



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Guideline: Offshore Electricity Infrastructure Licence Administration – Feasibility Licences, Research & Demonstration Licences and Transmission & Infrastructure Licences

In relation to the *Offshore Electricity Infrastructure Act 2021*

Version X, [Month, 2025]^{1,2,3,4}

This document has been developed as a general guide only. It is subject to, and does not replace or amend the requirements of the [Offshore Electricity Infrastructure Act 2021](#) and associated [Regulations](#).

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This document will be reviewed and updated as required including to add guidance material for commercial licences (Chapter 5) and research and demonstration licences (Chapter 6) in future.

¹ Version 1 of this guideline is relevant to applications made prior to 8 August 2023.

² Version 2 of this guideline is relevant to applications made prior to 5 March 2024.

³ Version 3 of this guideline is relevant to applications made prior to 31 January 2025.

⁴ Version 4 of this guideline is relevant to applications made prior to [insert date] 2025.

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6. Research and Demonstration Licence Applications

6.1 Purpose of a Research & Demonstration (R&D) Licence (section 49 OEI Act)

- 6.1.1 An R&D licence permits the licence holder to carry out an offshore infrastructure project (defined in section 8 of the OEI Act) in the licence area for any or all of the following purposes:
- to conduct research relating to the feasibility or capabilities of a technology, system or process.
 - to demonstrate the capabilities of a technology, system or process.
 - to conduct research relating to the exploitation of, or exploration for, renewable energy resources.

Note: a licence area must be within an area that has been declared suitable for offshore renewable energy infrastructure under section 17 of the OEI Act.

- 6.1.2 An R&D licence authorises the licence holder to construct, install, commission, operate, maintain, and decommission offshore renewable energy infrastructure or offshore electricity transmission infrastructure in the licence area, so long as the legislative requirements set out in the OEI Act and OEI Regulations are met.
- 6.1.3 The end day for an R&D licence is determined by the Minister and can be no later than 10 years from the day the licence was granted or comes into effect.
- 6.1.4 Applicants are encouraged to meet with the Registrar to discuss their proposed application prior to applying for an R&D licence.

Researching or demonstrating the capabilities of a technology, system, or process (subsections 49(a) and 49(b) OEI Act)

- 6.1.5 An R&D licence may be suitable for an applicant who intends to research the feasibility or capabilities of, or demonstrate the capabilities of, a specific type of technology, system or process. That research or demonstration may be to assist in the advancement of the infrastructure, system or process to operational readiness.
- 6.1.6 Applicants should refer to a recognised technology readiness scale in making an application for a project of this nature.
- Note:** For example, the US Department of Energy Technology Readiness Level (TRL) scale, as adopted by the Australian Renewable Energy Agency (ARENA) – see <https://arena.gov.au>.

Researching the exploitation of or exploration for renewable energy resources (subsection 49(c) OEI Act)

- 6.1.7 An R&D licence may be suitable for an applicant who intends to increase knowledge, understanding or access to the meteorological, oceanographic, and other parameters of an offshore area, including the existence or scope of renewable energy resources (e.g. wind, wave, tidal or solar resources, or other renewable energy resources as defined in subsection 13(1) of the OEI Act, or other resources provided for by regulations made under subsection 13(2) of the OEI Act).

6.2 Receipt and initial review of R&D licence application by the Registrar

- 6.2.1 An application for an R&D licence can be made to the Registrar at any time.
- 6.2.2 Upon receipt of an R&D licence application, the Registrar will review the application to check it meets the application submission requirements in the OEI Act and OEI Regulations.

| Application Review | Reference | Assessment |
|--|---|------------|
| Eligible person (for definition see section 8 OEI Act) | Subsection 52(1) OEI Act and subsection 18(1) OEI Regulations | Yes / No |
| Description of the offshore infrastructure project | Subsection 51(2) OEI Act and paragraph 18(2)(b) OEI Regulations | Yes / No |
| Application made in the approved manner and form | Paragraph 18(2)(a) OEI Regulations | Yes / No |

| | | |
|--|------------------------------------|----------|
| Payment of application fee (for fee amount see section 146 of the OEI Regulations) | Section 147 OEI Regulations | Yes / No |
| Be accompanied by any other information or documents required by the approved form | Paragraph 18(2)(c) OEI Regulations | Yes / No |

6.2.3 Where an application does not provide sufficient information to determine if it has met all submission requirements, the Registrar may request further information (see section 6.4).

