

Beetaloo Native Title Holder Engagement

August 2021



Native Title holder and Triple P contractor, Jeremy Jackson. Jeremy is a proud member of the Jingili People. Triple P Contracting is a local, Aboriginal owned and operated business from Elliott that provides inspection, maintenance, and on-call monitoring services for Origin's well sites in the Beetaloo.

Contents



Introduction	3
The Beetaloo Exploration Project	3
Governance and Social Performance	5
Native Title Holder Consent	8
Sacred Site Protection	14
Recent Engagement with Native Title Holders	15
Origin’s Aboriginal Engagement Principles	16



We recognise Aboriginal and Torres Strait Islander Owners as the Custodians of this land, and we pay our respects to elders past, present and future.

At Origin, we honour and respect Aboriginal and Torres Strait Islander Peoples as having the longest continuous culture on earth.

We acknowledge many of our resources and facilities are located on the land of Aboriginal and Torres Strait Islander Traditional Owner groups and we respectfully engage and build the highest levels of good faith with those groups and their communities, with unwavering respect for their enduring connection to land and sea.

1. Introduction

Origin is committed to early and continuing engagement with stakeholders. This engagement is fundamental to secure support for Origin's exploration activities in the Northern Territory's Beetaloo Sub-basin. Crucial to this approach is Origin's relationship with Native Title holders and host pastoralists who have the highest connection with the project, along with communities in the region.

The Federal Court has made determinations of native title over the entire Beetaloo Exploration Project area. Native Title holders are those people found by the Federal Court to hold native title rights and decision-making authority over the area.

This document sets out the practices for engagement with the Native Title holders where Origin is undertaking exploration work, how exploration has been guided by the principles of Free, Prior and Informed Consent (FPIC) and how sacred sites are respected and protected.

2. The Beetaloo Exploration Project

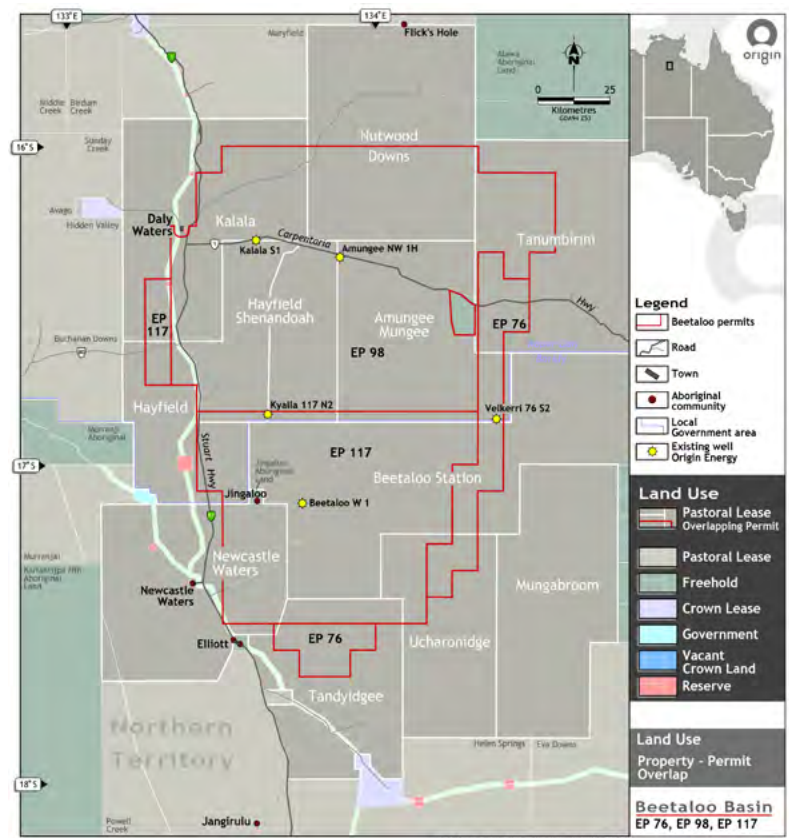
The Northern Territory's Beetaloo Sub-basin is considered highly prospective for shale gas and liquid hydrocarbons.

2.1 Location and permit area

Origin's Beetaloo Exploration Project ('the project') is located around 600 kilometres south of Darwin in the Barkly Region. It lies to the east of the Stuart Highway, between the townships of Daly Waters in the north and Elliott in the south.

Origin currently holds a 77.5 per cent operating interest in three exploration permits (EP 98, EP 117 and EP 76) that allow for exploration to occur across an 18,500 square kilometre area. Joint venture partner Falcon Oil and Gas holds 22.5 per cent.

