



Law Council
OF AUSTRALIA

Legal Practice Section

28 February 2020

Department of Industry, Science, Energy & Resources
51 Allara Street
Canberra ACT 2601

By email: offshorewind@industry.gov.au

Dear Sir/Madam

Offshore Clean Energy Infrastructure Regulatory Framework

1. The Australian Environment and Planning Law Group (**AEPLG**) of the Law Council of Australia's Legal Practice Section welcomes the opportunity to make a submission to the Department of Industry, Science, Energy & Resources in relation to the discussion paper on the proposed Offshore Clean Energy Infrastructure Regulatory Framework.
2. The AEPLG has read the Department's plan for regulation of this potentially new industry for Australia's offshore areas with interest. The AEPLG notes that the proposed regime draws from the current regime for regulating the offshore petroleum sector with the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**) as the regulator. The AEPLG believes that this arrangement is appropriate given NOPSEMA's current regulatory functions.
3. The AEPLG makes the following observations as the Department progresses the drafting of the legislation to support this new regime:
 - (a) The AEPLG reminds the Department to ensure fulsome consideration of the environment within the new regime and the Commonwealth's obligations under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) and other laws that regulate impacts on the natural environment.
 - (b) NOPSEMA, and the Department, should adopt the same approach to transparency and clarity of decision making under the new regime that has been developed and applied to decision making under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) and the associated regulations.
 - (c) In ensuring the above, NOPSEMA and the Department should consider the potential impact that the requirement for third party or stakeholder consultation under this new regime will have on those third parties, many of whom are already engaged in consultation activity under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth).

4. The Law Council would welcome the opportunity to discuss this submission with the Department. In the first instance, please contact AEPLG Chair, Robyn Glindemann on robyn.glindemann@lantegy.com.au.

Yours sincerely

Margery Nicoll.

Margery Nicoll
Acting Chief Executive Officer