6.2.4 If the additional information is not provided, the Minister may refuse to consider the application further.

Eligible person (subsection 52(1) OEI Act and subsection 18(1) OEI Regulations)

6.2.5 An applicant for an R&D Licence must be an eligible person. Eligible person is defined in section 8 of the OEI Act as:

- a) a body corporate that has a registered office (within the meaning of the *Corporations Act 2001*) in Australia; or
- b) a body corporate established for a public purpose by or under a law of the Commonwealth or a State or Territory.

6.2.6 The merit criteria, including that relating to the applicant's suitability to hold a licence are contained in legislation and outlined at section 6.3 of this Guideline.

Description of the offshore infrastructure project (subsection 51(2) OEI Act and paragraph 18(2)(b) OEI Regulations)

6.2.7 The application must describe the offshore infrastructure project to be carried out under the licence.

Note: Further guidance regarding information to be provided in support of an R&D application, including for the description of the offshore infrastructure project, is available in the Registrar Forms Guidance at www.offshoreregistrar.gov.au.

6.3 Assessment of R&D licence application by the Registrar

6.3.1 Applications are assessed by the Registrar and advice is provided to the Minister to inform their decision (section 154 of the OEI Act and section 42 of the OEI Regulations).

| Assessment Criterion | Reference | Assessment |
|--|--|--|
| Proposed project is for the purpose of research or demonstration | Section 49 OEI Act | Yes/No |
| Consistent with any conditions that apply to the declaration | Paragraph 52(1)(c) OEI Act and section 9 OEI Regulations | Yes / No |
| Eligible licence area | Paragraph 52(1)(b) and subsection 52(4) OEI Act | Yes / No |
| If the proposed licence would authorise activities in any part of the licence area of another licence – those activities would not unduly interfere with the activities of another OEI licence holder | Paragraph 52(1)(e) OEI Act | Yes / No |
| Merit criteria: (a) The eligible person has the technical and financial capability to carry out the offshore infrastructure project that is proposed to be carried out under the licence. (b) The offshore infrastructure project is likely to be viable. (c) The eligible person is suitable to hold the licence. (d) Any criteria prescribed by the licensing scheme are satisfied, including that the proposed project for the licence is in the national interest. | Paragraph 53(1)(a) OEI Act Paragraph 53(1)(b) OEI Act Paragraph 53(1)(c) OEI Act Paragraph 53(1)(d) OEI Act | Merit-based Merit-based Merit-based Merit-based |

Proposed project is for the purpose of research and demonstration (section 49 OEI Act)

- 6.3.2 The application for an R&D licence should describe a project that is for the purposes of research or demonstration, as outlined in section 49 of the OEI Act and detailed above in section 6.1.

Conditions that apply to the declaration (paragraph 52(1)(c) OEI Act)

- 6.3.3 The Minister must be satisfied that granting the R&D licence would be consistent with any conditions that apply to the declaration of the relevant area.

