

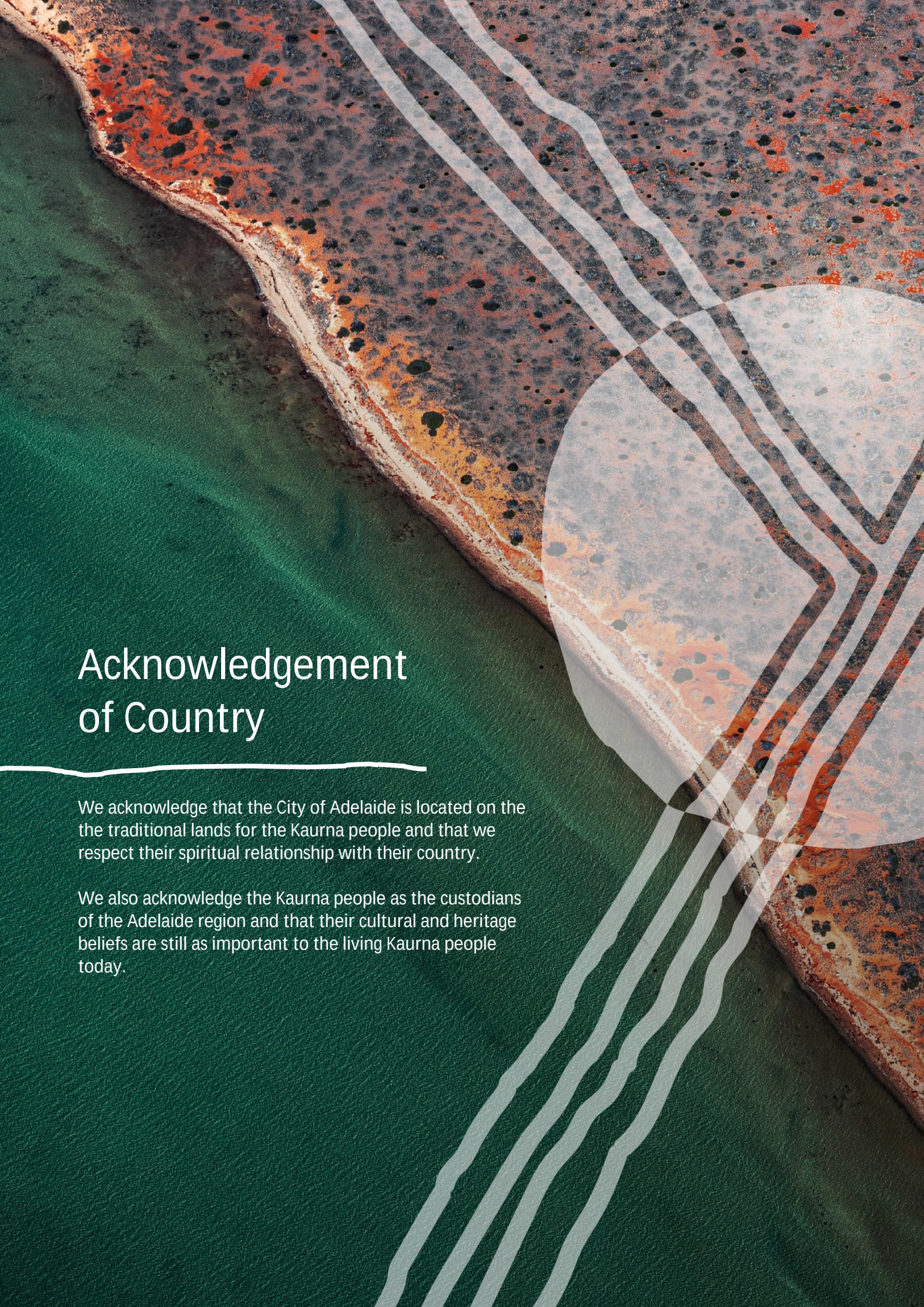


yamagigu
Together with Deloitte

Final report

Integrating Free, Prior and Informed Consent
into City of Adelaide processes

August 2025



Acknowledgement of Country

We acknowledge that the City of Adelaide is located on the the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.



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Please note that in this document, the term Aboriginal, refers to all people who identify as Aboriginal, Torres Strait Islander or both Aboriginal and Torres Strait Islander. This term is used as the First Nations peoples of South Australia are predominantly Aboriginal peoples and it is their preferred term. We acknowledge and respect that it is preferable to identify Aboriginal peoples, where possible, by their specific language group or nation.

Disclaimer

This report is not intended to be read or used by anyone other than City of Adelaide.

We prepared this report solely for City of Adelaide's use and benefit in accordance with the Request for Proposal, the response and subsequent purchase order signed by the City of Adelaide on 10 April 2025. In doing so, we acted exclusively for City of Adelaide and considered no-one else's interests.

We accept no responsibility, duty or liability:

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1. Introduction

1.1. Project overview

The City of Adelaide (CoA) engaged Yamagigu Consulting (*yamagigu*) to support it in the development of a framework to guide engagement (the Framework) with Aboriginal communities and key partners, and to produce a recommendations report which:

- Documents CoA current processes and engagement mechanisms
- Outlines how the CoA can build and maintain meaningful relationships with Aboriginal communities with a particular focus on streamlining engagement with:
 - o Kurna Yerta Aboriginal Corporation (KYAC)
 - o City of Adelaide Reconciliation Committee (Reconciliation Committee)
- Sets out the key elements of an Aboriginal engagement framework
- Identifies core Free, Prior and Informed Consent (FPIC) principles as a key element of engagement
- Outlines an overarching FPIC policy framework which:
 - o Categorises the types of policies most impacted by FPIC principles, and a clear process to guide when, and how, FPIC is applied
 - o Provides clear definitions of standards of evidence for “Consent”
- Considers resourcing and capacity building requirements
- Includes a high-level action plan.

1.2. Project scope

yamagigu and CoA have agreed the scope of the project to include delivery of the following:

- Project plan
- Desktop review and analysis
- Process Review
- Consultation summary (Attachment 1)
- Engagement framework
- Recommendations Report (this Report)

To support clarity, the following particular areas of scope were agreed:

- Process Review: This was intended as a desktop analysis of CoA structure, functions and policies to support the categorisation of the types of policies most impacted by FPIC principles and a clear process to guide when and how FPIC is applied.
- Aboriginal engagement framework: The intent of the Framework is the development of a high-level guide to engagement and to streamline current engagement mechanisms, particularly with KYAC and the Reconciliation Committee

An interim report was provided on 20 July 2025.

1.3. Final report

This final recommendations' report includes:

- A summary of recommendations
- An overview of current processes and engagement mechanisms
- Opportunities to build relationships
- A framework for Aboriginal engagement
- Integrating FPIC into engagement
- An FPIC policy framework, including a proposal for a tailored consent model
- An outline of resourcing and capacity building
- Overview of risks and risk mitigation
- High level action plan (implementation)

In addition, the report includes an overview of risks and risk mitigation.

2. Summary of recommendations

Recommendation 1: Continue to prioritise and invest in the building and strengthening of the relationship with KYAC, ensuring expertise is appropriately valued and ways of working together are established formally.

Recommendation 2: Embed three core pathways within the Aboriginal engagement framework, clearly defining the function of each:

- General Aboriginal Community Engagement
- City of Adelaide Reconciliation Committee
- KYAC.

Recommendation 3: Embed a tiered Aboriginal engagement framework incorporating the three identified pathways, underpinned by shared principles, including those articulated through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Recommendation 4: Consider the opportunity of aligning the engagement framework to the IAP2 Engagement Spectrum, with appropriate permissions, and in any event align engagement practice with the CoA general community engagement framework.

Recommendation 5: Work closely with KYAC to test and agree the proposed FPIC policy approach and framework, including the appetite for the protocol-based consent model.

Recommendation 6: Work with KYAC to identify opportunities to secure additional resources to support participation in engagements, including the potential for a joint resourcing model with other governments.

Recommendation 7: Acknowledging the evidence of good engagement practice, support the broader CoA workforce to further build capabilities through a strong authorising environment, clear guidance, and alignment with existing workflows wherever possible.

Recommendation 8: To support successful integration of FPIC principles for both KYAC and CoA, consider the adoption of a staged approach to design and implementation.

3. Current processes & engagement mechanisms

The CoA has demonstrated a strong commitment to good engagement practice. Currently rather than a single framework there are a range of CoA engagement processes and mechanisms in place. This approach is reflective of the breadth and complexity of the work it undertakes, and the responsibilities it has for both legislated and non-legislated engagement.

