

Renewable Energy Projects

The Pilbara in YMAC's representative body area has been identified as one of the best locations in the world for the development of solar and wind farms.

Over the past year, YMAC's Prescribed Body Corporate (PBC)¹ clients have received a surge of requests to engage with renewable energy proponents. In response, YMAC is developing renewable energy best practice standards for our regions.

These standards will be developed by YMAC to facilitate and enhance the engagement process to:

- provide guidance and support to PBCs in our representative regions in dealing with the recent increase of renewable energy projects that are applying significant additional pressures on already overburdened First Nations corporations, and
- assist renewable energy proponents to meet their Environmental, Social and Governance (ESG) obligations.

Free, Prior and Informed Consent (FPIC)

YMAC supports the critical transition from fossil fuels to clean/renewable energy to achieve net zero transmission targets and address climate change concerns.

However, YMAC strongly advocates that the transition currently underway in Western Australia must not be at the expense of the international requirement that First Nations Peoples provide their FPIC before renewable energy projects can be developed on their Country.

In YMAC's experience, a number of renewable energy proponents have commenced engagement with native title groups based on the presumption that, as the proposed project will not involve mining, the groups will be supportive and that, consequently, FPIC does not need to be at the forefront of the engagement process.

This is an incorrect presumption that has been exacerbated by the State Government's accelerated program to support the development of the renewable energy sector in Western Australia to achieve "net zero transmissions by 2050".



Yamatji Marlpa
ABORIGINAL CORPORATION





YMAC's best practice standards will be structured in a way that follows possible steps in the development of a renewable energy project in Western Australia, requiring the proponent to engage, consult and seek the FPIC of PBCs.

Current at June 2023. Please note, information in this fact sheet is provided by YMAC in good faith on an "as is" basis; it does not constitute any form of legal advice. YMAC believes this information to be accurate and current at the date of publication, however, inadvertent errors can occur and the applicable laws, rules, policies and regulations often change. YMAC will not be liable for any loss or damage whatsoever suffered as a result of reliance upon this information, or through directly or indirectly applying it.

The best practice standards will be based on:

- FPIC,
- the Juukan Gorge Final Report,
- the International Finance Corporation (IFC) Performance Standards and Guidance Note,
- best practice agreement-making principles, and
- the presumption that the native title party may elect to be a potential partner and owner in the project, not a mere stakeholder.

To register your interest in receiving a copy of the completed guidelines, email communications@ymac.org.au.

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