Australian Government
Department of Industry, Science and Resources

Cross-border electricity trade regulatory approvals

In relation to approvals required under Australian Government legislation

Department of Industry, Science and Resources | October 2025

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The purpose of this publication is to assist proponents of cross-border electricity trade projects to navigate approval processes under Australian Government legislation.

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About this document

There are multiple legislative frameworks regulating cross-border electricity trade (CBET) projects covering land and waters within the jurisdiction of the Commonwealth (generally more than 3 nautical miles from shore, extending to the boundary of Australia's exclusive economic zone).

This guidance has been developed to provide a high-level outline of the requirements and interactions between the approvals, obligations and regulatory processes for CBET projects under the following Australian Government legislation (and associated legislative frameworks):

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Airports Act 1996*
- *Australian Jobs Act 2013*
- *Biosecurity Act 2015*
- *Coastal Trading (Revitalising Australian Shipping) Act 2012*
- *Customs Act 1901*
- *Defence Act 1903*
- *Defence Trade Controls Act 2012*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environment Protection (Sea Dumping) Act 1981*
- *Fisheries Management Act 1991*
- *Foreign Acquisitions and Takeovers Act 1975*
- *Future Made in Australia (Guarantee of Origin) Act 2024*
- *Great Barrier Reef Marine Park Act 1975*
- *Hazardous Waste (Regulation of Exports and Imports) Act 1989*
- Heavy Vehicle National Law
- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*
- *Migration Act 1958*
- National Electricity Law
- *National Greenhouse and Energy Reporting Act 2007*
- *Native Title Act 1993*
- *Navigation Act 2012*
- *Offshore Electricity Infrastructure Act 2021*
- *Offshore Petroleum and Greenhouse Gas Storage Act 2006*
- *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*
- *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*
- *Radiocommunications Act 1992*
- *Renewable Energy (Electricity) Act 2000*
- *Telecommunications Act 1997* (Schedule 3A)
- *Security of Critical Infrastructure Act 2018*
- *Transport and Offshore Facilities Security Act 2003*
- *Underwater Cultural Heritage Act 2018*

A typical project staged process has been used to illustrate the recommended sequencing between the various regulatory approvals and project stages.

For the purposes of this document, the term 'approvals' captures requirements that a proponent must fulfil for an activity to proceed as part of a project, including the following:

- approvals
- visas
- registrations
- permits
- authorisations
- licences
- agreements
- certificates
- declarations
- permissions
- consents.

Approvals and obligations under Australian Government legislation have been divided into common approvals (approvals that are likely to apply to most CBET projects), and project specific approvals (approvals that may be only relevant to some projects based on either location or the nature of the project).

It is recognised that each project proponent will have their own project management and approvals processes and may need to adapt this guidance accordingly.

Considerations when reading this guidance

- This guidance has been developed based on a CBET project commencing from the site selection stage.
- While this guidance seeks to broadly cover common and project specific Australian Government approvals and obligations likely to apply to a CBET project, every project is unique and may require additional approvals to those outlined.
- It remains the responsibility of proponents to ensure compliance with all legal requirements for a project.
- Due to the complexity of the legislative and regulatory frameworks covered in this guidance, early and ongoing engagement with relevant regulators is encouraged.
- Project proponents should ensure consistent information is provided to all regulators
- This guidance does not cover State, Territory or local government approvals and/or obligations. Project proponents are encouraged to seek guidance from relevant State or Territory regulatory bodies as applicable.
- This guidance is current as at October 2025 and content may be subject to updates over time.

Project stages and regulatory approvals

Site selection

The site selection stage of a typical CBET project involves identifying and evaluating the most suitable locations for the land-based and sea-based components of the project to take place. This stage may involve surveys and investigations to assess the suitability of potential locations.

In the site-selection stage, vessels may be required to conduct marine surveys to assess seabed conditions along proposed subsea cable routes.

Depending on the individual project, the following regulatory approvals and obligations may be required at this stage:

- Foreign investment approval
- Identification and consideration of existing rights and consultation with other marine users and uses of the environment relevant to the licence, including:
  - Local communities
  - Fisheries stakeholders
  - Native title holders or claimants
  - Aboriginal or Torres Strait Islander organisations that are established under a law of the Commonwealth, a State or a Territory with functions relating to managing land or water in or adjacent to the licence area for the benefit of Aboriginal or Torres Strait Islander people,
  - If applicable, other licence holders under the *Offshore Electricity Infrastructure Act 2021*, where relevant to the licence area
  - As applicable, people or organisations undertaking activities for a commercial purpose under a Commonwealth, State or Territory licence or permit in or near the licence area of the relevant licence
  - If applicable, telecommunications carriers for existing submarine cables within submarine cable protection zones
  - If applicable, stakeholders for petroleum or greenhouse gas safety zones or the area to be avoided
  - If applicable, stakeholders for prescribed airspace
  - If applicable, stakeholders for Defence Aviation Areas
- Working and/or maritime crew visas and visa sponsorship approval
- Seafarer, maritime labour, maritime safety, pollution and tonnage certificates
- Domestic commercial vessel requirements
- Ballast water management plan and certificate
- Radiocommunications licencing
- Anti-fouling certificate or declaration
- Ship-based sea pollution record books, management plans and emergency plans
- Ship security plan and international ship security certificate
- Aboriginal and Torres Strait Islander Heritage protection
- Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided
- Great Barrier Reef Marine Park permit.

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Feasibility

The feasibility stage of a typical CBET project involves assessing whether the project is viable and able to successfully proceed once sites are chosen. This stage focuses on designing the project with site-specific parameters taken into consideration. In this stage, technical, financial, regulatory, environmental and operational feasibility are analysed.

Depending on the individual project, the following regulatory approvals and obligations may be required at this stage:

- Australian Marine Park authorisation
- Sea dumping permit
- Environmental Protection and Biodiversity Conservation approval
- Transmission and infrastructure licence
- Offshore electricity infrastructure management plan and associated requirements
- Work health and safety authorisations
- Native title compliance and agreement
- Underwater cultural heritage permit
- Australian Industry Participation plan
- Defence export permit
- Biosecurity import permits and biosecurity obligations
- Customs clearance and reporting requirements
- Feasibility licence
- Diving safety management system and diving project plan
- Prescribed airspace intrusion approval
- Approval for proposed constructions or objects in a Defence Aviation Area
- Submarine cable installation permit and/or protection zone compliance
- Coastal trading licence

The following approvals and obligations may also be required during the feasibility stage, if not already addressed during the site selection stage:

- Foreign investment approval
- Identification and consideration of existing rights and consultation with other marine users and uses of the environment relevant to the licence, including:
  - Local communities
  - Fisheries stakeholders
  - Native title holders or claimants
  - Aboriginal or Torres Strait Islander organisations that are established under a law of the Commonwealth, a State or a Territory with functions relating to managing land or water in or adjacent to the licence area for the benefit of Aboriginal or Torres Strait Islander people,
  - If applicable, other licence holders under the *Offshore Electricity Infrastructure Act 2021*, where relevant to the licence area
  - As applicable, people or organisations undertaking activities for a commercial purpose under a Commonwealth, State or Territory licence or permit in or near the licence area of the relevant licence
  - If applicable, telecommunications carriers for existing submarine cables within submarine cable protection zones
  - If applicable, stakeholders for petroleum or greenhouse gas safety zones or the area to be avoided

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  - If applicable, stakeholders for prescribed airspace
  - If applicable, stakeholders for Defence Aviation Areas
- Working and/or maritime crew visas and visa sponsorship approval
- Seafarer, maritime labour, maritime safety, pollution and tonnage certificates
- Domestic commercial vessel requirements
- Ballast water management plan and certificate
- Radiocommunications licencing
- Anti-fouling certificate or declaration
- Ship-based sea pollution record books, management plans and emergency plans
- Ship security plan and international ship security certificate
- Aboriginal and Torres Strait Islander Heritage protection
- Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided
- Great Barrier Reef Marine Park permit.

Construction

The construction stage of a typical CBET project involves installing submarine cables and land or sea-based electricity generation, transmission and storage infrastructure. Equipment, materials and workforce are mobilised during this stage.

