for a National First Nations skill and training scheme, including employer subsidies for First Nations apprenticeships, support for courses in clean energy career pathways, etc. would deliver considerable benefits in building a clean energy workforce empowered by First Nations participation.

The First Nation Clean Energy Development component of the proposed fund, in which energy providers and developers contribute to this funding pool can act as a platform for a long-term sustainable investment in First Nations energy projects. This fund can be mobilized via a clean energy/ hydrogen super profits tax from large-scale energy developers so that industry-wide growth in clean energy is replicated in the fund's capacity to offer financial support to First Nations clean energy initiatives. Government-backed loan guarantee programs for First Nations organizations in renewable energy investment like the Aboriginal Loan Guarantee Program in Ontario, Canada have proven to be highly effective in increasing indigenous ownership of clean energy assets while improving clean energy capacity in First Nations Communities (Penner 2022). Based on such global successes, the strategy should provide direction for establishing a dedicated *Commonwealth First Nations Clean Energy Loan Guarantee* scheme for improved financial access for First Nations investors in clean energy.

Respect for culture and environment at the core of the Transition

ACTU endorses the strategy's objective to embed the heritage, cultural, and environmental values of First Nations People in every aspect of the clean energy transition. ACTU also acknowledges the strategy's outlook that more needs to be done in strengthening the legal and policy frameworks for First Nations Cultural protection around the renewable energy project lifecycle. A focus on delivering First Nations cultural outcomes in clean energy development projects is not only beneficial for a community's social and emotional well-being but will also boost their relationship with project proponents and broadly their belief in the guiding principles of the clean energy transition (Lane 2017).

The primary step in ensuring respect and recognition of First Nations culture and practices in clean energy transition would be a commitment to implement "Free Prior and Informed Consent" (FPIC) regarding clean energy projects involving First Nations People into law, policy, and practice. Building an efficient framework for FPIC would promote sovereignty and self-determination for First Nations people allowing them to form well-informed and non-coerced decision-making regarding clean energy developments, based on respectful engagement. Even though Australia has upheld FPIC as part of its commitment to the United Nations Declaration on the Rights of Indigenous People (UNDRIP) in 2009, governments and parliaments have yet to

implement its standards comprehensively. The FPIC framework should be backed up by efforts to ensure that First Nations people and communities are resourced and capacitated to engage in independent negotiations with clean energy proponents.

The clean energy industry has a foundational role in ensuring that respect for cultural values and First Nations sovereignty are maintained in the Clean Energy Transition. For the FPIC to be effective, collaborative agreements with First Nations People that might take longer to materialize are instrumental. Hence adequate timeframes should be incorporated into the project design from the initial planning phase. The strategy should mandate clean energy companies developing projects on Native Land make financial commitments for cultural heritage protection work, in which the operations and management of such works should rest with the Traditional owners of such land. Such energy proponents should also ensure regular and ongoing cultural competency training for their employees to ensure respect for culture and country is maintained throughout the project lifecycle.

Caring for the environment and country has been and is an integral part of First Nations identity. The clean energy transition is a resolute response to climate change's grave challenges on all natural ecosystems that form this identity. However, the strategy should ensure that the clean energy transition and subsequent infrastructure developments do not do egregious damage to the landscape, waters, and environmental systems that define First Nations' identity. The strategy should mandate that every project—ongoing and proposed—must in its design contain a Land, Water, and Environmental protection plan developed collaboratively with the Traditional custodians of that land. The management, implementation, and monitoring of the plan must be adequately resourced. These plans should also have design components that facilitate the utilization of Indigenous traditional knowledge for innovation and efficiency of clean energy projects. Understanding successful examples that have demonstrated the commercial value of Aboriginal knowledge, experiences, and practices like the Lockhart River Solar Public Housing Trail, in which 'bio-indicators' that predicted weather changes aided in construction and project management to save costs, would be of value (Daniel et.al. 2020). The strategy should also ensure that First Nations communities are equitably represented having considerable decision-making authority in any formal body designed for environmental protection in clean energy projects in Native Land/ First Nations communities.

Conclusion

The ACTU supports the Government's work in developing a First Nations Clean Energy Strategy to build authentic partnerships with First Nations People for Australia's clean energy transformation. The clean energy transition presents an opportunity for First Nations People to lead, develop, and own renewable energy assets while deriving considerable socio-economic benefits. The right First Nations Clean Energy strategy will unlock opportunities for expanding and innovating clean energy projects while ensuring equity in benefit sharing and access to clean and affordable energy for First Nations. Taking these steps will have the associated benefit of supporting Australia's broader energy transition efforts at the pace and scale required.

Australia's First Nations Clean Energy strategy should be based on the pillars of respect and recognition of the ongoing connection of Aboriginal and Torres Strait Islanders towards the land and waters of the country and their right and obligation to protect the same. The strategy's strong commitment in this regard is elemental to realize the full potential of clean energy on native land while First Nations people harness the benefits of Australia's clean energy boom.

Removing the existing policy and regulatory barriers that prevent First Nations People from accessing the benefits of the renewable energy transition needs a renewed focus on community-led, decentralized renewable energy systems based on community energy mapping across remote First Nations communities. These decentralized systems can address energy needs in remote areas while promoting energy security and community acceptance of clean energy potential. ACTU also highlights that improved commitments to ensure higher quality, energy efficient, and climate-proof housing in First Nations communities are elemental in progressing towards ensuring equitable access to clean energy in First Nation communities.

To provide access to reliable, quality information regarding clean energy transition to First Nations, ACTU recommends a co-designed approach to education and awareness campaigns about clean energy initiatives be conducted through culturally relevant and sensible methods of engaging First Nations communities. Global examples of successful engagement models in information dissemination amongst First Nations suggest that a place-based approach - responsive to local energy needs – works best in creating trust and capacity for clean energy.

Legal and policy frameworks in land/water tenure management and benefit sharing determine whether First Nations benefit from renewable energy. The First Nations Clean Energy strategy should provide direction to build/modify legislative frameworks to incorporate principles of Free, Prior and Informed Consent for First Nations communities and groups, including as to how funding and investment decisions are made. Enhancing First Nation's capacity to negotiate partnerships and benefit-sharing processes is essential in ensuring a level playing field where the perceived benefits for First Nations people in clean energy projects are achieved.

Clean energy transition holds the potential to reverse the historic low participation levels of First Nations people in the energy workforce. This requires effective interventions in tackling structural discrimination, and overrepresentation of First Nations in criminal justice systems while investing in upskilling and providing industry-focused training to potential First Nations workers. Promoting First Nations businesses through improved financial support and boosted national procurement policy mandates would lead to considerable local job creation and community training in clean energy.

Commitment to ensuring respect and recognition for First Nations culture and practices in the clean energy transition would boost First Nations people's trust and involvement in the energy transition. Implementing "Free, Prior and Informed Consent" into law and policy for clean energy development on Native Land and Water will be instrumental in promoting this respect and recognition. The strategy should also ensure that the clean energy transition and its processes should not alter or undermine environmental values that define First Nations Identity.

A comprehensive and well-designed First Nations Clean Energy strategy holds the potential to unlock the enormous potential of Australia's First Nations to lead the Nation's Clean energy future, in a just and equitable manner. Such a strategy will not only be an impactful step towards Australia's journey to becoming a renewable energy superpower but will also set a unique global example of a nation that has meaningfully embraced its rich First Nations People toward an equitable and emissions-free future.

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