

Our ref: ID : A1005171

Mr Andrew Dyer  
Australian Energy Infrastructure Commissioner  
By electronic submission

Dear Mr Dyer

Thank you for the opportunity to contribute to the community engagement review currently being undertaken by your office on behalf of the Australian Government.

The *Offshore Electricity Infrastructure Act 2021* (OEI Act) provides functions and powers to the Offshore Infrastructure Regulator (OIR) to regulate work health and safety, infrastructure integrity and environmental management in relation to offshore renewable energy infrastructure and offshore electricity transmission infrastructure in the Commonwealth offshore area. The OIR will have an ongoing role in ensuring that offshore renewable energy projects are developed, operated, maintained and decommissioned in a safe and responsible manner.

In line with the principle of shared use of the marine environment a key component of our regulatory role will be ensuring that licence holders under the OEI Act undertake effective and meaningful consultation which recognises the rights of other marine users and seeks to balance competing interests where they occur.

As you would be aware, the functions of the OIR are administered by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) which has significant experience in regulating large scale energy projects in the Commonwealth offshore area. The observations regarding effective consultation detailed below are based on this experience and our ongoing engagement with the offshore renewables sector in our capacity as the OIR.

In relation to early-stage consultation on offshore renewable energy we have observed that broad scale, proponent led consultation on specific project proposals has created some confusion and concern within communities. This is particularly the case where areas that may be suitable for offshore renewable energy projects have not been defined or declared under the OEI Act and where relevant licences are yet to be granted.

We have also received feedback that pre-licence engagement by multiple project proponents with communities may be placing excessive consultation burden on some groups and individuals and may result in consultation fatigue.

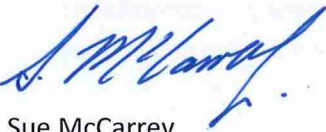
Whilst we recognise the value of early engagement our view is that this should be done in a planned, coordinated and thoughtful way with a focus on general information on legislative processes and requirements as well as general information about the industry and its interaction with communities and other marine users in the early stages. An industry representative body for the offshore renewables sector may be best placed to coordinate early-stage engagement with communities adjacent to prospective offshore renewables areas in consultation with relevant government agencies.

Further, we recognise that some representative bodies for the fisheries sector, first nations people or other groups may wish to be engaged earlier than other sectors or the general public. We have been encouraging representative groups to publish their expectations for consultation in relation to offshore renewables to articulate how and when they would like to be consulted, including the information about potential projects that they may be interested in, should they choose to do so.

Finally, we recognise the value of transparent and open consultation. Once relevant licences are granted, we would strongly encourage offshore renewables licence holders to actively engage, seek to understand community expectations, identify specific concerns, and put in place measures to address these early in their licence term. A focus on the identification and resolution of the concerns of communities and other marine users and open sharing of available information early in the project development lifecycle can foster shared understanding and facilitate codesigned solutions with sufficient lead time for effective implementation prior to the installation of infrastructure.

Thank you once again for the opportunity to contribute and we look forward to seeing the outcomes of the review once completed.

Yours Sincerely



Sue McCarrey

Chief Executive Officer

18 September 2023