Depending on the individual project, the following regulatory approvals and obligations may be required at this stage:

- Renewable electricity facility (Guarantee of Origin) registration
- Renewable Energy Target registration and accreditation
- Hazardous waste permit
- Heavy Vehicle National Law access permit
- National Electricity Market registration

The following regulatory approvals and obligations may also be required if not already obtained and maintained during previous stages:

- Foreign investment approval
- Working and/or maritime crew visas and visa sponsorship approval
- Seafarer, maritime labour, maritime safety, pollution and tonnage certificates
- Domestic commercial vessel requirements
- Ballast water management plan and certificate
- Biosecurity import permits and biosecurity obligations
- Customs clearance and reporting requirements
- Radiocommunications licencing
- Anti-fouling certificate or declaration
- Ship-based sea pollution record books, management plans and emergency plans
- Ship security plan and international ship security certificate
- Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided
- Prescribed airspace intrusion approval
- Submarine cable installation permit and/or protection zone compliance
- Coastal trading licence.

Operation

The operation stage of a typical CBET project involves an active system that starts transmitting electricity between countries. This involves commissioning and testing, system monitoring and control, and regulatory and market operations. Ongoing notification and reporting requirements apply during this stage.

Depending on the individual project, the following regulatory approvals and obligations may be required at this stage:

- Sea dumping permit
- Renewable Electricity Guarantee of Origin certificates
- National Greenhouse and Energy Reporting scheme registration and reporting
- Renewable Energy Target large-scale generation certificates
- Critical infrastructure registration, risk management program and reporting.

The following regulatory approvals and obligations may also be required if not already obtained and maintained during previous stages:

- Foreign investment approval
- Working and/or maritime crew visas and visa sponsorship approval
- Seafarer, maritime labour, maritime safety, pollution and tonnage certificates
- Domestic commercial vessel requirements
- Ballast water management plan and certificate
- Customs clearance and reporting requirements
- Hazardous waste permit
- Radiocommunications licencing
- Anti-fouling certificate or declaration
- Ship-based sea pollution record books, management plans and emergency plans
- Ship security plan and international ship security certificate
- Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided
- Prescribed airspace intrusion approval
- Submarine cable installation permit and/or protection zone compliance
- Coastal trading licence.
- Heavy Vehicle National Law access permit
- Renewable Energy Target registration and accreditation.

Decommissioning

The decommissioning stage of a typical CBET project involves safely dismantling and retiring project infrastructure once it reaches the end of its operational life.

Many reporting and notification obligations attached to the decommissioning stage will continue into post-decommissioning.

Depending on the individual project, the following regulatory approvals and obligations may be required at this stage if not already obtained and maintained during previous stages:

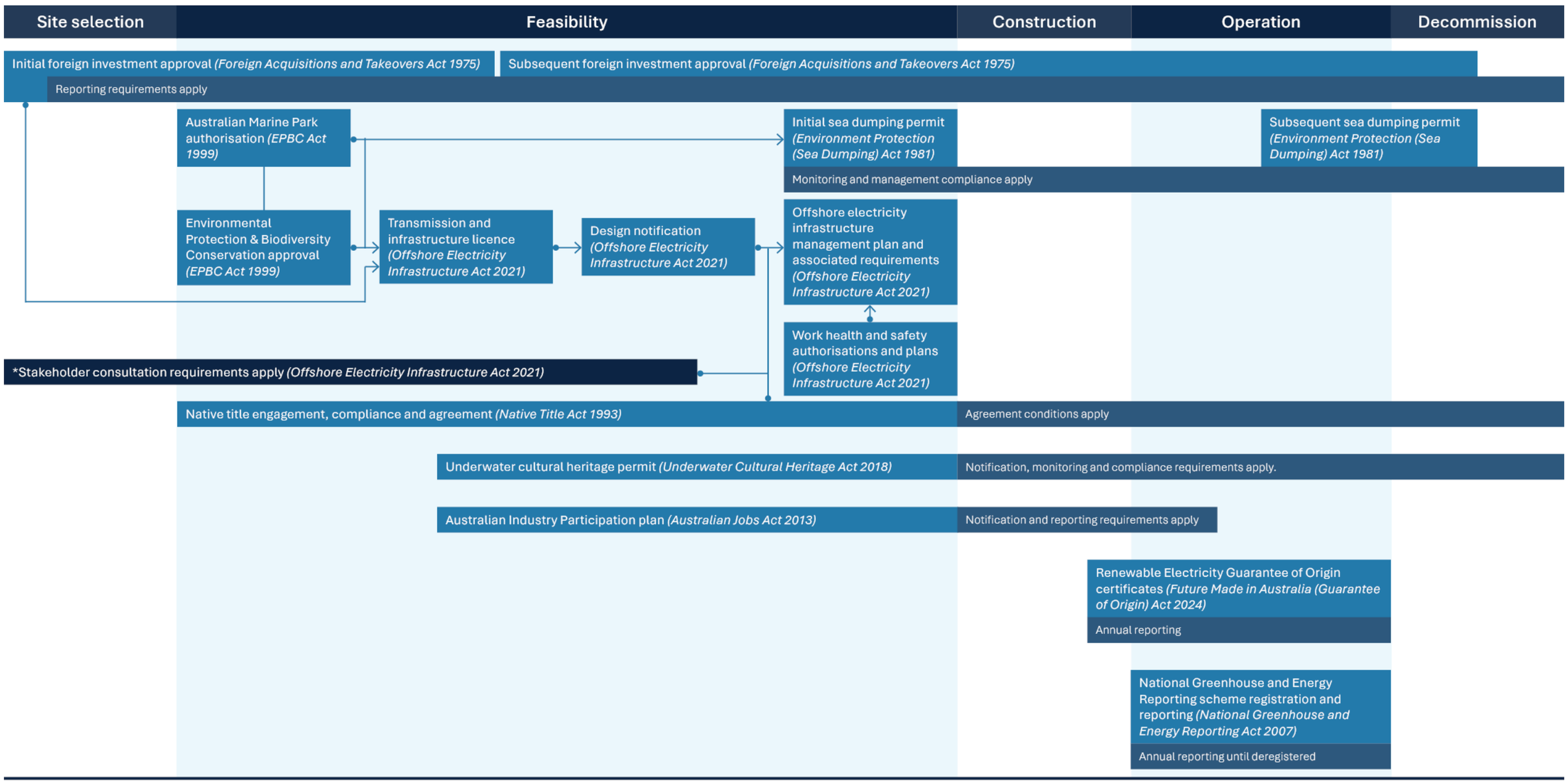
- Foreign investment approval and asset registration
- Sea dumping permit
- Working and/or maritime crew visas and sponsorship approval

- Seafarer, maritime labour, maritime safety, pollution and tonnage certificates
- Domestic commercial vessel requirements
- Ballast water management plan and certificate
- Customs clearance and reporting requirements
- Hazardous waste permit
- Radiocommunications licencing
- Anti-fouling certificate or declaration
- Ship-based sea pollution record books, management plans and emergency plans
- Ship security plan and international ship security certificate
- Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided
- Prescribed airspace intrusion approval
- Coastal trading licence
- Heavy Vehicle National Law access permit.

Cross-border electricity trade common regulatory approvals mapping

Due to the complexity of the legislative and regulatory frameworks, only regulatory approvals that apply to most cross-border electricity trade projects are represented in the map below.

Applicants are strongly encouraged to engage early with relevant regulators and ensure that they provide consistent information across all regulatory approvals.

