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The Australian Approach to Offshore Wind Regulation

TOO LITTLE TOO LATE?

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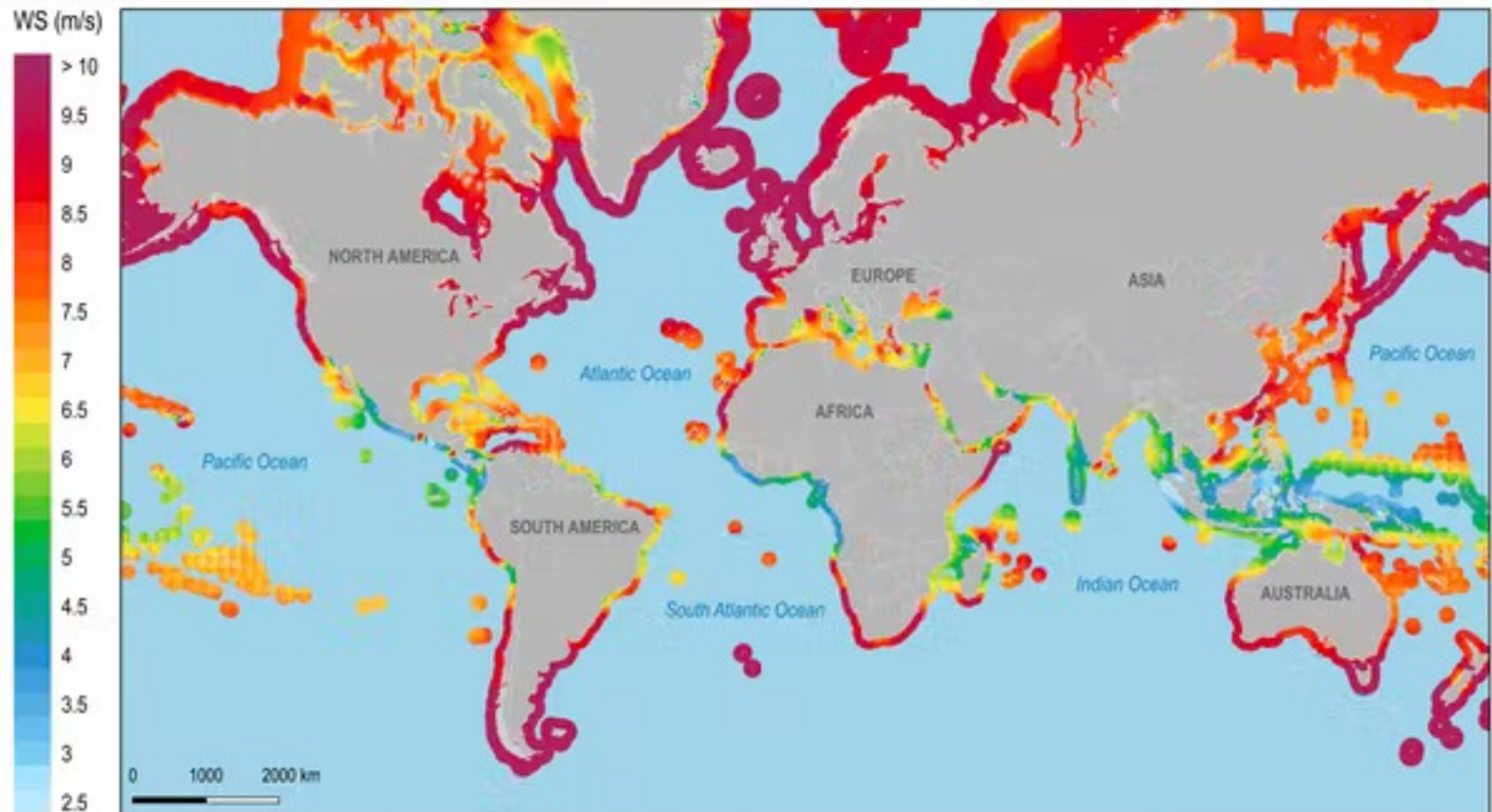


Offshore wind capacity Australia



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Global Offshore Wind Speeds



This wind resource map provides an estimate of mean annual wind speeds (m/s) extending 200 kilometers from shore at a hub height of 100 meters. It is provided under a World Bank Group (WBG) initiative on offshore wind that is funded and led by the Energy Sector Management Assistance Program (ESMAP). For more information please visit: <https://esmap.org/offshore-wind>. The wind resource data is from the Global Wind Atlas (version 3.0), a free, web-based application that provides data with a 100 m resolution based on the latest input datasets and modeling methodologies. For more information please visit: <https://globalwindatlas.info>.

