

Growing space for Indigenous people in the booming green economy

AIATSIS Native Title Conference, Broome, 5 June 2018

Emily Gerrard

Overview

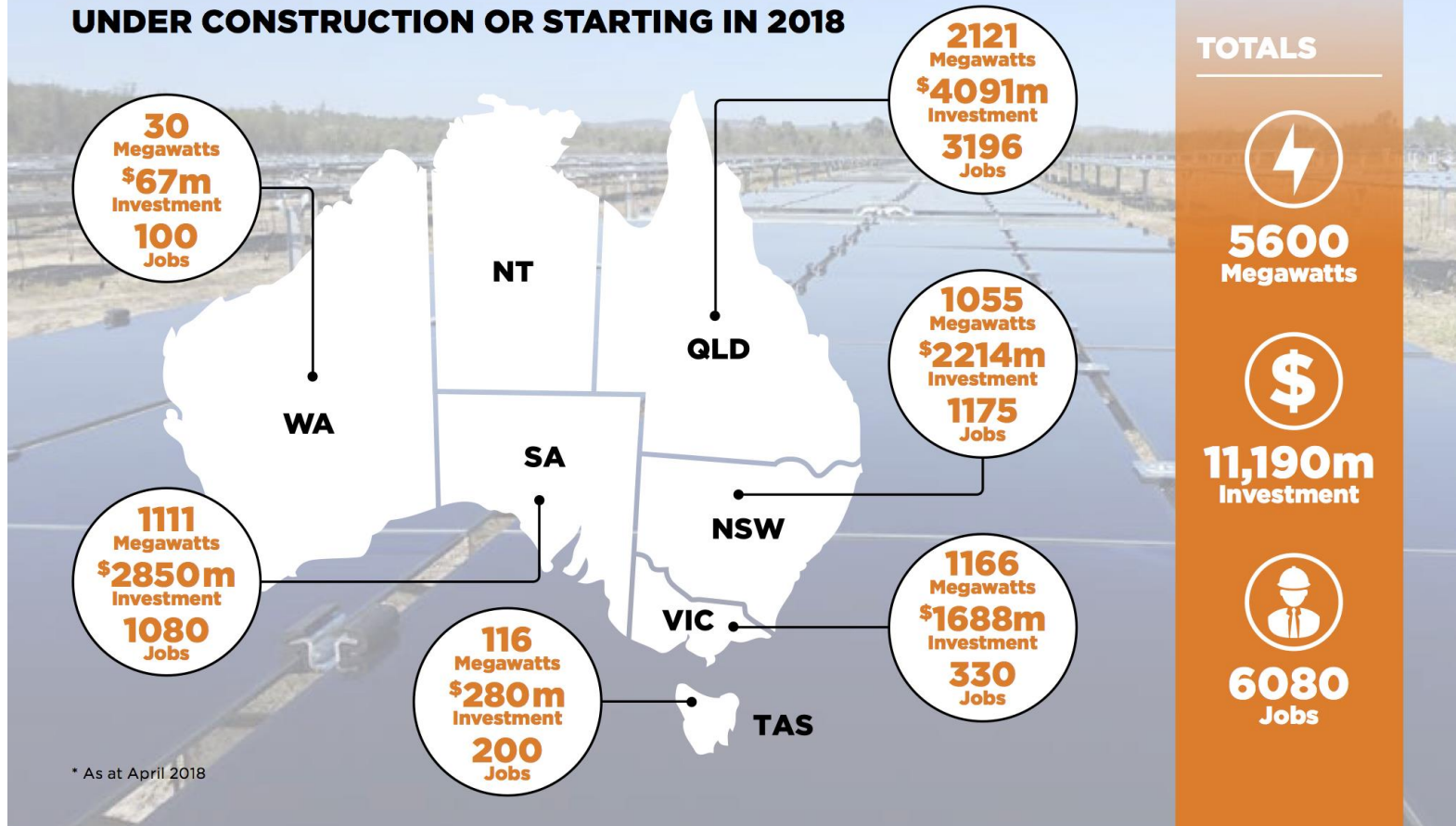
- The green economy
- Dual considerations – opportunities and rights based approaches
- Preserving and growing space for indigenous peoples
- Practical considerations