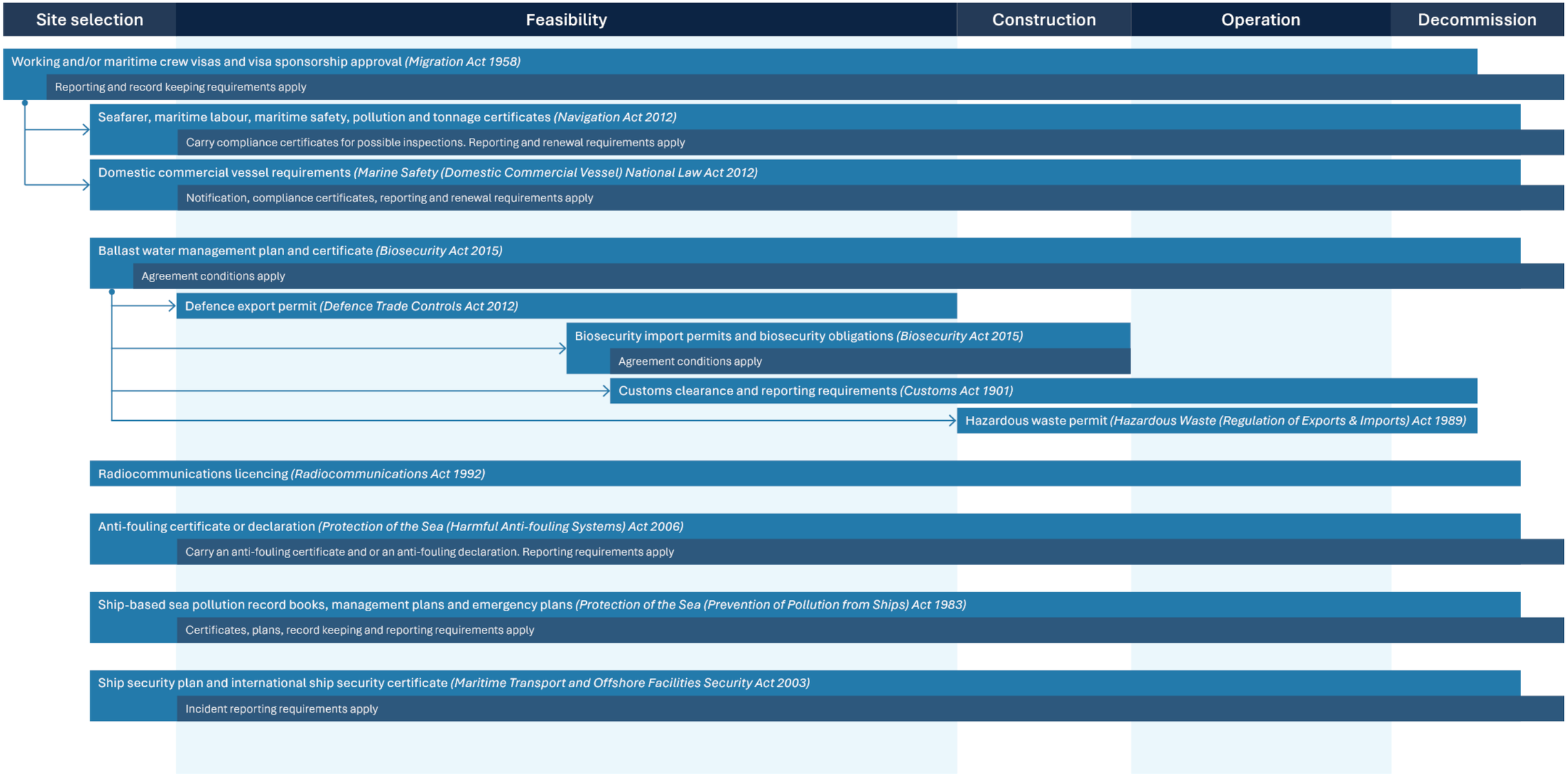


Key

- Timing during which an application for an approval could be submitted to the regulator
- Timing during which post approval requirements could apply
- Timing during which consultation could be undertaken

Arrows identify sequencing requirements with other approvals

* As applicable, additional consultation may include Commonwealth or State government agencies, local communities, First Nations groups or organisations, other OEI license holders, others undertaking commercial activities, telecommunications carriers for existing submarine cables within submarine cable protection zones, stakeholders for petroleum or greenhouse gas safety zones or the area to be avoided, stakeholders for prescribed airspace, stakeholders for Defence Aviation Areas, and fisheries stakeholders.



Key

Timing during which an application for an approval could be submitted to the regulator

Timing during which post approval requirements could apply

Timing during which consultation could be undertaken

Arrows identify sequencing requirements with other approvals

Note: Box lengths do not correlate to the duration of approvals nor the approval process time. They indicate the window in which it is anticipated that an application submission is made, the point at which approvals must be obtained to carry out an activity, and the window during which an activity may be required to be undertaken. Not all projects will follow the same sequencing. Additional site or project specific approvals may apply. Map excludes some Australian Government approvals that may apply and excludes state and territory and local government approvals. Project proponents should engage with all regulators early to discuss consistency, timing and specific regulatory requirements for their project.

Common approvals

The following approvals are likely to be required for most cross-border electricity trade projects.

Foreign investment approval

Foreign investments in Australia, including business investments, generally require **approval** under the *Foreign Acquisitions and Takeovers Act 1975* (Foreign Acquisitions and Takeovers Act) before acquiring a substantial interest (generally at least 20%) in an Australian entity that is valued above the relevant monetary threshold. Approval may be given as a no objection notice for a particular transaction or as an exemption certificate for multiple proposed transactions.

Guidance on monetary thresholds is available on the Treasury's foreign investment website.

The Treasurer reviews foreign investment proposals on a risk-based and case-by-case basis to ensure they are not contrary to the national interest. If a proposal is determined to be contrary to the national interest, it will not be approved, or conditions will be applied to safeguard the national interest.

Unless an exemption applies, foreign persons must also notify the Register of Foreign Ownership of Australian Assets in relation to a range of actions involving Australian commercial, residential and agricultural land, water interests, business and entity related interests, and mining, production and exploration tenement assets (known as 'giving a register notice').

Applying for an approval

Submissions for **approval for foreign investments** in Australia other than residential property are submitted to the Treasury through the online Foreign Investment Portal.

The information required for submission as part of the application process will depend on the type of action/s relevant to the investor's proposed investment. As an example, an application for approval to acquire a substantial interest in an Australian entity requires information on the following:

- details of the target corporation in which an interest is being acquired, including location of operations
- details on the interest being acquired, including interest type, percentage, consideration value, asset value, total global assets and total issued securities value for the entity.

Each action relevant to the investor's proposed investment must be listed in a submission.

Application fees

A fee must be paid alongside an application for **foreign investment approval** at the time of application. A guidance note on fees is available from the Treasury's foreign investment website.

Registration of foreign ownership of an Australian asset is free.

Approval timeframes

Approval submission

If **foreign investment approval** is required for a cross-border electricity trade project, the Offshore Infrastructure Registrar advises that it should be obtained **prior** to applying for a transmission and infrastructure licence (TIL) under the *Offshore Electricity Infrastructure Act 2021*(OEI Act). Foreign investment approval should also be obtained prior to applying for a feasibility licence under the OEI Act, if applicable to the project.

Since foreign investment approval is a pre-requisite for a TIL, when considering timing for applying for foreign investment approval, investors should take into account the subsequent time required for obtaining a TIL (indicative 6 months) and an approved management plan (indicative 3 to 6 months) under the OEI Act. If a feasibility licence is also required, investors should take into account the subsequent time required for obtaining a feasibility licence (indicative 6 to 8 months). As such, foreign investment approval should be obtained prior to the TIL and, if applicable, feasibility licence submission early in the feasibility stage of a project or in the site selection stage.

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Confirmation of foreign investment approval should be submitted alongside the TIL and, if applicable, feasibility licence application.

Any foreign investment made after the granting of a TIL may also require foreign investment approval before the interest is acquired. This could occur during the feasibility, construction, operation or decommissioning stages of a project. Changes in control of a licence holder that occur after a TIL has been granted, whether as a result of foreign investment or otherwise, must be approved by the Offshore Infrastructure Registrar.

Processing timeframes

The statutory timeframe for making decisions on an application for **foreign investment approval** is 30 days. After making a decision, the Treasurer has an additional 10 days to notify an applicant of the decision.

In specified circumstances, the Treasurer may extend this period by up to a further 90 days by providing written notice to the applicant, and another 90 days by publishing an interim order.

Ongoing requirements

Asset registration

After foreign investment approval has been received and the investor has become the owner of the asset, foreign investors must **register the Australian asset** within 30 days of settlement, and update details if their situation changes using the Online services for foreign investors portal from the Australian Taxation Office (ATO).

The following information is required to register a business interest:

- the date the foreign person took ownership of the business interest
- whether the interest is a national security action (including national security land or a national security business)
- the foreign investment submission ID provided when making the foreign investment application
- key details of the target entity, including name, entity type, ABN or ACN, main business activity ANZSIC code, business location, and industry sector
- percentage of ownership
- consideration for the acquisition
- contact details for the entity or another person.

Foreign investment approval is subject to compliance reporting and may be subject to additional conditions specified in the no objection notification or exemption certificate. Specific reporting requirements will depend on the conditions of the approval.

Some examples of potential compliance reporting obligations include reporting when proposed actions or transactions occur; reporting on acquisitions made under an exemption certificate; reporting on tax compliance periodically; reporting on breaches of conditions; and reporting on remedial actions where a compliance issue has arisen.

Information on registration requirements is available on the Treasury's foreign investment website and the ATO website.

Further information

Further guidance on foreign investment in Australia is available from the Treasury's foreign investment website: Guidance.