There are no towns or communities located within Origin's exploration permit area, however it spans ten large pastoral leases or cattle stations. The following map shows Origin's permits overlaid with the pastoral leases in the project area. Native Title determinations also align with these pastoral lease boundaries.



Origin's Beetaloo Exploration Project permits and pastoral leases

2.2 Summary of project activity

Origin has been the most active explorer in the Beetaloo, making significant advances in the understanding of the geology and potential of the basin.

Origin's Beetaloo Exploration Project is a multi-year, nine well shale gas project that started in mid-2014. The project has multiple stacked plays, which includes evaluating both dry gas and liquids rich gas in the Velkerri shale and shallower Kyalla shale formations, each play having different characteristics.

Activity occurs within annual work programs, aligned with Origin's permit commitments to the Northern Territory Government. A condition of these permits is that Origin, as Operator, is required to drill a minimum number of wells over a five-year period, noting the moratorium period and allowance given to restart activity following the Scientific Inquiry Into Hydraulic Fracturing in the Northern Territory (the NT Scientific Inquiry). This is summarised in the following table.

EP	2014	2015	2016	Moratorium		
				2017 – 2018	2019–2021	2022
98	Geological and geophysical studies	2 vertical wells 1 horizontal well	1 HFS horizontal well Extended production test		Extended production test	
117	Geological and geophysical studies	Geological and geophysical studies	1 vertical well		1 vertical well 1 HFS horizontal well Extended production test	2 HFS horizontal well Extended production test
76	Geological and geophysical studies	Geological and geophysical studies	Geological and geophysical studies		1 vertical well	
Permit year	1	2	3		4	5

Origin's permit commitments

To date, six wells have been drilled and two hydraulically fracture stimulated (HFS) within government regulations, approved environmental management plans and with the support of host pastoralists and Native Title holders where work occurs. A further well is currently being drilled this year (2021) and two more wells are planned for 2022.

A discovery of hydrocarbons and estimate of a 6.6 trillion cubic feet, contingent dry-gas resource (6.6TCF 2C) at the Amungee NW-1/ NW-1H well (EP98) was made in 2017¹. A discovery of hydrocarbons with liquids rich gas compositions was made at the Kyalla 117 N2-1H ST2 well (EP117) in early 2021².

2.3 Sustainable development approach

The project aims to generate sustainable, long-term benefits for Native Title holders, pastoralists and communities in the Barkly region, and more broadly for the Northern Territory. To enable successful long-term development, Origin has incorporated sustainable development principles in its management approach to the project, aligned with the Northern Territory Government's aim of ecologically sustainable development for natural resources.

For Origin, sustainable development means operating in a way that seeks to ensure any development generates an equitable distribution of benefit across various legitimate stakeholders. Beyond royalty payments to the Northern Territory Government and payments to Native Title holders, Origin seeks to maximise broad-based local participation in education, training, employment and commercial business enterprise opportunities associated with the project.

Origin's focus for sustainable development is on the people, environment, communities and the health and safety of those who participate in, or are affected by, the activities of its assets. This approach facilitates the management and mitigation of potential adverse impacts; and requires Origin to work in partnership with others who have the necessary knowledge and skills to maximise the creation of value for stakeholders, including Native Title holders and the people of the Northern Territory.

¹ Source: www.originenergy.com.au/about/investors-media/media-centre/beetaloo-basin-drilling-results-indicate-material-gas-resource.html

² Source: www.originenergy.com.au/about/investors-media/media-centre/beetaloo_basin_joint_venture_update.html

3. Governance and Social Performance

Origin's Corporate Governance Statement outlines the process by which the Board and management delegated authority is exercised and controlled. Our risk management framework covers all business activities, including engagement with Native Title holders.

In broad terms, Origin's engagement with Native Title holders is governed by the Code of Conduct, the Human Rights Policy and the Aboriginal Engagement Principles (refer to Section 7).

3.1 Social performance accountability

Sitting within the project, Origin's social performance team is responsible and accountable for the day-to-day management of matters relating to Native Title holders and local communities, including the management of native title obligations, sacred sites protection and negotiation and implementation of agreements.

The team is ultimately responsible to the Origin Board, through project and senior leadership, for the management of risk and execution of strategy.

The social performance governance architecture for the project, aligned to the IFC Performance Standards, sets out a range of key performance areas, which are supported by guidance notes that set out the expectations of the key performance areas. The governance architecture is summarised in the diagram below:

Origin — Social Performance Governance Architecture



The social performance team works to a range of Key Performance Indicators (KPIs) that are both Origin-wide and project specific. The project specific KPIs arise from the social performance governance architecture described above and are reflected in the social performance plan.