Engagement processes are chiefly led through two teams:

- Community Engagement Team, Governance and Strategy is responsible for legislated engagement under *Local Government Act 1999 (SA)* (the Act), and related tools and policy.
- Reconciliation Team, Park Lands, Policy and Sustainability is responsible to deliver reconciliation initiatives and maintain meaningful relationships with Kurna people and other Aboriginal people.

In relation to general community engagement:

- The *Local Government Act 1999 (SA)* (the LGA Act) sets the minimum standards for engagement and public consultation for all South Australian Local Governments, and prescribes the requirement for consultation across provisions. The LGA Act also prescribes a requirement for a public consultation policy which outlines the consultation steps for each legislated requirement.
- The minimum standards outlined in the Act are anticipated to be replaced by a LGA Community Engagement Charter. Consultation on the draft charter closed in June 2025. The draft Charter includes principles and set out categories of decision (Significant – annual business plan and rating policy; Significant; Standard; Local; Inform) which then guide the mandatory engagement requirements. Relevantly, the draft Charter makes no specific reference to requirements for engagement with Aboriginal people.
- The CoA is responsible for other legislated requirements for consultation and engagement directly under the *City of Adelaide Act 1998* and *Adelaide Park Lands Act 2005*. Non legislated requirements or commitments to certain standards are set out in a range of instruments across the CoA policy and governance framework.

In relation to Aboriginal community engagement:

- The Draft Stretch Reconciliation Action Plan 2024-2027 provides governance over reconciliation initiatives, and includes specific actions to develop guiding principles for engagement including with Kurna, KYAC, Aboriginal stakeholders and organisations. While not an engagement framework, it provides the commitment to engage, consult and generally build relationships with key Aboriginal partners.
- There are additional non-legislated requirements to consult and engage with Aboriginal people and Kurna peoples set out in a range of instruments. For example, the CoA's City Plan 2036 includes a discrete chapter 'Caring for Country'

which outlines the commitment to meaningful engagement with Kaurna through the International Association of Public Participation (IAP2) framework for engagement.

- Other requirements are included within the Terms of Reference of certain CoA committees, for example the Kadaltilla/Adelaide Parklands Authority, or triggered in the delivery of CoA functions, for example Aboriginal heritage legislation.

Table 1 Legislative and strategic instruments

	Legislative	Strategic, policy & planning
City of Adelaide	• <i>Local Government Act 1999</i> • <i>City of Adelaide Act 1998</i> • <i>Adelaide Park Lands Act 2005</i>	• <i>Draft Stretch Reconciliation Action Plan 2024-2027</i> which articulates the commitment to establish and maintain relationships with Aboriginal stakeholders and organisations, alongside a range of other actions. • <i>City of Adelaide Strategic Plan 2024 – 2028</i> which includes five key aspirations, and specifically seeks “an inclusive, equitable and welcoming community where people feel a sense of belonging”. • <i>The City Plan 2036</i> embeds a commitment to “meaningful integration of Kaurna voices and perspectives into planning and a collective vision, aspirations and co-authored roadmap”. It adopts the International Association of Public Participation to guide KYAC engagement. • <i>Adelaide Park Lands Management Strategy 2015-2025</i> • <i>Kadaltilla Strategy 2023 – 2028</i> which includes Strategy 1.1 - Seek Kaurna cultural authority in everything we do. • <i>Heritage Strategy 2021-2036</i> • <i>Economic Development Strategy 2024-2028</i> • <i>Integrated Transport Strategy (status TBC)</i>
SA Government	• <i>Native Title (South Australia) Act 1994</i> • <i>Aboriginal Heritage Act 1988</i> • <i>Planning, Development and Infrastructure Act 2016</i> • <i>First Nations Voice Act 2023</i>	• <i>Draft Local Government Community Engagement Charter</i> (currently out for consultation) and sets principles for engagement and minimum actions for councils. • State Planning Policies • The Greater Adelaide Regional Plan
Australian Government	• <i>Native Title Act 1993</i>	• National Agreement on Closing the Gap: Priority Reforms 1 & 3

3.1. Aboriginal engagement partners

The CoA engages two key stakeholders on matters which impact Aboriginal people:

- KYAC - representative of Kurna Traditional Owners (TO)
- Reconciliation Committee - Aboriginal & non-Aboriginal members; external membership)

3.1.1. KYAC

On 21 March 2018, Kurna were recognised as Native Title holders for lands around Adelaide. The decision was recognised as the first positive determination of native title over a capital city area since the commencement of the NT Act 1993.

Kurna TO are represented by KYAC as the Registered Native Title Body Corporate (RTNBC). KYAC registered on 26 November 2018. KYAC operates pursuant to The Rule Book of KYAC RTNBC registered on 16 August 2019.

The CoA is explicit in its recognition of Kurna as the TO of the land upon which it is located, and engages KYAC in this context. The current KYAC board is comprised of volunteers with elections held annually. As at the date of this report the KYAC Chair and Vice Chair report that it does not have a permanent office or support staff.

Kurna land spans multiple local government areas. KYAC engages regularly with state government departments, statutory bodies, and other entities. KYAC are frequently required to respond to overlapping requests for engagement, consultation, and participation—often without adequate resourcing or coordination. The cumulative burden can hinder meaningful input and increase the risk of consultation fatigue.

3.1.2. Reconciliation Committee

The Reconciliation Committee was formed pursuant to Section 41 of the *Local Government Act 1999* (SA) and works to advance reconciliation in the city and seek broad Aboriginal participation in activities and events of the City of Adelaide. The Reconciliation Committee operate in accordance with the provisions of the Act and Parts 1, 3 and 4 in the Local Government (Procedures at Meetings) Regulations 2013 (SA).

The Reconciliation Committee serves as an advisory and oversight body that supports the promotion of reconciliation. Its stated responsibilities include designing and overseeing the implementation of the Stretch RAP, contributing to policy formulation, and offering strategic advice to the Council on matters that may affect Aboriginal and Torres Strait Islander communities.

It currently includes a mixed membership of CoA and external representatives, each appointed for a four-year term. The membership includes three Aboriginal community representatives and a KYAC representative.

Figure 1 Kurna Peoples Determination Area



Table 2 Primary Aboriginal engagement partners: snapshot

Partner	Function	TOR	Status	Membership	Meeting	Sitting Fees
KYAC	Advisory - cultural authority	No	RNTBC	KYAC Board of Directors Traditional Owners Annual elections	Bi-monthly with CoA plus Pipeline Chair also sits on Reconciliation Committee & Kadaltilla	Hourly rate for meeting attendance (preparation time excluded)
Reconciliation Committee	Advisory – reconciliation including Aboriginal community representatives	TOR	Council Committee	Lord Mayor 3 x Council Members 3 x strategic agency representatives 3 x Aboriginal community representatives 1 x KYAC Four-year appointments	Quarterly	As per remuneration schedule 2022-26 \$550 per 2.5 hour meeting to include reading and preparation time, plus \$50 participation costs (e.g. transport)

4. Building and strengthening relationships

The CoA is a respected leader in driving reconciliation efforts. Beginning its journey in 1997 with the adoption of its first Reconciliation Action Plan (RAP) the CoA has since made significant progress through its RAP to support meaningful engagement with Aboriginal communities including Kurna through KYAC. The Reconciliation team has made a significant contribution to building a strong relationship with and to supporting the Reconciliation Committee and CoA engagement with KYAC. Acknowledging this, there remain opportunities to build and strengthen relationships with Aboriginal partners.

The current landscape:



The Kurna people are recognised as Traditional Owners the land on which Adelaide is located, and their cultural authority is respected.



The City of Adelaide increasingly engage Aboriginal partners — processes vary widely and may benefit from a streamlined approach.



At times, engagement processes can be reactive, short term or project specific.



Engagement with Aboriginal partners is not consistently delivered or understood.



There is growing recognition that clearer engagement processes are needed to reduce TO burden and support the CoA workforce.

In 2024, the CoA articulated its vision for a new approach to engagement with Aboriginal people in its *Draft Stretch Reconciliation Action Plan 2024-2027* as follows:

- Action 1: Establish and maintain mutually beneficial relationships with Aboriginal stakeholders and organisations.
 - 1.1 Meet with local Aboriginal stakeholders and organisations to continuously improve guiding principles of engagement
 - 1.2/1.5 Review, update and implement an engagement plan to work with Aboriginal stakeholders.
- Action 5: Create engagement protocols that enable the representation and partnership of the Kurna People.
 - 5.3 Work with KYAC on a Kurna Yerta Aboriginal Engagement Protocol detailing preferred methods for collaborating with City of Adelaide.

