

# Consultation and engagement for OEI management plans

Document No: N-04403-GL2259 A1164505

Date: 01/04/2025

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## 1. Background

The Offshore Infrastructure Regulator (OIR) is provided with functions and powers under the *Offshore Electricity Infrastructure Act 2021* (OEI Act)<sup>1</sup>. The OIR is responsible for regulating work health and safety, environmental management, and *infrastructure integrity*<sup>2</sup> of *offshore infrastructure activities*<sup>3</sup> in the *Commonwealth offshore area*<sup>4</sup>.

## 2. Purpose

The purpose of this document is to provide OEI Act licence holders with information about the requirements for consultation before making an initial plan approval application. It is also intended to provide advice on the requirement for licence holders to develop and implement a stakeholder engagement strategy (SES) and provide for ongoing engagement in relation to licence activities.

In preparing a management plan, licence holders should consider the specific consultation requirements in the OEI Act and Regulations as applied to their circumstances and activities. It remains the licence holder's responsibility to identify and appropriately consult with consultees and engage with stakeholders.

## 3. Scope

This document is relevant to all OEI licence holders who are required to consult with persons, organisations, communities and groups, prior to making an application to the OIR for approval of a management plan.

This document is focused on who must be consulted before making an initial plan approval application and how they must be consulted, to satisfy the requirements of Subdivision D, Division 3, Part 3 of the OEI Regulations and any relevant obligations or conditions.

This document provides further information about how consultation must be addressed in a management plan. This document also addresses the stakeholder engagement strategy and requirements for ongoing consultation with stakeholders and should be read in conjunction with the OIR's [Management plan content guideline](#).

This document does not cover other statutory public comment processes required under the OEI Act, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or other legislation.

## 4. Disclaimer

This document is not a legal instrument and does not override or amend the requirements of the OEI Act or OEI Regulations in any way. It is provided to inform licence holders, consultees and stakeholders and does not limit the discretion of the OIR to take any action it considers appropriate under relevant legislation. It reflects the current position of the OIR, which may change from time to time. All changes will be notified publicly.

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<sup>1</sup> See sections 177 and 178 of the OEI Act

<sup>2</sup> See section 8 of the OEI Act

<sup>3</sup> Ibid

<sup>4</sup> Ibid

## 5. Relevant legislation

The following Commonwealth legislation gives direction to the OIR and provides the legal framework relevant to consultation and stakeholder engagement:

- *Offshore Electricity Infrastructure Act 2021* (OEI Act)
- Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations)
- *Work Health and Safety Act 2011* (WHS Act) as applied under the OEI Act
- Work Health and Safety Regulations 2011 (WHS Regulations) as applied under the OEI Regulations.

This document does not cover legislative requirements beyond the scope of the OEI Act framework and related legislation listed above. The reader should be aware of and comply with all other Commonwealth, State and Territory legislative requirements that may apply to their activities.

## 6. Intent of consultation and engagement under the OEI framework

The OEI Regulations require that licence holders undertake consultation before making an initial plan approval application to ensure that persons, organisations, communities and groups are identified and consulted in relation to proposed licence activities. For the purposes of this guideline, persons, organisations, communities or groups required to be consulted in preparation of an initial plan approval application will be referred to collectively as consultees.

The OEI Regulations also make provision for a licence holder to prepare and implement a stakeholder engagement strategy. The stakeholder engagement strategy allows a licence holder to continue to identify and consult persons, organisations, communities and groups in relation to licence activities for the life of the licence. Regulation 82 defines persons, organisations, communities or groups that fall within the scope of the stakeholder engagement strategy collectively as **stakeholders**.

Consultation is intended to provide consultees and stakeholders with information which allows them to make an informed assessment of the potential effects that a licence holder's proposed activities may have on them. Further, consultation provides an opportunity for consultees and stakeholders to share information and raise claims in relation to potential adverse effects that the licence holder may not otherwise be aware of. This ensures the licence holder is able to implement measures to avoid or otherwise mitigate the effects of their activities.

## 7. Requirement to consult

### 7.1. Consultation before applying for approval of an initial management plan

#### **Regulation 48(2) - Requirements for application**

*Before making an initial plan approval application, a licence holder must carry out consultation under Subdivision D.*

The OEI Regulations require that a licence holder must, prior to making an initial plan approval application under regulation 47, undertake consultation as specified within Subdivision D of Division 3 in Part 3 of the OEI Regulations, being regulations 62 through to 65.



Regulation 72 sets out the requirements for approval of a management plan and explicitly provides that the Regulator may only grant the application if satisfied that the licence holder has carried out the consultation required by regulation 48(2).

Sections 8, 9, 10, and 11 of this guideline are focused on the requirements of Subdivision D of Division 3 of Part 3.

## 7.2. Consultation before applying for approval of a revised management plan

Consultation under Subdivision D is not required prior to making a plan revision approval application under regulation 50, unless specifically directed by the Regulator under regulation 53(3).

However, regulation 82 provides that a licence holder must describe a plan for stakeholder engagement (a stakeholder engagement strategy (SES)) to identify and consult stakeholders in relation to the licence activities. The SES provides for ongoing consultation with stakeholders in relation to licence activities over the life of the licence. Please refer to section 13 of this document, and the OIR's [Management plan content guideline](#) for further information on the SES.

## 7.3. Consultation required by licence conditions

Section 20(4) of the OEI Act provides that a licence granted in respect of a declared area may be subject to conditions specified in the declaration. For example, section 6 of the [Offshore Electricity Infrastructure \(Declared Area OEI-01-2022\) Declaration 2022](#) for the Gippsland declared area sets out specific conditions for consultation with various government entities and commercial fisheries. All licences issued within this Declared Area will have these conditions imposed, and all such conditions must be complied with.

In addition, sections 35(2), 45(2), 54(2) and 63(2) of the OEI Act enable the Minister to impose any conditions on the grant of a licence the Minister thinks fit. If the Minister imposes conditions related to consultation, these must be complied with, in addition to the ordinary consultation requirements under the OEI Regulations.

Licence holders should ensure that they have identified any relevant conditions on declarations and licences that may apply to their licence activities. Any such consultation obligations will be relevant for initial and revised management plans.

## 7.4. Consultation required to comply with EPBC Act obligations

**Offshore infrastructure projects**<sup>5</sup> are subject to approval requirements under the EPBC Act administered by the Department of Climate Change, Energy, the Environment and Water (DCCEEW). The Minister for the Environment may impose obligations, including approval conditions, on a licence holder in relation to an EPBC Act approval related to offshore infrastructure activities.

If EPBC obligations include consultation requirements in relation to the proposed licence activities, they will also need to be addressed in the management plan for the licence and in the licence holder's stakeholder engagement strategy. Any such consultation obligations may be relevant for both initial and revised management plans.

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<sup>5</sup> See section 8 of the OEI Act  
Offshore Infrastructure Regulator



## 7.5. Consultation required by the Minister – proposed commercial licence

In accordance with section 43(2)(a) of the OEI Act, the Minister may require the applicant for a commercial licence to conduct specific kinds of consultation in relation to the application, before a commercial licence is able to be granted. If a licence holder has received a notice under section 43 from the Minister, the licence holder must undertake the consultation specified in the notice.