The green economy

- Multiple drivers
 - Paris Agreement on climate change and international trends
 - Domestic law and policy (Federal, State and Territory renewable energy schemes and targets)
 - Commercial and investment tipping points
 - Energy procurement changes (corporate power purchase agreements, community wind farms, small scale solar)
 - Technology and innovation – eg: large-scale battery technology

CLEAN ENERGY AUSTRALIA 2018

LARGE-SCALE RENEWABLE ENERGY PROJECTS UNDER CONSTRUCTION OR STARTING IN 2018



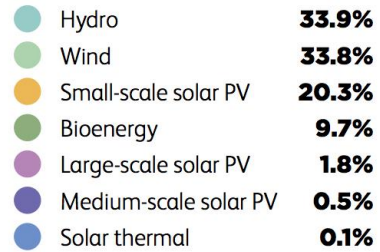
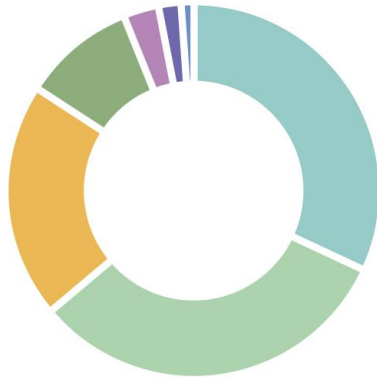
Clean Energy Council, Australia 2018

Opportunities

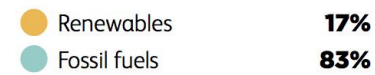
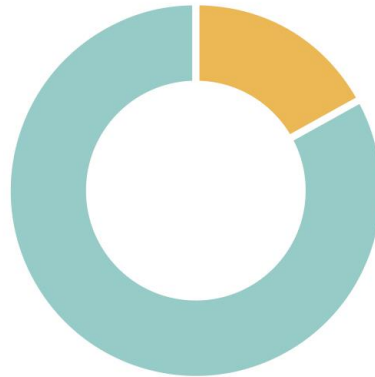
- Size and location projects
- Leveraging existing rights and interests
- Micro-grids, changes (disruptions) in distribution technology and changes to procurement and development of renewable energy projects (community development, corporate power purchase agreements)
- 'Power of energy' – reduction in particulate emissions, environmental, economic and employment benefits
- Business case, partnering and financing opportunities