Australian Marine Park authorisation

A **licence**, **class approval** or **lease** is required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to authorise installing structures and undertaking works in an Australian Marine Park including maintenance and works, dredging and disposal of dredge material excavation, and associated activities.

The Director of National Parks (DNP) decides whether to grant authorisations for activities in Australian Marine Parks, considering advice from Parks Australia within the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Applying for an approval

Applications for Australian Marine Park authorisations are submitted to Parks Australia in DCCEEW's Online Services portal.

As part of the application process for a **licence**, applicants must submit information on the following:

- start date and end date of activities
- a detailed description of activities, including purpose and objectives
- relevant maps, itineraries and accommodation details
- details on structure type, material, specifications and number of individual structures
- plans or approved drawings, if available
- details of vessels to be used, if available
- Differential Global Positioning System location of the structure
- justification for the structure being placed in a marine park and at this location, including discussion of alternative options considered
- description of how structure will operate, be maintained and decommissioned
- details of potential direct and indirect environmental impacts and risks of the activity on the values of the relevant marine parks
- details of plans to avoid or reduce impacts and risks
- details of consultation with First Nations peoples
- details of positive or negative socio-economic impacts and First Nations impacts
- details of other authorisations related to the activities
- applicant details
- evidence of public liability insurance to a minimum value of $20 million with an insurer licensed by the Australian Prudential Regulation Authority (APRA).

If a **class approval** applies to a proposed activity, proponents will have authorisation for their activity through this class approval and will not require an individual assessment and approval. Class approvals for installing structures and undertaking works in Australian Marine Parks have been issued for permit holders under the *Environment Protection (Sea Dumping) Act 1981* and approval holders under Part 9 of the EPBC Act. These class approvals apply to any proponent whose activity meets the relevant eligibility criteria. Further details are available on the Australian Marine Parks website.

A **lease** may be an available authorisation for a more complex or long-term proposal that does not meet the class approval eligibility criteria or requires exclusive use of a particular area. Under Australian Marine Park management plans made under the EPBC Act, the DNP has the authority to grant leases over land or seabed within Australian Marine Parks. Leases are typically used to provide security of tenure to support investment in infrastructure and grant exclusive possession of the area in which the activity will be conducted. Each lease application is assessed on a case-by-case basis, taking into account potential environmental impacts, consistency with management plans, and the values of the marine park.

Application fees

There are generally no fees associated with applying for an Australian Marine Park **authorisation**.

Approval timeframes

Approval submission

Authorisations to allow sustainable use of Australian Marine Parks under the EPBC Act should be considered early in the feasibility stage of a project.

The Offshore Infrastructure Regulator recommends that authorisation from the DNP should occur prior to applying for a transmission and infrastructure licence under the *Offshore Electricity Infrastructure Act 2021* (OEI Act), therefore timing to submit an application for a licence should consider timing for subsequent approvals required in the feasibility stage of a project under the OEI Act.

Pre-requisite approvals

The Offshore Infrastructure Regulator notes that Australian Marine Park **authorisations** from the DNP are generally issued after an EPBC Act approval.

Processing timeframes

There is no statutory timeframe for the processing of Australian Marine Park **authorisation** applications under the EPBC Act. However, applications are generally processed within 8 weeks.

Ongoing requirements

Australian Marine Park **authorisations** are subject to conditions, which must be upheld over the course of the project. Conditions may include a requirement for monitoring of the impacts of the activity.

Where authorisations are issued by the DNP, compliance measures should be included in the Offshore Electricity Infrastructure management plan under the OEI Act.

Further information

Further guidance on DNP authorisations for offshore infrastructure activities is available from the Offshore Infrastructure Regulator: Offshore renewables environmental approvals (PDF).

Sea dumping permit

A **sea dumping permit** is required under the *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act) to authorise the loading and deliberate disposal (i.e. 'dumping') of wastes or other matter into the sea, or the placement of artificial reefs, in accordance with Australia's international obligations under the London Protocol. This includes disposal of material that has been dredged or excavated to support the installation of a subsea cable system. If applicable, it may also include re-purposing supporting project infrastructure into artificial reefs at the end of the project's life, for the purpose of increasing or concentrating populations of marine plants and animals.

Requirements under the Sea Dumping Act apply to all vessels, aircraft and platforms in Australian waters and to all Australian vessels and aircraft within any part of the sea.

Under the Sea Dumping Act, Australian waters stretch from the low-water mark of the Australian shoreline out to 200 nautical miles (nm). It also includes any waters on the continental shelf of Australia where it extends past 200 nm. It does not include waters within the limits of a state or territory (for example, some bays, gulfs, rivers). Defining waters within the state limit can be complex, and discussions with the Sea Dumping Section of DCCEEW during early planning stages of a project are encouraged to assist with understanding these requirements.

The Minister for the Environment and Water, or their delegate, decides whether to grant sea dumping permits, considering advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Applying for an approval

Applications for **sea dumping permits** are submitted to DCCEEW by email or post using the relevant form for the material to be disposed, which can be downloaded from the DCCEEW website. DCCEEW recommends organising a pre-application meeting with its Sea Dumping Section prior to submitting an application to discuss the assessment process, timeframes, potential environmental impacts and mitigation measures.

If proposed sea dumping is intended to take place within the Great Barrier Reef Marine Park (GBRMP), sea dumping permit applications are made to the Great Barrier Reef Marine Park Authority (Reef Authority) by email instead of DCCEEW. It should be noted that disposal of capital dredge spoil material within the GBRMP is prohibited, and fish attracting devices and artificial reefs unless for intervention purposes will not be considered.

The application form for a permit to dispose of dredged or excavated material at sea can be downloaded from the DCCEEW website. While a sediment **Sampling and Analysis Plan (SAP)** is not required under the Sea Dumping Act as part of the application process, it is recommended. A sediment SAP is to be prepared in accordance with the National Assessment Guidelines for Dredging 2009 (PDF) (Dredging Guidelines).

If the permit application is for maintenance dredging for a multi-year period, then a **Long Term Monitoring and Management Plan (LTMMP)** must be submitted alongside the application. LTMMPs outline measures for management, mitigation and monitoring of impacts and must identify how the environment will be protected over the longer term in relation to maintenance dredging.

Applications for **permits to dispose dredged or excavated material** at sea should address matters in the Dredging Guidelines (PDF). These guidelines describe procedures to be followed in sampling, testing, and assessing the suitability of material to be disposed at sea and evaluating and monitoring disposal sites. Any specialist report required to fulfil these requirements should be attached to the permit application form.

Applications for **permits to place artificial reefs** in the sea should address the National artificial reef guidelines. Applications must detail and justify the intended method of preparation and placement . A **Placement Plan** and **LTMMP** must also be developed submitted alongside the application.

Application fees

There is a fee associated with applying for a **sea dumping permit**. Different fees apply to each sea dumping activity. Individual fees are detailed on the DCCEEW website. These same fees apply to applications for permits for sea dumping in the GBRMP.

Fees must be paid within 30 days of application submission, and assessment of the application will not start until fees are received. DCCEEW's Sea Dumping Section will advise what payment fee applies and provide the applicant with details for payment when an application is received.

Approval timeframes

Approval submission

Permits to undertake sea dumping under the Sea Dumping Act should be considered in the feasibility stage of a project prior to dredging in the construction stage, and late in the operations stage prior to potential dumping/abandonment in the decommissioning stage.

Permits for the placement of artificial reefs should be considered in the decommissioning stage if the project involves re-purposing supporting infrastructure into artificial reefs at the end of the project's life.

If proposed sea dumping is planned within, or may impact on, a Commonwealth Marine Reserve (also referred to as an Australian Marine Park), obtaining a **sea dumping permit** should be considered **prior to** applying for an **Australian Marine Park authorisation** under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to avoid unnecessary duplication of the approvals process.

Holders of a sea dumping permit under the Sea Dumping Act do not need to obtain a separate Australian Marine Park authorisation from Parks Australia within DCCEEW if the terms of the relevant Australian Marine Park class approval under the EPBC Act are met. A class approval is a general approval that covers specific activities, such as the disposal of dredged material, within designated zones of Australian Marine Parks. Class approvals apply to sea dumping in specified zones within all Australian Marine Parks, except for Indian Ocean Territories Marine Parks.

Where assessment is required under both the Sea Dumping Act and the EPBC Act, proponents should seek advice from DCCEEW to ensure the assessment processes are aligned as much as possible to avoid unnecessary duplication of the approvals process.