Project KPIs include:

- cultural heritage management,
- Native Title holder and local community engagement,
- compliance with existing agreements with Native Title holders,
- local employment and contracting,
- community contributions and
- being guided by the principles of FPIC in agreement making with Native Title holders.

Performance against the relevant KPIs is assessed during the year through weekly and bi-annual reporting and review.

3.2 Team experience and approach

The social performance team seeks to build and maintain trusted relationships with Native Title holders and local communities, arranging on country meetings and site inspections as well as preparing key materials about project activity to inform and support engagement. The team also provides mentoring support to Aboriginal people working on the project.

While in the exploration phase of the project, the team comprises four roles – two of which are based in the Northern Territory, to be filled by Aboriginal people with strong community connections.

- Social Performance Manager
- Lead Negotiator – Indigenous Land Use Agreements, Beetaloo and Growth Assets
- Regional Relationship Specialist (Northern Territory based)
- Community Liaison Officer (Northern Territory based, currently under recruitment)

The Community Liaison Officer role has been created to support the Regional Relationship Specialist. The purpose of this role is to increase capacity to engage directly with local Aboriginal communities about our activities and to address any community questions and concerns.

The Beetaloo team has completed Origin-wide cultural induction training. A site-based cultural induction program is being developed, with delivery through a Northern Territory Aboriginal business and including Native Title holder input and participation specific to the area.

The team has experience across community and Indigenous Peoples engagement in resources industries. That experience includes work in the Northern Territory, most Australian States and internationally. The experience extends across all project phases from exploration and production through to rehabilitation. It includes addressing environmental concerns in community engagement, proven skills with agreement making and implementation, and the ability to work in cross cultural settings.



The process Origin's social performance team follows to seek the ongoing support from Native Title holders is site-specific and activity based - sharing work programs in advance and participating in on-country meetings with the Northern Land Council and Native Title holders for the area where activity is proposed. Origin has received positive feedback for the way it approaches consultation using visual 'story board' style materials and practical models, supported by subject matter experts who work on the project.



Northern Territory based member of Origin's social performance team, Regional Relationship Specialist Russell Jeffrey with Pompey Raymond, senior elder of the Jingili People.

4. Native Title Holder Consent

4.1 Beetaloo Exploration Agreements

The Federal Court of Australia has made Native Title determinations over the entire Beetaloo Exploration Project area. The Federal Court determinations set out the Native Title holders, decision makers and the decision-making process for those areas in accordance with the *Native Title Act 1993*.

Native Title holders are those people referred to in the Federal Court determinations who have both the legal and traditional rights to make decisions for those areas. This is distinct from Traditional Owners, who may have decision making authority under traditional law to their respective country, but not with regards to the project area.

Exploration agreements were executed for EP76 and EP98 in 2003 and for EP117 in 2005. The parties to the exploration agreements were the company that held the exploration permits at the time (Sweet Pea Corporation Pty Ltd), local Aboriginal groups and the Northern Land Council (NLC). Local Aboriginal groups describes those who claim or hold Native Title, noting these agreements preceded the native title determinations under the *Native Title Act* that now cover the project area.

The exploration agreements with Native Title holders and Native Title claimants for the project area (EP76, EP98 and EP117) include consent to the grant of tenure and exploration activity.

There are no provisions in the exploration agreements preventing the Native Title holders from raising concerns about the protection of sacred sites (gag clauses).

In negotiating the exploration agreements, local Aboriginal groups were represented by the NLC, in its capacity as the Representative Body under the *Native Title Act*. The NLC's role as the Representative Body is set out in the *Native Title Act* and includes the responsibility to ensure Native Title holders are identified and consulted in negotiating and concluding agreements, providing independent legal advice and other expertise. The NLC is one of the most experienced representative bodies in Australia, having been established in 1973, with the additional expertise of also discharging representation/consultation functions under the *Aboriginal Land Rights (Northern Territory) Act*.

Between 1983 and today, the NLC has conducted considerable ethnographic work in the Beetaloo Basin that informs the identification of Native Title holders, the traditional decision-making processes, and information relating to sacred sites.

4.2 Acquisition of interest in Beetaloo permits

Origin carried out a due diligence process prior to acquiring its interest in the permits to establish that consent to the exploration activities was given by the Native Title holders and claimants.

While Origin's predecessors negotiated the terms of the agreements, the NLC was a signatory to the agreements. Origin received the necessary consent of the NLC, as the statutory representative body of the Native Title holders and claimants before taking assignment of the agreements.

