



Offshore Electricity Infrastructure Amendment (Information Disclosure) Regulations 2024

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 March 2024

David Hurley
Governor-General

By His Excellency's Command

Chris Bowen
Minister for Climate Change and Energy

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1 Name

This instrument is the *Offshore Electricity Infrastructure Amendment (Information Disclosure) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	16 March 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Offshore Electricity Infrastructure Act 2021*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Offshore Electricity Infrastructure Regulations 2022

1 Section 4 (before paragraph (a) of the note to the heading)

Insert:

(aa) documentary information;

2 Section 4

Insert:

commercially confidential information: see section 48G.

general licence application information: see section 48A.

3 After Part 4

Insert:

Part 4A—Information relating to offshore infrastructure

48A Meaning of *general licence application information*

Purpose of this section

- (1) This section sets out the meaning of *general licence application information* in relation to certain kinds of applications made to the Minister or the Registrar.

General licence application information

- (2) In relation to an application for a licence, *general licence application information* means the following documentary information that relates to the application:
- (a) the name of the applicant;
 - (b) whether it is an application for:
 - (i) a feasibility licence; or
 - (ii) a commercial licence; or
 - (iii) a research and demonstration licence; or
 - (iv) a transmission and infrastructure licence;
 - (c) general information about the proposed licence area, which may include (but is not limited to) any of the following:
 - (i) geographic coordinates;
 - (ii) the approximate size;
 - (iii) the approximate distance offshore;
 - (d) general information about the proposed project, which may include (but is not limited to) any of the following:
 - (i) the name of the project;
 - (ii) the generation capacity (if any) of the project;
 - (iii) the transmission capacity (if any) of the project;

- (iv) the renewable energy resource of the project;
- (v) the technology to be used for the project;
- (vi) the approximate location of offshore renewable energy infrastructure and offshore electricity transmission infrastructure in the proposed licence area.

Note: See the following provisions:

- (a) section 10 (applications for feasibility licences);
- (b) section 17 (commercial licences);
- (c) section 18 (research and demonstration licences—application);
- (d) section 21 (transmission and infrastructure licences—application).

- (3) In relation to an application for an extension of the end day of a licence, **general licence application information** means the following documentary information that relates to the application:

- (a) the name of the applicant;
- (b) the licence that the application relates to;
- (c) the proposed end day of the licence;
- (d) whether the proposed extension is to be in respect of the whole or part of the licence area;
- (e) if the proposed extension is to be in respect of only part of the licence area—the location of the part of the licence area.

Note: See section 30 (extending the term of a licence).

- (4) In relation to an application to vary a licence, **general licence application information** means the following documentary information that relates to the application:

- (a) the name of the applicant;
- (b) the licence that the application relates to;
- (c) the variation proposed to be made to the licence.

Note: See section 31 (application to vary a licence).

- (5) In relation to an application to transfer a licence, **general licence application information** means the following documentary information that relates to the application:

- (a) the name of the transferor (within the meaning of section 70 of the Act);
- (b) the name of the transferee (within the meaning of section 70 of the Act);
- (c) the licence that the application relates to.

Note: See section 35 of this instrument (application to transfer a licence).

- (6) In relation to an application to surrender a licence, **general licence application information** means the following documentary information that relates to the application:

- (a) the name of the applicant;
- (b) the licence that the application relates to;
- (c) the proposed surrender area;
- (d) the reasons for the surrender;
- (e) how each of the requirements in subsection 74(3) of the Act has been met.

Note: See section 74 of the Act (application to surrender a licence).

48B Release of information by Registrar

For the purposes of paragraph 283(3)(a) of the Act, the Registrar may publish, or make available to a person, general licence application information in relation to an application mentioned in section 48A of this instrument.

48C Release of information about progress of application by Registrar

The Registrar may publish, or make available to a person, information about the progress of an application mentioned in section 48A.

48D Release of information by Minister

For the purposes of paragraph 285(4)(a) of the Act, the Minister may publish, or make available to a person, general licence application information in relation to an application mentioned in section 48A of this instrument.

48E Release of information about progress of application by Minister

The Minister may publish, or make available to a person, information about the progress of an application mentioned in section 48A.

48F Release of information in public interest

- (1) For the purposes of paragraph 283(3)(a) of the Act, the Registrar may publish documentary information relating to an application mentioned in section 48A of this instrument, if:
 - (a) the information is not general licence application information in relation to the application; and
 - (b) the information is not commercially confidential information; and
 - (c) the Minister considers that it is in the public interest to publish the information; and
 - (d) the Minister has approved the information being published.
- (2) For the purposes of paragraph 283(3)(a) of the Act, the Registrar may make available to a person documentary information relating to an application mentioned in section 48A of this instrument, if:
 - (a) the information is not general licence application information in relation to the application; and
 - (b) the information is not commercially confidential information; and
 - (c) the Minister considers that it is in the public interest to make the information available to the person; and
 - (d) the Minister has approved the information being made available to the person.
- (3) For the purposes of paragraph 285(4)(a) of the Act, the Minister may publish documentary information, that is made available to the Minister under section 284 of the Act, relating to an application mentioned in section 48A of this instrument, if:
 - (a) the information is not general licence application information in relation to the application; and
 - (b) the information is not commercially confidential information; and

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- (c) the Minister considers that it is in the public interest to publish the information.
- (4) For the purposes of paragraph 285(4)(a) of the Act, the Minister may make available to a person documentary information, that is made available to the Minister under section 284 of the Act, relating to an application mentioned in section 48A of this instrument, if:
- (a) the information is not general licence application information in relation to the application; and
 - (b) the information is not commercially confidential information; and
 - (c) the Minister considers that it is in the public interest to make the information available to the person.

Note: For the meaning of *commercially confidential information*, see section 48G.

48G Meaning of *commercially confidential information*

Documentary information given by a person to the Minister or the Registrar is *commercially confidential information* if:

- (a) the information is not general licence application information; and
- (b) the Minister considers the information to be:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect any person's business, commercial or financial affairs.

48H References in this Part to the Minister

A reference in this Part to the Minister is a reference to the Minister administering the Act.

4 At the end of the instrument

Add:

Part 6—Application, saving and transitional provisions

51 Application of amendments made by the *Offshore Electricity Infrastructure Amendment (Information Disclosure) Regulations 2024*

The amendments made by Schedule 1 to the *Offshore Electricity Infrastructure Amendment (Information Disclosure) Regulations 2024* apply in relation to:

- (a) applications made before, on or after the commencement of that Schedule; and
- (b) documentary information given to the Minister or the Registrar before, on or after the commencement of that Schedule.