Australia and wind: an uneasy history

- History onshore – RET
 - The evil we must have
- Pretty much hated by politicians – ‘utterly offensive’
- By 2013 wind onshore a bit of a ‘no go’
 - Not supported by federal government
- South Australia majority wind but ...
 - Black event 2016
- Bushfires of 2019-20 and Covid changes this perspective
- Now rapid shift into NZ2050



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Covid-19 and the Shift Towards Net-Zero Emissions in Australia: Accelerating the Energy Transition
by T. Soliman Hunter

Getting our act together!

- A natural progression given hatred by many of wind onshore
- Strong desire to have projects - going to go ahead with or without a legal regime
 - Three projects off the coast of Victoria - Key in calling for new legal regime
- Key project: ***Star of the South***
 - located 13 km off the Victorian coast, in one of windiest areas of Australia
 - received a license to undertake resource exploration (seabed, wind, currents, etc) on 29 March 2019
- At least 10 other projects waiting for approval (2 giants) but... no legal regime! –
 - Difficulty in gaining Cth licence



Getting our act together !

- The need for a new Act first highlighted in 2018
 - strong push in 2019
- 2020 – Cth Government commits to develop a regulatory framework for offshore renewable energy projects (farms and associated infrastructure)
 - Invites submissions
 - Process takes into account stakeholder interests
 - Considers other views???
 - Safety?
- Bill introduced 2 September 2021 - Short period for comment
- Passes November 2021 and becomes law:
 - *Offshore Electricity Infrastructure Act 2021 (EIA 2021)*

*“Goal is to provide regulatory **certainty** and approvals pathway necessary to facilitate **investment** in Australia's **offshore renewable energy sector...** enab[ling] **billions of dollars** of investment in Australia's offshore renewable energy sector”*

Minister for Energy, Angus Taylor, MP September 2021

Features of the EIA 2021

- Drafted in a manner similar to OPGGSA
- Declaration of areas for offshore energy activities
- Licensing:
 - Feasibility licence – can I do it?
 - Commercial licence – doing it
 - Research and demonstration licence – researching ‘can I do it’?
 - Transmission and Infrastructure licence
 - Connecting up the turbines
 - Getting it to shore
- Safety regime
- Management and protection of infrastructure
- Regulator and titles administrator