AUSTRALIAN CLEAN ENERGY 2017

RENEWABLE GENERATION BY TECHNOLOGY TYPE

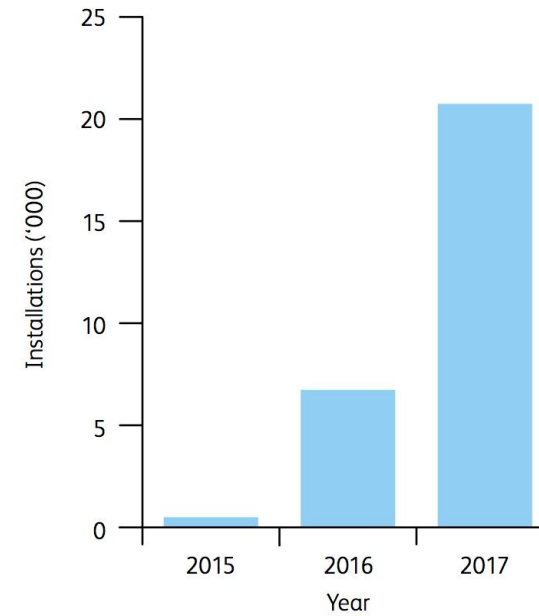


ANNUAL ELECTRICITY GENERATION IN 2017



ENERGY STORAGE

RESIDENTIAL ENERGY STORAGE SYSTEM INSTALLATIONS



CLEANENERGYCOUNCIL.ORG.AU/CLEANENERGYAUSTRALIA





THE HON JOSH FRYDENBERG MP
Minister for the Environment and Energy

SENATOR THE HON NIGEL SCULLION
Minister for Indigenous Affairs

JOINT MEDIA RELEASE

31 May 2018

DELIVERING SOLAR ENERGY TO REMOTE INDIGENOUS COMMUNITIES

Seventeen off-grid remote Indigenous communities are set to benefit from solar energy and reduce their reliance on diesel fuel thanks to support from the Coalition Government.

The communities, located in Central Australia, Katherine, Top End and Tiwi Islands regions of the Northern Territory, will be provided with a total 5.6 MW of solar energy.

The Coalition Government, through the Australian Renewable Energy Agency (ARENA), has provided \$31.5 million in funding towards the \$59 million project known as the Solar Energy Transformation Program (SETuP).

Eleven other off-grid remote Indigenous communities have already benefitted from 4.325 MW of solar energy under the program, including Daly River where the 1 MW solar energy site is also equipped with a battery.

“This project provides opportunities for off-grid remote Indigenous communities to decrease their reliance on diesel fuel which is subject to price fluctuations and seasonal transport issues,” Minister Frydenberg said.

“It spans the breadth of the Northern Territory, from the Tiwi Islands in the north to Aputula in the south, and demonstrates our commitment to deliver cheaper, cleaner and more reliable energy for all Australians.”

Minister Scullion said the project is an important step towards transforming the way energy is supplied to remote communities in Australia.

“This project will help secure energy supply for 17 remote communities and I am pleased to be part of a Coalition Government that is delivering better basic services for remote Territorians,” Minister Scullion said.

The project is jointly funded by ARENA and the Northern Territory Government and managed by the Northern Territory Power and Water Corporation.

Ends

Media contact: Kane Silom – Office of the Hon Josh Frydenberg MP – 02 6277 7920
The Hon Josh Frydenberg MP | Minister for the Environment and Energy | MELBOURNE
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Senator the Hon Nigel Scullion | Minister for Indigenous Affairs | DARWIN

Opportunities

- 17 off-grid remote Indigenous communities solar energy opportunities to reduce reliance on diesel
- Australian Renewable Energy Agency (ARENA) - \$31.5 million towards the \$59 million Solar Energy Transformation Program (SETuP) in the Northern Territory
- Energy, environment, economic and health outcomes

Opportunities

- IBA and ILC
- Local Government facilitated power purchase agreement
 - Melbourne Renewable Energy Project (MREP) - group of local governments, cultural institutions, universities and corporations have collectively purchased renewable energy from a newly built facility
- Sunshine Coast Regional Council solar farm
 - 15MW facility developed by the Council.
- Canadian trends
- Emerging microgrid trials

Rural

Next mining boom in Australia will be driven by tech metals for renewable energy and technologies

ABC Rural By [Babs McHugh](#)

