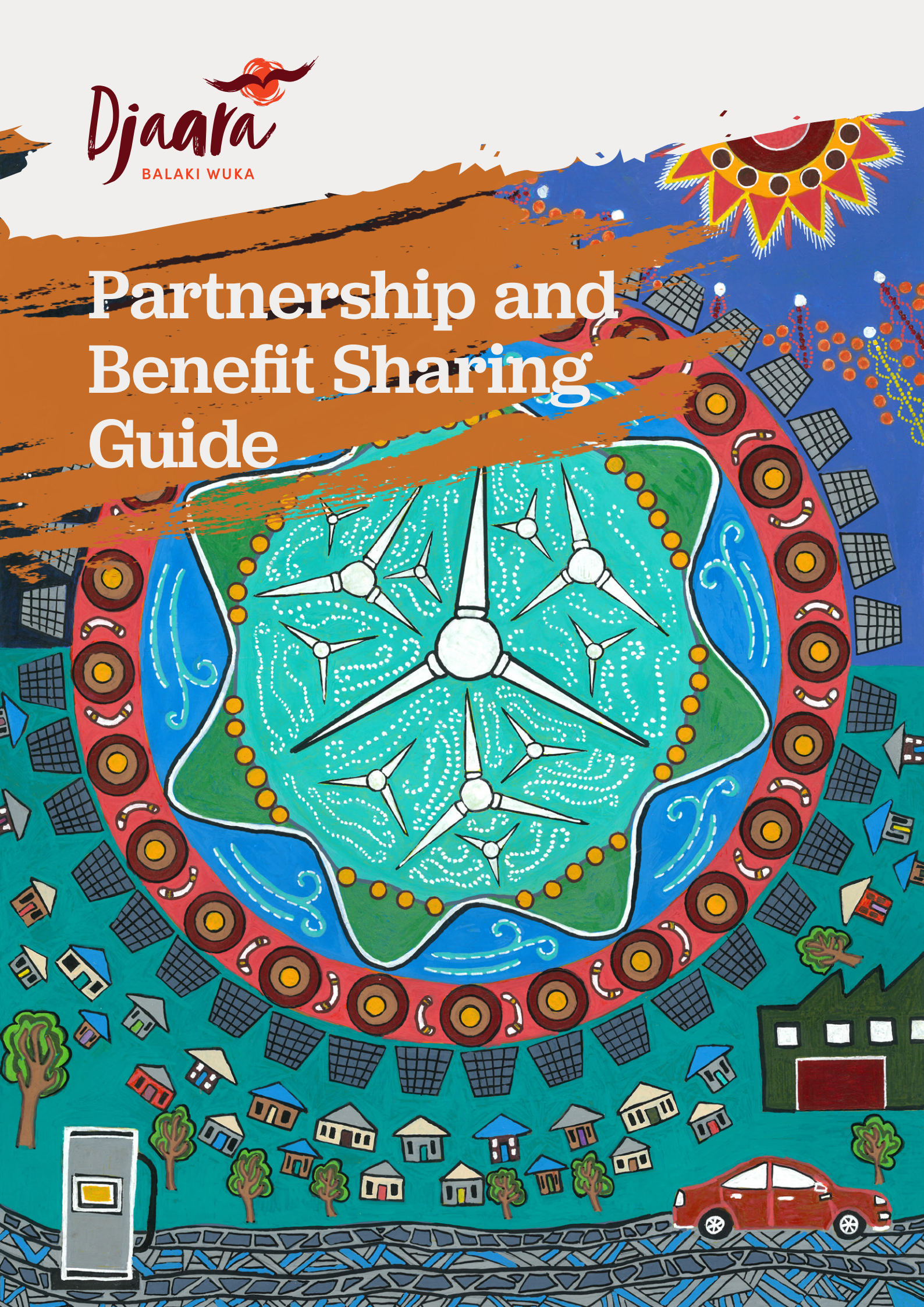


# Partnership and Benefit Sharing Guide



## **Acknowledgement and Thank You**

We would like to thank the Dja Dja Wurrung Renewable Energy Wartaka members for their passion and commitment to the development of this document. Their knowledge, cultural guidance and contributions continue to be invaluable as the Dja Dja Wurrung Clans Aboriginal Corporation (trading as DJAARA) embarks on their renewable energy journey. We would also like to acknowledge and thank all staff at DJAARA who contributed to this document.