Processing timeframes

The statutory timeframe for processing **permit applications under the Sea Dumping Act** is 90 calendar days. However, further information may be requested from the applicant within the first 60 days of the assessment timeframe. The 90-day statutory timeframe then re-starts once the requested information is returned and assessed as adequate. For this reason, complex applications may take over 12 months to be assessed.

Ongoing requirements

Sea dumping permits to dispose of dredged or excavated material at sea or place an artificial reef are subject to a management and monitoring program for the relevant site throughout the project to control or mitigate impacts, in accordance with the LTMMP for the project.

Further information

Permit application forms and further guidance on sea dumping and artificial reef placement can be accessed from the DCCEEW website: Sea dumping.

Environment Protection and Biodiversity Conservation approval

Approval is required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for any project that may have an impact on any matters of national environmental significance, known as protected matters.

The Minister for the Environment and Water, or their delegate, decides whether to approve projects under the EPBC Act, considering advice and assessments undertaken by the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Applying for an approval

If a project may impact on a matter of national environmental significance, a **project referral** must be submitted to DCCEEW for assessment through the EPBC Act Business Portal.

Proponents can self-assess whether their project may impact matters of national environmental significance by using DCCEEW's Protected Matters Search Tool (PMST) to check which protected plants, animals, habitats or places are in the planned project area. Guidelines on whether the project is likely to have a significant impact on matters of national environmental significance under the EPBC Act are also available from the DCCEEW website. Any project with an impact in Commonwealth waters will require a whole-of-environment assessment.

After self-assessment, DCCEEW recommends arranging a pre-referral meeting with its EPBC referrals team to discuss the project and the assessment process.

If you are sure your project will not impact a protected matter, you may choose not to refer it. However, you must keep a copy of your self-assessment documents to send to DCCEEW if it asks for them.

The following information must be provided to support a project referral:

- a project map with a clear legend and date
- recent data and surveys from within 5 years
- details of public consultation undertaken or occurring, including with First Nations people and communities
- other reports and studies, for example, cultural heritage studies
- a recent report from the PMST.

An EPBC Act referral preparation guide (PDF) is available from DCCEEW for assistance.

Based on the referral, the Minister for the Environment and Water or their delegate will decide whether the project needs **approval** and, if the project does need approval, the level of assessment it requires.

A project may be assessed using different methods. Any additional information required for assessment will depend on the assessment method used.

If assessment is conducted by public environment report or by environmental impact statement, DCCEEW will develop guidelines which specify the information required. Assessment may also occur on referral information, on preliminary documentation, by public inquiry, or under a bilateral process whereby the project is assessed by the relevant State or Territory government on behalf of the Australian Government.

Application fees

Unless an exemption or waiver applies, a **referral** submission must be accompanied by a fee to be paid in the EPBC Act Business Portal.

Assessment fees also apply to projects that require **approval** and will be dependent on the assessment approach.

Details of fees under the EPBC Act are available from the DCCEEW website.

Approval timeframes

Approval submission

Referral under the EPBC Act **and subsequent assessment for approval**, if required, should be considered early in the feasibility stage of a project. The Offshore Infrastructure Regulator notes that approval under the EPBC Act for offshore projects, if required, generally occurs prior to any authorisations required from the Director of National Parks (DNP), and recommends obtaining EPBC Act approvals and authorisations from the DNP prior to applying for a transmission and infrastructure licence under the *Offshore Electricity Infrastructure Act 2021*. All of the abovementioned approvals should be obtained within the feasibility stage of a project.

Prior to submitting your referral, you will need to prepare supporting documents. DCCEEW recommends allowing up to 18 months if you need to collect information.

If your proposed project includes activity in the Great Barrier Reef Marine Park, a referral under the EPBC Act will also be deemed an application for permission for the activity under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If an EPBC referral decision is not a controlled action, the activity may still require a permission under the GBRMP Act, and you should contact the Great Barrier Reef Marine Park Authority (Reef Authority) to discuss.

Processing timeframes

The statutory timeframe for processing **referrals** under the EPBC Act is 20 business days. However, if additional information about the project is required for the referral, DCCEEW will 'stop the clock' on this timeframe while awaiting the additional information.

For actions that require **approval** and therefore need further assessment following referral, the statutory timeframe for an approval decision depends on the type of assessment being conducted and can be delayed by 'stop the clock' circumstances. For complex matters, the indicative timeframe for assessment is up to 3 years.

If a permit is required under the GBRMP Act, the Reef Authority cannot make a decision in relation to an EPBC referral deemed application involving an action unless the action has been determined by the Minister for the Environment and Water not to be a controlled action, or, if the action has been determined to be a controlled action, the action has been approved by the Minister for the Environment and Water.

Timing for submitting an EPBC Act referral should consider the subsequent time required for obtaining a GBRMP Act permit if required.

Ongoing requirements

Approved projects under the EPBC Act are subject to conditions, which must be upheld over the course of the project. As a condition of approval, submission of an **action management plan** may be required before the project can start. Conditions may also require periodic environmental audits and/or specified environmental monitoring or testing to be carried out.

Further information

Step-by-step guidance on referrals and environmental assessments under the EPBC Act is available from the DCCEEW website: Referrals and environmental assessments under the EPBC Act.

Additional guidance is available from the Offshore Infrastructure Regulator: Offshore renewables environmental approvals (PDF).

Transmission and infrastructure licence

A **transmission and infrastructure licence (TIL)** is required under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) to authorise the licence holder to assess the feasibility of, and to undertake, storing, transmitting or conveying electricity or a renewable energy product in or through the licence area.

The Minister for Climate Change and Energy decides whether to grant TILs, considering advice from the Offshore Infrastructure Registrar.

Applying for an approval

The Offshore Infrastructure Registrar recommends that applicants organise a pre-application meeting prior to submission if a **TIL** application.

The Offshore Infrastructure Registrar recommends that TIL applications are submitted online via the National Electronic Approvals Tracking System (NEATS) Secure Portal, however, additional approved submission methods can be found in the Approved Manner (PDF) on the Offshore Infrastructure Registrar's website.

As part of the application process, applicants must submit information on the following:

- applicant details including name, ASIC ACN/ARBN and contact details
- evidence that the applicant is an eligible person under the OEI Act
- evidence that foreign investment approval has been provided, if applicable to the project
- information on the proposed licence area including a detailed map, coordinates and shapefiles
- a description of the offshore infrastructure project
- evidence of application fee payment
- any other information or documents required by the approved form.

A **project development plan (PDP)**, at a maximum of 500 pages, will need to be submitted as an attachment. This should include a risk assessment outlining key issues that need to be resolved for a positive Final Investment Decision, construction and operations of the project and the technical complexities. It will also need to include a risk register in Excel format, project details in Excel format using the Offshore Infrastructure Registrar's Transmission and Infrastructure Licence Application Accompanying Information Template, project schedules in Gantt format or similar and supporting attachments such as technical and specialist reports/studies, CVs, letters of support/contracts/agreements, financial statements and figures/diagrams. Supporting attachments for the PDP do not have a maximum page limit.

The application will also need to include the proposed end day for the TIL and evidence of each of the TIL merit criteria, including details on technical and financial capability, project viability, eligible person suitability to hold a licence, and evidence that the proposed project is in the national interest.

Further guidance (PDF) on making valid TIL applications is available on the Offshore Infrastructure Registrar's website.

Application fees

A non-refundable application fee must be paid in full prior to submitting a **TIL** application. If an application is withdrawn by the applicant, or the application is refused by the Offshore Infrastructure Registrar, the application fee will not be refunded. The Offshore Infrastructure Registrar's website has information on application fees (PDF) and payment methods.

Approval timeframes

Approval submission

A **TIL** is required prior to undertaking feasibility assessment activities and/or storing, transmitting or conveying electricity or a renewable energy product in or through the licence area. As such, a TIL should be obtained in the feasibility stage of a project.

Following the granting of a TIL, a management plan must be approved by the Offshore Infrastructure Regulator prior to commencing offshore infrastructure activities. The management plan approval will also occur in the feasibility stage of a project.

Timing for submitting a TIL should consider the subsequent time (indicative 3 to 6 months) required for obtaining an approved management plan.

Pre-requisite approvals

If **foreign investment approval** is required for the project, the Offshore Infrastructure Registrar advises that it should be **obtained prior to** applying for a **TIL**. Confirmation of foreign investment approval should be submitted alongside the TIL application, as the Minister for Climate Change and Energy will not make a decision on the licence while a foreign investment decision is pending.

The Offshore Infrastructure Regulator recommends that applicants seeking a TIL **meet requirements under the** *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) **prior to** applying for a **TIL**. This will involve referring the project as a proposed action for assessment and seeking environmental approval if required. The indicative timeframe for this process is 3 years.

