

SUPPLEMENTARY EXPLANATORY STATEMENT

Issued by the authority of the Minister for Climate Change and Energy

Offshore Electricity Infrastructure Act 2021

Offshore Electricity Infrastructure (Declared Area OEI-02-2024) Declaration 2024

Purpose

Under section 17 of the *Offshore Electricity Infrastructure Act 2021* (OEI Act), the Minister declared part of the Commonwealth offshore area as suitable for offshore renewable energy infrastructure. The Minister made the *Offshore Electricity Infrastructure (Declared Area OEI-02-2024) Declaration 2024* (Declaration) on 13 June 2024, which gave legal effect to the declared area. The Declaration defines the spatial extent of the declared area in the Pacific Ocean off the Illawarra Region of New South Wales.

The Minister made the Declaration subject to conditions under section 20 of the OEI Act. These conditions make the area suitable for offshore renewable energy infrastructure. The Declaration will remain in force until it is revoked under section 26 of the OEI Act or until it sunsets in accordance with the *Legislation Act 2003*.

This supplementary explanatory statement provides further information relating to the incorporation of the Geocentric Datum of Australia 1994 (GDA94) in the Declaration, notably the manner of incorporation and the legislative authority for this manner of incorporation.

This supplementary explanatory statement should be read in conjunction with the initial explanatory statement for the Declaration.

Amendments to the explanatory statement

Amendment 1

In Attachment A, after the last paragraph under the heading “Condition 4”, add:

Schedule 1—Declared Area OEI-02-2024

The Geocentric Datum of Australia 1994 (GDA94) is incorporated by reference in Schedule 1 to the Declaration, as authorised by subsection 9(4) of the OEI Act. Subsection 9(1) of the OEI Act provides that the position on the surface of the Earth of a point, a line or an area is to be determined, for the purposes of the OEI Act, by reference to the Australian Geodetic Datum as defined in Gazette No. 84 of 6 October 1966 (AGD66 geodetic data set). Paragraph 9(2)(a) of the OEI Act allows regulations to provide for the position on the surface of the Earth of a point, a line or an area to be determined in some other way than provided in subsection 9(1) of the OEI Act. Section 49 of the *Offshore Electricity Infrastructure Regulations* provides that, for the purposes of paragraph 9(2)(a) of the OEI Act, the position on the surface of the Earth of a point, a line or an area is to be

determined by reference to the Geocentric Datum of Australia as defined in Gazette No. 35 of 6 September 1995 (GDA94 geocentric data set).

The GDA94 is part of the Australian Geospatial Reference System, which is managed by the Intergovernmental Committee on Surveying and Mappings Permanent Committee on Geodesy. Further information on the GDA94 is available at:

<https://www.icsm.gov.au/datum/geocentric-datum-australia-1994-gda94>.

Australian maritime zones are guided by the *Seas and Submerged Lands Act 1973*. Maritime legislation and treaties in Australia currently reference a variety of datums and a number of sectors have been transitioning to GDA94 over recent decades (for example, fisheries zones, offshore oil and gas areas, marine parks).

The Geocentric Datum of Australia 2020 (GDA2020) is also a model and data standard that defines the positioning of locations on the surface of the earth and is a subsequent version to GDA94. The GDA94 is referred to instead of the GDA2020 as transitioning Australia's offshore sectors to GDA2020 presently offers no benefits, would impose significant costs, and would need to be done as part of a much larger modernisation of the *Seas and Submerged Lands Act 1973* and first principles review of the Australian maritime zones.