Licence area (paragraph 52(1)(b) and subsection 52(4) OEI Act)

- 6.3.4 A granted R&D licence area must:
- a) Be continuous (one connected area);
 - b) Be entirely within the Commonwealth offshore area at the time the licence is granted; and
 - c) Be entirely within an area declared under section 17 of the OEI Act at the time the licence is granted.
- 6.3.5 The OEI framework does not specify a minimum or maximum area for an R&D licence. Applicants should justify the appropriateness of the proposed licence area in their application with reference to the proposed activities to be conducted under the licence.
- 6.3.6 The licence area should reflect the area required for construction, installation, operation, maintenance and decommissioning of offshore renewable energy infrastructure or offshore electricity transmission infrastructure proposed to be authorised by the licence. The Registrar can request additional information for the purpose of advising the Minister about the application, which may include where the Registrar is not satisfied that the application contains sufficient information to justify the size of the licence area (see section 6.4 below).
- Note 1:** Safety and protection zones may be determined around licence infrastructure and can extend beyond a licence area.

Overlap of R&D licence application areas (section 19 OEI Regulations)

- 6.3.7 If R&D licence applications cover wholly or partly the same area, the Registrar may notify the applicants of the overlap and invite the applicants to revise and resubmit their applications to remove the overlap, as detailed under section 19 of the OEI Regulations.
- 6.3.8 The notice and invitation must specify the day on or before which an application, as revised, must be resubmitted. The notice and invitation must also set out, for each other applicant whose application overlaps, the area(s) of overlap; the name of the other applicant; and the kind of project the other applicant proposes to carry out. The notice and invitation may include such information as the Registrar considers reasonable about the applications and other applications that cover areas adjacent to, or nearby, the area covered by the applicant's application.
- 6.3.9 An applicant who revises an application in response to the invitation is not required to pay an additional fee for revising or resubmitting the application.
- 6.3.10 If an applicant revises and resubmits an application in response to the invitation, and the revised application is in accordance with section 20 and paragraph 19(2)(e) of the OEI Regulations, the resubmitted application replaces the original application and the original application will be disregarded.
- Note 1:** The revised application must be, so far as is reasonably possible, substantially similar to the original application.
- Note 2:** In considering whether the applications are "substantially similar", the Registrar may consider the location, shape and size of the original and revised proposed licence areas, the details of the original and revised proposed projects, and anything else the Registrar considers relevant.
- Note 3:** Where the Registrar makes a decision that a revised application is not, so far as reasonably possible, substantially similar to the original application, an applicant can make an application to the Administrative Review Tribunal for a review of the decision.
- 6.3.11 Where overlapping applicants do not submit revised applications, the Minister may choose to grant a licence to one or more of the overlapping applications, including the overlapping portions.
- 6.3.12 If overlapping licence areas are granted, the provisions of the OEI Act and OEI Regulations addressing overlapping licences would apply.

Overlap with other Offshore Electricity Infrastructure licence areas (paragraph 52(1)(e) OEI Act and subsection 18(4) OEI Regulations)

- 6.3.13 If the proposed R&D licence area includes any part of the licence area of another licence granted under the OEI Act, the Minister must be satisfied that any activities carried out in accordance with the proposed R&D licence would not unduly interfere with the activities of the holder of the other licence (paragraph 52(1)(e) of the OEI Act).
- 6.3.14 The Registrar may notify the holder of the existing licence of any overlapping application made, and provide details such as the name of the applicant, the proposed licence area, and the kind of project proposed. The Registrar may also invite the existing licence holder to make a submission in relation to the potential grant of the research and demonstration licence.
- 6.3.15 In determining whether the R&D licence will unduly interfere with the activities of the holder of the other licence, the Minister may consider (among other things):
- whether appropriate consultation has been undertaken and the matters raised by the existing licence holder,
 - the actions taken or proposed to be taken by the applicant to avoid or reduce interference with the existing licence holder, and
 - whether the grant of the R&D licence would unduly impact the reasonable exercise of the rights of an existing licence holder.

Note 1: The Minister may place a condition(s) on an R&D licence to address any interference issues (e.g. consultation requirements with existing licence holders).

Note 2: The assessment of undue interference will be based on the information available at the time of application. Should an R&D licence be granted, it is expected that consultation with other licence holders will continue as appropriate throughout the term of the licence. Licence holders must consult with other OEI licence holders if their licence areas overlap when preparing a management plan.

