

Taungurung Land and Waters Council

CULTURAL, ENVIRONMENTAL, SOCIAL AND GOVERNANCE CERTIFICATION FRAMEWORK



**PARTNERING STANDARDS FOR
HEALTHY PEOPLE, COUNTRY AND FUTURE**

CONTEXT

Waydjak bunbunarik liwik-nganjin yaraga- ngala dhumbali daada gurnap biik-nganjin yulendj-nganjin

We are the descendants of our old people, and we have an ongoing responsibility to look after inheritance, which is our country and our culture.

Nganga-ngala biik-nganjin yaraga-ngala burndap gerr ngarrnga buk wilanja- nganjin

We look after our country because we have an intimate relationship like thousands of generations before us had.

Ngala barra gerr-nganjin gilbruk biik- nganjin yarang buk daada gurnap dhumbali biik-dhan buk wilanja-dhana

We will continue our relationship with respect for our Country and teach the new generations that they have the same inheritance and responsibility to their Country as every generation before them has had.

The Taungurung People are the Traditional Owners of the land and waters we know as Taungurung Biik.

The Taungurung Land and Waters Council is the elected representative body for the Taungurung People.

The rights and interests of Taungurung Biik and Taungurung People are advocated through the Taungurung Land and Waters Council (TLaWC).

In 2018, the Taungurung Land and Waters Council and the State of Victoria entered into a Recognition and Settlement Agreement (RSA) in accordance with the Traditional Owner Settlement Act 2010 (Vic).

Key to this Agreement are the following objectives:

- to recognise Taungurung's Traditional Owner Rights and to confer rights as to access to, ownership and management of areas within the Agreement Area; and
- to exercise decision-making rights and other rights in relation to the use and development of land or natural resources in the Agreement Area.

The RSA binds the State of Victoria and the Taungurung People to a meaningful partnership founded on mutual respect. It is a means through which Taungurung People can provide a strong future for the next generations and is an avenue for lore, culture and relationships with Country to be recognised, supported, safeguarded and promoted.

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*When our Country is sick,
we are sick. When our
Country is healthy,
we can become healthy.*

*Taking an active role in
caring for Country makes
us strong and unites us
as a community.*

*Our active engagement
with other land managers
benefits Country for all.*

*To achieve this aspiration,
we require our own People
participating as land
managers from decision-
making through to day-to-day
work on Country.*

*To do this, we need to build
our two ways knowledge
and skills.*

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Quote from *Taungurung buk dadbagi: Taungurung Country Plan* pp29.

TANGIBLE EXPRESSION OF INTERNATIONAL AND NATIONAL FRAMEWORKS AND GUIDES

A growing array of legislative and private sector frameworks, both nationally and internationally, highlights the obligations of Australian and Victorian governments, as well as the private sector, toward Traditional Owners and their rights and responsibilities. Earlier frameworks primarily focused on specific land rights and cultural heritage protections. More contemporary approaches—such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and Victoria's Treaty process—endeavour to place First Peoples on equal footing with state and private entities.

While progress in translating UNDRIP and similar frameworks is still unfolding, several relevant examples in the energy and investment sector include the First Nations Clean Energy Network *Aboriginal and Torres Strait Islander Best Practice Principles for Clean Energy Projects and Clean Energy Negotiations Guide for First Nations* (2022); the Clean Energy Council *Leading Practice Principles: First Nations and Renewable Energy Projects* (2024); the Responsible Investment Association Australasia *Investor Toolkit: An Investor Focus on Indigenous Peoples' Rights and Cultural Heritage Protection* (2021); the International Finance Corporation *International Performance Standard 7* (2021), and Victoria's pathway to Treaty.

Two fundamental elements essential for bringing these frameworks and guides to life comprise a **deep respect from potential partners for Traditional Owner rights, worldview and responsibilities to Country, as well as practical, Traditional Owner-designed and led approaches** that foster this respect and enable meaningful, mutually beneficial partnerships.

