



Offshore Renewables and First Nations people

The Offshore Electricity Infrastructure Framework

The Department of Climate Change, Energy, the Environment and Water recognises First Nations people as the traditional custodians of the land and waters of Australia and respects their deep connection to Country.

As Australia transitions to renewable energy, many renewable energy projects will need to access First Nations lands and waters for development. The Australian Government is committed to providing opportunities for First Nations groups to participate and engage in Australia’s clean energy transition and to make a positive difference to the lives of First Nations people and their communities.

The emerging offshore renewable energy sector presents a good opportunity for industry and First Nations people to work together in partnership to deliver these benefits to communities and to develop local capacity to undertake renewable energy projects.

Offshore wind projects and other offshore renewable energy projects in Commonwealth waters are regulated under the *Offshore Electricity Infrastructure Act 2021* and the *Offshore Electricity Infrastructure Regulations 2022* (the OEI Framework). The OEI Framework enables the construction, operation and decommissioning of offshore renewable energy projects, such as wind farms, and electricity transmission infrastructure within a licence area and outlines how these projects can operate.

Offshore Electricity Infrastructure Licensing

Companies wanting to undertake offshore wind projects within Commonwealth waters need to be licensed under the OEI Framework.

Granting a licence under the OEI Framework is considered a ‘future act’ under the *Native Title Act 1993* (NT Act). Prior to offering a licence to an applicant, the Minister for Climate Change and Energy (the Minister) will consult with relevant Native Title Representative Bodies or Service Providers, First Nations Prescribed Bodies Corporate and other First Nations groups on the proposed licence area. The Minister will take feedback from consultation into account when deciding whether to offer a licence.

There are four licence types that may be granted for different purposes. Transmission and infrastructure licences will require separate state-based approvals for portions of any transmission cables in coastal waters and on land.

<p>Feasibility Licence</p> <p>Allows the licence holder to conduct activities to assess the feasibility of a commercial project for up to seven years. A feasibility licence is required before a developer can apply for a commercial licence that allows for the commercial generation of electricity.</p>	<p>Commercial Licence</p> <p>Allows developers to carry out offshore infrastructure projects, such as large-scale offshore wind projects, for up to 40 years. Commercial licences cover the full lifecycle of a commercial project, from construction through to decommissioning.</p>
<p>Transmission and Infrastructure Licence (TIL)</p> <p>Allows the installation and operation of undersea cables to transmit electricity. For example TILs allow electricity generated offshore to connect to onshore grid infrastructure or other end users.</p>	<p>Research and Demonstration (R&D) Licence</p> <p>Allows small-scale projects to undertake research, or to test and demonstrate emerging technologies (such as wave, tidal or ocean thermal electricity generation).</p>

Ongoing engagement with First Nations people

There are multiple opportunities for First Nations people to have their say on the establishment and operation of Australia’s offshore wind industry. The Department’s expectation is that First Nations groups will be provided funding by the industry to support meaningful and timely engagement.

Environmental and Heritage Protections

Offshore wind projects are subject to assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Opportunities for working with First Nations peoples and businesses are considered as part of the assessment and approval process under the EPBC Act.

To ensure all environmental impacts are addressed, including impacts on First Nations cultural heritage values, offshore wind developers will need to consult with First Nations people and the community. Assessments must take into account any submissions from First Nations people.

Licence holders should actively engage with, and consider opportunities for working with, First Nations peoples and businesses as part of the assessment and approval process under the EPBC Act.

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and *Underwater Cultural Heritage Act 2018* also enable further protections for culturally significant areas and cultural heritage, such as the making of declarations to protect significant areas and objects from adverse impacts.

Useful resources

- Guidance: *Interim Engagement with First Nations People and Communities on Assessments and Approvals under the EPBC Act*. This outlines expectations and statutory obligations of developers, regarding respectful and effective engagement with First Nations people and communities as part of the EPBC Act environment referral, assessment and approval process.
- The *Nature Positive Plan* reflects a commitment to working in partnership with First Nations people to achieve better outcomes for communities and for Australia's heritage and environment.

Management Plans

Feasibility licence holders must have an approved management plan in place prior to undertaking feasibility work that involves fixed and tethered infrastructure and prior to applying for a commercial licence. Management plans will set out how the licence holder intends to undertake operational activities and comply with environmental and licence obligations. Management plans will also include requirements for licence holders to plan for, and cover the costs of, the future removal of infrastructure.



Benefit Sharing

Subject to draft regulations, licence holders will be required to consult with First Nations communities or groups with a cultural connection to the licence area and to document the outcome of this consultation in the management plan for the project. Licence holders will be expected to take reasonable steps to determine which First Nations groups may hold a cultural connection with the licence area.

This will allow a pathway for First Nations groups to negotiate benefit sharing arrangements directly with licence holders that is tailored to their communities. This may include energy supply, training and employment opportunities, local business and procurement opportunities, community benefit funds, opportunities for co-design, and other initiatives in partnership with First Nations groups.

This new industry has the potential to create intergenerational social and economic benefits for First Nations people by building the prosperity of communities, businesses and individuals.

More information

Web: [Offshore wind in Australia](https://www.dcceew.gov.au/energy/renewable/offshore-wind) (<https://www.dcceew.gov.au/energy/renewable/offshore-wind>)

Email: offshorerenewables@dcceew.gov.au

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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