Merit criteria (section 53 OEI Act and sections 25 and 26 OEI Regulations)

- 6.3.16 For an R&D licence to be granted to an eligible person, the Minister must be satisfied that the licence applied for meets the merit criteria (paragraph 52(1)(f) of the OEI Act).
- 6.3.17 Section 26 of the OEI Regulations includes matters that may be considered when evaluating an application against the merit criteria. These matters may be assessed as applicable to the application and/or the licence type. For example, assessments on commercial return may be crucial for commercial or feasibility licences but may be less important for a research and demonstration licence.
- 6.3.18 The assessment of an R&D licence application against the merit criteria will reflect whether the proposed project aligns with the purpose of an R&D licence. An applicant will be assessed as to how their proposal meets the merit criteria and the likelihood that the criterion can be met, as demonstrated in the application.
- 6.3.19 The below sections provide non-exhaustive guidance on what information may help to demonstrate an application meets each of the merit criteria.

Note: Compared to the guidance provided for other licence types, the guidance for R&D applications has been written to enable greater flexibility in how the merit criteria may be met. This is reflective of the wider variety of potential projects and their intended outcomes relative to the commercial stream of licences targeting financial outcomes.

Technical and financial capability (paragraph 53(1)(a) of the OEI Act and subsection 26(1) of the OEI Regulations)

- 6.3.20 The Minister must be satisfied that the applicant has the technical and financial capability to carry out the R&D project that is proposed to be carried out under the licence (paragraph 53(1)(a)).
- 6.3.21 The merit-based assessment may consider (but is not limited to) the following:
- the technical advice that is available to the applicant, such as:
 - The quality of advice or expertise that is available to the applicant to carry out the proposed project. This may include advice in relation to the following, as appropriate to the nature of the proposed project:

- Engineering – civil, mechanical, project, electrical/electronic and instrumentation, aerospace/aeronautical, metocean/oceanographic and naval architecture
 - Construction, manufacturing, logistics and procurement
 - Project management, governance, and planning/scheduling
 - Commercial
 - Environment and work health and safety
 - Stakeholder engagement
 - Risk assessment/management and audit, inspection, and quality assurance.
- ii. A project team with demonstrated experience in successfully undertaking research/and or demonstration projects of a similar scale and in a comparable environment, relating to a similar technology, system, or process, in a timely manner.
 - iii. A project team with experience and responsibility for licence compliance, risk management (including work health and safety management), and audit and assurance.
- b) the financial resources that are available to the applicant, such as:
 - i. The financial resources available to finance the offshore infrastructure project for the R&D licence through planning, construction, installation, commissioning, operation, and decommissioning stages.
 - ii. A detailed funding plan of the financial resources to carry out the offshore infrastructure project showing all funding agreements are in place.
 - c) the applicant's ability to carry out the operations and works that will be authorised by the licence.
 - d) the applicant's ability to discharge the obligations in relation to the licence that will be imposed by the OEI Act, these regulations or any other instrument made under the OEI Act.
 - e) any other matters the Minister considers relevant.

Project is likely to be viable (paragraph 53(1)(b) of the OEI Act and subsection 26(2) of the OEI Regulations)

6.3.22 The Minister must be satisfied that the offshore infrastructure project is likely to be viable.

6.3.23 The merit-based assessment may consider (but is not limited to) the following:

- a) the complexity of the project, such as:
 - i. The technical design or methodology that will be employed to achieve the proposed project.
 - ii. A robust, comprehensive project development plan, technology maturation plan (if applicable) and risk register that outlines the risks and uncertainties and their impacts on the proposed project. The application should describe the activities to be undertaken during the proposed licence term, and explain how these activities will address risks and uncertainties and/ or achieve the objective of the project.