The exploration agreements are comprehensive, indicating a level of detail and thoroughness in the negotiation and execution of the agreements. The exploration agreements cover:

- consents
- proponent obligations
- sacred site protection
- the sharing of information
- employment and training
- business opportunities
- environmental protection and rehabilitation
- financial benefits
- dispute resolution
- agreement governance, and
- agreement Implementation.

The terms of the Exploration Agreements are confidential. It is not possible to disclose further information without the consent of the parties, including the NLC and Native Title holders.

Native Title holders have the right and opportunity through multiple avenues to be kept informed about Origin's exploration activities, including annual on country meetings, sharing of work programs, sacred site clearance and avoidance surveys, and site visits.

4.3 Native Title determinations

There were 10 native title claims within Origin's Beetaloo permit area, all of which corresponded to the boundaries of the underlying pastoral leases (refer to map on page 3). Each of those claims has been resolved with a determination of native title, by order of the Federal Court. All the determinations are on the public record (refer to the National Native Title Tribunal's Native Title Register).

Across all 10 determinations, native title is held by named primary estate groups defined by patrilineal descent who hold native title with neighbouring estate groups, also defined by patrilineal descent. Neighbouring estate groups hold their native title rights subject to the rights and interests of the primary estate groups.

The named primary estate groups for the 10 determinations covering Origin's Beetaloo permit interests are set out in the following table.

Name	Determination Date	Primary Estate Groups
Nutwood Downs PL	09/2020	Murungun Milgawirri, Budal Yuwaran, Mambali Amaling-Gan, Murungun Igalumba & Guyal Bardi Dumnyun-Ngatanyana
Tanumbirini PL 102-3	10/2013	Guyal Ambulya, Guyal Muynmin, Budal Labanga, Murrungun Baluganda, Mambali Ngubayin & Mambali Wungurrindjirr
Amungee Mungee PL	06/2012	Karranjini & Bamarrnganja
Beetaloo PL	06/2012	Karranjini, Bamarrnganja, Warranangku, Pinda (OT Downs) & Lija/Muwartpi
Ucharonidge PL	06/2012	Warranangku
Tandyidgee PL #2	03/2014	[Y]ijiparta, Gurungu/Kulumintini & Warranangku
Hayfield PL	06/2012	Kinbininggu, Warranangku & Marlinja
Newcastle Waters — Murrarji	09/2007	Marlinja (Collins), [Y]ijiparta (Kingston), Elliott (Gurungu/Kulumintini), Warranangku (Beetaloo), Kulaja (North Waterhole) & Powell Creek (Walanpiri)
Shenandoah PL	06/2012	Kinbininggu & Bamarrnganja
Kalala PL	06/2012	Badpa, Murrunggun Kunakingka & Guyal Bardi

Native Title determination by corresponding pastoral lease area. The estate groups for Nutwood Downs, Tanumbirini and Kalala pastoral lease areas are Alawa People, the others are Jingili People.

When a determination recognising native title is made by the Federal Court, the *Native Title Act 1993* requires Native Title holders to establish or nominate a corporation to represent them and their interests. These organisations are known as either registered native title bodies corporate (RNTBCs) or prescribed bodies corporate (PBCs) and have prescribed functions under the *Native Title Act 1993* to:

- hold, protect and manage determined native title in accordance with the objectives of the native title holding group
- ensure certainty for governments and other parties interested in accessing or regulating native title land and waters by providing a legal entity to manage and conduct the affairs of the native title holders

For each of the 10 native title determinations that relate to Origin's permits the Native Title holders nominated the *Top End (Default PBC/CLA) Aboriginal Corporation RNTBC (Top End)* to represent them.

The NLC is the agent for Top End, effectively acting as the representative for Native Title holders in these 10 areas. This reflects the evidence before the Federal Court at the time of the determinations that the Native Title holders chose Top End to be their representative body.

4.4 NLC representation of Native Title holders

With native title determinations in place, the legal process for Native Title holders to change representation is by application to the Federal Court to replace the RNTRB with a PBC they nominate through a traditional decision-making process. Subject to an order of the Federal Court replacing the RNTBC, a new PBC then has the power to act as the representative of the Native Title holders.

In 2020, a group with the support of Original Power, an organisation based outside the Northern Territory, registered an organisation called Nurrdalinji Native Title Aboriginal Corporation (Nurrdalinji) with the intention of replacing Top End (with NLC as agent for Top End) as the representative of the Native Title holders. Nurrdalinji board members have made various public statements about the NLC and community support for the Beetaloo project.

