

From: Lily O'Neill <[REDACTED]>
Sent: Wednesday, 16 July 2025 2:06 PM
To: [REDACTED]
Cc: Kathryn Thorburn
Subject: Re: ALRC Review of the Future Acts Regime | Discussion Paper – Invitation to submit [SEC=OFFICIAL]
Attachments: 1-s2.0-S2214629625002646-main.pdf
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Dear Jane,

I thought I would email very brief comments. I will confine my comments to large-scale renewables and attach a recent research paper published with Dr Kathryn Thorburn on the topic.

- My view on whether large-scale renewable should attract the 'right to negotiate' is that they should not. I believe that the current situation in which the NTA effectively requires an ILUA is a stronger right for native title parties than the 'right to negotiate'.
- My PhD research looked at resource extraction agreements negotiated pursuant to the 'right to negotiate'. The difference in leverage between native title parties and resource extraction companies is significant (including because the NTA clearly favours resource extraction companies) and can result in very unfair agreements being negotiated.
- Essentially only very organised and well-resourced land councils/native title parties are able to negotiate strong resource extraction s31 agreements/ILUAs.
- For large-scale renewables, the current effective veto right that is present because of a lack of other pathways through the Act means that native title parties have significant leverage. The ability to say no is worth a great deal.

Kind regards,

Lily O'Neill, Melbourne Climate Futures

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