## **Cultural and Intellectual Property Statement**

Indigenous Cultural and Intellectual Property (ICIP) expresses the tangible and intangible Cultural Heritage, traditional knowledge, and traditional Cultural expressions held by individuals, families, kinships and communities. ICIP will be managed consistent with the Dja Dja Wurrung Cultural Integrity Guidelines.

We ask that you respect the Cultural expressions and knowledge shared by Djaara (Dja Dja Wurrung People) throughout this document. This document cannot be reproduced in part or whole, or furnished to any party without prior written approval from DJAARA.

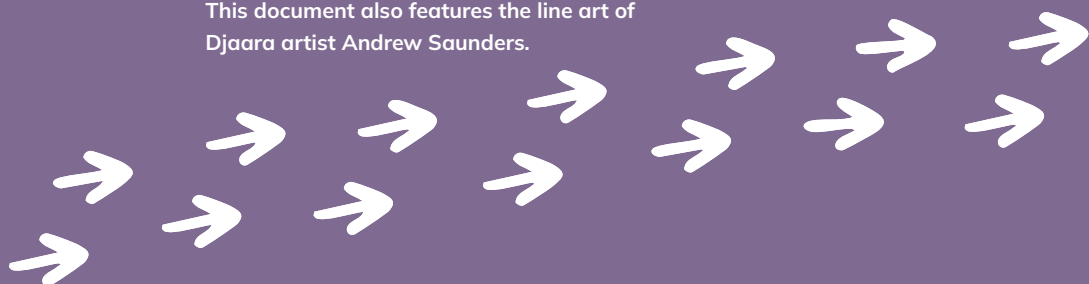
Cover artwork by Kathy Nicholls

### **Renewable Energy – the way of the future for Djaara**

“The artwork shows circles representing Communities sitting together and talking about the future. Solar panels generated by the Sun placed around the wind turbines both powering energy for houses, factories and batteries for electric cars. They work day and night – sun and moon.

Clean energy is the way to go – green space around the wind turbines with trees.”

This document also features the line art of Djaara artist Andrew Saunders.





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# Introduction

As outlined in Nyauwi Mutjeka (To keep the Sun) Renewable Energy Strategy, the Dja Dja Wurrung Clans Aboriginal Corporation (trading as DJAARA) supports a transition toward clean energy through projects that heal and uphold healthy Country.

The energy transition takes place in the context of a colonial history of dispossession where Dja Dja Wurrung People's sovereign rights as Traditional Owners and custodians were never ceded. There have been a range of impacts from colonisation such as removal and displacement of Dja Dja Wurrung People from Country, gold exploration turning Dja Dja Wurrung Country (**Djandak**) upside down, loss of biodiversity, and denial of Dja Dja Wurrung People's ability to accumulate wealth and prosperity across generations.

The Dja Dja Wurrung Recognition and Settlement Agreement (RSA) between DJAARA and the State of Victoria acknowledges Dja Dja Wurrung People's rights and binds the State to a meaningful partnership founded on mutual respect. However, this is only the first step towards achieving our aspirations and goals of self-determination.

Today's transition to a clean energy future brings a chance to perpetuate this story of dispossession and exclusion or change it.

This once in a generation energy transition provides the opportunity to transition away from this history of dispossession and disempowerment to one of partnership and self-determination, where the uplift of Dja Dja Wurrung People will be a shared benefit with those who now live on **Djandak**, including for the regional economy, to which DJAARA are major contributors.

Dja Dja Wurrung People understand the need to transition to a renewable energy future and have learned from the past that without care, this scale of transformation can leave deep scars on **Djandak**. We look forward to walking together with those involved in this transition to show a better way for future generations and to develop mutually beneficial outcomes.

# Purpose

**Dja Dja Wurrung People, as with many Traditional Owners, have historically been excluded from decision-making processes, but this is changing as industry and governments are now expected and often legally required to engage with Traditional Owners. Through this engagement they are also able to recognise the unique and irreplaceable value of doing so.**

This guide has been developed to support DJAARA's Renewable Energy Walking Track 2025–2034 and will help prepare all parties wishing to engage and partner with DJAARA. Adopting the principles outlined in this guide will help demonstrate best practice engagement and lay the foundation to develop meaningful partnerships that support self-determination.