In her opening submission the *Joint Standing Committee on Northern Australia's Inquiry into Destruction of 46,000-year-old caves at the Juukan Gorge*, NLC chief executive officer Marion Scrymgour said that Nurrdalinji was not an appropriately representative organisation supported by all native title groups.

Northern Land Council Opening Statement, Joint Standing Committee on Northern Australia, 6 July 2021:

The NLC's role and function is to assist native title holders in relation to making and implementing decisions about their country, whether those are decisions about oil and gas, or decisions about other kinds of development such as the proposed 12,000 hectare Sun Cable solar farm project which is proposed for Powell Creek Pastoral Lease.

Where a particular native title group opposes fracking on its country, the NLC will fight as hard as it can to support that position. Where the native title group instead wants to leverage its native title rights to secure benefits and opportunities into the future from the commercialisation of a gas resource on its country, the NLC will support that too.

As regards the creation of a regional decision-making entity for the Beetaloo Basin area, the NLC is committed to assisting native title groups with setting up an appropriately representative corporation. In time, this corporation could be appointed by native title holders to be their PBC, if that is what they want.

The most important thing is that any decision to appoint a new corporation to be a PBC is made by all native title groups, not just a small group of individuals opposed to fracking. Senior people from all groups must be involved. The decision needs to be made in accordance with native title holders' traditional decision-making process for decisions of these kinds. That is what the Native Title Act requires.

Nurrdalinji Native Title Aboriginal Corporation is not an appropriately representative corporation. The decision to try to make Nurrdalinji the PBC for this area did not come from a proper decision-making process, where all native title groups were involved. In fact, many senior native title holders from this region made it quite clear to the NLC that they do not support Nurrdalinji.

For these reasons, when challenged by the NLC, Nurrdalinji withdrew its application to the Federal Court to become the PBC for the Beetaloo Basin area. NLC lawyers explained to the lawyers for the Nurrdalinji Corporation why the replacement application would fail. That avoided parties incurring costs and community division that would be caused by litigation.

In response to a question whether the NLC had frustrated Nurrdalinji's efforts to become a prescribed body corporate, Ms Scrymgour said Original Power and the Nurrdalinji's claims around self-determination had been misleading.

Hansard, Joint Standing Committee on Northern Australia, 6 July 2021:

evidence previously that the NLC frustrated their efforts to become a PBC. What's your response to that?

Ms Scrymgour: I think some of the allegations that have been aired are quite misleading and not completely reflective of what actually happened. What needs to be understood here—and we said this really clearly to members of Nurrdalinji, who also alleged that we haven't had conversations with them though we have—is that the decision to appoint any new corporation as a PBC, which is made up of native title groups, needs to be reflective and get agreement from all those native title groups. It can't just be a small group of people acting and speaking on behalf of other people's country. Nurrdalinji is not an Aboriginal corporation, and we and the majority of native title holders down in that region feel that it's not an appropriate representative corporation. I will hand over to Daniel, who handles the legal side of all of the issues to do with this association.

Mr Wells: I've had the luxury of being able to read the chief executive's written submission, which will

NLC legal advisor Daniel Wells told the inquiry that the NLC's role was to ensure the appropriate traditional decision-making processes, were followed, involving everyone, in particular "key culturally senior decision-makers". This extended to supporting Native Title holders to create a replacement PBC, as long as the decision was made in the proper way.

Hansard, Joint Standing Committee on Northern Australia, 6 July 2021:

aspirations. It that means supporting native title holders to create a replacement PBC and to appoint that replacement PBC, then, as long as those decisions are made in the proper way, the Northern Land Council is there to support those matters going forward. In this case, it was abundantly clear to the NLC that this proposal would have the support of only a minority of constituents from that area. A number of senior native title holders either weren't aware of the proposal or did not support it. In those circumstances, when you look at section 60 and section 251B of the Native Title Act, the NLC saw itself as having an obligation to protect the broader native title holding community from a decision that hadn't been made properly by everyone. At a high level, that's our experience in relation to the Nurrdalinji matter.

Ms Scrymgour: As Daniel pointed out before—and he gave a really good explanation—in the opening speech

On whether the interests of Traditional Owner groups who do not have exploration activity on their land but are connected to the broader hydrology of an area, were being represented, Mr Wells said the NLC has always taken a regional approach.