These commitments provide a strong authorising environment and signal of the importance to CoA of investing in relationships with Aboriginal community partners. This project highlighted a number of opportunities to progress these commitments:

- There is currently a high level of reliance on the CoA Reconciliation team for engagement with Aboriginal communities. While a centralised function with appropriate expertise is important, efforts are also required to support the ongoing commitment, capabilities and confidence of the broader organisation to understand when and how to engage.
- There is an opportunity to clarify roles and functions. Engagement needs to be based on a clear understanding of the different forms of cultural expertise and authority. The importance of embedding a rights-based approach to respectful Aboriginal engagement cannot be understated.
- It is important that Aboriginal expertise and cultural authority is valued. KYAC is called upon by multiple government and private stakeholders to consult or provide input into major project and policy development on Kurna lands.
- The capacity of KYAC to meaningfully engage is constrained by its inability to secure ongoing resourcing to support that engagement – be it board member time, coordination, technical skills or provision of advice.
- There is no current agreement or Terms of Reference in place with KYAC, and there does not appear to be a sitting fee schedule in place, or at the level, of other equivalent groups.
- The CoA workforce identified the importance of simple tools and training to support them, alongside a strong authorising environment to allow for a process of engagement as may be required, particularly in the context of competing priorities, stakeholders, complexity of major projects and budgetary constraints.
- There is an opportunity to build a better understanding of when and why CoA might engage with KYAC, the Reconciliation Committee and/or the Aboriginal community.
- A strong relationship is based on trust, transparency and shared understandings. This requires investment in a genuine process of engagement and collaboration with KYAC in the design and implementation of new initiatives and approaches.
- Relationships will be supported by a more consistent and streamlined approach. This reduces consultation burden and is more likely to deliver better engagement outcomes for both the CoA and partners.

5. Integrating FPIC principles into engagement

The CoA has signalled its intent through this Project to consider the integration of FPIC into its engagement approach with Aboriginal people.

FPIC is a principle, process and an outcome which is articulated in UNDRIP. FPIC is the collective right of Indigenous peoples to give, or withhold, their consent at key decision-making points during a proposed activity which significantly impacts a recognised right of Traditional Owners.

Table 3 Understanding FPIC

	Principles	What does it mean?
F	Free Independent process of decision-making.	Consent is given voluntarily, without coercion.
P	Prior Right to undertake own decision-making process for any project of concern before its implementation.	Consent is sought before the project begins.
I	Informed Right to be provided and to have sufficient information on matters to make informed decision-making.	All relevant information is provided in a comprehensible manner.
C	Consent Collective and independent decision of affected communities after undergoing their own process of decision-making, undertaken with full and equitable participation and in good faith.	A collective decision made by the rights holders and reached through a customary decision-making process of the communities.

The UNDRIP states that FPIC is required for any decision that impacts Aboriginal peoples' rights, survival, dignity, and well-being. This includes decisions related to their lands, territories, and resources, as well as legislative or administrative measures. In 2009, Australia endorsed the UNDRIP, however there is no legal mandate for Australia to integrate the declaration into law.

UNDRIP states that FPIC must be obtained via good faith consultation and cooperation with Aboriginal people *"prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources."* (Article 32).

The UNDRIP also requires FPIC in a range of other circumstances, including:

- When relocating Indigenous Peoples from their land (articles 10 and 28).
- When cultural, intellectual, religious and spiritual property is impacted (article 11).
- When adopting and implementing legislative or administrative measures that may affect Indigenous peoples (article 19).
- In relation to the storage or disposal of hazardous materials on customary lands or territories (article 29).

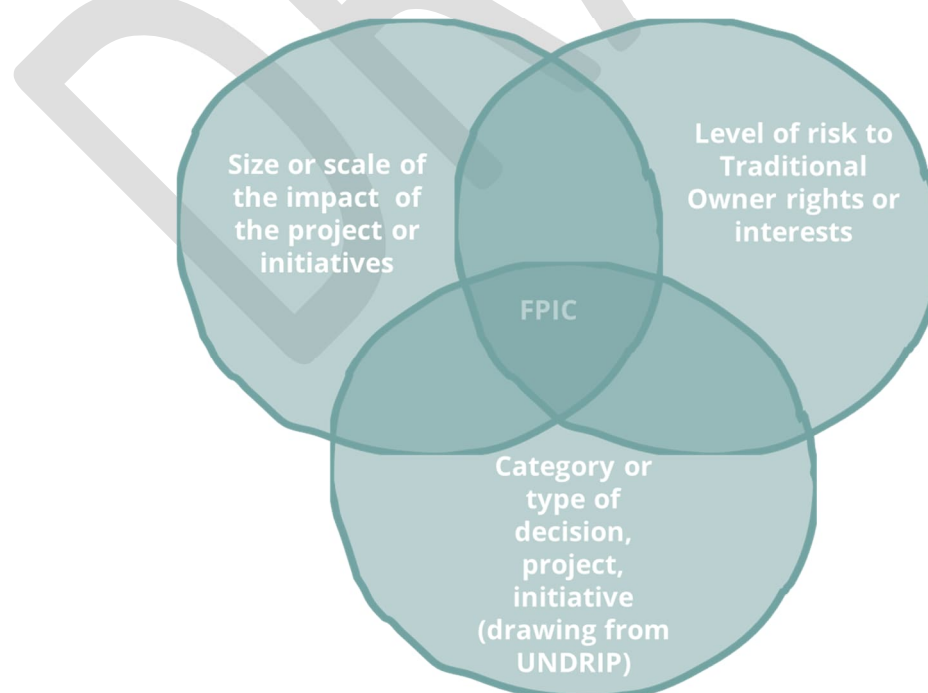
5.1. FPIC in practice

The majority of examples where formal FPIC has been integrated are located either at a nation-state level, across major corporations or industries (e.g. mining industry), or at a discrete project level. There is limited evidence of full integration of formal FPIC in a Local Government context in Australia.

In the context of organisations, non-Aboriginal partners and TOs will often work together to agree a decision-making matrix which determines if a full FPIC process is required at a project, or activity level. At a high level, this might include an assessment of the following types of considerations:

1. Whether there is an impact on recognised TO rights and interests as articulated in the UNDRIP.
2. The size or scale of the matter, and whether it is a new or different impact.
3. The level of risk to Traditional Owner rights or interests.

Figure 2 FPIC screening



5.2. FPIC in the context of the CoA functions

If the CoA were to integrate formal FPIC as part of the broader engagement approach, the specific requirement for FPIC would ordinarily only be triggered by decisions or actions that carry a significant and new risk to - or impact upon –the rights and interests of the TO group.

In relation to CoA functions, it would be anticipated this would include:

- Significant disturbances to land or water ways including capital works projects involving land use changes, excavation, or construction in areas of cultural significance.
- Strategic land use planning or rezoning decisions with heritage protection and overlays.

It may extend to other areas of CoA work if the level of risk to a recognised TO interest is established. Optimally, the types of CoA initiatives that would trigger FPIC would be agreed in consultation with KYAC, with reference to international FPIC standards and tailored to organisational context.

5.3. FPIC consent requirements

Consent is an integral element of FPIC. In the context of FPIC, consent should be understood as a living and evolving expression of relationship, rather than merely a static agreement. It reflects an ongoing process of dialogue, trust-building and mutual respect with the TO group.

In practice, there are examples of three approaches to obtaining consent within an FPIC framework – point in time consent, consent as a process, or a combination of both. The latter involves initially seeking formal agreement to a project, with ongoing consent achieved through delivery within the scope agreed and an ongoing process of engagement as agreed. These approaches are summarised in Table 4, below.

The consent approach chosen will depend on any legislative requirements, organisational context and optimally, individually TO preference. This choice is arguably more straightforward if there is an explicit legislative framework embedding FPIC, or where an organisation has a relatively unfettered 'jurisdiction' (be it as a nation state or major corporation).