## 7.6. Consultation required by the applied work health and safety provisions

Division 2 of Part 5 (sections 47 to 49) of the *Work Health and Safety Act 2011* (WHS Act) sets out the duty to consult with workers who are or are likely to be directly affected by a matter relating to work health or safety and describes how that duty is to be carried out.

Clause 15A of Schedule 1 to the OEI Regulations provides further requirements in relation to consultation with workers or unions during the preparation or revision of a management plan. The licence holder is the person conducting the business or undertaking (PCBU) referred to in the WHS Act and is responsible for compliance with these requirements.

The licence holder's duty to consult with workers in relation to the preparation or revision of a management plan relates only to health and safety matters and does not encompass other matters such as employment contracts or other ordinary interactions between the licence holder and its contractors and workers.

The consultation required by section 48 of the WHS Act includes that:

- relevant information about the matter is shared with workers; and
- workers be given a reasonable opportunity:
  - to express their views and raise work health or safety issues in relation to the matter; and
  - to contribute to the decision-making process relating to the matter; and
- the views of workers are taken into account by the person conducting the business or undertaking
- the workers consulted are advised of the outcome of the consultation in a timely manner.

If workers are represented by a health and safety representative, that representative must be consulted.

If the preparation or revision of the management plan is occurring when there is no workforce engaged for the relevant **regulated offshore activities**<sup>6</sup>, the licence holder must consult each union that the licence holder considers will be reasonably likely to represent the industrial interests of workers whose health or safety might be directly affected by the activity (see OEI Regulations, Schedule 1, clause 15B).

Consultation between duty holders and workers is of a different nature to consultation with other consultees. The specific requirements for consultation with other consultees under Subdivision D of Division 3, Part 3 of the OEI Regulations do not apply to workforce consultation. Similarly, consultation carried out with the workforce is not required to be addressed in a management plan under regulation 81.

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<sup>6</sup> See section 228 of the OEI Act

However, consultation in accordance with obligations under the applied work health and safety provisions is subject to compliance monitoring by the OIR.

For further information on WHS matters, please refer to the OIR's guideline on [Work health and safety under the OEI framework](#).

## 8. Scope of activities subject to consultation

### Regulation 63 Consultation—activities subject to consultation

- (1) *The activities subject to consultation for consultation that relates to a proposed initial plan approval application are the licence activities that the proposed plan would authorise if:
  - (a) the application was made; and
  - (b) the Regulator granted the application and approved the proposed plan.*
- (2) *To avoid doubt, a licence activity that is mentioned in the proposed plan, but that the proposed plan would not authorise, is not an activity subject to consultation under subsection (1).*
- (3) *If:
  - (a) consultation is required to be carried out as a result of a direction under subsection 53(1); and
  - (b) the direction includes a statement, under subparagraph 53(3)(b)(i), that the consultation must relate to specified licence activities;then, despite subsections (1) and (2) of this section, the activities subject to consultation for the consultation are the licence activities specified in the direction.*

The purpose of regulation 63 is to clarify that the requirements of Subdivision D of Division 3 of Part 3 only apply to those licence activities specifically to be authorised by the management plan.

A management plan may provide contextual information about the broader project including future activities under a commercial licence; however, the mention of such activities within a plan does not extend the consultation requirements to those other activities.

## 9. Identification of consultees

Regulation 81(2)(a) requires a management plan to describe the process used to identify those who must be consulted. Regulation 81(1) requires consultation to be in accordance with Subdivision D of Division 3 of Part 3, which sets out specific categories of consultees who must be identified and consulted.

To ensure that the management plan for the licence addresses the above requirements, the licence holder should establish a structured and documented process that functions to identify:

- consultees specified by the Minister, the Regulator, licence conditions or other obligations provisions (see section 7 of this guideline); and
- consultees within the categories set out in regulation 64.



Regulation 64 includes persons, organisations, communities or groups that may have different functions, rights and interacting activities in relation to an OEI licence area and the licence activities.

Regulation 64 requires the licence holder to use reasonable efforts to identify and consult with the categories of consultees listed. The framework for consultation set out in the OEI Regulations provides some parameters that licence holders should consider in developing their process for identifying consultees. These concepts are covered generally in the following sections of this guideline and are discussed in further detail in section 10. It is important that the process for identifying consultees is clearly explained within the management plan to demonstrate compliance.

## 9.1. Reasonable effort to identify consultees

### Regulation 64(1)

*The licence holder must make reasonable efforts to identify and consult...*

Regulation 64 requires licence holders to make reasonable efforts to identify consultees within the specified categories.

The process for identification must provide for a sufficiently broad capture of consultees potentially affected by licence activities.

The process should include appropriate mechanisms to make adequate inquiries through multiple sources of information, such as publicly available materials, review of databases and registers, published guidance, previous history, as well as advice from authorities and other stakeholders.

Licence holders may also consider how they can create awareness of their activities to encourage potential consultees to make themselves known. This may include advertisements utilising local media outlets.

The various mechanisms implemented, and the effort expended by licence holders to identify consultees, should be commensurate with the nature and scale of the licence activities subject to consultation, the purpose of the licence, and the stage the project is at. Licence holders must also address any specific requirements such as licence conditions that require certain categories of consultees to be identified and consulted. For example, if a licence condition requires all holders of particular fishing rights to be identified, then the licence holder is expected to expend increased effort to identify each stakeholder or their representative body.

## 9.2. Proximity to licence area

Many of the categories of who is to be consulted within regulation 64 require the licence holder to consider the proximity of consultees to the licence activities through use of qualifications such as 'adjacent to the licence area' and 'in or near the licence area'. The process for identifying consultees may benefit from clear geographical boundaries within which to identify consultees. If such boundaries are applied, the process should ensure that they are reasonable with consideration to the needs of the consultee and the potential for a licence activity to affect them. It may be appropriate to have different geographical boundaries for different categories of consultees. It should be noted that there is no similar consideration in relation to government agencies or authorities under regulation 64(1)(a); rather, the jurisdictional scope of the government body will be more relevant to determine whether its functions may relate to the licence activities.

### 9.3. Directly affected

For other OEI licence holders, other commercial operators (e.g. fishing and tourism), local communities and recreational fishing bodies, the regulations require consideration of the potential for the consultee to be directly affected by, or to directly interact with, the licence activities.

### 9.4. Representing the interests of the first person, organisation, community or group

With respect to interests that are communally held or held by large classes of persons, organisations, communities or groups, regulation 64(3) allows for the licence holder to consult with either, or both, individuals or a body that could reasonably be regarded as representing the interests of consultees required to be consulted under regulation 64(1).

This is intended to reduce the burden of consultation placed on individuals who may not have the capacity to engage in consultation with each licence holder directly. It may reduce the overall consultation effort required where a large number of consultees are likely to have common interests, or where a body has a function under State or Commonwealth legislation or is otherwise formally recognised by the relevant State or Commonwealth authority to represent interests for a class of consultees.

A licence holder's process for identifying consultees should clearly set out the parameters to determine where one consultee could reasonably be regarded as representing the interests of another consultee or class of consultees.

Representative bodies may also be an initial point of contact for licence holders to seek information about who else they should approach for consultation.