Engaging with DJAARA early, and in accordance with **Djaara's** (Dja Dja Wurrung People's) right to Free, Prior and Informed Consent as set out in the United Nations Declaration on the Rights of

Indigenous Peoples (UNDRIP), will help ensure mutually beneficial outcomes can be achieved. A pro-active, early engagement approach will be more likely to deliver beneficial outcomes for all parties, whilst supporting project timelines.

This is a living document that may be reviewed and updated over time. We advise that all processes, benefit-sharing options and standards be considered a starting point to be further explored through early dialogue and negotiation.

# Vision

Our Vision for Country, as set out in Dhelkunya Dja Country Plan 2014-2034, is to ensure that:

- The health and wellbeing of our people is strong and underpinned by our living culture.
- Our lands and waters are in good condition and actively managed to protect our values and to promote the laws, culture and rights of all Dja Dja Wurrung People.
- As this Country's First People we are politically empowered with an established place in society and capable of managing our own affairs from a strong and diverse economic base.

To progress this vision, DJAARA has the authority and capability to enter into agreements and partnerships for mutually beneficial outcomes.

Partnership and benefit sharing opportunities with DJAARA can be identified through building knowledge of our guiding strategies and programs for healing **Djandak** and healing Dja Dja Wurrung People.

# Partnering with DJAARA

DJAARA recognises the value of forming genuine partnerships to help achieve mutual goals. The following process highlights the steps towards respectful partnership and meaningful engagement with DJAARA.

<b>STEP 1</b>	Understanding DJAARA and Dja Dja Wurrung People is showing respect
<b>STEP 2</b>	Early engagement and initial discussions
<b>STEP 3</b>	Build trust and cultural competency
<b>STEP 4</b>	Develop a partnership statement
<b>STEP 5</b>	Formal engagement and cultural heritage assessments
<b>STEP 6</b>	Negotiate benefit sharing agreements
<b>STEP 7</b>	Implementation and monitoring





## STEP 1

### Understanding DJAARA and Dja Dja Wurrung People is Showing Respect

DJAARA approaches any new potential partnership from a position of mutual respect. It is an expectation that you have read and understood the documents below prior to engaging with DJAARA on renewable energy projects:

- [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)
- [Traditional Owner Settlement Act 2010](#)
- [Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018](#)
- [Recognition and Settlement Agreement and Land Use Activity Agreement](#)
- [Dhelkunya-Dja Country Plan 2014-2034](#)
- [Nyauwi Mutjeka \(to keep the Sun\) Renewable Energy Strategy](#)
- [Climate Change Strategy, Turning 'wrong way' climate 'right way'](#)
- [Renewable Energy Walking Track 2025–2034](#)

By being fully informed about DJAARA's Dhelkunya Dja Country Plan and relevant DJAARA strategies, you are showing respect to Dja Dja Wurrung People, will have a greater understanding of Dja Dja Wurrung People's aspirations during engagement, and will be better informed to begin dialogue.

DJAARA's strategies can be found at [www.djadjawurrung.com.au/resources](http://www.djadjawurrung.com.au/resources)

## STEP 2

### Early Engagement and Initial Discussions

DJAARA expects to be engaged at the very earliest opportunity for all renewable energy projects on **Djandak**. For DJAARA, this means pre-planning and before development applications have been submitted.

Proponents and partners must obtain DJAARA's free and informed consent prior to any project approvals. Approaching DJAARA early will help provide certainty for project budgets and timelines, while assisting DJAARA to understand resourcing requirements to engage adequately.

It is essential to come to initial talks and discussion having considered how all renewable energy projects and partnerships can support the Dhelkunya Dja Country Plan goals or other objectives in DJAARA strategies. This will help DJAARA assess how any renewable energy project or partnership aligns with Dja Dja Wurrung People's values and aspirations, and whether or not the project or partner is beneficial for Dja Dja Wurrung People and **Djandak**.



### **STEP 3**

#### **Build Trust and Cultural Competency**

Building trust takes time and cannot be done without creating a culturally safe environment for open dialogue. Trust is essential to negotiating and achieving good outcomes.

To build trust, a partner must:

- Respect and acknowledge that Dja Dja Wurrung People have lore and protocols
- Be clear and transparent with renewable energy project information, timelines and challenges
- Respect and value what Dja Dja Wurrung People bring to the table
- Be flexible with timelines
- Be willing to have ongoing, honest and transparent conversations
- Provide dedicated resources and funding that values Dja Dja Wurrung People's time and knowledge
- Adhere to applicable legislation and agreements

Cultural competency training is an invaluable tool to bridge cultural gaps and build trust. DJAARA will always require a basic level of cultural competency training to be undertaken by proponents and partners. DJAARA will also assess on a case-by-case basis whether customised training needs to be developed and delivered at what levels (from executive and management levels to field and contract staff). DJAARA expects to be resourced to develop and deliver cultural competency training.