It is critical for an organisation contemplating the integration of formal FPIC into their engagement practice, to understand that within FPIC consent can be withdrawn by a TO at any stage of a project life cycle. This right to withdraw consent ensures communities have a mechanism to protect TO interests when the project is not proceeding as planned. While there are mechanisms available to mitigate this risk, it is important to understand none can assure absolute certainty

Table 4 Approaches to consent

Approach	Nature	In practice	Benefits	Challenges
Point-in-Time Consent	Treated as a single authorisation given at a fixed moment—typically following early engagement and before the project proceeds to delivery	Formal sign off by TO via letter or agreement (such as Indigenous Land Use Agreement – ILUA)	Provides clarity for project planning and authorisation. Easier to document and formalise. Suits lower-risk, well-defined impacts. Strict compliance with UNDRIP standards.	May not accommodate changes or evolving impacts. Can undermine relationships if assumptions shift after consent is granted. Risks being perceived as transactional rather than relational.
Consent as a Process	This model embeds consent into the entire lifecycle of a project through a project-specific FPIC strategy. It might include early agreement on engagement principles, decision-making triggers, and roles across key LGA project milestones.	Project specific FPIC strategy which outlines engagement at key FPIC milestones aligned to organisational project management framework.	Can align better with TO governance, decision-making structures and expectations. Builds trust and transparency. Creates shared accountability and adaptive flexibility.	More complex and resource intensive upfront Requires early coordination and internal consistency. Can increase resource and time requirements. Relies on clear protocols and capacity support. Optimally relies on an existing authorising environment or agreement (e.g. ILUA)

6. Framework elements

There are three broad areas for decision that will inform the CoA approach to an engagement framework integrating FPIC:

- Foundational Principles and Functional Design Elements – the core architecture of the framework.
- Strategic and Operational Alignment – where the model is embedded across governance and business functions.
- Enablers for Success – the critical factors that will support sustainable implementation and trust-based relationships.

The related key decision points and the recommended approaches are summarised in detail in Attachment 2: Key Decision Points.

A framework based on the recommendation approaches is outlined below for testing and endorsement internally and optimally with Aboriginal partners.

It includes:

- Foundational principles
- Engagement pathways
- Referral into specific FPIC pathway (outlined in section 7)

The integration of FPIC into the model is designed to be pragmatic and scalable to support success, while aligning with national and international best practice.

Foundations: Principles for Engagement

All Aboriginal engagement should be grounded in a shared set of principles that reflect the City of Adelaide and Aboriginal values and commitments. These principles need to underpin all engagement, support embedding an organisational engagement culture and set the standard for organisational practice. At a base level, Aboriginal engagement should be underpinned by principles derived from the UNDRIP and recognise the right to participate in decisions that affect one's rights, culture, and Country.

Proposed principles drawn from early consultation and existing strategic documents include:

- Recognition of rights and custodianship of Country
- Commitment to respectful and reciprocal relationships
- Transparency, rigour, and accountability
- Early engagement and shared understanding
- Truth telling
- Alignment with self-determination and UNDRIP principles
- Valuing cultural expertise and authority

Engagement Pathways

The CoA Aboriginal engagement approach should explicitly articulate three engagement pathways on matters assessed as having an impact on Aboriginal people. These are not necessarily mutually exclusive, with each requiring engagement for specific matters.

Table 5 Engagement Pathways

Pathway	Purpose	Mechanism
General Aboriginal Community Engagement	For projects assessed as having an impact or intersect with the broader Aboriginal community (i.e. of broad Aboriginal community interest). Engagement to proceed as would ordinarily be required, or expected, under existing CoA community engagement guidelines.	• CoA general engagement • LGA Community Engagement Charter
Reconciliation Committee	For projects which are broadly in scope of the CoA reconciliation agenda, including oversight of RAP initiatives, and fall within the Reconciliation Committee specific TOR. Engagement is for the specific purpose of specialist advice, including general cultural advice and governance via the three Aboriginal community representatives.	• Reconciliation Committee
Traditional Owner Engagement	For projects as may be agreed, including where significant impacts and/or risks to recognised TO rights are identified (i.e. anticipated to be chiefly significant and substantively new impacts to land and/or waterways). This rights-based engagement pathway is determined by the level of risk, with project specific FPIC processes triggered where agreed threshold is met (refer section 7, below).	• Protocol-based engagement • FPIC process

Tiered engagement levels

Pathways should be supported by a transparent and documented rationale.

The IAP2 spectrum which has already been integrated in the City Plan 2036 is proposed as a useful framework, readily aligned to existing CoA and LGA models, and recognised best practice. The IAP2 spectrum was developed by the International Association for Public Participation – IAP2 International. While use or reproduction of the spectrum requires specific permissions, the spectrum includes a continuum of engagement based on the impact of a decision. The IAP2 model has been adapted for use as a framework for Aboriginal engagement (refer Table 6). In this example, “self-determination” is adopted as requiring the highest level of engagement which is, in effect, the delegation of decision-making to TOs.

Importantly, while delegation and consent are not the same, the IAP2 framework is a useful example of an approach which can be tailored to incorporate FPIC (with appropriate permissions). An IAP2 Engagement Spectrum First Nations Adaptation was developed by Central Queensland University in 2022, illustrating how the model can be tailored.

Table 6 IAP2 Engagement Spectrum First Nations Adaptation, Daniels, C, Stewart, M, & Miller, A 2021, First Nations Community Engagement: Industry Guide Phase I. (2022). Central Queensland

Level of engagement	Inform	Consult	Involving	Partnerships	Self-determination
Engagement Goal	To provide community with information that helps to understand the problem, alternatives, opportunities and/or solutions and the impact.	Community feedback on the issue, analysis or decision. Communities know what they need and what will work. Assists with making informed decisions. Active listening required.	Involving the community early in the process to ensure community views are understood and considered. Build trust early through ongoing community connection (e.g through an advisory committee).	Partnering with the community in decision-making and co-creating for solutions. Drawing on community knowledge and expertise, sharing tools and knowledge to deliver outcomes.	Place decision-making with the community. Community drives the decisions and the outcomes. Supports self-sufficient and sustainable communities. Transfer of resources and power to communities.
Engagement Commitment	To keep the community informed.	To keep community informed, listen to and acknowledge issues, provide feedback as to how input affected the decision.	To ensure concerns and aspirations are directly reflected in the alternatives developed and to provide feedback as to how input affected the decision.	To seek advice and innovation from the community to formulate solutions and incorporate the advice into alternatives to the maximum extent possible.	To implement what the community decides.

7. Integrating an FPIC pathway

To support the integration of an FPIC pathway, a protocol-based consent model has been developed for consideration and to form the basis of discussions with Aboriginal partners. It is proposed as offering a workable and pragmatic approach in the absence of a clear legislative FPIC framework or existing formal agreement.

Key elements of the model are:

- An agreed protocol with KYAC for engagement and consent, outlining parameters for routine engagement, standing consent, project notification requirements (e.g. standing agenda) and formal FPIC processes
- A preliminary screening tool for project leads, to determine (example criteria):
 - Is there an impact to UNDRIP recognised TO rights i.e. land, waterways, heritage places, or landscapes?
 - Will the impact be substantial significant or serious?
 - Will the impact be new or substantially different to an existing impact?
- If yes to all three, referral to full FPIC screening i.e. assessment whether the impact or risk to TO rights across recognised categories meets an agreed threshold.
- Referral to a project-level FPIC strategy where indicated.

The goal is to create a clear process with integrated trigger points. An example process map is included over page in Figure 3.

Once negotiated, the protocol can be applied across multiple projects, streamlining engagement, in a way that meets both KYAC and CoA expectations and readiness. The protocol also provides for periodic review, allowing adjustments to reflect changing priorities, capabilities and evolving relationships.