Hansard, Joint Standing Committee on Northern Australia, 6 July 2021:

and that pollutes the water:

Mr Wells: I'm getting a nod from Marion here, Senator. I could offer a comment in response: from the very beginning, the approach of the Northern Land Council to these petroleum exploration matters, and now to the possibility of petroleum production, has always been a regional one. It looks at the regional population centres—for example, Elliott. It also looks at all of the native title holding groups that have interests not just where the well sites are but where the seismic testing is done and where roads are being proposed, and across the entire landmass at the top of the aquifers, because that's our country and we've always been aware that these impacts are likely to be felt across the region. This is consistent with the way that our constituents already work with one another traditionally to make decisions. These groups are closely connected under traditional law and custom; they have country across a vast area of the southern Barkly. So it's always made sense to the Northern Land Council to take a regional approach so that when we do come to negotiating an agreement, if that's what our instructions are, we will make sure that there are measures in there to address the interests of the broader region.

Senator DODSON: Thanks, Chair. I'll let someone else have a question.

4.5 Exploration and Free, Prior and Informed Consent (FPIC)

Origin adheres to all relevant domestic legislation and works to the principles of FPIC. Origin applies the definition of FPIC set out in the International Finance Corporation Performance Standard 7 (IFC PS7), which is now also reflected in the Equator Principles. Origin seeks to apply the principles of FPIC across all current and future engagement with Native Title holders.

The principles of FPIC include continual and transparent sharing of information and consultation. This occurs during exploration activity. All applications for regulatory approval are shared with the Native Title holders through the NLC. In the case of the most substantive regulatory approvals, the Environmental Management Plans, the NLC has the opportunity to review and comment on the draft prior to formal lodgement. All work programs are shared with Native Title holders in advance of the proposed commencement of that work activity, providing an opportunity for Native Title holders to review the work program and initiate a sacred site avoidance and clearance survey. Origin's exploration work can only proceed once it has been cleared by Native Title holders and must comply with any conditions set by them.

Origin meets formally with Native Title holders on an annual work program basis to detail current and planned exploration activity and answer any questions or concerns that may arise. Native Title holders are also invited to site to view and inspect activity.

For example, Native Title holders visited the Beetaloo site during drilling work in 2015 and undertook a Welcome to Country ceremony. In 2016 Native Title holders visited the Amungee site prior to fracture stimulation, inspecting the site and the equipment. In September 2020 Native Title holders visited the Kyalla 117 site during fracture stimulation. Site inspections such as these are an important opportunity for Native Title holders to spend time with on-site specialists to see up close how work is safely undertaken and importantly to answer any questions about how their land and water is protected.

There are also frequent meetings between Origin and the NLC to provide project updates, plan engagement activities, plan work program clearances and prepare for the negotiation of a possible ILUA. The Origin Chairman and CEO are planning to meet with Native Title holders for areas of current exploration activity this year, subject to COVID 19 restrictions.

Our continued engagement with Native Title holders and the NLC affirms our view that we continue to have the support of Native Title holders for areas of exploration activity.

4.6 A future Beetaloo production agreement

If the project progresses beyond exploration, Origin will seek to negotiate a production agreement in the form of an Indigenous Land Use Agreement (ILUA), prior to the commencement of production.

Negotiating an ILUA prior to any production activity ensures that Native Title holders have a formal opportunity to consider the risks and benefits of the project and to reach agreement on the terms of the production activity that affects their interests prior to production commencing. This addresses one of the key elements of FPIC, as articulated within the IFC PS7. Subject to the consent of Native Title holders, Origin and the NLC have a shared intent that the production agreement will be in the form of an ILUA. The ILUA is intended to be comprehensive, and is expected to include:

- environmental management
- cultural Heritage and Sacred Sites protection
- native title rights and interests in land
- social impact management
- financial benefits
- employment and training
- contracts and business development
- Native Title holder consents
- emergency response
- agreement implementation and governance

Where an ILUA is negotiated, Native Title holders will have access to independent advice as required, with their costs recovered from the joint venture, including economic, environmental, hydrological, anthropological, cultural heritage protection, legal, commercial, training and employment, and social and cultural impact expertise.

4.7 Production Agreement and Free, Prior and Informed Consent (FPIC)

A negotiated production agreement ILUA will be subject to the consent of the Native Title holders and **Free** of any coercion or manipulation.

The ILUA negotiation process is not schedule-driven, with the expectation being that it will take about two years, with additional time for the ILUA registration process.

The ILUA negotiation will be conducted **Prior** to commencement of any production activity. There is substantial preparation work underway in anticipation of an ILUA negotiation. Origin and NLC have been developing a negotiation protocol.