### **STEP 4**

#### **Develop a Partnership Statement**

Developing a Partnership Statement is the first step towards building meaningful partnerships that support self-determination. Partnership Statements are an agreement in principle that demonstrate we have come together in good faith to create important foundations for future negotiations and benefit sharing agreements.

A Partnership Statement with DJAARA captures the key principles of working together, commitments to minimise harm and reduce impact to Country, and safeguard and protect cultural sensitivities. It also recognises DJAARA as genuine partners and rights holders with involvement beyond just stakeholder participation.

In the case of benefit sharing, this statement is an early commitment to ensure Dja Dja Wurrung People realise equitable benefits as a direct result of a project.

## STEP 5

### Formal Engagement and Cultural Heritage Assessments

The best way to ensure Dja Dja Wurrung People's voices are considered in a project and partnership is to prioritise adequate resourcing for their participation. Engagement with Traditional Owners is separate and distinct from broader community engagement. DJAARA requires dedicated resources, time and funding to conduct engagement with relevant teams, DJAARA Members and family groups in the same way project proponents or partners conduct broader community engagement.

**It is important to understand that early discussions with DJAARA does not constitute formal engagement unless specifically agreed to in writing and approved by DJAARA.**

Assessing the risk a potential project poses on Cultural Heritage, cultural values, and the landscape is of critical importance. Depending on the nature of the project (e.g. type, scale, location, investment), appropriate measures to manage risks to cultural values must be developed. This will be done via relevant assessments such as a Cultural Values Assessment (CVA) to be funded by the project proponent, as well as other measures which may include, but are not limited to:

- a. Formal engagement with DJAARA members
- b. Cultural Heritage Management Plan (CHMP)
- c. Aboriginal Waterways Assessment (AWA)
- d. Land Use Activity Agreement (LUAA)

It is crucial that partners and proponents understand that managing risks to Country and cultural values should go beyond mandatory requirements and must be considered prior to any project approvals or agreement making.

## STEP 6

### Negotiating Benefit Sharing Agreements

A Benefit Sharing Agreement is a means by which Dja Dja Wurrung People can receive fair and equitable economic or social benefits from development on their Country. Any partnership or project should provide economic and social benefits to Dja Dja Wurrung People.

DJAARA is prepared to respectfully negotiate mutually beneficial agreements with all who are involved in working on **Djandak**. DJAARA expects projects and partners to consider benefit sharing options widely and not just limited to employment and procurement targets.

## STEP 7

### Implementation and Monitoring

After an agreement is reached, implementation and monitoring will be crucial to ensure agreed targets are achieved and that a renewable energy project creates positive outcomes for Dja Dja Wurrung People and **Djandak**. Establishing good systems and adequate resourcing for implementation and monitoring will help all partners measure progress, share learnings and keep each other accountable.

Implementation and monitoring must be part of legally binding agreements and built into the project's lifecycle, regardless of whether project ownership changes. Regular and transparent reporting on progress will also help maintain trust that partners have worked hard to build. All agreements should be reviewed and updated if issues or key lessons emerge through implementation and monitoring.

# Benefit Sharing

**DJAARA's vision of healing Country, as expressed in the Dhelkunya Dja Country Plan, drives the approach to impact mitigation and benefit sharing.**

Benefit sharing is a means to support Dja Dja Wurrung People directly and all project proponents must seek to deliver a net benefit to Country and Traditional Owners through any renewable energy development. Country is already sick, meaning a no net loss approach will not deliver on the need to heal Country.

DJAARA takes a holistic approach to benefit sharing, considering the flow-on effects and the relationship between Dja Dja Wurrung People and **Djandak**. Taking this same approach from the outset will help you negotiate with DJAARA effectively.

The forms that benefit sharing can take are varied, considered on a case-by-case basis, and should always consider how benefits can flow directly to Dja Dja Wurrung People. Benefits can range from (but not limited to) resourcing Dja Dja Wurrung People to undertake cultural mapping, a project equity stake, revenue sharing arrangements, scholarships, non-trade job pathways, procurement opportunities, funding the implementation of DJAARA strategies, and the embedding of Dja Dja Wurrung People's principles and values throughout the project (e.g. as construction standards).