## 10. Who is to be consulted

### 10.1. Commonwealth and State government agencies

#### **Regulation 64(1)(a)**

*...each Department of State, agency or authority of the Commonwealth, a State or a Territory that has functions that relate to the activities subject to consultation;*

Licence holders must make reasonable efforts to identify and consult government entities, including those Commonwealth, State or Territory departments, agencies or authorities that:

- may be conducting activities that may interact with the licence activity
- have regulatory functions that relate to the licence activity or associated activities
- may have a role in responding to emergencies arising from the licence activities.

Appendix A provides an overview of Australian government agencies that have roles and responsibilities in the Commonwealth offshore area. Appendix A is a generic list, is not exhaustive and is not tailored to particular types of activities or specific regions. Licence holders must identify for consultation all relevant Commonwealth agencies who have functions that relate to the licence activities described in the management plan.





To identify relevant State agencies for consultation, licence holders should contact the agency primarily responsible for offshore renewable energy matters. Through that agency, licence holders may seek advice about other State agencies who have functions that may relate to the licence activities.

## 10.2. First Nations organisations or groups

### Regulation 64(1)(b), (c) and (d)

....

- (b) *Aboriginal or Torres Strait Islander people or groups that the licence holder reasonably considers may have native title rights and interests (within the meaning of the Native Title Act 1993) in relation to:*
  - (i) *the licence area; or*
  - (ii) *areas of land or water that are adjacent to the licence area;*
- (c) *Aboriginal or Torres Strait Islander organisations that are established under a law of the Commonwealth, a State or a Territory and that the licence holder reasonably considers to have functions related to managing, for the benefit of Aboriginal or Torres Strait Islander people:*
  - (i) *land or water in the licence area; or*
  - (ii) *areas of land or water that are adjacent to the licence area;*
- (d) *Aboriginal or Torres Strait Islander organisations or groups that the licence holder reasonably considers to be parties to agreements related to land and water rights for Aboriginal or Torres Strait Islander people under the Native Title Act 1993 or any law of a State or Territory, where the land or water rights relate to:*
  - (i) *land or water in the licence area; or*
  - (ii) *areas of land or water that are adjacent to the licence area;*

Licence holders must make reasonable efforts to identify and consult the three different categories of Aboriginal and Torres Strait Islander people or groups described in regulation 64(1). The three categories can be described as follows:

#### **64(1)(b) First Nations people or groups with Native Title rights and interests**

The *Native Title Act 1993* provides for recognition and protection of the rights and interests that First Nations people and groups have over certain areas of land and water. Regulation 64(1)(b) requires that where a licence holder reasonably considers First Nations persons or groups may have native title rights and interests (under the *Native Title Act 1993*), in relation to the licence area or areas of land or water adjacent to the licence area, those persons or groups are to be consulted about the licence activities to be undertaken.

#### **64(1)(c) First Nations organisations established under law to manage lands and waters**

Separate to any native title rights or interests, First Nations organisations may also be established under other Commonwealth or State or Territory laws. These organisations include, for example, land councils established under Commonwealth and State laws.



Where the licence holder reasonably considers that such organisations have functions related to managing for the benefit of First Nations people land or water in, or adjacent to, the licence area, the licence holder must make reasonable efforts to identify and consult those organisations.

***64(1)(d) First Nations organisations or groups that are parties to agreements for land and water rights***

Licence holders must make reasonable efforts to identify and consult First Nations organisations or groups that the licence holder reasonably considers have entered into an agreement related to land or water rights under the *Native Title Act 1993*, or any other law of a State or Territory, where those land or water rights relate to land or water in, or adjacent to, the licence area. An example of the type of agreement that may be relevant is an Indigenous Land Use Agreement (ILUA) made for the use and management of land and water which is in the licence area, or adjacent to it. The ILUA must be established under the *Native Title Act 1993* or a State or Territory law.

The licence holder's process for identifying categories of consultees under regulations 61(1)(b), (c) and (d) must identify the parameters for determining which areas of land or water are considered to be in or adjacent to the licence area.

There are several resources available to licence holders that may assist in identify First Nations organisations or groups that to be consulted.

The National Native Title Tribunal (NNTT) maintains a publicly accessible database of applications and decisions of the NNTT.

- Licence holders may search the [National Native Title Register](#) to identify the Registered Native Title Body Corporate for areas where native title has been found to exist. These bodies are responsible for managing native title rights and interests under the Native Title Act. The contact details for the registered native title bodies corporate are available from the [Office of the Registrar of Indigenous Corporations](#).
- The National Native Title Register also includes information about any active native title claims.
- The NNTT maintains a [Register of Indigenous Land Use Agreements](#) to identify organisations that have an ILUA that relates to the licence area, or land or waters adjacent to the licence area.
- A visual mapping tool, [Native Title Vision](#), is provided by NNTT.

The [Australian Marine Spatial Information System](#) (AMSIS), available from Geoscience Australia, enables licence holders to view maps showing OEI licence areas with additional layers displaying Native Title Determinations and claims on the Schedule of Native Title Determination Applications.

Licence holders may also seek advice from the following organisations:

- The Native Title Representative Body (NTRB) or Native Title Service Provider (NTSP) for the relevant region. The National Indigenous Australians Agency (NIAA) website provides a [list of NTRBs/NTSPs](#).
- DCCEEW has published Interim Guidance on [Engaging with First Nations People and Communities on Assessments and Approvals under the EPBC Act \(2023\)](#), which also includes a further reference list of engagement guidance developed by other Australian government agencies.
- DCCEEW also administers the [Sea Country Indigenous Protected Areas \(IPA\) Program](#) which designates areas of land and sea that First Nations groups have voluntarily agreed to manage for biodiversity conservation as part of Australia National Reserve System. The program is jointly administered by DCCEEW and NIAA.

- Other relevant state government agencies that have functions in relation to Aboriginal and Torres Strait Islander organisations.

### 10.3. OEI licence holders

#### Regulation 64(1)(e)

...

*the holder of any other licence granted under the Act where:*

- (i) the licence area of the other licence covers wholly or partly the same area as the licence area of the relevant licence; or*
- (ii) there is licence infrastructure in relation to the other licence in or near the licence area of the relevant licence;*

Licence holders must make reasonable efforts to identify and consult any other holder of an OEI licence that overlaps any part of the licence area.

In addition, the licence holder must seek information from neighbouring OEI licence holders to determine whether there is any infrastructure that could be considered to be near to the licence area. If there is infrastructure already installed, the licence holder must make reasonable efforts to consult with those other licence holders. The consultation should ensure that information is shared about any effects that the licence activities may have on the existing infrastructure and other licence holder activities.

### 10.4. Other commercial activities

#### Regulation 64(f)

...

*people or organisations that the licence holder reasonably considers may, in or near the licence area of the relevant licence, carry out activities:*

- (i) for a commercial purpose; and*
- (ii) under a licence or permit (however described) issued under a law of the Commonwealth or a State or Territory; and*
- (iii) in a way that may directly interact with the activities subject to consultation;*

The licence holder must make reasonable efforts to identify and consult with people or organisations conducting commercial, licenced or permitted activities which may directly interact with the licence activities.

Commercial businesses may have rights for concurrent access to the marine area within or adjacent to the OEI licence and must be consulted. This includes, but is not limited to, commercial fishers, tourism operators, petroleum or greenhouse gas licence holders, and shipping. Operational coordination may be necessary to minimise on-water interaction between lawful activities occurring in the same space.