Updated 18 April 2017 at 10:56 am

First posted 17 April 2017 at 2:55 pm

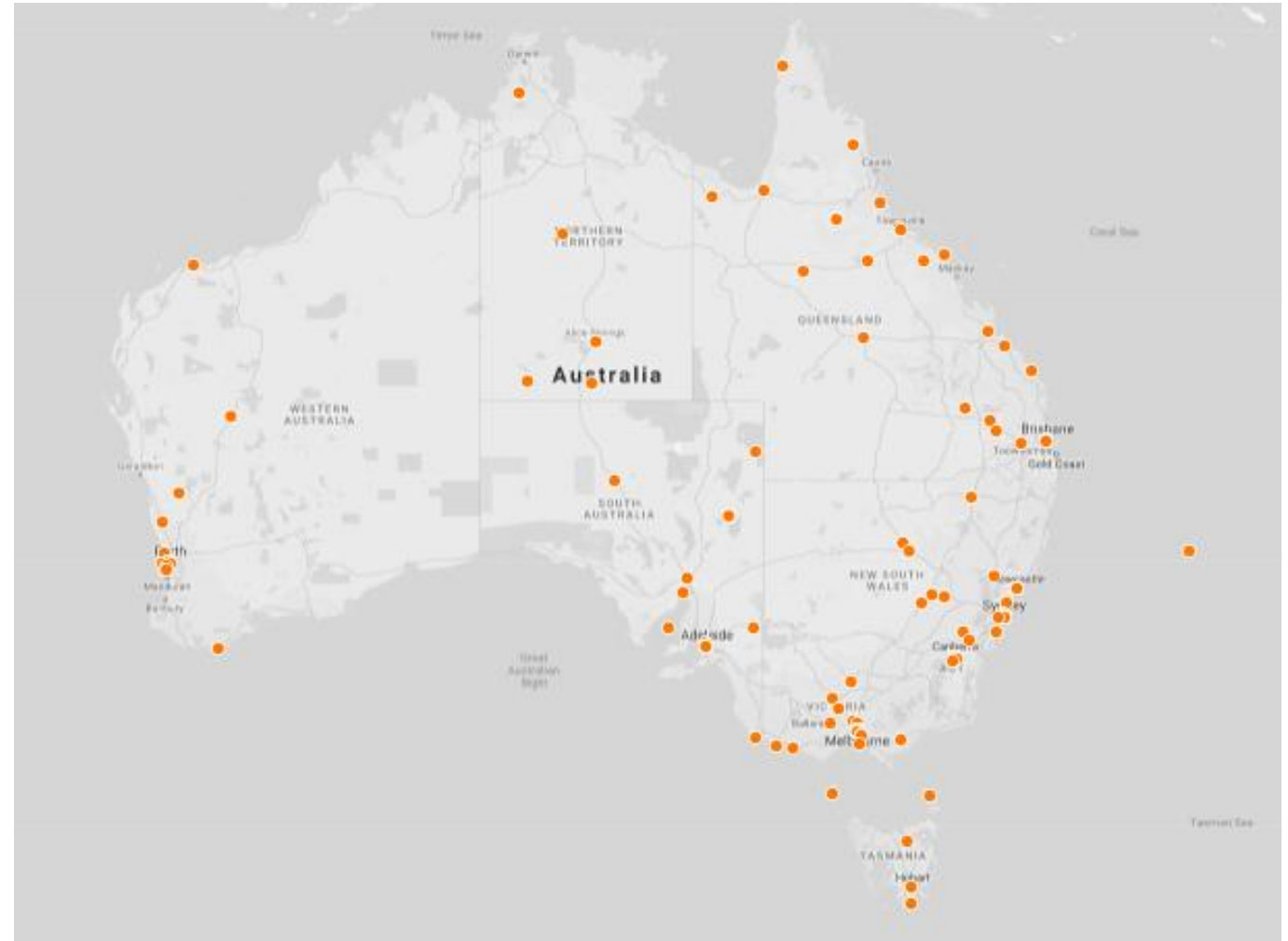


[There are rare earth deposits across the world, but they are difficult to find in economic quantities.](#) (Supplied: Northern Minerals)

The Australian mining industry is on the verge of a new mining boom based around so-called tech metals.

And as the race cranks up across the nation to find new deposits of rare earths and other metals, industry itself is calling for the development of a value-adding component.

Australia's two largest mineral commodities, iron ore and coal, are shipped offshore in bulk form where other countries, most notably China, value add by using them to manufacture many different products.