## Benefit Sharing vs. Compensation

**Shared benefits are viewed as separate and distinct to compensation or mitigation of negative impacts on the environment, biodiversity, Cultural Heritage and disruption to Country.**

Benefit sharing recognises that projects can bring positive change and ensures that a community shares in those benefits as a legacy of the project over time. Compensation is directly related to impact, and precedent exists for calculating appropriate compensation if a project causes unavoidable harmful impacts.

Depending on the nature of the project, a Benefit Sharing Agreement may be negotiated on its own or form part of an Impact Compensation and Benefit Sharing Agreement with DJAARA. Projects must attempt to avoid and neutralise impact to Dja Dja Wurrung People and **Djandak** before exploring opportunities for compensation and benefit sharing.

Government and businesses have established social procurement and employment policies, separate to compensation and benefit sharing agreement making. These policies are not considered benefit sharing but are viewed as minimum expectations to being a good corporate citizen. Employment and procurement are expected to be socially responsible and expected to preferentially source from Traditional Owners and Aboriginal businesses.

Understanding the differences and connections between impact compensation and benefit sharing will lead to better negotiations and agreements with distinct positive outcomes and increased likelihood of social licence to operate on **Djandak**. Figure 1 (page 13) illustrates the distinction between compensation and benefit sharing.

## Supporting self-determination and Traditional Owner economies through benefit sharing

**DJAARA sees benefit sharing and any income generated from renewable energy projects on Djandak as a chance to give back to the Dja Dja Wurrung community and resource initiatives that will contribute to progressing goals in the Dhelkunya Dja Country Plan.**

DJAARA expects to directly manage any benefit funds and spend these in a manner self-determined by the Dja Dja Wurrung community. Benefit sharing provides a meaningful, self-determined approach to meeting public and corporate commitments to Aboriginal self-determination and reconciliation.

There are opportunities far beyond standard compliance and project delivery that have the potential to deliver long-lasting benefits

to community, while also healing **Djandak**. The value and impact that renewable energy projects can bring through designing innovative benefit sharing agreements which support implementation of DJAARA’s strategies can be transformative in the renewable energy space across Australia. Figure 2 (pages 14–15) provides an overview (not limited to) of potential benefit sharing outcomes for DJAARA.