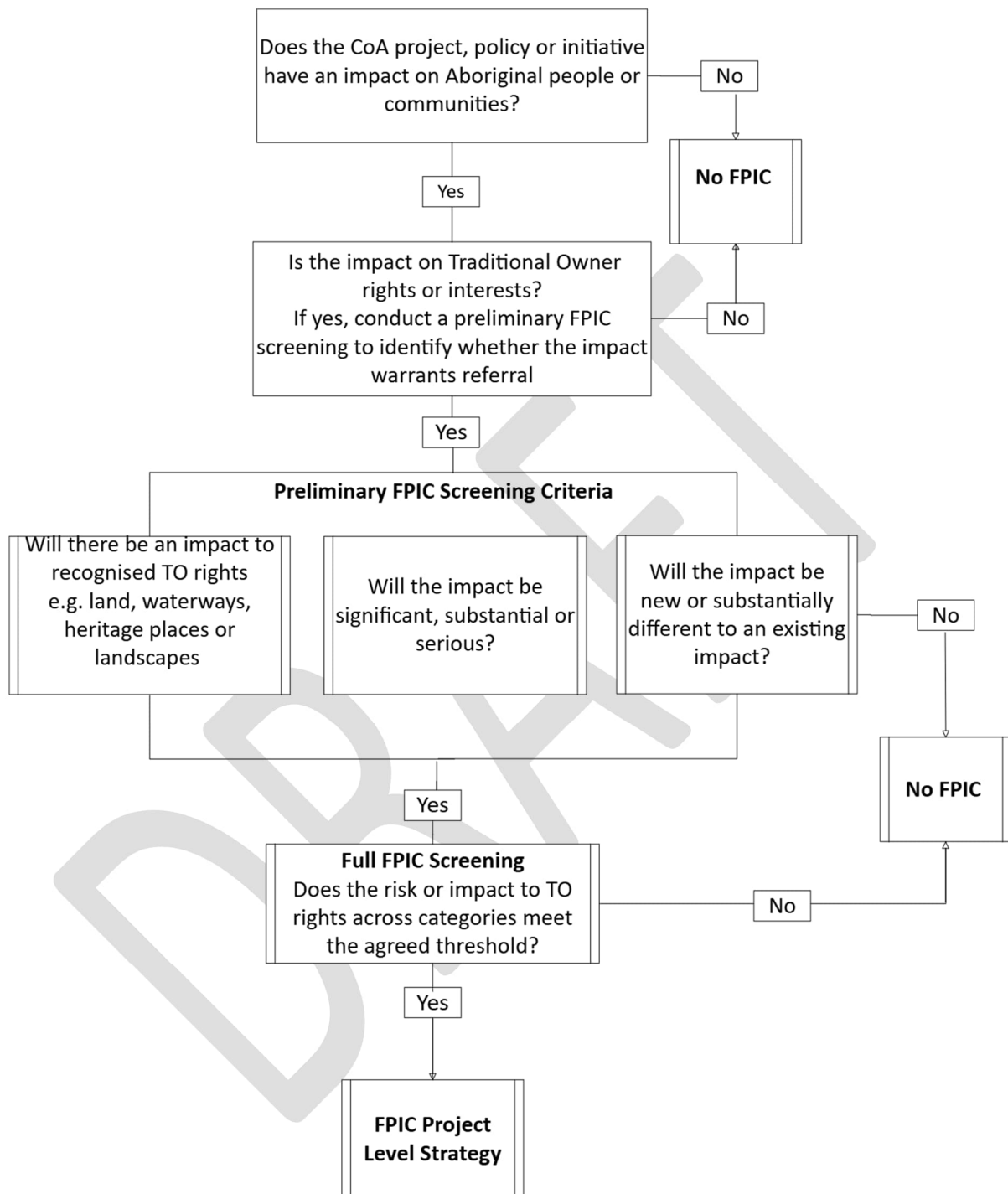
The model enables standing consent in defined low-risk or pre agreed areas (e.g. arts projects following agreed protocol). It could also provide a mechanism through which a staged implementation of FPIC (by pilot, project or function) could be agreed in a manner consistent with FPIC principles.

Screening tools support internal teams to assess risk and impact. If engagement is warranted, a protocol-based process guides the application of FPIC, including how consent is defined (i.e., as a formal, point-in-time agreement; an outcome of ongoing dialogue; or a combination).

It is important to note that the requirement for FPIC is a specific process in recognition of particular TO rights. An FPIC process does not negate the requirement for general Aboriginal community engagement or engagement with the Reconciliation Committee where a project is assessed as having broader impacts.

A full description of the model is included as Attachment 3.

Figure 3: Example FPIC pathway



Project-level FPIC strategy (if triggered)

Where a full FPIC process is indicated, a project-specific FPIC strategy is designed. Engagement under the strategy can be co-designed with TO group, or unilaterally by the CoA in accordance with the agreed protocol. The FPIC strategy maps engagement at key milestones from early planning through to implementation and review. This approach supports informed decision-making, transparency, and ongoing relationship building throughout the project lifecycle.

As far as possible, both the pathway and FPIC strategy process should be structured to follow the CoA Project Management Framework, ensuring engagement is embedded in standard workflows rather than operating as an add-on.

A project level FPIC strategy will:

- Describe the project and its potential impact
- Outline the point in time relationship health with KYAC including existing engagement cadence
- Identify any intersecting requirements, including legislative requirements for consultation and engagement (e.g. Heritage) to support alignment
- Align engagement with CoA project phases and identify critical stage gates within an FPIC schedule or milestone engagement plan
- Define consent pathway as per protocol guidance
- Log activity, evidence base and outcomes.

Depending on the terms of the protocol, it is a decision for CoA as to how it develops and delivers the strategy:

1. In consultation with KYAC on a project-by-project basis, and/or
2. Internally in accordance with the cadences and standards set out in the protocol. In addition to meeting agreed engagement expectations, this might include early notification of relevant projects via standing agenda as agreed.

A sample FPIC strategy template is attached as Appendix 1

8. Risks and mitigation

As with any significant change, integrating FPIC and a framework for engagement carries potential risks — for both CoA and KYAC.

Table 7: Risk and mitigation strategies

Risk	Likelihood	Impact	Mitigation Strategy
Engagement fatigue/consultation burden	High	High	Tiered engagement approach with standing consent options. Options for additional resourcing support pursued.
KYAC organisational readiness	Medium	High	Engage KYAC in design and implementation, and support for participation. Consider endorsement of the protocol based model, and/or phased or pilot approach.
CoA organisational readiness	Medium	High	Clear communications, consistent narrative, strong governance, practical guidance, training. Integrated triggers, and simple preliminary screening assessment tools. Consider endorsement of the protocol based model, and/or phased or pilot approach.
Protocol being perceived as tick box, optional or lacking authority	Medium	High	Formal endorsement by Executive and clear governance structure for monitoring and oversight. Ongoing communications and education.
Disputes over what constitutes “significant impact”	Medium	High	Define thresholds and criteria collaboratively with KYAC and document within the protocol.
Withdrawal of consent	Low	High	Agreement on protocol, and adherence to engagement schedule. Transparency and clear parameters. Strong relationships and shared understanding.

Risk	Likelihood	Impact	Mitigation Strategy
Damaged relationship	Low	High	Embed transparency, dispute resolution mechanism, and develop & maintain FPIC Register. Invest in relationship building and shared commitment to continuous improvement.
Project delays due to engagement	Medium	Medium	Embed a simple and consistent internal screening tool to flag TO engagement requirements early in project lifecycle.
Lack of internal resources to coordinate FPIC processes	Medium	Medium	Build internal capability and allocate a dedicated FPIC liaison within the engagement team.

9. Resourcing and capacity building

Effective implementation will require investment in internal and external capability building. Resourcing and capacity building is considered in the Attachment 2 - Key decision points, within the section 'enablers for success'.

Key points include:

- CoA organisational executives should be encouraged to work across their respective directorates to support the ongoing commitment, capabilities and confidence of the broader organisation to understand when and how to engage with Aboriginal partners.
- CoA of Adelaide workforce generally will require training, cultural competency, and use of screening tools, with a potential need for targeted support within the team leading delivery of engagement.
- All Aboriginal engagement processes should consider the meaningfully reimbursement of time for participants, and where relied upon, payment of appropriate fees for cultural advice in the same way other expertise and authority is valued.
- KYAC require resourcing to meaningfully participate, including support for governance, preparation time, and coordination.
- All partners need to be transparent about parameters and challenges as they may arise, and work together to build a culture of trust and continuous improvement.

10. Implementation

It is recommended that the framework and approach to FPIC is tested through a phased implementation process, which includes:

- Ongoing engagement & information sharing to build relationships and confidence
- Pilot test case to selected project(s) or functional areas (e.g. infrastructure)
- Formalisation of the protocol with KYAC as the enabling mechanism for consent.

This approach allows CoA to iterate the model while building organisational capability and trust.

Overview

Provide a minimum 12-month timeline to co-develop and embed a rights-based FPIC protocol with KYAC within broader CoA engagement framework.

Core Actions

The below is a high level 12-month action plan. The recommended starting point is to engage KYAC, with a view to explore and pilot a test FPIC case, alongside joint work to develop and endorse a protocol. The test case piloted should be low to medium impact, capable of illustrating approach and opportunities for refinement.

Table 8 High level action plan

0-3 months	3-6 months	6-12months
- o Secure executive in principle support to proceed with model and approach - o Confirm roles and responsibilities across CoA, including project governance - o Share information with KYAC and Reconciliation Committee - o KYAC to confirm interest in FPIC, approach and level of participation - o Agree to a joint FPIC test case to pilot the model - o Identify resourcing for KYAC participation for initial 12 months - o Finalise core principles and engagement pathways - o Establish governance to oversee implementation	- o Early internal communications and education - o Share, develop and refine pathways, thresholds, grievance processes and tools (CoA & KYAC) - o Review test case progress with KYAC - o Use early lessons to support draft protocol and consider the option of a continued staged implementation being agreed via the protocol - o Work with KYAC and other government partners to support development of business model to secure ongoing resourcing to support engagement in consultation - o FPIC strategy pilot ongoing	- o Promote test case progress as proof-of-concept internally and externally - o Build internal staff capability and confidence through education - o Seek endorsement of final protocol from both parties - o Operationalise FPIC protocol with commitment to review every two years (or other period a may be agreed) - o Establish and maintain FPIC register to support transparency and accountability



Attachments

Attachment 1: Consultation summary

The consultation process undertaken by *yamagigu* for this project included discussions with internal stakeholders, committee representatives, and preliminary discussions with KYAC. The focus of consultation has been to introduce the objective of a framework for engagement, provide a background to the concept of FPIC and some key decision points to guide the development of a model for CoA.