OUR APPROACH TO PARTNERING

TLaWC is committed to guiding and being actively involved in new and existing energy installations, mines and other large infrastructure developments or operations of all kinds (collectively termed projects) on Taungurung Biik that support healthy Country and People.

We accept that regional development and specifically the renewable energy transition are underway, and we look forward to forming partnerships that enable us to participate in self-determined ways.

We understand that there may be some impacts from projects, and we will guide how these impacts can be avoided or minimised for Taungurung Biik. To support this process, TLaWC have established the following partnering principles.

We expect appropriate compensation from all projects that impact Country and to negotiate Access and Benefit-sharing Agreements with owners and operators. We seek to share in the benefits of projects through opportunities that align with our principles, values, rights and objectives so that we can ensure the health and well-being of our Country and People.



By way of further background on our principles, values and objectives, please follow the hyperlinks below, which will take you to the named plans and strategies of the Taungurung Land and Waters Council.

- Taungurung Buk Dadbagi (Taungurung Country Plan)
- Strategic Plan 2021-2025
- Cultural Land Management Strategy
- Renewable Energy Policy, Benefit-sharing Statement and Key Strategies
- A Statement of Commitment to Heal and Care for the Corop Wetlands Cultural Waterscape (important for developments in/near the North Central Renewable Energy Zone - available upon request)

TLaWC Partnering Principles

RESPECT FOR SOVEREIGNTY AND SELF-DETERMINATION

Acknowledgement of Sovereignty: Recognise and respect the inherent sovereignty of the Taungurung People as Traditional Owners of our lands. This includes understanding our governance structures, decision-making processes, and self-determined aspirations.

Autonomy in Decision-Making: Engage with TLaWC with respect for our autonomy, allowing us to lead in the decisions that affect Taungurung land, culture, and community.

CULTURAL COMPETENCE

Commitment to Cultural Awareness: Ensure all parties involved in engagement with TLaWC are trained in cultural competency. This includes developing an understanding of the Taungurung customs, histories, and traditions.

Culturally Safe Spaces: Create safe, inclusive environments where the Taungurung People can freely express their views without fear of marginalisation or misunderstanding. Engagement practices should be tailored to the cultural needs of the community, with traditional protocols respected.

MUTUAL BENEFIT AND COLLABORATION

Win-win Outcomes: Aim for outcomes that benefit both the TLaWC People and the project proponent. This includes equitable economic opportunities, social benefits, and cultural preservation.

Collaborative Decision-Making: Engage TLaWC as partners in all stages of project development, from planning, implementation and beyond. Involve TLaWC in decision-making processes, ensuring that Taungurung perspectives influence and/or shape project outcomes that affect Taungurung People.

FREE, PRIOR, AND INFORMED CONSENT (FPIC)

Timely and Transparent Information: Provide TLaWC with all necessary information in an accessible and understandable manner well in advance of any decisions. This ensures that consent is based on a complete understanding of the project's implications.

Early and Continuous Engagement: Initiate engagement at the earliest stages of the project and maintain open communication throughout the life of the project. Allow sufficient time for deliberation, consultation, and informed decision-making, particularly with regards to sensitive cultural or environmental matters.

Right to Withhold Consent: Respect TLaWC's right to withhold consent at any stage. Consent should never be coerced and TLaWC must retain full control over decisions regarding our cultural rights and heritage.

TRANSPARENCY AND ACCOUNTABILITY

Clear Communication: Ensure that all communication with TLaWC is clear, honest, and transparent. This includes coherently outlining project objectives, timelines, processes, and any potential risks associated with the project.

Accountability Mechanisms: Establish mechanisms to allow TLaWC to provide feedback, ask questions, and hold relevant parties accountable to their commitments. Make certain that all promises are kept, and any concerns or issues are addressed promptly.

RECOGNITION AND PROTECTION OF CULTURAL HERITAGE

Cultural Heritage Protection: Recognise and safeguard cultural heritage, prioritise impact avoidance over mitigation, and respect the intellectual property of the Taungurung People.