Note 1: Consistent with the Technology Readiness Level expectations, and the purpose of an R&D licence, it is expected that an applicant seeking an R&D licence for demonstration purposes would be able to deploy infrastructure (e.g. a wind turbine or wave/tidal generator) within a reasonable timeframe after the grant of a licence, subject to other necessary approvals under the OEI Act and other relevant legislation. For an applicant seeking an R&D licence for research purposes it is likewise expected that the applicant would be able to deploy research equipment (wave buoys, metocean equipment etc.) within a reasonable timeframe after grant of a licence.
- b) the route-to-market for the project.
 - i. For projects seeking to research or demonstrate a technology, system, or process, detail how the project may contribute to bringing the technology, system or process to market.
 - ii. For projects seeking to conduct research relating to the exploitation of, or exploration for, a renewable energy resource, detail how that research would contribute to the future development of the area for projects seeking to exploit the relevant resource(s) researched.
- c) the estimated commercial return to the licence holder

- i. Where applicable, the estimated commercial return of a proposed project will be considered.
Note: Given the intended purpose of R&D licences, a commercial return may not be relevant for all applications, such as pure research projects.
- d) any other matters the Minister considers relevant. This could include (but is not limited to):
 - i. How any conditions on the declared area that may apply to the proposed project will be addressed.
 - ii. Other relevant matters may include consenting requirements and stakeholder consultation where applicable. The applicant should identify environmental, state/territory government and energy regulator consenting requirements for their proposed project, identify stakeholders/users likely to be impacted by the proposed project, and the applicant's plans and schedules to address these to obtain consents and agreements required for project deployment in a timely manner.

Suitable to hold the licence ((paragraph 53(1)(c) of the OEI Act and subsection 26(3) of the OEI Regulations)

- 6.3.24 The Minister must be satisfied that the applicant is an eligible person who is suitable to hold the licence.
- 6.3.25 The merit-based assessment may consider (but is not limited to) the following:
- a) the applicant's past performance in offshore infrastructure projects, or other large infrastructure projects, in Australia or internationally, such as:
 - i. Experience in offshore infrastructure or large-scale infrastructure projects of a comparable size or technology to that proposed in the R&D licence application.
 - ii. A history of compliance with legislation governing past offshore infrastructure projects, or large infrastructure projects that the applicant has been involved with.
 - iii. The Minister may not be satisfied that the eligible person is suitable to hold the licence if the person's past performance or conduct indicates a history of non-compliance with relevant legislation.
 - iv. The Minister may consider, for example, the eligible person having gone into administration as relevant to whether the person is suitable to hold a licence. Additionally, the Minister may consider it relevant that an officer (or officers) of the eligible person has been declared bankrupt, are an insolvent under administration, have been disqualified from involvement in the management of a corporation, or have been found guilty of certain offences.
 - v. A disclosure of past misconduct, non-compliance, or insolvency will not necessarily result in an assessment that the eligible person is not suitable to hold a licence. The assessment will have regard to any disclosures in the context of the application in its entirety to determine what relevance they bear to the suitability of the applicant regarding the particular licence for which they have applied.
 - b) the applicant's past financial performance. This could include, but is not limited to:
 - i. Past financial performance in successfully funding infrastructure or research and development projects of the scale of the proposed offshore infrastructure project in the R&D licence application.
Note: Where an applicant does not have past financial performance to reference, information provided in response to the 'Technical and Financial Capability' merit criteria may be relied upon.
 - c) the applicant's corporate governance structure. This could include, but is not limited to:
 - i. Appropriate corporate governance arrangements, such as a board with the collective skills and experience to operate an offshore infrastructure project.
 - ii. Clearly defined roles and responsibilities of the board and management with a regular review process.
 - d) Any other matters the Minister considers relevant.