Consultation has included:

- CoA workforce workshop sessions
- CoA workforce individual sessions
- CoA executive briefing
- External stakeholders:
 - KYAC Chair and Vice Chair
 - KYAC Board
 - Reconciliation Committee members (Aboriginal community representatives).

The key decision points, described below, were framed around core elements of an engagement framework which integrates FPIC. The extent to which these were explicitly articulated and explored was guided by the time available, existing familiarity with core concepts, current and future role of participants.

1. Principles of engagement
2. Engagement pathways, current practice and expectations
3. Thresholds for engagement including screening for FPIC
4. Approaches to consent
5. Locating an engagement framework strategically
6. Locating an engagement framework operationally
7. Embedding the policy (inc. potential activation points)
8. Approach to implementation
9. Supporting success

Discussions to date highlight a shared commitment to respectful and consistent engagement. The discussions also underline the important of investing time in both the development and implementation of a process, particularly in the context of:

- CoA workforce and KYAC level of familiarity and comfort with FPIC as a concept
- Resourcing pressures on engagement partners
- Breadth and complexity of CoA functions and responsibilities
- CoA having multiple stakeholders including external project partners
- Varying levels of organisational readiness within and across KYAC and the CoA.

Emerging themes by cohort

KYAC	The Chair and Vice Chair indicated qualified support for the proposal, noting the critical importance of engaging the Board prior to any formal commitment. Board members indicated the need to understand more of the concept and the purpose of FPIC before being ready to discuss key elements. They also stressed the importance of the CoA continuing to build core engagement practices as part of this work. While reporting a good relationship currently, the capacity of KYAC to meaningfully engage is constrained by its inability to secure ongoing resourcing – from CoA or other governments. Success would be supported where there was effort to streamline engagement and formalise the ways of working together, noting there is currently no MOA or equivalent between CoA and KYAC. KYAC's early and meaningful engagement in both design & implementation will be critical to support success and ongoing positive relations with CoA.
Workforce	Overall, there is support in principle for the proposal, and recognition of the existing strategic alignment. Some were concerned about the practicality of FPIC. A significant number of participants noted a strong reliance on the Reconciliation Officer as the central point of coordination and facilitation for Aboriginal engagement. Many emphasised the importance of a clear authorising environment. Views varied about where the policy was located strategically and operationally. Most teams expressed a desire for clear and practical guidance alongside streamlined processes. There was some concern about the scale & quantum of matters likely to be require FPIC, and whether it might cause delays to major projects already operating within tight timeframes. There is value seen in a staged and/or sequenced implementation, particularly given the breadth and complexity of functions, responsibilities and stakeholder relationships.
Reconciliation Committee	Both members interviewed offered support in principle for the proposal, particularly as it related to creating clear pathways and functions. There was support for articulating the interface between the Committee and KYAC engagement, and how consultation could be streamlined further. There is acknowledgment of existing CoA efforts and the importance of consolidating these foundations even where FPIC is pursued.

Attachment 2: Key decision points

There are three broad areas for decision that should inform the CoA approach to an engagement framework integrating FPIC:

1. Foundational Principles and Functional Design Elements – the core architecture of the framework.
2. Strategic and Operational Alignment – where the model is embedded across governance and business functions.
3. Enablers for Success – the critical factors that will support sustainable implementation and trust-based relationships.

The following tables provide an outline of considerations and recommended approaches.

1. Foundational Principles and Functional Design Elements

Decision point	Considerations	Recommended approach
Engagement Principles	Principles underpin trust, transparency and cultural safety. They also reflect shared values and support strategic alignment.	In the absence of an existing framework, develop principles that integrate IAP2, align with UNDRIP, relevant CoA strategic frameworks including the RAP. Seek co-endorsement by the Reconciliation Committee and KYAC
Engagement Pathways	Structured pathways will provide clarity to partners and the CoA, and streamline existing processes to reduce consultation burden.	Tiered engagement pathways with a clear and agreed scope of roles and functions for each partner.
FPIC Trigger	Best practice suggests ground in rights-based approach, with a specific focus on level of risk or impact to TO rights Acknowledge that the lack of precedent in a local government context, and the absence of legislative framework or existing TOR, success and sustainability requires a tailored approach.	Align to international standards, with a focus on matters where there is a new and material impact to TO rights (as per UNDRIP). Work with KYAC to tailor this to CoA context and KYAC preference and readiness.
Screening & Activation	A clear and easily understood process is required which embeds activation points across CoA initiatives, and accessible preliminary screening tool.	Consider the need to embed multiple triggers and activation points, accompanied by education which identifies not just the what and when, but the why.

Decision point	Considerations	Recommended approach
	A full FPIC assessment requires a more nuanced impact and risk assessment.	Adopt a two-phase approach to screening, a simply screening tool for project managers, and, a full impact/risk assessment aligned to UNDRIP where indicated. Align and integrate with existing engagement (including cultural heritage planning), PMO and risk approaches.
Consent process	Consent in this context is best understood as relational rather than transactional.	Consent achieved through a process of ongoing engagement, aligned to project milestones, and articulated in a project specific FPIC process or strategy document. The triggers, thresholds and processes to guide FPIC and achieve consent are agreed at a high level with the KYAC and documented (e.g. via formal terms of reference, protocol or memorandum).

2. Strategic and Operational Alignment

Decision point	Considerations	Recommended approach
Governance	A strong authorising environment and mandate is essential.	Embed FPIC governance under a senior executive sponsor, within the broader engagement, strategic policy or reconciliation governance framework.
Operational delivery	Responsibilities need to be clear and resourced.	Embed in a dedicated function or team to support screening, implementation, key partner relationships and delivery of FPIC engagement.
Strategic entry point	There is limited precedent for an LGA embedding FPIC. A staged roll-out allows for learning and relationship building.	Pilot FPIC via selection project(s) and/or phased implementation (subject-based or functional). Optimally agree initial focus area or pilot project with KYAC

3. Enablers for Success

Decision point	Considerations	Recommended approach
Relationships	A strong relationship based on trust, transparency and shared commitment is the fundamental enabler of success.	Continue to invest in a genuine process of engagement and collaboration with KYAC in the design and implementation. Agree a terms of reference.
Resourcing & capacity building	Organisational readiness, for both KYAC and CoA, requires time, education and resourcing.	Identify opportunities to support KYAC participation through one or more of – equivalent reimbursement of time (i.e. at a level consistent with CoA Committees), streamlining attendance requirements, provision of in-kind support (e.g. office space, corporate services), funding support for engagement and/or policy expertise. Work with other government and private sector partners who regularly seek to engage with KYAC to consider the opportunity of a shared resourcing model. Resource a dedicated Aboriginal engagement role to support education, engagement, relationship management, assessment and FPIC coordination where triggered. Invest in building the confidence and capability of the workforce to understand and apply the processes, through a combination of integrated tools and education.
Implementation approach	Need for agility, testing and iterative approach.	Use a protocol-based model for testing, implemented over a 12-month period. Identify and mitigate risks. Work with KYAC and other partners to build a culture of continuous improvement.

Attachment 3: Protocol based consent model

This section outlines a potential model for the integration of FPIC into CoA engagement processes. It has been developed in alignment with the UNDRIP framework, United Nations standards and the CoA RAP framework, and tailored to the specific context:

- Lack of legislative mandate or other formal obligation to trigger FPIC
- CoA broad, diverse responsibilities and readiness
- CoA positioning as first LGA to attempt FPIC integration
- Absence of formal TOR or other agreement between KYAC and CoA
- KYAC organisational readiness
- The need for sustainability in the context of existing burden, turnover and changing personnel (and politics)
- KYAC capacity to participate in design to date (in part availability and in part FPIC complexity)
- The importance of the model supporting the ongoing development of the relationship between CoA and KYAC as the critical foundation for success.

The proposed model recognises the unique positioning of CoA in seeking to integrate FPIC and proposes a protocol-based model for engaging with KYAC given the absence of formal legislative mandate or agreement with KYAC to trigger and oblige compliance with FPIC.

Protocol-Based Consent model as a practical approach to integrating FPIC within broader engagement processes

The proposed model achieves consent through a negotiated 'Engagement Protocol' or negotiated Memorandum of Agreement (Protocol) between the CoA and KYAC. In the absence of a legislative FPIC trigger or existing formal agreement with KYAC, a protocol-based approach enables CoA to uphold the intent of FPIC in line with international standards, while developing a workable approach in context.