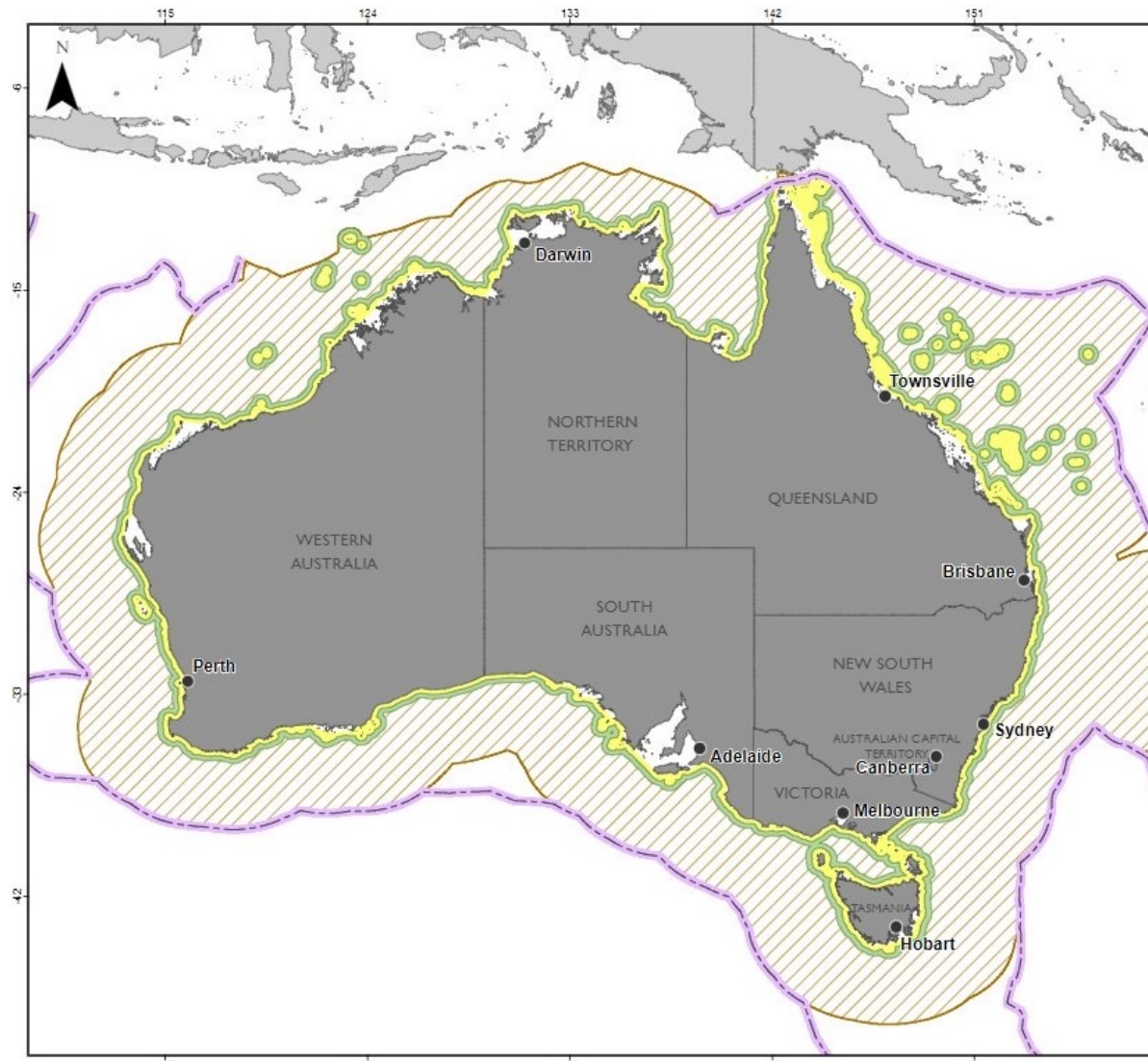
**But don't applaud
just yet...**

Failure No.1: regulatory overlap and gaps



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AUSTRALIA'S OFFSHORE ZONES





Failures 2-3

2. Environment –

- 2. Proactive, not reactive
- 3. No EMP, only generalized *Management Plan* – higher degree of specificity?
- 4. Sits poorly with EPBCA as not a true ‘environment Act’

3. Safety

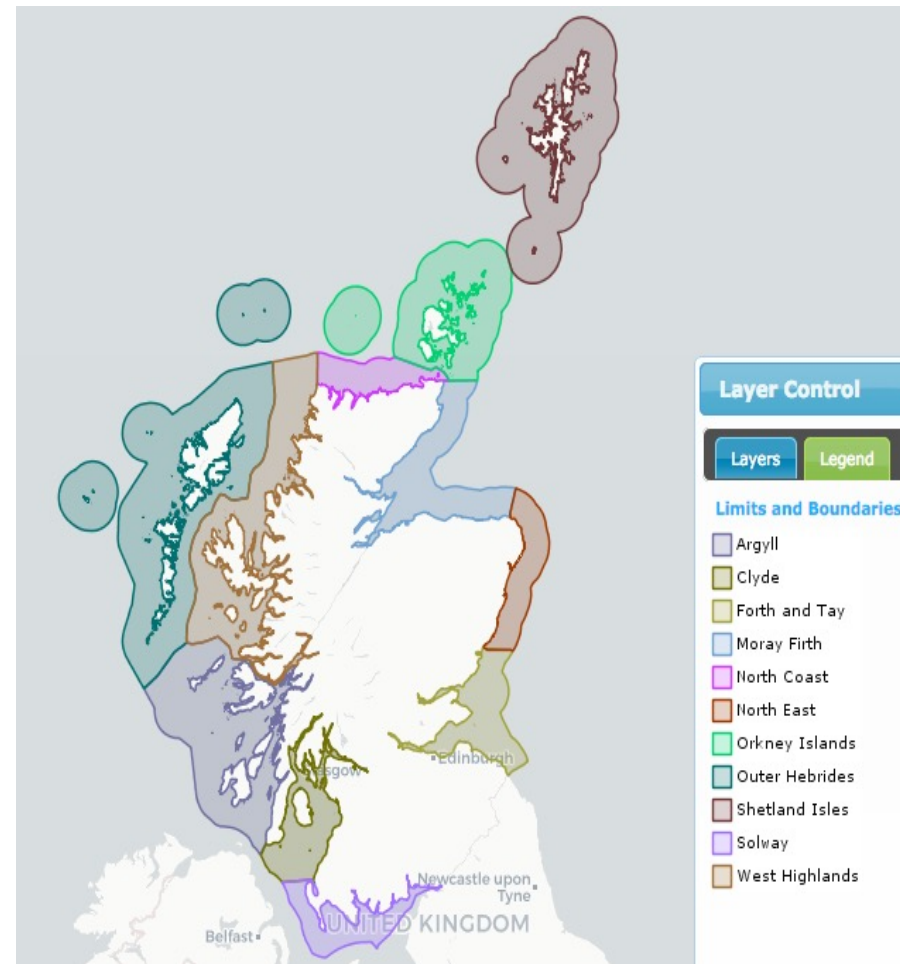
- The Regulator – yikes!
- Dog’s breakfast –
 - which law would you like?
 - Oh you don’t like that one? Change it!





Failures 4-7

4. Leave it to the regulations!
 - Unknown content and scope
 - ‘may’ not ‘will’
5. Not international best practice
 - Safety
 - Monitoring
 - Workability assessment
6. Community compensation
7. marine spatial planning
 - Concept is foreign to Australia
 - Difficulty when multiple jurisdictions
 - Ref: Scotland!



#8: Native Title holders' rights and interests