National interest (paragraph 53(1)(d) of the OEI Act and section 25 and subsection 26(2) of the OEI Regulations)

6.3.26 The Minister must be satisfied that the proposed project for the licence is in the national interest.

6.3.27 The merit-based assessment may consider (but is not limited to) the following:

- a) the project's impact on, and contribution to, the Australian economy and local communities, including in relation to regional development, job creation, Australian industries and the use of Australian goods and services. This could include, but is not limited to:
 - i. The benefits that the proposed project could bring to Australia's energy system, the Australian economy and local communities, including regional development and job creation.
 - ii. If applicable, the benefits to Australia if the proposed technology is developed through to commercialisation including the potential for manufacturing and deployment in Australia.

Note 1: Assumptions and forecasts are expected to be preliminary due to the maturity of the proposed technology.

Note 2: When considering whether a community is a 'local community', the Minister may consider the local or proximity of the community to the proposed licence area.

Note 3: Projects seeking to undertake research of offshore renewable energy resources, rather than demonstration of a technology, would generally not be expected to demonstrate potential for local manufacturing and employment.
 - iii. The contribution of the project to Australia's scientific and technical knowledge base.
- b) national security. This could include, but is not limited to:
 - i. That the project is unlikely to have the potential to impact negatively on national security.

Note 1: This is separate to any assessment by the Foreign Investment Review Board.
- c) whether the project is likely to be delivered within a reasonable time. This could include, but is not limited to:
 - i. How an applicant plans to efficiently deliver the proposed project, supported by a project development plan and schedule.
 - ii. Where an applicant has multiple offshore electricity infrastructure project proposals or licences in Australia or internationally, their ability to deliver the proposed project in a timely manner will be assessed taking into account all of the proposed and current projects and licences in the portfolio.
- d) whether the project is likely to make efficient use of the licence area. This could include, but is not limited to:
 - i. A justification for the application area.
- e) conflicts that might arise with other uses or users of the licence area. This could include, but is not limited to:
 - i. An assessment of other users of the licence area such as defence, shipping, aviation, fishing, Native Title, local communities, oil and gas, greenhouse gas and other offshore electricity infrastructure licences, where relevant.
- f) any measures that are proposed to mitigate such conflicts. This could include, but is not limited to:
 - i. Proposed measures and actions to mitigate such conflicts, including plans to manage and resolve any conflicts.
- g) any other matters the Minister considers relevant.

6.4 Request for further information from the Registrar (section 41 OEI Regulations)

- 6.4.1 For the purposes of advising the Minister in relation to an application, the Registrar may request additional information through a written request for information (**RFI**) issued to the applicant. The RFI will specify the information required, the day on or before which the information must be provided, and the manner in which the information must be provided.
- 6.4.2 If the information is not provided on or before the day specified, the Minister may, by written notice given to the applicant, refuse to consider the application further. The application fee will not be refunded. An applicant will need to re-apply under the licensing scheme if they wish to proceed with their proposed project.

6.5 Decision making (section 42 OEI Regulations)

- 6.5.1 Subject to the application meeting the requirements and any requests for further information, the Registrar will prepare advice for the Minister in relation to the application.
- 6.5.2 In considering an application for a licence, the Minister must have regard to any information, assessment, analysis, report, advice, or recommendation in relation to the application given to the Minister by the Registrar.
- 6.5.3 The Minister must also have regard to the outcomes of applicable procedural fairness obligations (see section 8.5 of this Guideline) and consultation with First Nations groups in accordance with the future acts regime under the *Native Title Act 1993* in considering whether to offer to grant an R&D licence.
- 6.5.4 The Minister will make a decision on the application in line with section 52 of the OEI Act.

6.6 Offer to grant an R&D licence (section 27 OEI Regulations)

- 6.6.1 If the Minister decides to grant an R&D licence to an applicant, a written offer of licence will be given to the applicant by the Minister or by the Registrar on behalf of the Minister.
- 6.6.2 The offer must specify the R&D licence area, the day that the licence would come into force, the end day of the licence, the conditions that would apply to the licence, the day on or before which the offer must be accepted and the method for accepting the offer.
- 6.6.3 The offer must also state that if the offer is not accepted by the day specified, the applicant's application for the licence will lapse. Should the application lapse, the application fee will not be refunded.

