



## **Submission on the National Energy Transition Authority Bill 2022**

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## Recommendations

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| <b>Recommendation 1</b> | <p>Incorporate specific recognition in the Bill of First Nations’:</p> <ul style="list-style-type: none"><li>• rights of self-determination</li><li>• rights to Free, Prior and Informed Consent.</li></ul>  |
| <b>Recommendation 2</b> | <p>The Bill should ensure the Board of the National Energy Transition Authority comprises First Nations representatives.</p>   |
| <b>Recommendation 3</b> | <p>The Bill should require that in performing its advice and other functions, that the National Energy Transition Authority be led by locally-designed strategies, including from First Nations communities who have been supported on their own terms and in a manner appropriate to their local circumstances.</p> |
| <b>Recommendation 4</b> | <p>The Bill should clarify that the purpose of the National Energy Transition Authority will be to ensure a fair and equitable transition that will be linked to gains for First Nations - including in employment and other social and economic outcomes.</p>   |

## Introduction and about the First Nations Clean Energy Network

The [First Nations Clean Energy Network](#) (FNCEN) welcomes the opportunity to make a submission on the National Energy Transition Authority Bill 2022 (the 'Bill') and thanks Senator Penny Allman-Payne and the Australian Greens for the foresight in putting this proposal forward into the parliamentary agenda for consideration and discussion.

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

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

Australia's rapid transition to renewable energy will require access to vast areas of land and waters, including for thousands of kilometres of new transmission infrastructure. Enabling and empowering First Nations to play a key and central role in Australia's renewable energy transition goes beyond just social licence issues - it presents a unique opportunity for Australia to design a system that is fair and just and which can also positively impact and result in other social and economic benefits for First Nations.

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

The FNCEN's approach is built on three pillars:

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

## Lessons from Canada on the design of a transition framework to be inclusive of First Nations

Like Australia, Canada has also embarked on the urgent work required to design new systems and strategies to decarbonise, transition away from emissions-intensive industries and realise the new opportunities for economic growth and job creation from renewable energy.

In recognition and anticipation of the socioeconomic impacts of new climate policies and a shift to sources of renewable energy, Canada's federal government committed in 2019 to introducing a

Just Transition Act to “support the future and livelihood of workers and their communities in the transition to a low-carbon global economy.”

In placing people at the centre of climate policy and and just transition actions, there is recognition in Canada that Indigenous communities will be among those particularly affected by the transition, and that beyond providing economic opportunities and benefits to all communities, a just transition can also contribute to fair and equitable outcomes for Indigenous communities.

The Canadian approach accordingly clearly envisages and includes significant engagement with Indigenous groups and through an accompanying discussion paper (e.g. the “People-Centred Just Transition: Discussion Paper”),<sup>1</sup> importantly directs submissions to consider views about how:

- *the just transition must be inclusive by design, addressing barriers and creating opportunities for groups including .... Indigenous Peoples.*

In the view of the FNCEN, while the Bill currently includes and captures various important elements to help guide the transition, it presently lacks:

- any specific recognition or focus on First Nations’ rights and interests (including First Nations’ rights of self-determination and of Free, Prior and Informed Consent as established in the United Nations Declaration on the Rights of Indigenous People)
- a requirement that the Board of the National Energy Transition Authority include First Nations representatives
- a requirement that in performing its advice and other functions, that the National Energy Transition Authority be led by locally-designed transition strategies, including from First Nations communities who have been supported on their own terms and in a manner appropriate to their local circumstances, and
- a requirement that the purposes of the proposed National Energy Transition Authority will be to ensure a fair and equitable transition that is linked to gains for First Nations - including in employment and other social and economic outcomes.

The FNCEN considers that in Australia, there is an opportunity in the formulation and design of a National Energy Transition Authority (and the accompanying policies, processes and resourcing) to be inclusive of First Nations and to ensure that barriers are addressed and opportunities created for First Nations in the transition.

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See [https://www.rncanengagenrcan.ca/sites/default/files/pictures/home/just\\_transition\\_discussion\\_paper\\_-\\_en\\_-\\_july\\_15.pdf](https://www.rncanengagenrcan.ca/sites/default/files/pictures/home/just_transition_discussion_paper_-_en_-_july_15.pdf).