Central Role in Decision-Making: Ensure that TLaWC are central in all decisions that may affect Taungurung cultural heritage. The views, perspectives, and decisions of TLaWC should be prioritised in the development of any policies or practices affecting TLaWC culture and heritage.

CAPACITY BUILDING AND EMPOWERMENT

Supporting Capacity: Provide TLaWC with the resources and the opportunities needed to actively participate in decision-making and engagement processes. This can include education, training, and support for developing internal governance structures and external interface management.

Empowerment in Advocacy: Strengthen TLaWC's ability to advocate for our rights, interests, and culture. Support community-led initiatives that enhance TLaWC's capacity for long-term self-determination and governance.

LONG-TERM RELATIONSHIP BUILDING

Enduring Relationships: Commit to long-term relationships with the Taungurung People that go beyond individual projects or timeframes. Recognise that meaningful engagement is an ongoing process that must be maintained throughout the life of any project and beyond.

Trust and Respect: Building and foster trust through continuous, transparent engagement. Trust takes time to develop and must be nurtured with patience, understanding, and consistency.

ADAPTABILITY AND RESPONSIVENESS

Responsive to Changing Needs: Be adaptable to the evolving needs and aspirations of the Taungurung People. This requires regular, ongoing dialogue and a willingness to adjust project plans based on TLaWC resourcing, feedback and changing circumstances.

Continuous Review: Regularly assess and review engagement strategies and outcomes to ensure they remain relevant, effective, and aligned with the aspirations of TLaWC People.

RESPECT FOR LEGAL AND ETHICAL OBLIGATIONS

Adherence to Legal Obligations: Ensure full compliance with all local, state, national, and international legal requirements regarding Indigenous rights, land use, cultural heritage protection, and intellectual property.

Ethical Standards Beyond the Law: Uphold ethical principles that go beyond just legal compliance.

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Our obligation as Traditional Owners is to always respect and look after Taungurung Country. The transition to renewable approaches will help support Taungurung self-determination and economic development opportunities in the benefit of Country, culture, and a stronger future for all generations.

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Kaley Nicholson
TLaWC Chair and Proud Taungurung Woman



CULTURAL, ENVIRONMENTAL, SOCIAL, GOVERNANCE CERTIFICATION FRAMEWORK

Taungurung Land and Waters Council has developed the Cultural, Environmental, Social and Governance (CESG) Certification Framework to engage potential partners in discussions about the nature and type of partnering that we may pursue together.

To begin the CESG Certification process we ask potential partners to demonstrate the following two key actions:

1. They are meeting or have plans in place to meet, their legislative requirements
2. Potential partner confirms they are committed to pursuing partnership with us, in ways that go beyond minimum legislative requirements.

Representatives of TLaWC will meet with potential partners to discuss their interest in proceeding with partnering discussions, on this basis.

The process is made up of five key phases, including:

- PHASE 1** Relationship building and partner self-assessment
- PHASE 2** TLaWC qualitative and quantitative assessment of partnering potential
- PHASE 3** Sharing CESG Certification of partnership status including opportunities for growth, and co-designing way forward
- PHASE 4** Negotiating and making an Access & Benefit-sharing Agreement
- PHASE 5** Sustaining partnerships through monitoring the implementation of an Access & Benefit-sharing Agreement and periodically reviewing certified partnership status

On the following pages, please find a description of our three partnering types and how they relate to the three elements of our CESG Certification Framework:

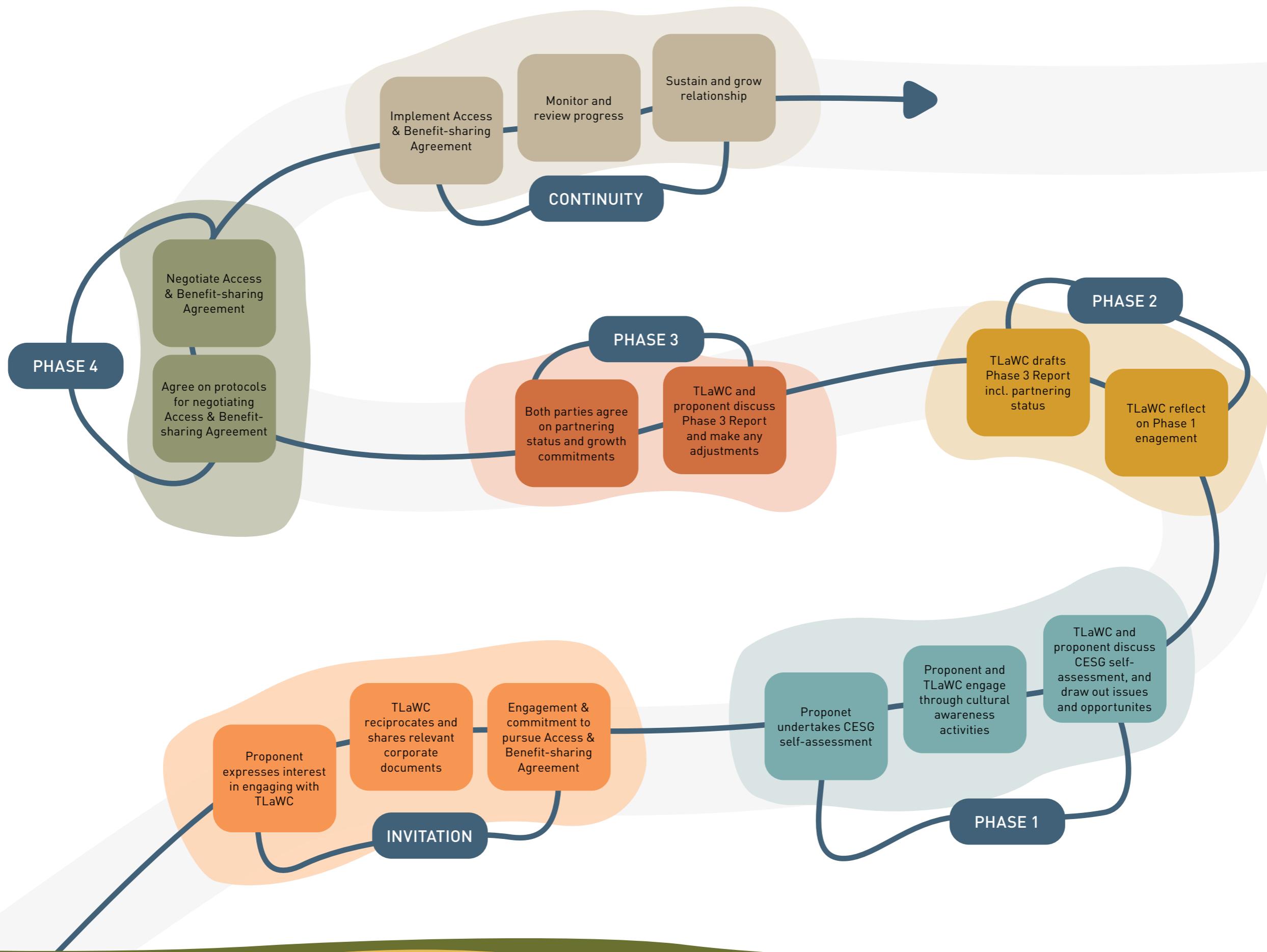
- **ACCESS & BENEFIT SHARING** Appropriate agreements are in place to ensure project impacts are compensated for and benefits are shared
- **RECIPROCITY WITH COUNTRY** A project's utilisation of Country is acknowledged and Country is being cared for in return
- **END-OF-LIFE LEGACY** There is a commitment to ensure Country is restored following project completion
- complimented by a **Partnership Growth Commitment**.

Following on is a diagram illustrating the overall CESG Certification Framework from inception meeting through the assessment to Access and Benefit-sharing Agreements being approved.