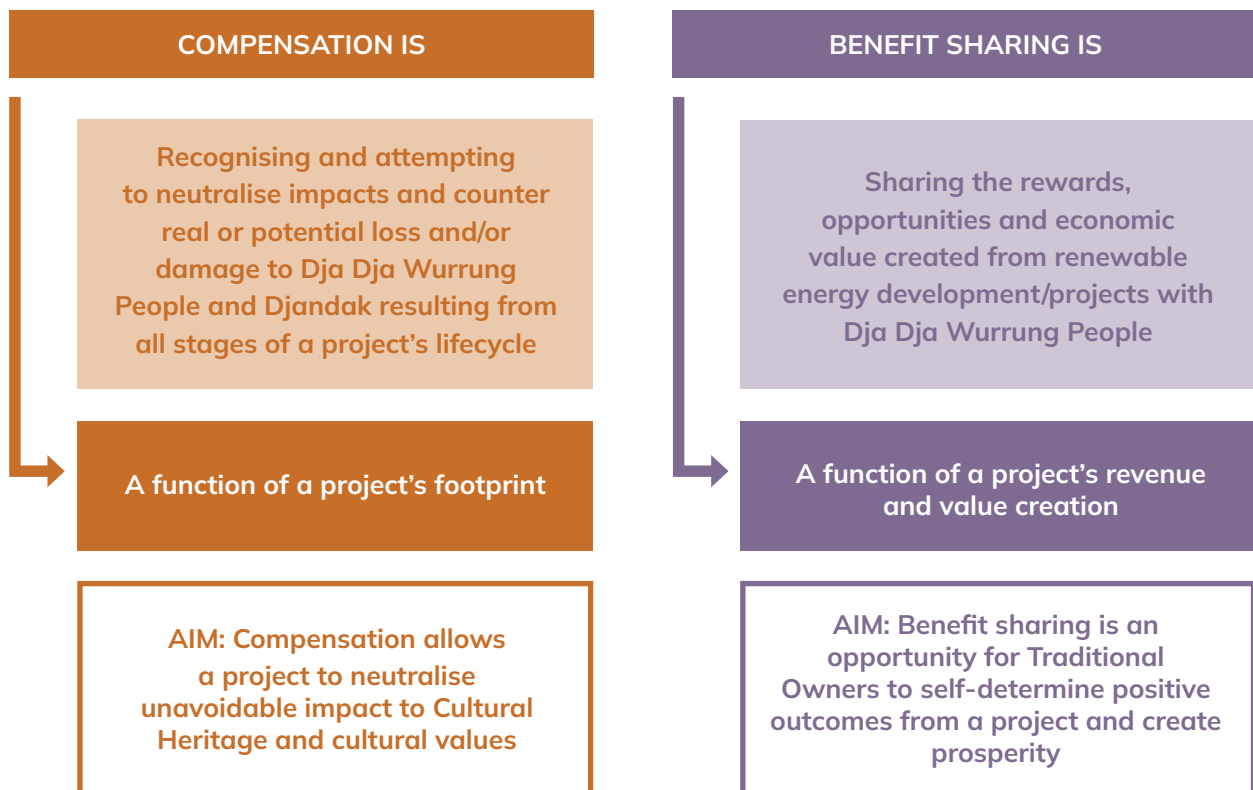


Figure 1: Comparison of compensation and benefit sharing

# Benefit Sharing Outcomes

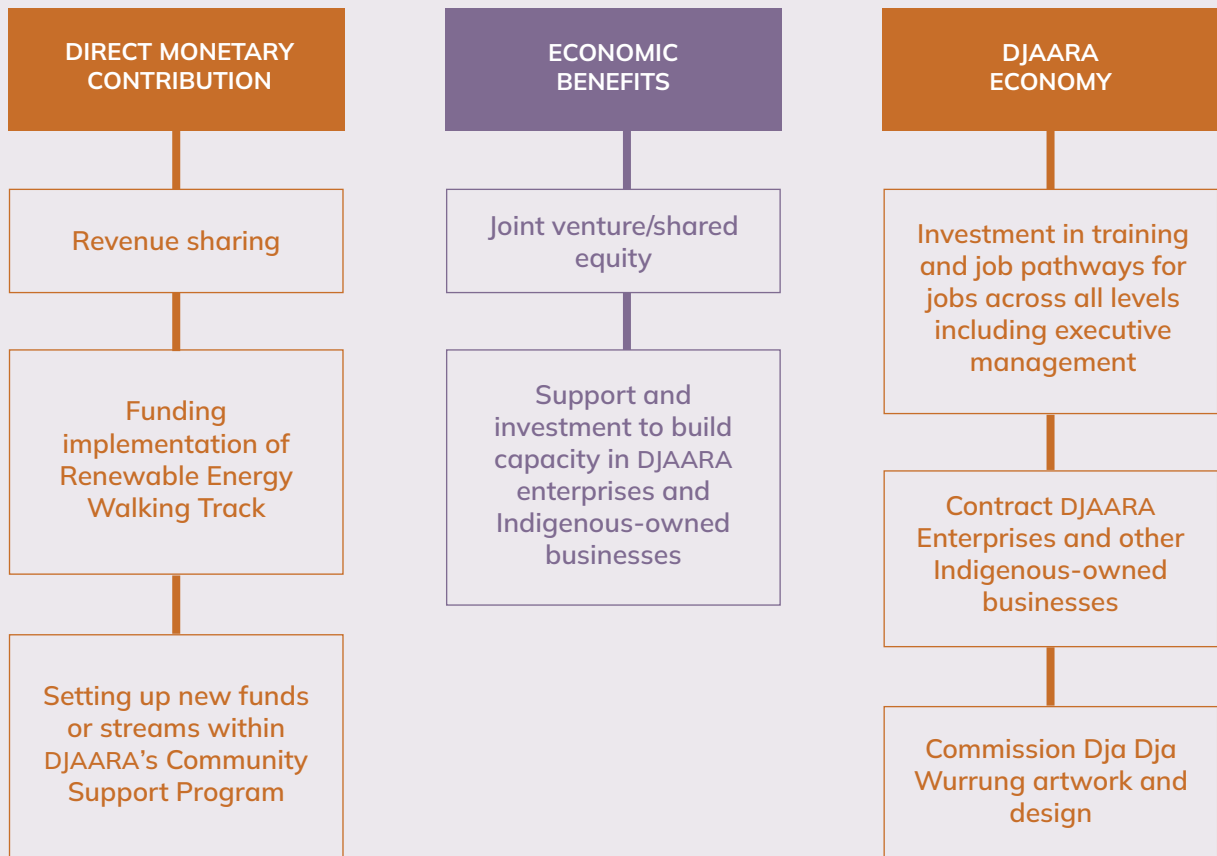


Figure 2: Benefit sharing outcomes

**CARING FOR COUNTRY**

Traditional Owner-led Natural Resource Management

Embed Dja Dja Wurrung principles into project standards from construction to land restoration, repair and rehabilitation

Gifting and return of land back to DJAARA

**CULTURAL HERITAGE**

Traditional Owner-led Cultural Heritage Management

Resource Dja Dja Wurrung People to undertake Cultural Values Assessments and Cultural Mapping

Carrying out Cultural Heritage Management activities

**IMPROVED WELLBEING FOR DJA DJA WURRUNG PEOPLE**

Funds to improve energy security for Dja Dja Wurrung households

Financial contributions to a self-determination fund

Providing scholarships and training opportunities

Recognition of Dja Dja Wurrung Culture and opportunities to practice Culture



## **Benefit Sharing Approach and Standards**

**The following benefit sharing approach and standards will be used to assess and guide negotiations of all renewable energy projects on Djandak. These have been developed through engagement with DJAARA Members in a Renewable Energy Wartaka (come together with purpose), DJAARA's Member engagement process.**

The approach and standards described in this document have a dual purpose of helping DJAARA plan and manage renewable energy development on Country, while providing guidance to project proponents on DJAARA's expectations and minimum standards for benefit sharing.

It is important to note that DJAARA's expectation to consider these guidelines and partner with us does not replace or change any other legal or policy requirements to work with DJAARA to address Cultural Heritage, environment, social or other project impacts.