Tourism operators are generally well-advertised, enabling an efficient identification of operators working in or adjacent to a licence area. In addition, the Director of National Parks issues authorisations for tourism operations within the national reserve system including Australian marine parks and may be able to provide information about authorised tourism operations in the Commonwealth offshore area.



The Australian Fisheries Management Authority (AFMA) and relevant State-based fisheries authorities can provide information about the type of fisheries that are likely to be operating in or adjacent to the licence area as well as other seasonal information.

There are a range of commercial fishing associations and co-operatives that represent commercial fishers within each region. As discussed in section 9.4 of this guideline, the licence holder can engage directly with those representative bodies that could be reasonably regarded as representing the interests of individuals, or a group of fishers. In certain circumstances there may be commercial fishers who have explicitly stated that they are not represented by an association or other body. The licence holder’s process for identifying consultees should respect such statements and ensure that reasonable efforts are undertaken to identify and consult those who may fall into this category.

The Australian Maritime Safety Authority (AMSA) controls shipping traffic in Australian waters and is responsible for ensuring maritime safety and freedom of navigation, amongst other things. Consultation with AMSA in relation to any potential for direct interaction with shipping operations in Commonwealth waters, may, depending on the circumstances, be regarded as representing the interests of the maritime sector for the purposes of reducing on-water interactions between OEI activities and shipping.

## 10.5. Communities

### Regulation 64(g)

...

- (g) *communities:*
- (i) *that are located adjacent to the licence area; and*
  - (ii) *that the licence holder reasonably considers may be directly affected by the activities subject to consultation;*

The licence holder must make reasonable efforts to consult with communities by identifying which communities could reasonably be considered to be adjacent to the licence area and giving consideration to their potential to be directly affected by the licence activities.

If a licence holder identifies that communities adjacent to the licence area may be directly affected by the licence activities, the licence holder should identify and consult with an appropriate person or entity who represents the interests of that community in accordance with regulation 64(3).

If a State law has established a local government to represent the interests of a community, it may be reasonable for the licence holder to regard the local government body as representative of the community for the purposes of consultation.

Licence holders may also wish to conduct open consultation with communities through events, town hall meetings and other mechanisms.

## 10.6. Recreational fishers

### Regulation 64(1)

- (h) *any organisation representing recreational fishers whose activities the licence holder reasonably considers may be directly affected by the activities subject to consultation.*



If the licence activities may directly affect recreational fishing activities, the licence holder must make reasonable efforts to identify and consult with any organisation that represents those directly affected recreational fishers. The regulations do not require individual recreational fishers be consulted, only the representative organisation in accordance with regulation 64(3).

Licence holders should identify the peak body or association that is recognised as representing the interests of recreational fishers where there is potential for a direct effect on them from the licence activities. There are national and state representative organisations including, but not limited to, the Australian Recreational Fishing Foundation, Game Fishing Association Australia, VRFish (Victoria), TARFish (Tasmania) and Recfishwest (WA) which may serve to represent recreational fishers for the purposes of regulation 64(1)(h).

## 11. Manner of consultation

### 11.1. General principles of effective consultation and engagement

Consultation should be a genuine and meaningful two-way dialogue in which stakeholders are given sufficient information and time to allow them to make an informed assessment of any reasonably foreseeable effects of the licence activities.

There are various models for engagement and published guidelines from a variety of sources which may be used by licence holders to undertake their pre-submission consultation and prepare their SES. Some examples are listed below:

- International Association for Public Participation (IAP2) Australasia: [Quality Assurance Standard in Community and Stakeholder Engagement](#) (2015)
- Australian Energy Infrastructure Commissioner: [Considerations for Offshore Wind Industry on Community Engagement](#) (2023)
- Clean Energy Council: [First Nations engagement guide for the renewables industry \(2024\)](#)
- [DCCEEW's](#) website also provides additional information regarding community engagement for renewable energy infrastructure.

These references, among others, provide guidance around the key considerations and principles that should be applied by licence holders when undertaking consultation and engagement activities.

Consultation occurs on a spectrum ranging from providing access to information, through to full empowerment of the stakeholders to make decisions. The licence holder may engage to the extent they consider appropriate however at a minimum, each licence holder must be able to demonstrate that the regulatory requirements have been met.

The intent of the OEI Regulations is to ensure that licence holders make reasonable efforts to identify and consult with consultees before applying for approval of a management plan. This includes providing sufficient information relevant to the needs of the consultee and properly assessing the merits of any claim about adverse effects from the licence activities, and for any claims with reasonable merit including the measures (if any) that will be implemented address each claim.

Efforts should be made to minimise burden on consultees, noting that there may be requirements for consultation between that consultee and multiple other licence holders.

Licence holders should be transparent and inform consultees of how their information and/or feedback is intended to be used in the context of the consultation process. For example, the outcome of consultation

will be documented in a management plan and a summary of the management plan will be published on the OIR website.

Where licence holders engage consultants to develop management plans and undertake consultation in development of that plan, it should be made clear to consultees that the consultancy is working on behalf of, and acting as a representative of, the licence holder for the purposes of consultation.

However, consultees may prefer to request engagement directly with the licence holder as the entity responsible for meeting relevant obligations under the OEI framework, should they require.

## 11.2. Reasonable effort to consult

### **Regulation 64(1)**

*The licence holder must make reasonable efforts to identify and consult....*

In some cases, consultees have developed guidance detailing their functions and activities, including how and when they wish to be consulted. Licence holders should take this guidance into account in developing and tailoring their consultation processes.

It is recognised that in any community consultation there will inevitably be persons within a group who could not participate for various reasons, however the absence of their participation would not invalidate the process, provided reasonable efforts were made to identify and consult with the consultee. Even in circumstances where consultees have provided nil response, it is important to keep a record of the occasions when consultation was attempted to demonstrate the licence holder's efforts were reasonable. Where a consultee falls within the scope of those who must be consulted under regulation 64, licence holders should make a number of efforts to engage with that consultee through a variety of mechanisms. However, the OEI Regulations do not require licence holders to obtain a response to their requests.

## 11.3. Sufficient information

### **Regulation 65(1)**

*For the purpose of the consultation, the licence holder must give each person, organisation, community or group being consulted sufficient information to allow an informed assessment of any reasonably foreseeable effects that the activities subject to consultation may have....*

The licence holder must determine how information will be given to allow consultees to make the assessment contemplated by regulation 65.

License holders should consider the functions, activities, rights and interests (as required under regulation 64(1)) of consultees and how activities may affect them when determining what will be sufficient information. The information necessary is likely to vary for different consultees and may depend on the degree to which a consultee may be affected. Licence holders are encouraged to discuss expectations around the type and level of detail of information required with consultees early when undertaking consultation.

Information should be in a form that is readily accessible and appropriate for the consultee. Materials provided may include written forms, pictorial or other graphics, verbal briefings, presentations and/or videos. Information may need to be provided in an iterative manner, as finer detail and precision is



developed through the consultation process over the life of the project. Generic electronic mailouts or links to a webpage may not be sufficient, unless the consultee has previously indicated that to be their preferred method of communication.

## 11.4. Reasonable period

### **Regulation 65(3)**

*The licence holder must allow a person, organisation, community or group a reasonable period for the consultation.*

The time afforded to consultees to consider the information that has been provided, and then appropriately respond to the licence holder will need to be considered on a case-by-case basis. This will be influenced by:

- the nature, scale and complexity of a licence activity
- the extent and severity of potential effects on the consultee
- the availability of the consultee and their ability to receive the information
- other accessibility issues relating to the various formats of information provided.