Following EPBC Act approval, applicants are encouraged to **engage with Parks Australia prior to** applying for a **TIL** to determine whether the proposed project intersects with Australian Marine Parks and requires authorisation from the Director of National Parks (DNP). The Offshore Infrastructure Regulator advises that **evidence of DNP authorisation may be required prior to** submitting a **TIL** application and the Minister for Climate Change and Energy may not make a decision on the licence while a DNP decision is pending.

If the TIL is to supply electricity or a renewable energy product generated from an offshore infrastructure project under an associated commercial licence under the OEI Act, it is recommended a **feasibility licence under the OEI Act is granted** to the proposed commercial offshore infrastructure project **prior to** applying for a **TIL.**

In assessing the TIL application, the Offshore Infrastructure Registrar will consider the applicant's stakeholder engagement framework, understanding of relevant stakeholders for the proposed project, and plans to investigate, manage and resolve any risks or concerns.

Processing timeframes

There is no statutory timeframe for processing an application for a **TIL** under the OEI Act. However, the indicative timeframe for assessing a TIL application is 6 months.

Ongoing requirements

A **TIL** authorises the licence holder to construct, install, commission, operate, maintain and decommission offshore renewable energy infrastructure or offshore electricity transmission infrastructure in the licence area, so long as:

- the licence holder has submitted a **design notification** and obtained an approved **management plan** for the licence from the Offshore Infrastructure Regulator
- activities are carried out in accordance with the management plan and the conditions of the licence
- the licence holder provides the required **financial security** to the representative of the Commonwealth.

Cross-border electricity trade regulatory approvals

Conditions of the licence may include payments, ongoing requirements to meet merit criteria and eligible persons requirements, and regulated reporting requirements.

Licence holders must submit **annual reports** to the Offshore Infrastructure Registrar over the course of the term of the TIL, providing details on ongoing compliance with the merit criteria. Licence holders are also required to report specified events in relation to the TIL to the Offshore Infrastructure Regulator as soon as practicable after the event occurs.

Further information

Further guidance on TILs is available from the Offshore Infrastructure Registrar: Guideline: Offshore Electricity Infrastructure Licence Administration – Feasibility Licences and Transmission & Infrastructure Licences (PDF).

Offshore electricity infrastructure management plan, associated requirements

An approved **management plan** is required under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) to authorise the holder of a licence under the OEI Act, including a transmission and infrastructure licence (TIL), to carry out activities under the licence.

The Offshore Infrastructure Regulator decides whether to approve management plans.

Applying for an approval

Management plans are submitted to the Offshore Infrastructure Regulator for approval.

A management plan must address the following:

- how the licence holder is to carry out activities and operations under the licence
- stakeholder engagement and consultation outcomes
- compliance with licence conditions
- environmental management, including compliance with any obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in relation to licence activities
- maintenance of licence infrastructure
- plans for decommissioning and removing licence infrastructure and equipment
- emergency management
- compliance with requirements for financial security
- record-keeping requirements
- work health and safety.

As part of preparing a management plan, licence holders must undertake **consultation** with specified stakeholders and detail the outcome of that consultation within the management plan.

Licence holders must consult the following stakeholders, as applicable:

- each Australian Government, State or Territory Department, agency or authority that has functions that relate to the activities under the licence
- First Nations people, groups or organisations that may have native title rights and interests or be parties to agreements related to native title rights in or around the licence area
- First Nations organisations established under Australian Government, State or Territory legislation that may have functions related to managing land or water in or around the licence area for the benefit of Aboriginal or Torres Strait Islander people
- any other licence holders under the OEI Act, where relevant to the licence area
- people or organisations that may carry out commercial activities in or around the licence area under a licence or permit issued under Australian Government or State or Territory legislation.
- nearby communities that may be directly affected by licence activities
- any organisation representing recreational fishers whose activities may be directly affected by licence activities

Licence holders must also consult workers whose health or safety might be directly affected by licence activities, or, if there are no such workers at the time consultation is required, each union reasonably likely to represent the industrial interests of those workers. However, this consultation does not need to be documented in the management plan.

Application fees

There is a fee associated with applying for a management plan, which becomes due and payable when an application is made to the Offshore Infrastructure Regulator. Payment can be made to the Offshore Infrastructure Regulator via bank transfer using the details provided on the Offshore Infrastructure Regulator's website.

Application fees are non-refundable. If an application is withdrawn by the applicant, or the application is refused by the Offshore Infrastructure Regulator, the application fee will not be refunded.

Approval timeframes

Approval submission

Submission of a management plan for initial approval must occur after a TIL has been obtained, in the feasibility stage of a project.

Licence activities under a TIL cannot be carried out until a management plan for the TIL is approved, even if other approvals, such as EPBC Act approvals, have been obtained.

Pre-requisite approvals

A management plan under the OEI Act must reflect the licenced activities to be undertaken under the OEI Act. Therefore, the OEI licence, as well as approvals required to obtain the OEI licence, must be obtained prior to submission of a management plan for approval.

The Offshore Infrastructure Regulator recommends that EPBC Act and Australian Marine Park requirements are also met prior to applying for a TIL.

If required for the project, environmental approvals and obligations under the EPBC Act must be addressed in the plan.

In addition, relevant work health and safety obligations under the applied provisions of the *Work Health and Safety Act 2011* must be addressed in the plan.

A licence holder must have submitted a **design notification** to the Offshore Infrastructure Regulator in relation to the design of licence infrastructure, and must not apply for approval of a management plan that involves construction and installation of transmission infrastructure until the Offshore Infrastructure Regulator has provided feedback on the design notification in the form of a regulatory advice statement.

In addition, consultation with applicable stakeholders in accordance with the OEI Act framework must be undertaken prior to the submission of a management plan so that consultation outcomes can be addressed within the plan.

Processing timeframes

The Offshore Infrastructure Regulator must make a decision within 60 days from the date of the submission of a management plan to determine whether it meets the criteria for approval. The decision period may be extended as a result of interim decisions, such as requests for further written information or a request to amend and resubmit.

Ongoing requirements

The management plan for a TIL must be revised every 5 years to address different project stages and activities. A plan revision approval application must be submitted to the Offshore Infrastructure Regulator each time the management plan is revised. Management plans must also be revised and submitted for approval if the licence activities change significantly or other significant changes are made to matters outlined within the management plan.

The Offshore Infrastructure Regulator will monitor and enforce compliance against relevant requirements and obligations as described in the management plan and in accordance with relevant legislation.

The licence holder may also wish to **apply for a safety and/or protection zone to be established** in and around their offshore infrastructure project to protect the safety of workers and to protect infrastructure from damage. Further information about safety and protection zones is available on the Offshore Infrastructure Regulator's website.

Financial security

Under the OEI Act, the holder of a licence for which there is a management plan must provide the Australian Government with financial security for the duration of the licence. The amount of financial security must be sufficient for the Australian Government to pay any costs, expenses and liabilities that may arise in relation to the decommissioning of infrastructure, removal of equipment and property, remediation of areas affected by licence activities, emergencies and unexpected circumstances.

Financial security must be maintained for the life of the licence and the management plan will need to set out adjustments to the financial security to suit the changing profile of the activities and infrastructure over time. Further information on financial security for offshore infrastructure (PDF) is available on the Offshore Infrastructure Regulator's website.

Further information

Further guidance on management plans and design notifications is available on the Offshore Infrastructure Regulator's website: Regulatory guidance.

Work health and safety authorisations and plans

The *Offshore Electricity Infrastructure Act 2021* (OEI Act) framework applies the *Work Health and Safety Act 2011* (WHS Act) and the Work Health and Safety Regulations 2011 through modified application. At all times a licence holder under the OEI Act will be the person conducting a business or undertaking (PCBU) in relation to work health and safety (WHS) requirements. Contractors engaged for the project will require applicable WHS authorisations.

Under the applied WHS provisions, licence holders under the OEI Act framework must obtain relevant **high risk work licences**, **register plant** and **plant designs, and** have an **emergency plan** and **WHS management plan** before conducting offshore infrastructure activities in a Commonwealth offshore area.

The Offshore Infrastructure Regulator decides whether to approve a **high risk work licence and plant registration** under the applied WHS provisions of the OEI Act framework.

There is no formal approval process for an **emergency plan** or **WHS management plan** beyond the own review and maintenance of a PCBU.