At a high level, the protocol establishes the method for project notification, thresholds for escalating engagement, and identifies when FPIC is triggered. It relies on relationships, mutual goodwill and a structured engagement cadence. It establishes:

- A shared understanding of when and how the KYAC is engaged.
- A tiered approach to matters based on impact/risk, integrating the IAP2 spectrum and triggering an FPIC process only where agreed as appropriate.
- A regular engagement cadence for early notice of relevant upcoming projects.
- Consent delivered through adherence to an agreed process, including project-specific FPIC schedules for culturally significant projects.

This model seeks to acknowledge Kaurua cultural rights, reduce engagement fatigue, and strengthen trust—while able to be implemented in the short to medium term. It is scalable, agile to changing partner conditions and preferences, and fundamentally relationship-driven.

Key Features (refer table over page)

- A standing agreement on how projects are presented to TOs (e.g., via standing agenda items).
- A tiered engagement structure using the IAP2 spectrum (Inform to Empower) as the underpinning engagement continuum.
- FPIC is embedded in the 'Empower' tier and is triggered by the project's potential impact.
- Project-level consent is delivered through adherence to a co-designed engagement schedule that maps to CoA established project planning and milestones (TBC).
- Resourcing overview – sitting fees, engagement participation etc
- Grievance & dispute resolution mechanism/pathway
- The protocol is subject to biennial review and reflects alignment with both internal and external project requirements.

Key strengths

- Scalable: Respects current readiness of KYAC and CoA with ability to scale over time the level of engagement or type/number of projects
- Respectful: Built around a relationship, not compliance.
- Practical: Aligns with internal CoA processes, reducing burden.
- Transparent: Protocol-based approach enables both sides to have clarity and shared expectations in ways that work for them.
- Reviewable: Protocol is not static; it can evolve with capacity, maturity of relationships, and TO needs.

Integration of IAP2 with FPIC

The model adopts IAP2's five levels of engagement (Inform, Consult, Involve, Collaborate, Empower) as the underpinning engagement continuum. FPIC is embedded in the 'Empower' tier and is triggered by the project's potential impact.

FPIC integrity

FPIC	How It's Met in This Model
Free	Participation is voluntary, culturally safe, and not time-pressured.
Prior	KYAC is advised of relevant projects before decisions are made via regular updates and are provided early pipeline insight in accordance with the agreed protocol.
Informed	Sufficient detail is shared at the right time, in the agreed way, using accessible formats and aligned to KYAC needs/capacity (time & technical).
Consent	Achieved via adherence to agreed process, recorded through: • lack of objection for lower-tier matters, and • confirmation through engagement stages for FPIC matters (see below)

Engagement via Protocol-Based Consent model: Key components

Component	Description
1. Mutual Agreement on Engagement Protocol e.g. (MOA)	Collaboratively designed and agreed by the CoA and KYAC, reviewed every two years (or otherwise as agreed). Sets out the shared understanding of roles, values, engagement principles, areas of focus and consent process.
2. Tiered Matters Framework	Matters are grouped into levels (e.g. inform, consult, collaborate, FPIC-required) based on significance to cultural rights and impact. This aligns with the IAP2 spectrum, with FPIC added at the 'empower' stage for culturally significant matters. Sits within broad engagement framework
3. Internal Screening & Project Assessment	CoA implements internal tool to assess engagement requirements. Criteria can be designed with KYAC (aligned with recognised IAP2 and UNDRIP standards).
4. Standing Cadence of Engagement	A regular standing meeting, such as quarterly, with KYAC board (or a standing agenda item on an existing forum) where upcoming projects as agreed are previewed and KYACs can express interest or raise concerns.
5. Consent via Process Adherence	Consent is achieved through the delivery of the agreed protocol and processes, and formalised project by project only when triggered: Tacit consent - For low-level matters: no objection following due notification Standing consent – pre agreed consent for certain classes of projects may be pre-approved subject to consent provisions being met, embedded in protocol (i.e. reviewed every two years). This reduces burden while preserving the right to be heard. FPIC: delivered through project-level FPIC strategy (below)
6. Project-level FPIC Strategy	For FPIC-triggered projects, CoA prepares and implements FPIC strategy (internally or via co-design). Consent might be understood as an ongoing relational product, with clear points for formal KYAC feedback (or as explicit agreement - or lack of objection - at key project milestones/stage gates)
7. Review and Renewal Cycle	Protocol reviewed biennially to improve function, update engagement triggers, and maintain trust. FPIC register maintained by CoA to track project engagement decisions involving KYAC and support accountability, transparency, and rigour.



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[Project name]

City of Adelaide

Free, Prior and Informed Consent

[Date]

[Project Lead/Engagement Lead]

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1. Overview

Purpose: Provide a high-level summary of the project and how the FPIC process will be applied.

Example (River Torrens Development): The City of Adelaide is proposing a riverbank redevelopment project on the River Torrens. The project will include the permanent redirection of water flow to support flood mitigation, public space upgrades, and recreational facilities. This project triggers the FPIC process due to the recognised impacts on Kaurna.

2. Background

Purpose: Record the context for this project and the FPIC requirement.

Example: The River Torrens has significant cultural and spiritual importance for the TO group. Previous works along the riverbank have highlighted the need for early and ongoing engagement. Under the agreed FPIC protocol, any project involving changes to water flow or riverbank structures has been identified as triggering a full FPIC process.

Abbreviations

Purpose: Common acronyms and abbreviations, include standard terms (as per below) and the project specific.

Abbreviation	Definition
CoA	City of Adelaide
TO	Traditional Owners
PBC	Prescribed Body Corporate
NT	Native Title
FPIC	Free, Prior and Informed Consent
KYAC	Kaurna Yerta Aboriginal Corporation
	[update as appropriate]

4. Project partners

Purpose: Optional section - provide a short overview of key partners. This would routinely include CoA and KYAC.

4.1 City of Adelaide

Adelaide is the capital of South Australia. The CoA is relatively uniquely positioned as an LGA within which a major Australian capital city is located. Adelaide is the business centre of the State of South Australia, the location of major health and education infrastructure, a focus point for recreation, sporting and tourism activities, and a transport hub and connector.

The 2024-2027 RAP reports that in August 2024 the CoA workforce consisted of 1034 employees, with nine individuals identifying as Aboriginal and/or Torres Strait Islander, making up 0.87% of the total workforce. The CoA has diverse responsibilities and functions:

- Legislatively, the CoA has multiple responsibilities (refer table above). The statutory framework articulates both CoA responsibilities and also prescribes certain levels of engagement. It also guides the CoA's delivery of policies, programs and services.
- Under the *City of Adelaide Act 1998 (SA)*, the City of Adelaide has particular responsibilities in overseeing the city centre and the Adelaide Park Lands for the benefit of all residents, workers, students, and visitors.
- Strategically, the CoA has a central strategic framework which incorporates its Strategic Plan, Long Term Financial Plan, Asset Management Plans and the City Plan. Alongside these are multiple policies and planning documents.
- Functionally, CoA operates across a wide range of areas -, including capitol works, arts, development, Park Land management.
- CoA is engaged in a number of strategic partnerships with external entities – including state government departments and other project partners.
- CoA has established a number of advisory committees under Section 41 of the *Local Government Act 1999 (SA)*.

The CoA is located on the Traditional Lands of the Kurna people.

4.2 KYAC

On 21 March 2018, Kurna were recognised as Native Title holders for lands around Adelaide. The decision was recognised as the first positive determination of native title over a capital city area since the commencement of the NT Act 1993.

Kurna TOs are represented by KYAC as the Registered Native Title Body Corporate (RTNBC). KYAC registered on 26 November 2018. KYAC operates pursuant to The Rule Book of KYAC RNTBC registered on 16 August 2019.

The CoA is explicit in its recognition of Kurna as the TO of the land upon which it is located, and engages KYAC in this context. The current board is comprised of volunteers with elections held annually. As at the date of this report the KYAC Chair and Vice Chair report that it does not have a permanent office or support staff.

Kurna land spans multiple local government areas. KYAC engages regularly with state government departments, statutory bodies, and other entities. KYAC are frequently required to respond to overlapping requests for engagement, consultation, and participation—often without adequate resourcing or coordination. The cumulative burden can hinder meaningful input and increase the risk of consultation fatigue.



Option: Develop LGA specific map and consider incorporating cultural heritage overlay.