ARENA projects (extract 3 June 2018)

Finding the balance - rights based engagement

- New emphasis on old issues (land and water rights)
- Native title and indigenous tenures
- Issues and opportunities – native title future act jurisprudence

When the sweet turns sour: Queensland split between sugar and solar

As solar farms spread across the central agricultural regions of the sunshine state, opponents are becoming increasingly vocal

Ben Smee

Sun 3 Jun 2018 12.30
AEST



Cane farmer Colin Ash at his property in Mirani, Queensland: 'You just can't get sentimental about these things.' Photograph: Ben Smee for the Guardian

Colin Ash has spent a working lifetime in the cane fields near the Pioneer River in central Queensland, out past Marian, where the mill has processed sugar for more than 130 years.

“You can’t get sentimental about things,” he says from the front seat of his truck as he drives slowly around the boundary of his property. “You’ve got to pay your bills.”

Almost two years ago Ash agreed to allow a solar energy company, Esco Pacific, to lease 169 hectares - about half his land - to build a solar farm of about 180,000 panels.

The scenario is increasingly common as renewables projects spread across the sunshine state, in some cases swallowing large parcels of productive agricultural land. Clean energy offers billions in potential investment and thousands of jobs for regional Queensland. But it also faces on-the-ground challenges, including turf wars with intensive farming that threaten to hamper the energy sector’s transition.

Tjiwarl Decisions

- Federal Court application for determination of native title – also examined the validity of certain future acts in respect of which the State did not comply with the requirements of s24MD(6B)
- One of the key issues – acts ‘covered’ by future act provisions and whether compliance with procedural requirements effects the validity of an act covered by relevant provisions
- In 2016, the primary Judge, Justice Mortimer, held that certain licenses were invalid because they had been granted without complying with section 24MD of the *Native Title Act 1993* (Cth)

Tjiwarl Decisions

“... if the construction favoured by the Court in Lardil is correct, then the whole objection and determination process set out in s24MD(6B) could be ignored and a future act could still have full force and effect against native title interests, including ones which have been recognised in a determination by this Court.”

at [1030] *Narrier v State of Western Australia* [2016] FCA 1519 (judgement at first instance)

Tjiwarl Decisions

On appeal, the Full Court concluded that Justice Mortimer had erred in her finding and that the licences in question were invalid.

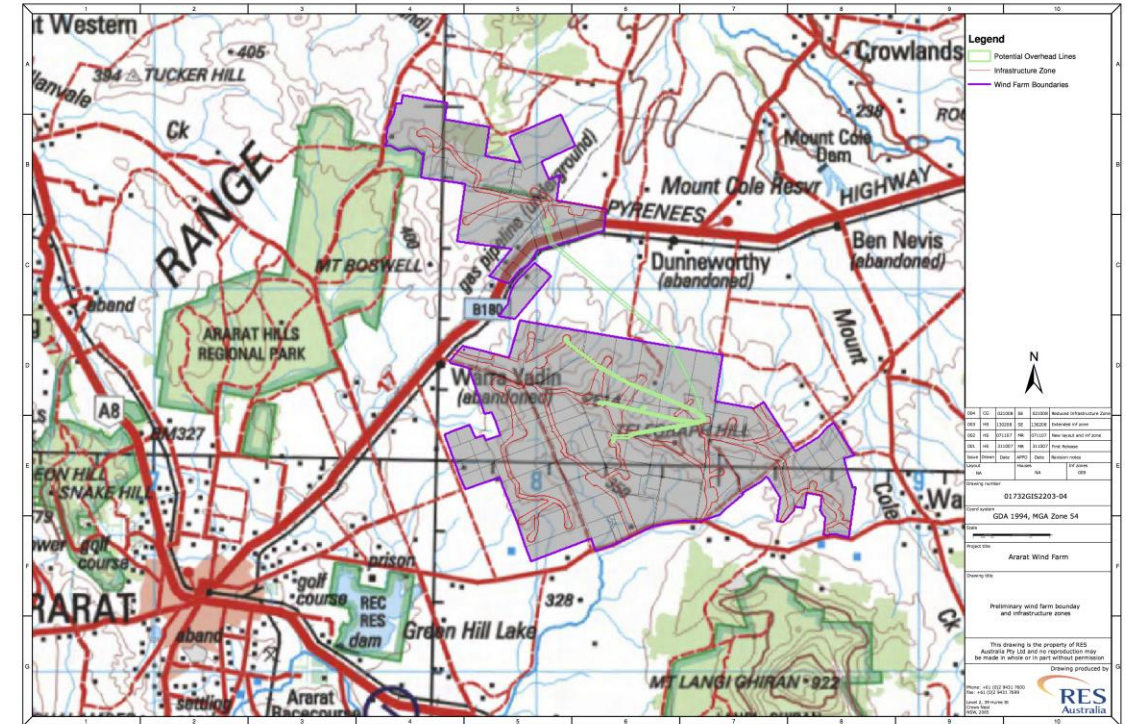
"... The problem is this; the text and structure of the provisions, construed in context, all point to the legislature having intended precisely that which her Honour found objectionable. ..."