Applying for an approval and preparing plans

Approval application

Applications for approval of a high risk work licence and plant registration under the applied WHS provisions of the OEI Act framework are submitted to the Offshore Infrastructure Regulator using its online application portal.

Individuals engaging in offshore activities involving high risk work must hold a **licence** for the relevant class of high risk work including scaffolding, dogging and rigging, and operation of cranes and hoists, forklifts or pressure equipment.

Plant registration is required for some items of plant and plant design including pressure equipment, tower cranes and prefabricated scaffolding. Applications for registration will need to include information on PCBU details, plant type and manufacture details if applicable.

Application fees

Fees apply to assessments and applications for a **high risk work licence** and **plant registration** under the applied WHS provisions of the OEI Act framework. The Offshore Infrastructure Regulator regulatory fees and levies policy (PDF) outlines the WHS relevant fees. The preferred payment method is bank transfer using the details provided on the Offshore Infrastructure Regulator website.

Plan preparation

A PCBU must prepare, maintain and implement an **emergency plan** for the workplace of the offshore infrastructure activities.

An emergency plan must provide for emergency procedures including an effective response to an emergency; evacuation procedures; notification of emergency service organisations; medical treatment and assistance; effective communication; emergency procedures testing; and information, training and instruction to relevant workers in relation to implementing the emergency procedures.

A written **WHS management plan** must be prepared for a construction project as part of offshore infrastructure activities prior to the commencement of work.

The WHS management plan must include details of persons with specific WHS responsibilities for the project; arrangements for managing any WHS incidents; WHS rules and communication; and assessment, monitoring and review of safe work method statements.

Approval and plan timeframes

Approval submission

High risk work licences will be required for individual workers prior to construction, in the feasibility stage of a project. High risk work licences also last for 5 years, which may be a consideration in terms of optimising submission timing.

Likewise, if applicable to the project, **plant registration** will also be required prior to construction, during the feasibility stage. The 5-year term of plant registration may be a factor in optimising submission timing.

Plan preparation

An **emergency plan** and **WHS management plan** will need to be prepared after the management plan is approved, during the feasibility stage of a project.

Processing timeframes

The statutory timeframe for making a decision on granting a **high risk work licence** is within 120 days of receipt of the application.

The statutory timeframe for making a decision on granting **plant registration** is also within 120 days of receipt of the application.

There is no formal approval process for an **emergency plan** or **WHS management plan** beyond the own review and maintenance of a person conducting a business or undertaking (PCBU).

Ongoing requirements

A **high risk work licence** expires within 5 years and an application for licence renewal must be made within 12 months of expiry if the licence is required beyond this time.

A **plant registration** expires within 5 years and an application for licence renewal must be made prior to expiry if the registration is required beyond this time.

An **emergency plan** for a workplace must be maintained to remain effective.

A **WHS management plan** must be reviewed and revised as necessary to remain up-to-date. A copy of the WHS management plan must be kept until the project to which it is related is completed.

Further information

Further guidance on WHS authorisations and plans in relation to offshore infrastructure activities is available from the Offshore Infrastructure Regulator website: Regulatory guidance.

Fisheries stakeholders consultation

Licence holders under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) must **consult with fisheries stakeholders** in and around the project area in order to fulfil requirements for an **offshore electricity infrastructure management plan** under the OEI Act.

The Australian Fisheries Management Authority (AFMA) is responsible for implementing efficient fisheries management on behalf of the Australian Government and ensuring accountability to the fishing industry and the community in its management of fisheries resources, under the *Fisheries Management Act 1991* (Fisheries Management Act).

A map of the location of fisheries is available on the AFMA website.

AFMA can provide the contact details of individual holders of Commonwealth statutory fishing rights, fishing permits and high seas permits to offshore energy project proponents to enable proponents to undertake consultation about the impact of their project on fishing activities near the project area.

Applying to access fisheries stakeholder contact details

Project proponents may apply to access the contact details of those with fishing permits and statutory fishing rights by contacting AFMA by phone. If approved, proponents will need to enter into a deed of confidentiality covering the disclosure of the information. Proponents can also access the details of fishing industry association contacts from the AFMA website.

Consultation timeframes

Consultation with people or organisations that carry out commercial activities in or around the OEI licence area under a licence or permit issued under Australian Government or State or Territory legislation is a statutory requirement under the OEI Act as **part of preparing a management plan for a transmission and infrastructure licence (TIL)**. It is also a statutory requirement under the OEI Act for management plans to address the outcomes of consultation. Therefore, consultation with people or organisations with Commonwealth statutory fishing rights and permits must occur prior to the submission of a management plan for approval, starting from the site selection stage of a project.

Ongoing requirements

There is a requirement for the **management plan for a TIL** under the OEI Act to be revised and approved every 5 years to address different project stages and activities. Therefore, **ongoing consultation** with those with Commonwealth statutory fishing rights and permits, and other stakeholders, will be a requirement throughout the project alongside these revisions.

Consultation with fisheries will also be required wherever the management plan is revised to reflect a significant change in licence activities or other matters outlined within the management plan at any stage in the project.

Further information

Further guidance on the responsibilities of proponents in relation to fisheries is available from the Offshore Infrastructure Regulator: Offshore renewables and interactions with fisheries (PDF).

Native title engagement, compliance and agreement

Negotiation and agreement making with native title parties may be required under the *Native Title Act 1993* (Native Title Act) to authorise proposals to deal with land and waters in a way that affects native title rights and interests, known as future acts. The Native Title Act sets out the procedures that must be followed before a future act can be validly done. These procedures depend on the nature of the act.

The granting of a licence under the *Offshore Electricity Infrastructure Act 2021* (OEI Act), including a transmission and infrastructure Licence (TIL), may be considered a future act and may be subject to procedural rights that may include negotiation and agreement making under the Native Title Act. However, the National Native Title Tribunal (NNTT) recommends that legal advice should be obtained at an early stage.

One possible pathway for agreement making under the Native Title Act is an **Indigenous Land Use Agreement (ILUA)**.

The NNTT is responsible for registering ILUAs and can undertake a preliminary assessment of an application for registration of an ILUA before it is lodged. The NNTT can also assist with agreement making and mapping.

Applying for an approval

Proponents may negotiate an **ILUA** with native title parties. An ILUA is a formal agreement with native title parties about the use and management of land, waters and/or airspace to the extent that a future act affects native title rights and interests.

Applications to register an ILUA are submitted to the NNTT by email using the appropriate application form on the NNTT website.

There are different types of ILUA:

- a body corporate ILUA is made where there is one or more registered native title body corporate (RNTBC) for the entire agreement area, except for any part of the agreement area where native title has been extinguished or determined not to exist
- an area agreement ILUA is made where there is no RNTBC for the entire agreement area.

Depending on the type of ILUA, information on the following may be required as part of the application for registration:

- the parties to the agreement
- map and description of the agreement area
- map and description of the surrender area, if any
- signed statement from the parties that the application can be made
- location of particular statements in the agreement
- certification/authorisation statement
- extract from Register of Native Title Claims
- determination of native title or National Native Title Register extract
- certificate under the Native Title (Prescribed Body Corporate) Regulations 1999.

Application fees

There are no fees associated with **ILUA** registration applications.

Approval timeframes

Approval submission

The Australian Government recommends that **engagement** with First Nations peoples and communities, including native title holders and claimants, should occur as early in the project feasibility stage as possible.

Negotiations for an **ILUA** can start at any time before or after a proponent has applied for a TIL.

Details of consultation with First Nations people and communities must be provided as **part of** the submission process for **an environmental referral** under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Furthermore, it is a statutory requirement for licence holders under the OEI Act to undertake **consultation with native title holders prior to** applying for approval of an **offshore electricity infrastructure management plan**, as the management plan must include a description of the process used to identify consultees, a list of persons, organisations, communities and groups consulted and a report on the outcomes of this consultation.

Therefore, timing to commence engagement with First Nations peoples and communities, including native title holders and claimants, should also consider timing required for approvals under the EPBC Act and OEI Act.

Processing timeframes

There are no set timeframes for the **ILUA** negotiations process. However, the NNTT takes a minimum of 6 months to process an application to register an ILUA. Once registered, ILUAs become legally binding.

Ongoing requirements

It is best practice for proponents to continue to **engage** with native title parties on an ongoing basis throughout the project life cycle to maintain positive working relationships.

Further information

Further guidance on ILUAs is available from the NNTT website: About Indigenous Land Use Agreements (ILUAs).