For example, some consultees may only have intermittent access to email or may have limited time to respond and may require extended time periods. Similarly, representative bodies may require additional time to engage with their members prior to responding. Conversely, government agencies who are expecting to receive the information and have resources to respond may require less time, particularly for simple activities and issues.

Where consultees have published guidance or provided the licence holder with their views or expectations of what constitutes a reasonable timeframe, this advice should be considered by licence holders when seeking feedback from consultees.

## 12. Addressing consultation in the management plan

The [OIR's Management plan content guideline](#) provides further guidance on demonstrating compliance with consultation requirements under regulation 81 and compliance with licence conditions under regulation 84, within a management plan.

### Regulation 81

*(1) The plan must include the material set out in this section for any consultation carried out in accordance with Subdivision D of Division 3 in relation to the relevant licence*

*(2) The plan must include the following:*

- (a) a description of the process that was used to identify persons, organisations, communities and groups to consult;*
- (b) a list of the persons, organisations, communities and groups consulted;*
- (c) a report on the outcomes of the consultation.*

*Note: The management plan may also address other consultation carried out in relation to the relevant licence, such as consultation required by a licence condition.*

The management plan must describe the process that the licence holder has used to identify consultees and include a comprehensive list of the persons, organisations, communities and groups who have been consulted before applying for approval of a management plan. See sections 9 and 10 for further guidance.

Information about the process for undertaking the consultation is also required to demonstrate that the manner of consultation has addressed the requirements of regulation 65 to ensure that a reasonable effort has been made to identify and consult consultees and that consultees have been provided with sufficient information and a reasonable time period for the consultation. See section 11 for further guidance.



**Regulation 81**

...

*(3) The report mentioned in paragraph (2)(c) must:*

- (a) include a summary of any claims raised about any adverse effects that the licence activities might have on the persons, organisations, communities and groups consulted; and*
- (b) for each such claim—include an assessment of the merits of the claim, and a statement of whether the licence holder considers the claim to have reasonable merit; and*
- (c) for each such claim that the licence holder considers to have reasonable merit—include details of:*
  - (i) the measures (if any) that the licence holder is to implement to address the claim; and*
  - (ii) the measures (if any) that the licence holder is to implement to ensure that the measures mentioned in subparagraph (i) are effective, and are likely to remain effective*

The initial management plan must include a report on the outcomes of consultation. Regulation 81(3) sets out the matters that must be included in the consultation report to demonstrate that consultation has been undertaken and that the outcomes of that consultation have informed the management of the licence activity.

The report on consultation should include clear identification of claims raised, an assessment of the merit of each objection or claim with sufficient rationale to support that assessment and a demonstration of the suitability and effectiveness of any measures adopted as a result of the consultation.

Consultation in accordance with Subdivision D of Division 3 of Part 3 is not required for revised management plans unless the licence holder is directed to undertake consultation (see section 7.2). If consultation under Subdivision D of Division 3 of Part 3 is not required, the reporting requirements of regulation 81 will also not be applicable, however any consultation required by licence conditions (regulation 84) or EPBC obligations (regulation 85) may apply equally to initial and revised management plan applications and will need to be reported on within the management plan.

### **13. Stakeholder engagement strategy**

Regulation 82 provides that the management plan must describe a SES that the licence holder will implement to provide for ongoing consultation with relevant stakeholders over the life of the management plan.

The SES is separate from the management plan and does not need to be submitted to the OIR for approval. In accordance with regulation 82(3) the OIR may only approve a management plan if satisfied that the SES described in the plan would reasonably likely provide for ongoing engagement with stakeholders in relation to licence activities.

The usual practice for developers of large projects is to have a project-wide engagement strategy. The separation of the SES from the management plan allows licence holders the flexibility to integrate the requirements of regulation 82 for the activities in the Commonwealth offshore area, within a project-wide engagement strategy that may also apply to engagement activities for work scopes in other jurisdictions (e.g. state/coastal waters or onshore).

### **Regulation 85(2)**

...

*Without limiting subsection (1), the plan must require the stakeholder engagement strategy to:*

- (a) set out a list of stakeholders that the licence holder has identified; and*
- (b) describe the process that the licence holder used to identify those stakeholders, and the process that the licence holder will use to identify stakeholders in the future; and*
- (c) include a summary of any claims raised about any adverse effects that changes in the licence activities might have on the stakeholders consulted; and*
- (d) for each such claim—include an assessment of the merits of the claim, and a statement of whether the licence holder considers the claim to have reasonable merit; and*
- (e) for each such claim that the licence holder considers to have reasonable merit—include details of:*
  - (i) the measures (if any) that the licence holder is to implement to address the claim; and*
  - (ii) the measures (if any) that the licence holder is to implement to ensure that the measures mentioned in subparagraph (i) are effective, and are likely to remain effective; and*
- (f) describe the licence holder's process for continuing to engage with stakeholders and managing complaints from stakeholders; and*
- (g) describe how the strategy will be updated and kept current (including by identifying any new stakeholders); and*
- (h) include any reports included in a management plan under paragraph 81(2)(c) (reports on the outcomes of consultation).*

The list of stakeholders in regulation 82(1) aligns with the list of persons, organisations, communities, or groups to be consulted for pre-submission consultation in accordance with regulation 64. Therefore, the consultees identified and consulted under regulation 64 may form the basis of those to be consulted on an ongoing basis under the SES required by regulation 82(2)(a).



To provide for identification of new stakeholders over time, in a way that is consistent with the OEI Regulations, the stakeholder identification processes described in the SES, as required by regulation 82(2)(b), is likely to be very similar to that used for pre-submission consultation. The process for stakeholder identification under the SES should be repeated periodically over the life of the licence, taking into account the nature and scale of licence activities and the potential for new stakeholders to be affected over time. The licence holder may include further stakeholders within the scope of the SES should they choose, however the minimum requirements specified in regulation 82 must always be met.

Similarly, the information required by regulation 82(2)(c), (d) and (e) to be reported on in the SES about the claims raised and any additional measures to be implemented to address claims, should be closely aligned with the content of the consultation report in the management plan. However, licence holders should remove or redact any personal, sensitive or commercially confidential information from the SES and adjust the consultation report accordingly.

A SES must set out how the licence holder will continue to engage over the life of the management plan by articulating clear processes and parameters to guide the nature of ongoing consultation. Licence holders should be guided by stakeholders in determining the manner, frequency and focus of ongoing consultation, including the types and format of information that stakeholders may require.

The licence holder must also describe an effective complaint handling process, including a system to record and manage complaints enabling these to be addressed in a consistent, timely and transparent manner.

Please refer to the OIR’s [Management plan content guideline](#) for further information on how to describe the SES within the management plan in a manner that addresses the specific requirements of regulation 82.

### 13.1. Publication of the SES

The intent of publishing the SES is to increase transparency about licence activities amongst the broader community, noting that the categories of consultees and stakeholders set out in regulations 64(1) and 82(1) do not necessarily encompass all interested parties.

In addition, transparency enables stakeholders who believe they should be consulted within the scope of those regulated categories the opportunity to self-identify and directly contact the licence holder so that they may be considered for inclusion in the SES going forward.