Her Honour's perceptions of unfairness are hardly ill-founded. There is also some force in her Honour's observation that the possible remedies of declarations and injunctions to restrain a future act which has not been the subject of the required notification and consultation are "wholly unsatisfactory...".

at [36], BHP Billiton Nickel West Pty Ltd v KN (Deceased) (TJIWARL and TJIWARL #2) [2018] FCAFC 8

Practical considerations

- Check future act notices
 - Has the act been correctly notified?
 - Correct area? Native title party? Details?
 - Google can be a useful tool...
 - Has the entire project been notified? Correctly? (generation area and transmission infrastructure, access roads etc.)
- Procedural rights...? (compensation)
- Transparency – other landowner arrangements and objective standards



Ararat Windfarm Project EPBC Act referral

Ararat Windfarm Project Website
<http://www.ararat-windfarm.com/about/>

Practical considerations

- Carrots and sticks
- Defining the opportunity now and into the future
- Partners? (local, state/territory, federal government, private sector interests in the area, other communities/residents/farmers?)
- Funding and innovative finance

Practical considerations

- Policy uncertainty – NEG and ...
- Paris Agreement – global trajectory (net zero emissions)
- Life-cycle / circular economy considerations
- Advances in technology (and decreasing cost)
- Reform agenda – preserving space



Clean Energy Regulator > Renewable Energy Target > News and updates > Record year of investment means Australia's 2020 Renewable Energy Target will be met

Record year of investment means Australia's 2020 Renewable Energy Target will be met

23 January 2018

The Clean Energy Regulator has today released new information to the market that shows Australia will meet the 2020 Renewable Energy Target.

[Tweet this milestone](#)

The Regulator has previously said that to meet the 2020 target of 33 000 gigawatt hours of additional renewable energy, approximately 6000 megawatts of large-scale generation capacity would need to be announced and built between 2016 and 2019.

Following a record level of investment in renewable energy in 2017, Clean Energy Regulator Chair David Parker today said we've reached a major milestone ahead of schedule.

"While announcements started slowly in 2016, the momentum we saw in the later part of that year continued throughout 2017 and has now reached a level that we believe will be sufficient to meet the 2020 target," Mr Parker said.

Of the 6532 megawatts of new large-scale generation firmly announced since 2016, more than 4900 megawatts is fully financed, with most already under construction or operating, while the rest is expected to begin construction early this year. A further 1600 megawatts of projects have a power purchase agreement in place which we expect will progress to financial close. Queensland will see the bulk of this new construction, followed by Victoria and New South Wales.

"In 2017, more than 1000 megawatts of renewable projects were completed and began generation, the biggest year ever for new build coming online," Mr Parker said.

"We expect 2018 and 2019 to be even bigger, with each year having more than double the new build completed compared to 2017."

Of the firmly announced projects since 2016, solar makes up 46 per cent of the total new capacity.

"Solar is an important emerging player in the energy mix, particularly on long summer days. Over the next few years as more of these projects become operational they will make an increasing contribution to meeting peak electricity demand," Mr Parker said.

Questions?

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