The Native Title holders will be **Informed**. The NT Scientific Inquiry said procedures set out in the Land Rights Act and Native Title Act ensured Aboriginal owners and Native Title holders are informed and consulted about development on their country.

The NT Scientific Inquiry further recommended government, Land Councils and the Aboriginal Areas Protection Association (AAPA) develop an independent, third-party information program for the broader Aboriginal community (Recommendation 11.6). Origin supports this recommendation and believes it will improve the dissemination of science-based factual information on hydraulic fracture stimulation throughout the community and will assist in dispelling misinformation.

The CSIRO is expected to be engaged to support the implementation of Recommendation 11.6, with the information program expected to commence roll out in the second half of 2021.

During the six years of Origin's exploration activity, Native Title holders for respective areas of work have had experience with Origin on the Beetaloo Exploration Project. This experience includes many instances of engagement and consultation, including annual on-country meetings, reviewing work programs, conducting work program sacred site avoidance and clearance surveys and site inspections associated with the exploration activities. Native Title holders will also have the benefit of the NLC's advice and support from any independent expertise engaged by the NLC.

A negotiated production ILUA would be documented evidence of Native Title holder **Consent**, consistent with the principles of FPIC as well as complying with Australian national legislation (Native Title Act 1993). Its execution will need to reflect the decision making of the determined native title holders, applying the customary decision-making process reflected in the determinations.

The NLC's Mining Policy, approved in November 2020, *"was developed in recognition that various measures are required to ensure Native Title holder participation in consultation and authorisation activities in relation to mining and onshore petroleum sectors"*. The policy sets out the NLC's approach to FPIC and states:

"To achieve the policy objective the NLC may engage interpreters, cultural advisors, scientists, lawyers, anthropologists and other experts as necessary to ensure that information is provided to Indigenous Peoples in relation to mining is objective, factually correct, culturally appropriate, and takes into account all relevant traditional, scientific and other knowledge."

5. Sacred Site Protection

5.1 Approach to Sacred Site Protection

Origin implements the Exploration Agreements it holds with Native Title holders alongside compliance with sacred site protection legislation.

Origin's approach to sacred sites is avoidance of impact, which is supported by Northern Territory legislation. This can be contrasted with the *Aboriginal Heritage Act 1972* (WA) that as at the date of this report provides for an approval to impact.

Beetaloo's social performance governance architecture (refer Section 3.1) includes periodic audits of sacred site protection management systems.

The activities of Origin's Beetaloo Exploration Project consist of access roads and equipment laydown site servicing five well pads. These activities occupy around 247 hectares, or 0.01 per cent of the total exploration permit area. This relatively small footprint, combined with the sacred site avoidance approach, enables the project activities to proceed and protect sacred sites.

5.2 Native Title Holder involvement in the sacred site clearance process

Native Title holders are consulted on and approve potential wellsite locations and associated infrastructure to protect sacred sites. Under our Exploration Agreements, prior to undertaking any activity, work programs are shared. Native Title holders can choose (and have done so in every case so far) to undertake a sacred site avoidance and clearance survey to understand what work is proposed and where its located. The purpose of the survey is so that the work proposed will have no impact on sacred sites or objects. Only work that has been cleared by Native Title holders as having no impact on sacred sites or objects can proceed.

An important part of annual on-country meetings is to update Native Title holders on previously cleared and future work.

An Authority Certificate protects sacred sites and cultural heritage by setting out the conditions for using or carrying out proposed works on an area of land and / or sea. The Aboriginal Areas Protection Authority (AAPA) issues an Authority Certificate when it is satisfied that the use of, or work on, the area in question can proceed without there being a substantive risk of damage to, or interference with, a sacred site on or in the vicinity of the area.

AAPA reviews detailed anthropological work arising from sacred site clearance and avoidance surveys to assess compliance with the *Northern Territory Sacred Sites Act* and to decide whether the right people have been consulted in the manner required by the legislation, that is both Native Title holders as well as relevant cultural custodians.

If AAPA considers that additional consultation is required, this would need to be undertaken prior to any certificate being issued. If proposed activity in a location isn't certified by the AAPA then work cannot proceed.

The NT Scientific Inquiry confirmed that:

"Two Commonwealth Acts, the Native Title Act and the Aboriginal Land Rights Act, with complementary Northern Territory legislation, the Northern Territory Aboriginal Sacred Sites Act 1989 (NT) (Sacred Sites Act) as well as the Environmental Assessment Act 1982 (NT) and the Heritage Act, establish a legal framework that enables Aboriginal people to maintain cultural traditions, including, but not limited to, protecting sacred sites from the adverse impacts of resource development."