TABLE 1. CESG CERTIFICATION FRAMEWORK DESCRIPTIONS AND QUALIFICATIONS FOR EACH ELEMENT

		Reciprocity Access Legacy Continuity	Reciprocity Access Legacy Continuity	Reciprocity Access Legacy Continuity	DJIRRAP
		Partnership type	ASPIRATIONAL PARTNER (AP)	HEALTHY PARTNERSHIP (HP)	DJIRRAP
TLaWC CESG Certification Framework	Access & Benefit Sharing		Potential partner is active in their approach, but may not meet all of TLaWC's expectations	Potential partner meets expectations for a positive and productive Access and Benefit-sharing Agreement	Potential partner goes above and beyond in their approach to co-developing impact mitigation, access, compensation and benefit sharing through ambitious Access and Benefit-sharing Agreements
	Reciprocity with Biik (Country)		Potential partner's practices and project has a neutral outlook for the health of Country	Potential partner's practices and project has a net-positive outlook for the health of Country	Potential partner's practices and project has an overwhelmingly positive effect on Country, with few or no negative effects
	End-of-life Legacy (EoL)		Potential partner has a sufficient EoL plan, but there may be potential loopholes that absolve them of long-term responsibility	Potential partner has a sufficient EoL plan or has put adequate protection in place for new project owners	Potential partner has a regenerative EoL plan to restore health of Country or greater and follow the principle of reusing before recycling to maximum effect, with legal consequence for failure
	Growth Commitment		Proponent takes opportunities to improve as they arise	Potential partner is self-motivated and actively seeking to improve	Potential partner pushes the boundaries of best practice and is an example to others
			Level 1	Level 2	Level 3

OVERVIEW OF THE TLaWC CULTURAL, ENVIRONMENTAL, SOCIAL GOVERNANCE CERTIFICATION FRAMEWORK LEADING TO ACCESS AND BENEFIT-SHARING AGREEMENTS



CERTIFICATION FRAMEWORK

After TLaWC and a potential partner have had an initial meeting and agreed to pursue a partnership, the CESG **Phase 1** assessment can begin.

This involves:

- The potential partner completing the Phase 1 self-assessment
- Setting a meeting date to elaborate on the self-assessment responses
- In the meeting, in the style of a semi-structured interview, discussing and elaborating upon the potential partner's responses and examples that bring their responses to life.

Followed by **Phase 2**:

- TLaWC reflecting on the developer's responses and examples and applying a scoring rubric to determine the level of partnership with which the developers' practices and plans align, these levels being:
 - Aspirational Partner
 - Healthy Partner
 - Djirrap.

The reflection process and scoring rubric have been created to support a robust qualitative and quantitative assessment of how well a potential partner's practices and approach to access and benefit-sharing align with and may support TLaWC's cultural, environmental, social and governance responsibilities. This CESG Certification Framework is designed to be in addition to and complement other ESG processes that a potential partner may already be committed to or may be required to complete in the future.

The reflection process provides the qualitative assessment and will be facilitated by a key TLaWC contact person and any additional team members connected with the potential partner's project. The scoring rubric enables quantitative assessment of the responses to each question and reflection as data sources and using four measures that have assigned values.

The four measures are:

- Does not meet expectations
- Partially meets expectations
- Meets expectations
- Exceeds expectations

To enable adaptability to changing contexts, base weightings are applied to the four CESG elements (Reciprocity with Country, Access & Benefit Sharing, End-of-life Legacy and Growth commitment) and can be changed to reflect different types of projects and how they may be more connected with or influential upon one element over another, relative to the base weightings. TLaWC is committed to transparency in the way the CESG Certification Framework is undertaken, scored and weighted and will share outputs throughout the process to enable all parties to reach agreement on the results. After the assessment stage (Phases 1 & 2), the CESG Feedback Report and partner status is shared with the potential partners, allowing for discussion to reach agreement on the level of partnership and co-designing the steps for developing an Access & Benefit-sharing Agreement (Phase 3) and then facilitated through negotiation protocols and the Access and Benefit-sharing Agreement (Phase 4).



Level 1



Level 2



Level 3