#### Regulation 82(4)

...

*The plan must require the licence holder to:*

- (a) publish the stakeholder engagement strategy on the licence holder’s website before the end of 30 days after the management plan is first approved; and*
- (b) keep the stakeholder engagement strategy on the licence holder’s website until the licence ceases to be in force, or the licence holder ceases to hold the licence; and*
- (c) ensure that any changes to the stakeholder engagement strategy are reflected in the published stakeholder engagement strategy.*

As discussed in section 7.2 of this guideline, consultation under Subdivision D of Division 3 of Part 3 is not required for a revised management plan. Instead, the SES should maintain ongoing consultation for the

duration of the licence activities and the management plan. However, regulation 82(4)(c) explicitly requires that any changes to the SES are reflected in the published SES. This will be particularly important if new or significantly changed activities are covered by a revised management plan, that may then influence the identification of stakeholders or require additional information to be included in the stakeholder engagement strategy. Such changes will necessitate a change to the published SES on the licence holder's website and the licence holder is responsible for maintaining the SES to ensure it is up to date.

Licence holders should ensure that, prior to publishing the SES, all stakeholders have been appropriately identified and described and that the representation of their feedback is accurate, fair and respectful. Care should be taken to understand and appropriately protect any sensitive information received from stakeholders.

## **14. Monitoring**

This guideline is to be reviewed periodically by the OIR. Further reviews will be undertaken as a result of changes to legislation, through feedback elicitation or as a result of accumulated experience.

## **15. Related documents**

N-04401-PL2048 – Policy – Assessment

N-04403-GL2084 – Guideline – Management plan content

N-04406-GL2217 – Guideline – Work health and safety under the OEI Act framework

N-04403-GL2231 – Guideline – Environmental management regulation of offshore renewables

## Appendix A: Australian government agency roles in the Commonwealth offshore area

The agencies identified in the table below have functions in relation to the Commonwealth offshore area. Not all agencies will require consultation for all activities. Licence holders should consider which of these agencies will have functions that specifically relate to the licence activities that are subject to consultation for the management plan. The table is not exhaustive and licence holders should consider which agencies require consultation in the context of their proposed licence activities.

### Climate Change, Energy the Environment and Water – Financial security

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) is the responsible policy agency for and administers the *Offshore Electricity Infrastructure Act 2021*.

The OEI Act requires all licence holders to provide appropriate financial security to the Commonwealth before any offshore renewable energy infrastructure or offshore electricity transmission infrastructure can be installed.

Licence holders must engage with the Commonwealth representative within DCCEEW to provide securities to the satisfaction of the representative.

**Contact:** For enquiries to DCCEEW about financial security contact: [offshorefinancialsecurity@dcceew.gov.au](mailto:offshorefinancialsecurity@dcceew.gov.au)

### Climate Change, Energy the Environment and Water – EPBC Act administration

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for policy and administration of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approvals under the EPBC Act are required if an activity meets defined thresholds for significant impacts on matters protected under Part 3 of the EPBC Act, including the Commonwealth marine area. Licence holders are required to undertake a self-assessment of the potential impacts of the proposed licence activities to determine whether to refer the proposed activities or whole projects for assessment under the EPBC Act.

DCCEEW has developed guidance on [key environmental factors](#) specifically for offshore windfarm environmental impact assessment under the EPBC Act and has a range of advice and tools on the [DCCEEW website](#) to assist licence holders to undertake self-assessments and develop referral and assessment documentation under the EPBC Act. Licence holders are encouraged to request a pre-referral meeting with DCCEEW to discuss approach and timing. DCCEEW has also published the following guidance which may be relevant to licence holders:

[Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#)

[Interim Guidance on Engaging with First Nations People and Communities on Assessments and Approvals under the EPBC Act \(2023\)](#)

*\*For licence activities that may impact on Commonwealth marine reserves specifically, see Director of National Parks.*

**Contact:** For enquiries to DCCEEW about EPBC referrals and approvals contact: [epbc.referrals@dcceew.gov.au](mailto:epbc.referrals@dcceew.gov.au)

### Climate Change, Energy the Environment and Water – Underwater cultural heritage

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for policy and administration of the *Underwater Cultural Heritage Act 2018* (UCH Act).

DCCEEW's functions may relate to a licence activity if any part of the activity:

- has the potential to directly, or indirectly, adversely impact protected UCH (see section 30(2) of the UCH Act), whether located or unlocated; and/or
- is proposed within an underwater heritage protected zone (for details on the locations of protected zones, refer to DCCEEW's website at [dcceew.gov.au/parks-heritage/heritage/underwater-heritage/protected-zones](https://dcceew.gov.au/parks-heritage/heritage/underwater-heritage/protected-zones)).

**Contact:** For enquiries to DCCEEW about UCH contact: [underwaterheritage@dcceew.gov.au](mailto:underwaterheritage@dcceew.gov.au)

### Climate Change, Energy the Environment and Water – Sea dumping

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has responsibility for regulating the loading and dumping of waste at sea in Australian waters (this includes the Commonwealth marine area). DCCEEW has responsibility for the *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act), which implements Australia's commitments as a contracting party to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

If a licence holder proposes to leave property, partially or wholly, in-situ, or dispose of property at a different site, or create an artificial reef, a licence holder may require a permit under the Sea Dumping Act. Licence holders are encouraged to contact DCCEEW's sea dumping section to clarify their obligations early in their project planning phases.

Further information regarding proposals for dumping and abandonment of offshore infrastructure and structures at sea is available on DCCEEW's website at: [dcceew.gov.au/environment/marine/sea-dumping/dumping-abandonment-structures](https://dcceew.gov.au/environment/marine/sea-dumping/dumping-abandonment-structures).

DCCEEW's functions may relate to a licence activity if loading and dumping is proposed.

**Contact:** For enquiries to DCCEEW about obligations under the Sea Dumping Act, including in relation to sea dumping permit requirements, contact: [seadumping@dcceew.gov.au](mailto:seadumping@dcceew.gov.au).

### Director of National Parks

The Director of National Parks (DNP) is the statutory authority responsible for administration, management and control of Australian marine parks (AMPs). Under the EPBC Act and subordinate regulations, a range of activities undertaken in an AMP require approval from the DNP.

The functions of the DNP may relate to the licence activities where:

- licence activities are within the boundaries of a proclaimed Australian marine park;

- licence activities proposed to occur outside a reserve may impact on the values within an Australian marine park; and/or
- an incident occurs in Commonwealth waters surrounding an Australian marine park and may impact on the values within the park.

**Contact:** For enquiries to the DNP contact: [marineparks@environment.gov.au](mailto:marineparks@environment.gov.au).

### Agriculture, Fisheries and Forestry – Fisheries

The Department of Agriculture, Fisheries and Forestry (DAFF) has primary policy responsibility for promoting the biological, economic and social sustainability of Australian fisheries. DAFF provides policy advice to the Australian Government on a range of economic and environmental fisheries issues, including the conservation of marine ecosystems and biodiversity that support commercially valuable fisheries resources.

The functions of DAFF may relate to a licence activity if the activity has potential to negatively impact on fishing operations and/or fishing habitats in Commonwealth waters by:

- disrupting existing fishing activities;
- causing declines in valuable fisheries resources in the area; and/or
- damaging habitat or marine ecosystems on which valuable fisheries resources depend.