The NT Scientific Inquiry concluded that quite separate from the *Native Title Act* and the *Aboriginal Land Rights Act* the:

"Sacred Sites Act has been designed with the express purpose of protecting sacred sites on a case-by-base basis, and the issuing of an Authority Certificate provides certainty that:

- *The 'custodians' for the site have been consulted;*
- *Impacts to sacred sites have been considered independently from any other matters that are dealt with in native title agreement; and*
- *Aboriginal Areas Protection Authority is able to enforce the conditions of the Authority Certificate."*

In addition to meeting commitments under our Exploration Agreements, all exploration activity is subject to an AAPA certificate. AAPA certification is a prerequisite for an Environmental Management Plan being approved by the Northern Territory Minister for Environment.

All Origin's activity to date has been cleared by Native Title holders following a sacred site avoidance and clearance survey and certified by the AAPA. The combination of both the contractual and legislated protection measures mean that Native Title holders are active participants in deciding wellsite locations, so that sacred sites and objects are avoided and protected.

6. Recent Engagement with Native Title Holders

Engagement with Native Title holders on the Beetaloo Exploration Project is shaped by

- a level of engagement with Native Title holders aligned with the location, scale and maturity of exploration activity. Given the number of development proposals in the region, the NLC is mindful of consulting on projects at the appropriate time.
- a focus on the Native Title holder estate groups for the areas of actual exploration activity.

Origin's recent engagement with Native Title holders includes:

- Site visit to Kyalla 117 well site during hydraulic fracture stimulation (September 2020)
- Work program sacred site avoidance and clearance survey (October 2020)
- Annual on-country meetings with Native Title holders and the NLC (the most recent occurring in March 2021)
- Ad hoc calls and questions from Native Title holders to Origin's Regional Relationship Specialist
- Regular meetings between the Origin and NLC teams to share project information and undertake preparatory work for a possible ILUA

The Origin Chairman and CEO are scheduled to meet with NLC senior leadership and Native Title holders on the ground this year, subject to COVID restrictions.



Native Title holders with Origin personnel at Kyalla during fracture stimulation (September 2020)

7. Origin's Aboriginal Engagement Principles

As prepared under Origin's 2019 – 2022 Stretch Reconciliation Action Plan, the following principles guide our engagement with Aboriginal and Torres Strait Islander communities across all of Origin's assets.

1. Respect

Origin operates assets and enterprises on traditional Aboriginal Lands across Australia. The Intent of this principle is to encourage Origin employees and contractors to be comfortable acknowledging, recognising and respecting the rights of Australia's first peoples.

Employees and contractors participate in various aspects of aboriginal cultural life including Acknowledgment of Country at meetings and events, Welcome to Country ceremonies, and ways to ensure that Traditional Owners continue to have access to places of cultural importance in areas where we operate and respecting cultural protocols.

2. Involvement

The intent of this principle is to ensure that Origin employees and contractors understand how their job, and Origin's activities, impact on Aboriginal groups. Understanding this then informs the nature and type of relationship that should be maintained with the relevant Aboriginal group.

Key elements include:

- ensure Aboriginal groups have a say on decisions that may affect them, such as any potential cultural heritage impacts, environmental impacts, limitations on access to country and sharing of benefits.
- ensure there is a two-way conversation about Aboriginal groups' interests, such as indigenous employment and procurement targets and how we execute our RAP.
- ensure there is a regular flow of information in a format that can be readily understood by the relevant Aboriginal people.

3. Cultural heritage protection and management

The intent of this principle is to ensure that we proactively consult and work with relevant Aboriginal groups to protect and manage cultural heritage in the areas of their activities. Key elements include cultural heritage in all risk assessments and avoidance measures.

4. Sharing benefits

The intent of this principle is to ensure that Origin contributes towards community health and well-being as well as playing an appropriate role in increasing Aboriginal communities' participation in economic development.

Key elements include:

- using the comparative advantage of the Origin business to maximise education and vocational training, local employability and business development;
- promoting good health, cultural maintenance, environmental protection and good governance;
- involving the skills and partnership of others;
- deploying resources according to needs, seeking to benefit the Aboriginal community as a whole rather than individuals, political groups and / or their supporters, and
- not directly substituting for government provision of the same services.

5. Local level commitments and delivery

Doing what we promised to do is a simple way to strengthen relationships with Aboriginal communities.

The Intent of this principle is to ensure that all Origin employees and contractors:

- are clear about what mutual commitments are being made when involving Aboriginal communities and discussing shared benefits, and
- acknowledge that any company commitments that are made, must be delivered.

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