6.7 Grant of an R&D licence (section 52 OEI Act and section 28 OEI Regulations)

- 6.7.1 If the offer is accepted by the person in the manner and on or before the day specified in the offer, the licence will be granted to the person.
- 6.7.2 The notice of grant of the licence will be given to the person by the Minister or by the Registrar on behalf of the Minister. An R&D licence granted as a result of the acceptance of an offer under section 27 of the OEI Regulations must be consistent with the details set out in the offer.
- 6.7.3 The notice of grant must specify the licence area, the start day and end day of the licence, the conditions that are to apply to the licence and any other matters prescribed by the licensing scheme. It must be given in accordance with the licensing scheme.
- 6.7.4 The licence comes into force on the day stated in the notice of grant.
- 6.7.5 A record of the notice of grant must be entered in the Register of Licences (see **Chapter 9** below).

Note: Once granted an R&D licence, the licence holder must have a management plan approved by the Offshore Infrastructure Regulator and provide financial security before activities can commence. Management plans are developed in consultation with stakeholders. Guidance is available on the Regulator's [website](#).

End day of an R&D licence (section 55 OEI Act)

- 6.7.6 The end day will be stated in the notice of grant and may be extended in certain circumstances (see **Chapter 8** below).

- 6.7.7 On or after the end day of an R&D licence, the licence does not authorise the construction, installation, operation or maintenance of offshore renewable energy infrastructure except to the extent necessary to decommission infrastructure.
- 6.7.8 The Minister must determine the end day of an R&D licence. This can be no later than 10 years from the date the licence is granted or comes into effect. The Minister may choose to determine an earlier end day.

6.8 Conditions on an R&D licence (section 54 OEI Act)

- 6.8.1 Licence holders must comply with the conditions of the licence including:
- a) Any conditions on the licence as stated in the OEI Act including:
 - i. any requirement to pay an amount of offshore electricity infrastructure levy.
 - ii. any conditions on the declared area that apply to the licence area.
 - iii. any conditions prescribed by the licensing scheme.
 - iv. that the licence holder, or any other person carrying out activities on behalf of the licence holder, complies with the management plan for the licence.
 - v. any conditions imposed on the licence in the notice of grant (or subsequent notice of variation).
 - b) Any reporting requirements in the OEI Regulations.
- 6.8.2 The Minister may, when granting an R&D licence, impose such conditions on the licence as the Minister thinks fit (subsection 54(2) of the OEI Act).

6.9 Refusal of R&D licence applications (subsection 52(1) OEI Act and sections 43 and 44 OEI Regulations)

- 6.9.1 Potential grounds not to grant an R&D licence may include, but are not limited to:
- a) the application does not meet the requirements of the OEI Act or the OEI Regulations (including the licensing scheme requirements).
 - b) if the proposed licence would authorise activities in any part of the licence area of another licence – the Minister is not satisfied that any activities carried out in accordance with the proposed licence would not unduly interfere with the activities of the holder of the other licence.
 - c) the Minister is not satisfied the licence applied for meets the merit criteria.
- 6.9.2 Prior to refusal of an R&D licence application, the Minister must follow the procedural fairness process under section 43 of the OEI Regulations (see section 8.5 of this Guideline).
- 6.9.3 If the Minister makes a final decision not to grant an R&D licence, a written notice will be provided to the applicant.
- 6.9.4 Information on procedural fairness and review of decisions is in **Chapter 8** of this Guideline.
- Note:** There are no restrictions on future reapplications for an R&D licence by the same applicant. However, applicants are encouraged to understand the reason(s) for refusal of an R&D application prior to reapplying for an R&D licence for the same project.