### **Benefit sharing must support Dja Dja Wurrung People's self-determination**

From initial discussions and early engagement, to agreement making and implementation, all aspects of benefit sharing must support Dja Dja Wurrung People's right to self-determine their own future. Self-determination is one of nine goals in the Dhelkunya Dja Country Plan. A key part of supporting self-determination includes DJAARA taking the lead in managing and protecting **Djandak**. It also requires partners being mindful of Traditional Owners' capacity and resourcing them as required so they can be involved in decision-making processes, obtain legal and other necessary advice, and undertake adequate engagement with the Dja Dja Wurrung community.

### **Benefit sharing must deliver a net-positive outcome**

Benefit sharing agreements are an opportunity to create long-lasting economic and social outcomes for Dja Dja Wurrung People who have been dispossessed and historically locked out of wealth generation. DJAARA will only support renewable energy projects that do not compromise Dja Dja Wurrung People's cultural integrity, values and aspirations, and seek to protect Cultural Heritage and **Djandak**. All projects should come from a place of healing Country followed by avoiding, minimising and mitigating any harmful impacts throughout the project's lifecycle. All projects should contribute to the self-determined goals of healing Country and people through healing climate.

### **Benefit sharing must practice Free Prior and Informed Consent (FPIC)**

Benefit sharing must adhere to the principles of FPIC when seeking to access and use **Djandak**, and recognise that such consent must be maintained over time and can be refused. The right to veto a project is linked to exercising Dja Dja Wurrung People's right to self-determination.

Negotiating a Benefit Sharing Agreement, or equivalent, does not affect the right to FPIC as described by the United Nations Declaration on the Rights of Indigenous Peoples. Dja Dja Wurrung People's rights as First Peoples under the Recognition and Settlement Agreement will also be upheld and respected, not compromised or minimised because of any Benefit Sharing Agreements.

