



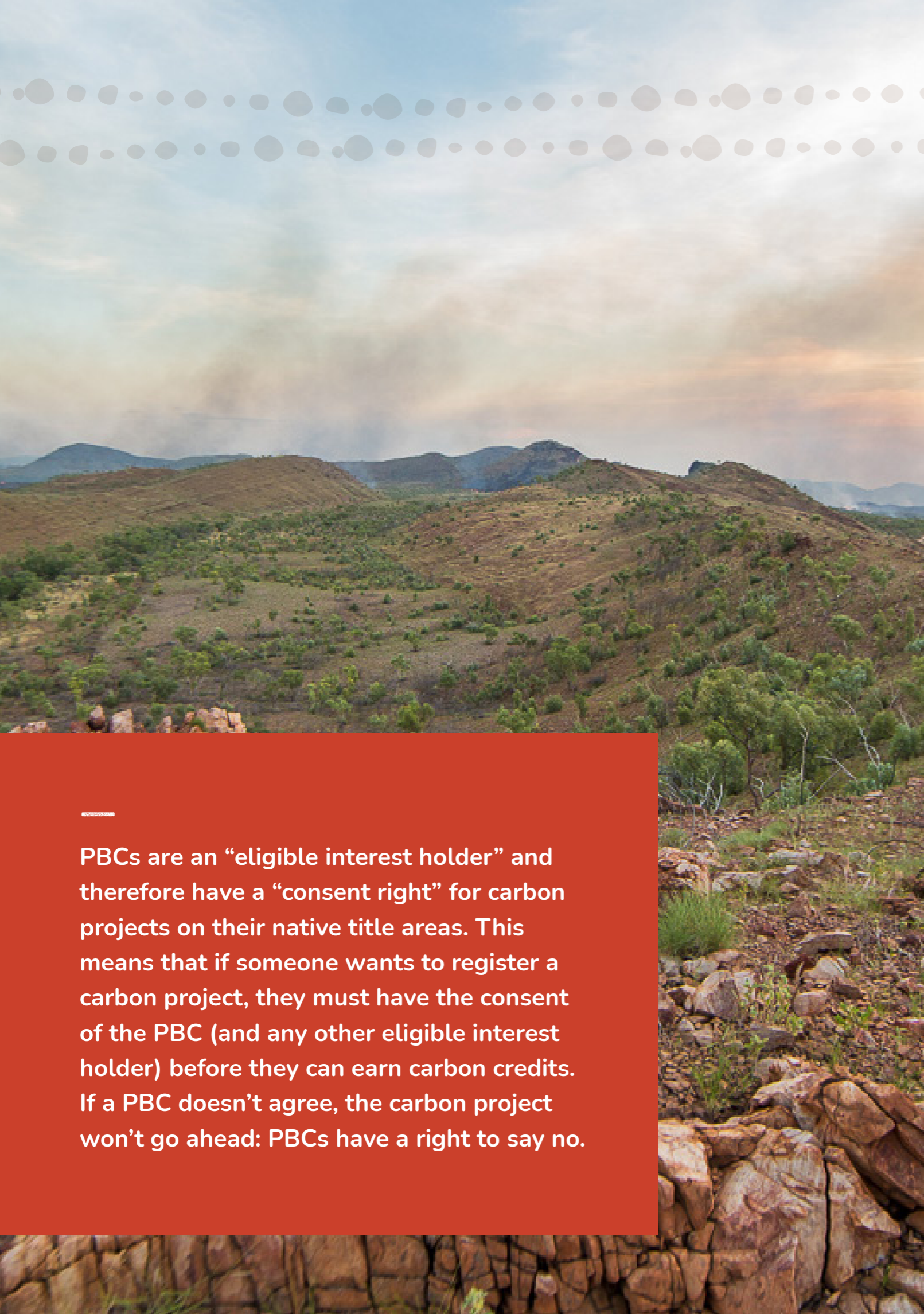
**CARBON PROJECTS:**

**ELIGIBLE INTEREST**

**HOLDER CONSENT**







# WHAT IS A CARBON PROJECT?

Carbon projects help fight climate change by reducing carbon emissions that enter our atmosphere. Some PBCs in the Kimberley have registered their own carbon projects that reduce carbon emissions through 'right way fire'.

## THERE ARE TWO MAIN TYPES OF CARBON PROJECTS



### EMISSIONS AVOIDANCE PROJECTS

Reduce emissions by avoiding



### SEQUESTRATION PROJECTS

Reduce emissions by storing

PBCs are an “eligible interest holder” and therefore have a “consent right” for carbon projects on their native title areas. This means that if someone wants to register a carbon project, they must have the consent of the PBC (and any other eligible interest holder) before they can earn carbon credits. If a PBC doesn't agree, the carbon project won't go ahead: PBCs have a right to say no.

**Sequestration projects** must store carbon “permanently”- that means either 25 or 100 years, so the project is a long-term commitment and the registration of a sequestration project is likely to be a Future Act.

Carbon projects under the Emissions Reduction Fund (ERF) have to be registered with the Clean Energy Regulator. Anyone can apply to register a carbon project over native title land if they have a legal right to access the country and carry out the activity (e.g. native title holders or a pastoralist), but they need the consent of all eligible interest holders, including the relevant PBC (or PBCs), before they can earn carbon credits (called ACCUs or Australian Carbon Credit Units).





## WHAT IS AN ELIGIBLE INTEREST HOLDER?

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Eligible interest holders (or EIHs) are people (or organisations) with a legal interest in the area covered by the carbon project.

The law says that the relevant PBC (or PBCs) for the area of the carbon project are eligible interest holders. This means that a carbon project can't earn carbon credits (although it can be conditionally registered) unless the PBC has given consent.



# THINGS TO THINK ABOUT

PBCs must be given the opportunity to provide **FREE, PRIOR AND INFORMED CONSENT** to a carbon project, or decide to say no. This means that PBCs are free to decide without coercion, intimidation or manipulation and are provided with proper information in a way that can be easily understood with enough time for community consultation. It also means that consent is given (or withheld) before a carbon project is registered (although carbon projects can be conditionally registered without PBC consent, which is not good practice).

If your PBC is approached about a carbon project on your country, you might want to ask the following questions, consider the answers in your own time, have a look at the resources below, and get independent legal and financial advice:

## METHOD

What type of carbon project is it? Is it an emissions avoidance project or a sequestration project? If it is a sequestration project, is it for 25 years or 100 years?

Depending on the type of project, different rules will apply and PBCs need to make sure they follow the right decision-making process when deciding whether to provide consent.

## OBJECTIVES

Does the proposed carbon project align with the PBC's aspirations, cultural and environmental values, existing land management plans? Is the proposed project compatible with other land uses? Does the proposed project have community support?

## DECISION MAKING

Who makes decisions about the carbon project? Does the PBC have any say in operational or administrative decisions or decisions about the sale of carbon credits?

## GOVERNANCE

Who would own the carbon project? Do they have the legal right? Does the PBC have any level of ownership over the project?

## COST

How will operations be funded until the first carbon credits are generated and sold?

## TIMING

When would the project be registered? When will PBC consent be required by?

## AREA

What is the exact area of the proposed carbon project?





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For more information contact the KLC and look at these resources:

- KLC website: <https://www.klc.org.au/savanna-burning-carbon-projects> ↗
- ICIN's Guide to [Seeking Free Prior and Informed Consent from Indigenous Communities for Carbon Projects](#) ↗
- KLC's [Introduction to Emissions Avoidance and Sequestration](#) ↗
- Clean Energy Regulator's [Native Title, legal right and eligible interest-holder consent guidance](#) ↗



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