

**Free, Prior and Informed Consent Checklist of the National Native Title Council
Completed by the Raymond Family and Native Title Holders in the Beetaloo Basin**

[The Right To Say 'No': Free, Prior and Informed Consent in a Mining Context - National Native Title Council \(nntc.com.au\)](http://nntc.com.au)

The Raymonds (Pompey and Rosemary) are Traditional Owners and Native Title Holders in the Beetaloo Basin. They confirm in the following signed documents that they have completed a free, prior and informed consent process with mining operators interested in permit areas that they have Native Title over.


The only box not checked was in relation to not being aware of revenue projections, but they were given both positive and negative information about the project, including Environmental Impact Assessments. The information around revenue projections may have been managed by the Northern Land Council as their representatives, but it is unknown by the Raymonds.

The Committee can confirm this verbally at a future hearing with the Raymonds, which they wish to be invited to present evidence at.

- Consent should be sought during major changes to the project or the closure of the project

I (name) Rosemary Raymond have read and agree to the boxes that I have ticked that I was consulted on FREE PRIOR INFORMED CONSENT in regards to the use of my families land in the Beetaloo Basin.

Signature


19/11/2020



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I (name) Pompey Raymond have read and agree to the boxes that I have ticked that I was consulted on FREE PRIOR INFORMED CONSENT in regards to the use of my families land in the Beetaloo Basin.

Signature:

17/10/22

Free, Prior and Informed Consent according to the National Native Title Council

Free

- Indigenous groups should give their consent free from any form of coercion, manipulation or bribery.
- They should determine the timeline and process for obtaining their consent.
- Companies should not take advantage of power imbalances between parties and may need to invest in the capacity of Indigenous groups to engage in negotiations to address this point.
- Indigenous groups should feel free to withhold their consent. Indigenous peoples should not be of the view that the project will proceed regardless.

Prior

- Consent should be sought prior to the approval of the project or at the very least prior to the commencement of activities. Consent should be sought at the earliest opportunity, not when a legal or political need arises.
- Sufficient time should be allowed to access, understand and analyse the information provided.
- The decision-making process and timeline should be respected to allow Indigenous communities to follow their internal decision-making procedures.

Informed

- Information should be transparent and comprehensive. Positive and negative impacts of the project should be outlined, along with all revenue projections.
- Information should be culturally appropriate and accessible, in local languages where necessary
- Information should be provided continuously throughout the FPIC process and the life of the project.
- External parties should build the capacity of Indigenous peoples to engage in the FPIC process, particularly where the information is technical and complex. External, independent advisers should be provided for where necessary to ensure Indigenous peoples are fully informed.
- Identification of the impacts upon their cultural sites should be led by Indigenous peoples

Consent

- The right to consent is the right to say no.
- Whether enabling true consent constitutes a 'veto right' forms the key point of contention between industry, government, and Indigenous groups. The ALRA points the way forward, with a government override mechanism allowing projects to be pushed through if absolutely necessary in the national interest.
- Decisions should be reached according to Indigenous peoples' decision making structures.
- Consent can be withdrawn in light of new information or a breach by the company of its obligations under an agreement.
- Consent should be given in stages or phases, depending on the nature and lifespan of the project

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