4.3 KYAC Board/Key KYAC personnel

Name	KYAC Role	Term	Contact Details	Project Role (if known)
Mrs Chairs	Chair	To 02/26	xys@kyac.com	Nominated lead
Ms V Chair	Vice Chair	02/26	cbd@kyac.com	N/A
Mr Board	Board Member	02/26	dsf@kyac.com	Project contact
Mr Tim	Engagement Officer, KYAC	Ongoing	0456773421	Coordinator

4.4 Current KYAC priorities/aspirations

Purpose: To support alignment of KYAC priorities (e.g. as identified in the protocol) with project opportunities and proposed engagement schedule.

Example: The Board has identified interest in the following:

- Cultural tourism ventures
- Land and waterway co-management
- Governance support

4.5 Agreements with Kaurna

Purpose: Reference any formal or informal agreements between CoA and KYAC.

Example: As per table below

Area	Agreements in place	Year entered	Life of Agreement	Key elements
Kaurna Country	e.g. Consent Protocol	2025	Review date 2027	

4.6 Standing engagements

Purpose: Outline existing schedule of engagements with KYAC to support alignment and the assessment of relationship health

Example: As per table below

CoA Relationship Holder	Forum/Frequency	Engagement protocol
e.g. Talisha King	e.g. Reconciliation Committee	Bi monthly

4.7 Relationship Health

Purpose: Capture the current state of the working relationship between KYAC/CoA – provide narrative and consider traffic light/tiered ranking. This is to support engagement planning.

Example: The CoA and KYAC have an established working relationship through quarterly meetings. Trust levels are moderate, with positive collaboration on smaller projects but some residual concerns from past developments affecting the river. A new Chair and Vice Chair were recently appointed.

5. Project Information

5.1 Project Scope

Purpose: Include high level project scope as identified project plan. Focus on information relevant to TO impact and FPIC strategy e.g. detail project plan, current stage, project map including Kaurna cultural heritage/sites of interest as available, project timeframes, legislative overlay (e.g. Aboriginal Heritage Act)

Example: Scope includes riverbank stabilisation, water flow redirection infrastructure, construction of a public boardwalk, landscaping, and public amenities. Excludes upstream catchment management works and private riverfront land developments.

5.2 FPIC Screening: Outcomes

Purpose: The FPIC screening process supports the early-stage identification of whether a project or decision may significantly impact the rights or interests of Kaurna (as recognised under the UNDRIP) and whether a formal FPIC process should be triggered. This section documents the results of the preliminary and full screening.

Example: Internal FPIC screening determined the project triggers full FPIC due to the proposed permanent change to River Torrens water flow, potential cultural heritage impact, and visual amenity changes to the riverbank adjacent sights of known significance.

This project was subject to CoA internal FPIC screening. Outcomes are documented below.

Preliminary screening – **EXAMPLE SCREENING FOR TESTING ONLY**

This tool was completed by [CoA project lead, area].

Screening Question	Yes / No
1. Is there an impact to recognised Traditional Owner rights e.g. land, waterways, heritage places, landscapes?	Yes
2. Will impact be significant, substantial or serious?	Yes
3. Will the impact be new or substantially different to an existing impact?	Yes

Full screening – **EXAMPLE MATRIX FOR TESTING ONLY**

This tool was completed by **[Aboriginal engagement lead]**.

Score is calculated by rating each criterion from 0 (none/low) to 3 (high/severe), then multiplied by weighting (optional – align City of Adelaide risk tools).

Categories	Description	Rating (0–3)	Weight (optional)	Score
A. Impact to land or waterway				
B. Impact on Cultural Heritage				
C. Impact on Self-determination				
D. Risk of Harm or Disruption				
E. Loss of access to culturally significant places				
F. Degree of Prior Engagement				
G. Standing Consent or Exclusion (e.g. covered by protocol)				

5.3 Risk management

Purpose: Identify and mitigate project risks to TO recognised rights (under UNDRIP). Risks are drawn from those identified in the full screening tool.

Example: Internal FPIC screening determined the project triggers full FPIC due to the proposed permanent change to River Torrens water flow, potential cultural heritage impact, and visual amenity changes to the riverbank adjacent sights of known significance.

Identified Risk	Risk Mitigation	Timeframe	CoA Lead

5.4 Project opportunities

Purpose: Identify opportunities for KYAC and Kaurna arising from the project e.g. procurement, employment

Example: Opportunities for cultural tours, procurement of landscaping, and employment in construction and environmental monitoring.

Opportunity	Timeframe	CoA Lead

6. FPIC Strategy

6.1 Engagement plan

Purpose: Provide an overview of planned engagement, how FPIC recognised and delivered through the protocol and this plan.

Example: Engagement methods will take place across the life of the project, and include on-Country meetings, joint design workshops, and site inspections at each project milestone.

6.2 Practical application of FPIC within this Project

Purpose: Identify key internal and external stakeholders. These should include relevant project stakeholders and relevant engagement/FPIC stakeholders.

6.3 Key Stakeholders

Key stakeholders who will be involved with seeking and obtaining FPIC for the Project include:

Table 1 – CoA Stakeholders

Stakeholder	Role

Table 2 - External Stakeholders

Stakeholder	Role	CoA Relationship Owner

6.4 FPIC Engagement Schedule

Purpose: Identify and integrate critical engagement milestones into the CoA PMO framework (i.e. align to established phases, tasks and deliverables).

Example: See below. Note this is for illustrative purposes only and is not representative of a comprehensive FPIC engagement schedule.

Project Milestone	FPIC Engagement Activity	Mode	Kaurna Rep	Participation level	Responsible Party	Due Date
Initiate Phase - [timeline]						
Project brief preparation	Identify project on FPIC	Written notification	KYAC Board	Inform	Reconciliation officer	01/04/2025

	notification register					
Commit/Concept Phase – [timeline]						
Project brief	Workshop to finalise water flow design	Information pack & facilitated workshop	KYAC Board and nominated representatives	Empower	Project Lead	30/06/25
Design/Detail Phase – [timeline]						
Detailed design	Provide copies of detailed design	Table copies at regular CoA/KYAC	KYAC Board	Involve	Aboriginal engagement lead	15/05/2025
Close Phase [timeline]						
Lessons Learned/Close out	Review FPIC process & lessons learned	Discussion Outcomes recorded and agreed	KYAC Chair	Collaborate	LGA & TO	15/12/2025

Appendix - Engagement Log

Purpose: Ongoing log of what was shared, discussed, committed to, and the level of engagement, including provision of agreement/consent as might be identified for a particular project milestone/task. Draws from engagement schedule above. Can be accompanied by guidance which identifies the level of engagement and what meeting the standard of that level might look like – this could be agreed as part of the protocol in accordance with recognised standards.

Example: See below. Note this is for illustrative purposes only and is not representative of a comprehensive FPIC engagement log.

Project Milestone	FPIC Engagement Activity	Mode	Kaurna Rep	Participation level	Responsible Party	Date
Initiate Phase - [timeline]						
Project brief preparation	Identify project on FPIC notification register	Written notification – provided at the KYAC/CoA regular meeting of 1/6/25. Board provided short summary.	KYAC Board	Inform – KYAC Board noted the project brief. KYAC request short project update tabled annually. Discussion outcomes recorded in minutes.	Reconciliation officer	01/06/2025
Commit/Concept Phase – [timeline]						
Project brief	Workshop to finalise water flow design	Information pack & facilitated workshop	KYAC Board and nominated representatives	Empower – Information pack provided in advance to support attendance and internal to KYAC consultation to prepare. KYAC Board nominees attended 2 hour workshop hosted by PM. Minor amendments to water flow design	Project Lead	30/09/2025

Project Milestone	FPIC Engagement Activity	Mode	Kaurna Rep	Participation level	Responsible Party	Date
				discussed and agreed to progress. Record of agreement tabled at KYAC regular meeting for noting.		
Design/Detail Phase – [timeline]						
Detailed design	Provide copies of detailed design	Table copies at regular CoA/KYAC PM invited to attend and provide overview.	KYAC Board	Involve – KYAC Board provided short presentation. Q&A enabled. Feedback received, recorded and incorporated. Formal identification of opportunities arising.	Aboriginal engagement lead	15/05/2025
Close Phase [timeline]						
Lessons Learned/Close out	Review FPIC process & lessons learned	Discussion Outcomes recorded and agreed	KYAC Chair	Collaborate – KYAC Chair met with PM and Reconciliation Officer. Reviewed process and engagement mechanisms. Joint discussion of what worked & lessons learnt. Feedback summarised and circulated for ongoing continuous improvement.	LGA & TO	15/12/2025

Project Milestone	FPIC Engagement Activity	Mode	Kaurna Rep	Participation level	Responsible Party	Date
				Recorded in FPIC register to support next protocol review.		