### **Benefit sharing is underpinned by genuine and meaningful partnerships**

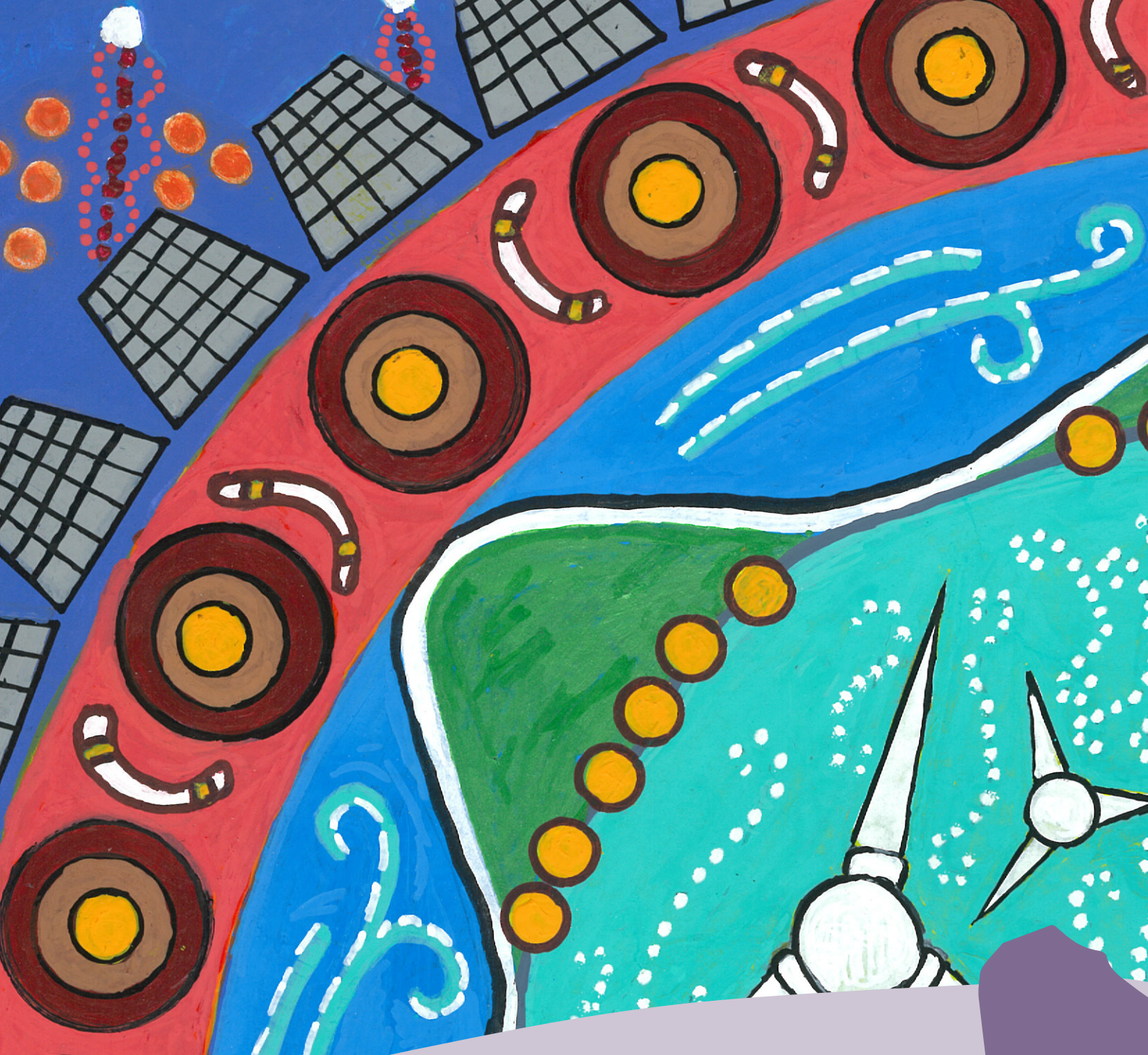
Genuine partnerships with Traditional Owners are critical to the overall success of any renewable energy project and must be resourced adequately to reduce delay, risks and costs across project lifecycle. All aspects of benefit sharing must be underpinned by core values of mutual respect, fairness and transparency to achieve beneficial outcomes. Genuine partnerships require all parties to dedicate time towards building trust, cultural competency, and effective ways of communication.

### **Benefit sharing is equitable and proportionate to the scale of the project**

Dja Dja Wurrung People along with all Traditional Owners, have received little to no compensation or benefits from the harm caused by mining, extraction of resources and energy generation. Many who want to partner with us have profited off the destruction of our land, water and sky Country. DJAARA will have Dja Dja Wurrung People's interests and protection of Cultural Heritage at the heart of any benefit sharing agreements that are negotiated. Equitable benefit sharing is important to DJAARA but also for all Traditional Owner Groups whether formally recognised by government or not. DJAARA will practice principles of equity and ensure benefit sharing is proportionate to the scale of a project's impact and level of disruption to Country.







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