**Contact:** For enquiries to DAFF about fisheries contact: [Petroleum&Fisheries@agriculture.gov.au](mailto:Petroleum&Fisheries@agriculture.gov.au)

### Agriculture, Fisheries and Forestry – Biosecurity (vessels, installations, aircraft and personnel)

The Department of Agriculture, Fisheries and Forestry (DAFF) administers the *Biosecurity Act 2015* (Biosecurity Act). The Biosecurity Act has jurisdiction within the Australian Territorial Sea (within 12nm) and does not encompass the full extent of the Commonwealth marine area (200nm).

DAFF has inspection and reporting requirements to ensure that all conveyances (vessels, installations and aircraft) arriving in Australian territory comply with international health regulations and that any biosecurity risk is managed. The biosecurity risk of each conveyance entering Australian territory is assessed to determine if the risk is unacceptable and, if required, necessary action is taken to manage the risk.

DAFF's functions may relate to the licence activities if the activity involves:

- the movement of conveyances between Australian ports and licence activities
- the exposure of a conveyance (which leaves Australian territory not subject to biosecurity control) to licence activities
- the movement of goods or personnel to or from licence activities
- a conveyance seeking permission to return to a non-first point of entry after exposure to licence activities

DAFF provides information for [Vessel operations](#) and the [Import Cargo and Shipping Industries](#) on its website.

**Contact:** For enquiries to DAFF about biosecurity risks for conveyances associated with licence activities contact: [conveyance.maritime@aff.gov.au](mailto:conveyance.maritime@aff.gov.au)

### Agriculture, Fisheries and Forestry – Biosecurity (marine pests)

The Department of Agriculture, Fisheries and Forestry (DAFF) has primary policy and regulatory responsibility for managing marine pest biosecurity through administering the Biosecurity Act.

DAFF's principal functions with respect to marine pest biosecurity are to:

- reduce the likelihood of the entry and establishment of exotic marine pests
- provide national leadership in the response to new marine pest incursions and in the management of established marine pests, in cooperation with state and territory governments, and with industry stakeholders; and
- represent Australia's interests in the establishment of international guidelines and conventions relating to marine pests.

DAFF's functions may relate to licence activities if the activities have the potential to introduce and/or transfer marine pests into Australian waters.

**Contact:** For enquiries to DAFF about biosecurity issues for ballast water and biofouling on incoming vessels and for ballast water for domestic vessels, or for advice about international conventions related to ballast water and biofouling, contact: [pestsmarine@aff.gov.au](mailto:pestsmarine@aff.gov.au)

For enquiries to DAFF about marine pest incursions contact: [mpsc@aff.gov.au](mailto:mpsc@aff.gov.au)

### Australian Fisheries Management Authority

The Australian Fisheries Management Authority (AFMA) is responsible for the efficient management and sustainable use of Commonwealth fish resources on behalf of the Australian community. AFMA generally manages fisheries from 3-200 nautical miles while relevant state agencies manage most of their fisheries within coastal waters (<3NM). However, AFMA also provide fisheries management services to several Joint Authorities of the Commonwealth and state government where fisheries activities cross Commonwealth and state waters.

AFMA expects licence holders to consult directly with fishing operators and fishing industry associations about all activities and projects which may affect day to day fishing activities. AFMA maintains a Fisheries Consultation Directory of contacts for fishing industry associations in each fishery.

AFMA's functions may relate to the licence activities if there may be direct interaction with commercial fisheries operating in or near the licence area under the *Fisheries Management Act 1991*, *Fisheries Administration Act 1991* or *Torres Strait Fisheries Act 1984*.

**Contact:** For enquiries about potential impacts on fisheries resources or interactions with legislation administered by AFMA contact: [offshoreenergy@afma.gov.au](mailto:offshoreenergy@afma.gov.au)

### Australian Maritime Safety Authority

The Australian Maritime Safety Authority (AMSA) is a statutory authority, and its principal functions are to:

- promote maritime safety and protection of the marine environment



- prevent and combat ship-sourced pollution in the marine environment
- provide infrastructure to support safe navigation in Australian waters
- provide a national search and rescue service to the maritime and aviation sectors.

AMSA delivers a range of navigational services, primarily aimed at the levy-paying commercial shipping industry. These services provide ships with the ability to navigate safely around Australia's coastline and to and from its ports.

AMSA also implements and enforces a range of legislation relevant to the Commonwealth marine area which gives effect to Australia's obligations under various international treaties and conventions, including the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention for the Safety of Life at Sea (SOLAS) 1974. Commonwealth legislation includes the *Navigation Act 2012*, the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law), the *Occupational Health and Safety (Maritime Industry) Act 1993* and the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*. AMSA also actively engages in the work of the International Maritime Organisation.

AMSA has published guidance to assist developers understand AMSA's role and its expectations of the OEI sector: [amsa-offshore-renewable-energy-infrastructure-policy.pdf](#)

AMSA's functions may relate to licence activities if:

- licence activities may impact on the safe navigation of commercial shipping in Australian waters (including in relation to proposed safety and protection zones under the OEI framework)
- establishing, changing or discontinuing any aids to navigation, whether on fixed or floating structures. Aids to navigation include buoys, beacons (including radar beacons or RACONS) and any automatic identification system (AIS) used as an aid to navigation
- licence holders have questions about the application of MARPOL in relation to vessels.

**Contact:** For enquiries in relation to navigation contact: [nauticaladvice@amsa.gov.au](mailto:nauticaladvice@amsa.gov.au) or [amsaconnect@amsa.gov.au](mailto:amsaconnect@amsa.gov.au)

For enquiries about the application of MARPOL in relation to vessels contact: [environmentalstandards@amsa.gov.au](mailto:environmentalstandards@amsa.gov.au)

### Defence (including the Australian Hydrographic Office)

The Department of Defence (DoD) utilises several maritime exercise areas in Australian waters to perform a unique role in support of Australia's strategic and national security interests. DoD's role requires not only naval warfare capabilities, but also disaster relief, search and rescue, fisheries protection and border patrol training capabilities.

It is important for DoD to continue to utilise its offshore training areas, manage potential conflict between the presence of the offshore renewables sector with DoD training and operational requirements, and manage the risk of unexploded ordnance in areas where licence activities may take place.

DoD's functions may relate to licence activities if:

- licence activities may impact DoD training and operational requirements

- licence activities encroach on known training areas and/or restricted airspace
- there is a risk of unexploded ordnance in the area where licence activities are proposed to take place.

The Australian Hydrographic Office (AHO) sits within DoD and is the entity responsible for the provision of hydrographic services to Australia, under the Safety of Life at Sea (SOLAS) Convention and the *Navigation Act 2012*. This includes the collection of hydrographic data, publication and distribution of nautical products and other information required for the safety of ships navigating in Australian waters.

AHO's functions may relate to the licence activities if:

- hydrographic data is collected, and nautical products or other maritime safety information are required to be updated and/or issued such as notices to mariners.

**Contact:** For enquiries related to the DoD's functions contact: [offshore.petroleum@defence.gov.au](mailto:offshore.petroleum@defence.gov.au)

For enquires to AHO's functions contact: [datacentre@hydro.gov.au](mailto:datacentre@hydro.gov.au)

### Australian Communications and Media Authority

The Australian Communications and Media Authority (ACMA) administers the regulatory framework for the installation and protection of submarine cables under Schedule 3A to the *Telecommunications Act 1997*. Under this framework, the ACMA can declare protection zones around submarine cables of national significance, to prohibit and restrict activities that pose a risk of damaging those cables.

If your project involves activity in a protection zone, you will need to comply with the requirements set out in the relevant protection zone declaration. Currently, protection zones exist in two areas off Sydney and one area off Perth. In these zones, certain conditions must be met before you can undertake activities such as:

- install, maintain, use or remove cables and pipelines or associated equipment
- construct, maintain or remove an installation for the use of ships
- conduct civil engineering work, including constructing and removing navigation aids
- explore or exploit resources, other than marine species
- conduct research involving seabed contact.

If you will be undertaking activities in the vicinity of a submarine cable that is outside one of the protection zones, you should contact the owner of that cable to discuss your plans.

Refer to the ACMA's website for a map of submarine cables landing in Australia and further details about the protection zones: [acma.gov.au/submarine-cables](http://acma.gov.au/submarine-cables).

**Contact:** For all enquiries to the ACMA about submarine cables contact: [subcablesenquiries@acma.gov.au](mailto:subcablesenquiries@acma.gov.au)

## Bureau of Meteorology

The Bureau of Meteorology is Australia's national weather, climate and water agency. The Bureau of Meteorology delivers high public-value services in support of safety, security and economic productivity, and with explicit obligations under the *Meteorology Act 1955*. The Bureau's national network of weather radars plays an essential part in supporting the provision of these services, and the ability to access radar images as they become available via the Bureau's web site.

The Bureau fulfills Australia's international obligations under the Convention of the World Meteorological Organization (WMO) and related international meteorological treaties and agreements.

The Bureau's functions may relate to licence activities if there is potential to impact current and planned weather radars located within line-of-sight of proposed offshore renewable energy infrastructure.

**Contact:** For all enquiries to the Bureau of Meteorology contact: [info@bom.gov.au](mailto:info@bom.gov.au)

## Cyber and Infrastructure Security Centre

The Cyber and Infrastructure Security Centre (CISC) sits within the Department of Home Affairs. CISC assist critical infrastructure owners and operators to understand risk and meet regulatory requirements for the shared benefit of all Australians.

The Department of Home Affairs administers the *Security of Critical Infrastructure Act 2018* (SOCI Act). The [SOCI Act](#) applies to the energy sector and particularly those physical facilities, supply chains, information technologies and communication networks, which if destroyed, degraded or rendered unavailable for an extended period, would significantly impact the social or economic wellbeing of the nation, or affect Australia's ability to conduct national defence and ensure national security.

Licence holders should seek their own legal advice to confirm if the SOCI Act applies to their licence infrastructure and ensure that they are meeting the positive security obligations that apply to their class of critical infrastructure assets.

**Contact:** For all enquiries to CISC contact: [enquiries@cisc.gov.au](mailto:enquiries@cisc.gov.au)

## National Indigenous Australians Agency

The National Indigenous Australians Agency (NIAA) has legislated functions to lead and coordinate Commonwealth policy development, program design and implementation, and service deliver for Aboriginal and Torres Strait Islander people. NIAA provides coordination for the Indigenous portfolio agencies and jointly administers the Sea Country Indigenous Protected Areas (IPA) Program with DCCEEW.

If licence holders require information on Native Title Representative Bodies or other Indigenous portfolio agencies, they may contact NIAA for guidance.

**Contact:** For all enquiries contact: [nativetitle@niaa.gov.au](mailto:nativetitle@niaa.gov.au)

### National Native Title Tribunal

The *Native Title Act 1993* establishes the National Native Title Tribunal (NNTT) as an independent body with functions that include providing assistance, mediation, determinations, reviews and inquiries as required by the NT Act. The Registrar under the NT Act is primarily responsible for the maintenance of the Register of the Tribunal and other statutory functions in relation to claims, determinations and indigenous land use agreements (ILUAs).

The registers of Native Title Claims, Determinations and ILUAs are available on the NNTT website and may assist licence holders with the process for stakeholder identification.

**Contact:** For all enquiries contact: [enquiries@nntt.gov.au](mailto:enquiries@nntt.gov.au)

### Australian Energy Market Operator

The Australian Energy Market Operator (AEMO) manages the day-to-day operations of the National Electricity Market (NEM) for electricity generators in the ACT, NSW, QLD, SA, TAS and VIC. AEMO also manages the Wholesale Electricity Market (WEM) for electricity generators in WA.

If licence holders are proposing to connect the infrastructure into these markets, licence holders will need to register with AEMO. Information can be found on [AEMO's website](#).

**Contact:** For enquiries regarding NEM jurisdictions contact: [onboarding@aemo.com.au](mailto:onboarding@aemo.com.au)

For enquiries regarding the WEM contact: [wa.operations@aemo.com.au](mailto:wa.operations@aemo.com.au)

### Australian Energy Regulator

The Australian Energy Regulator (AER) regulates energy networks and the wholesale and retail markets in Australia to ensure they are secure, reliable and affordable for consumers.

The AER's functions may relate to licence activities if licence holders are proposing to participate in the national electricity market.

**Contact:** For all enquiries to the AER contact: [aer@aer.gov.au](mailto:aer@aer.gov.au)

### Australian Energy Market Commission

The Australian Energy Market Commission (AEMC) develops the rules by which the national electricity markets must operate.

The AEMC's functions may relate to licence activities if licence holders are proposing to participate in the national electricity market.

**Contact:** For all enquiries to the AEMC contact: [aemc@aemc.gov.au](mailto:aemc@aemc.gov.au)

### Civil Aviation Safety Authority

The Civil Aviation Safety Authority (CASA) regulates Australian aviation safety and operates under the *Civil Aviation Act 1988* and the *Airspace Act 2007*.

CASA's functions may relate to licence activities if proposed licence infrastructure has the potential to impact upon aviation safety.

**Contact:** For all enquiries to CASA contact: [info@casa.gov.au](mailto:info@casa.gov.au)

### **National Offshore Petroleum Titles Administrator and Offshore Infrastructure Registrar**

The National Offshore Petroleum Titles Administrator (NOPTA) manages offshore petroleum and greenhouse gas titles and administers data management under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

NOPTA also administers the functions of the Offshore Infrastructure Registrar (Registrar) under *Offshore Electricity Infrastructure Act 2021* (OEI Act). The Registrar is responsible for administering the licensing scheme, including assessing licence applications, overseeing licence compliance and maintaining a register of licences.

Details of titles and licences granted under the OPGGS Act and OEI Act are available at: <https://neats.nopta.gov.au>.

NOPTA and the Registrar do not need to be consulted in the preparation of individual management plans. However, licence holders preparing management plans should refer to the above website to assist in identifying relevant titleholders and licence holders who may need to be consulted in relation to the proposed activities.

**Contact:** For enquiries in relation to offshore petroleum titles contact: [titles@nopta.gov.au](mailto:titles@nopta.gov.au)

For enquiries about greenhouse gas injection and storage contact: [ghg@nopta.gov.au](mailto:ghg@nopta.gov.au)

For enquiries about offshore electricity infrastructure licences contact: [offshoreelectricity@nopta.gov.au](mailto:offshoreelectricity@nopta.gov.au)