Underwater cultural heritage permit

An **underwater cultural heritage (UCH) permit** is required under the *Underwater Cultural Heritage Act 2018* (UCH Act), to authorise entering into a protected zone containing protected UCH or engaging in conduct likely to have an adverse impact on protected UCH.

The Minister for the Environment and Water, or their delegate, decides whether to grant UCH permits, considering advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) or a relevant State or Northern Territory agency.

Applying for an approval

Applications for **UCH permits** are submitted to DCCEEW online through the Australasian Underwater Cultural Heritage Database.

A **desktop UCH assessment** is required to determine the extent to which an offshore project will impact UCH or UCH protected zones. The desktop assessment should be undertaken by a suitably qualified and experienced underwater archaeologist.

While **community consultation** is not a requirement under the UCH Act, it is strongly encouraged to ensure appropriate management, particularly where the heritage value of Aboriginal and Torres Strait Islander UCH is to be established, or the heritage includes shipwrecks involving loss of life and shipwrecks of foreign sovereign vessels in Australian waters.

Where low or negligible impacts can be demonstrated, a sound **Unexpected Finds Protocol (UFP)** may be sufficient to meet the requirements of the UCH Act. UFPs outline processes to follow when unexpected UCH finds are encountered through the course of the project to ensure potential impacts are mitigated. UFPs can be a stand-alone document (in cases where there are no impacts identified) or incorporated into site or project-specific management plans.

A **UCH Impact Assessment** may be required if potential impacts to UCH are identified.

Further studies may be required to ensure that potential risks and impacts to UCH are identified and adequately addressed.

If impacts on UCH cannot be avoided, then an **UCH management plan** will need to be prepared alongside permit documentation. Actions conducted under a permit must be reported on in the format detailed within the permit.

Application fees

There are no fees when applying for an **UCH permit**.

Approval timeframes

Approval submission

It is strongly recommended to commence an **UCH assessment** early in a project's feasibility stage.

Processing timeframes

There are no statutory timeframes for processing **UCH permits**, therefore the following timeframes are indicative. Permits to access a protected zone are processed within a minimum of 10 days from the date of submission and permits proposing to impact UCH are processed within a longer timeframe depending on the factors that need to be considered.

Ongoing requirements

If archaeological UCH is identified and assessed as being at risk of impact by the project, the proponent must undertake all adequate measures to avoid and/or protect it for the lifetime of the project including managing residual impacts. These measures are to be included in the **UCH management plan** and may include monitoring, UCH inductions for staff, implementation of a **UFP and/or archaeological investigations** through the construction phase, and site-specific management policies in the operation, maintenance and decommissioning stages of the project.

Requirements under the UCH Act still apply once a project has been approved. These requirements include, but are not limited to, not entering a UCH protected zone or adversely impacting UCH without a permit, and notifying the discovery of UCH within 21 days of the discovery.

Further information

Further guidance on the responsibilities of proponents in relation to UCH is available from DCCEEW: Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (PDF).

Australian Industry Participation plan

An approved **Australian Industry Participation (AIP) plan** is required under the *Australian Jobs Act 2013* (Jobs Act) for projects with a capital expenditure of $500 million or more that involve the establishment or upgrade of eligible facilities.

The AIP Authority, within the Department of Industry, Science and Resources, is responsible for assessing and approving AIP plans.

Applying for an approval

Before a draft AIP plan can be submitted, a completed **AIP notification form** must first be provided to the AIP Authority by email using the form available on the AIP website.

AIP notification forms must include information on the following:

- proponent details
- project name and location
- project estimated capital expenditure
- project type and description
- details on the project's trigger date, corresponding with the earliest trigger event for the project.

After receiving a completed notification form, the AIP Authority will confirm the project's trigger date, which is the final date by which a project must have an AIP plan approved by the AIP Authority. The AIP Authority will provide a SmartForm link to be used to prepare a **draft AIP plan** for submission at least 90 calendar days before the agreed trigger date.

Draft AIP plans must include information on the following for the project phase and the operations phase for new facilities:

- project details
- indicative key goods and services to be acquired
- supplier information, including project contact details for supplier inquiries, and websites for publication of supplier opportunities
- actions to be undertaken to:
- develop an understanding of Australian industry capability before approaching the market for key goods and services
- communicate and raise awareness of opportunities for Australian suppliers
- provide feedback for unsuccessful bidders
- assist Australian suppliers with capability development and integration into global supply chains.

Application fees

There is no fee associated with developing and submitting an **AIP plan** to the AIP Authority.

Approval timeframes

Approval submission

The **AIP notification form** must be submitted within 60 days of the earliest of the following preliminary trigger events, which is likely to occur early in the feasibility stage of a project:

- the project concept design begins
- a project proponent starts an environmental assessment

- a project proponent enters into a contract with another person to carry out an environmental assessment of the project
- the raw materials for the project are estimated
- the utility consumption for the project is estimated.

At any other time you become aware your project may have a capital expenditure of $500 million or more and involve the establishment or upgrade of an eligible facility, you must notify the AIP Authority within 14 days. This could occur during any stage of a project.

The time at which proponents must submit their **draft AIP plan** (90 days prior to the project's trigger date) is likely to take place in the feasibility stage of a project.

Processing timeframes

It is a statutory requirement for the AIP Authority to take all reasonable steps to make a decision on a **draft AIP plan** within 30 days of receipt.

Ongoing requirements

After an AIP plan is approved, a **compliance report** must be submitted to the AIP Authority every 6 months for the period of the project phase, followed by every 6 months for the first 2 years of the operations phase (if the project is constructing a new facility).

Compliance reports must provide an update on the project for that period, including details of Australian entity participation in the supply of key goods or services and steps taken by the proponent/operator to ensure compliance with the Jobs Act, along with supporting evidence.

AIP plan exceptions

To reduce regulatory burden and duplication, if a major project has, or will have, a compliant state or territory local industry participation plan applied, an AIP plan will not be required. Proponents should contact the AIP Authority by email to discuss the requirements and process for gaining an AIP plan exception.

Further information

Further guidance on preparing AIP plans is available from the AIP website: Develop and submit your AIP plan.

Renewable Electricity Guarantee of Origin certificates

The Guarantee of Origin (GO) scheme is legislated under the *Future Made in Australia (Guarantee of Origin) Act 2024* (GO Act). The GO scheme will provide a voluntary framework for emissions accounting of products and the certification of renewable electricity. It is expected that the scheme will commence in late 2025.

The renewable electricity Guarantee of Origin (REGO) part of the GO scheme will provide the mechanism by which electricity is certified as renewable.

REGO certificates will be able to be created for all renewable electricity in Australia, including electricity from existing or new generation facilities, electricity dispatched from energy storage facilities, aggregated generation and energy storage systems (once rules are legislated), and electricity exported overseas.

Renewable electricity providers that wish to participate in the REGO part of the GO scheme must **register themselves and their facilities** to gain eligibility to create REGO certificates for eligible generation.

The Clean Energy Regulator (CER) administers the GO scheme, decides whether to approve an application for registration as a renewable electricity facility, and also decides whether to register REGO certificates on the Guarantee of Origin Register (GO Register).

Applying for renewable electricity facility registration and REGO certificates

Applications for **registration** of a renewable electricity facility are submitted to the CER.

Information on the following must be provided to register a facility as a renewable electricity facility:

- the registered person
- the location of the facility
- the commissioning date of the facility
- the electricity network to which the facility is connected
- the components making up the facility
- each person who owns and operates each facility component
- whether the facility, or a facility component, generated or contributed to the generation of electricity before 1 January 1997
- how electricity that is generated, stored, consumed, lost, or dispatched by the facility is measured
- how energy sources are measured
- how any other inputs are measured
- if the facility is an energy storage system, information about a direct supply relationship
- if the facility is an electricity generation system or an aggregated system, information on each energy source for electricity generated by the facility.
- any other information as prescribed by the rules.

The eligible registered person for a registered renewable electricity facility may create REGO certificates in relation to the electricity produced by that renewable electricity facility.

Each **REGO certificate** must state the following:

- details of the eligible registered person
- the facility's identifier
- the location of the facility
- the commissioning date of the facility

- the electricity network to which the facility is connected
- the time period or the calendar month relevant to the electricity production
- that the certificate represents 1 megawatt hour of renewable electricity
- the date the certificate was created
- any other information as prescribed by the rules.

The CER must verify that the information used in creating REGO certificates is correct before registering the REGO certificates, at which point the certificates will be visible on the GO Register.

Application fees

Application fee details are not yet available. Public consultation on GO cost recovery arrangements was conducted in July 2025 and is available on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) website. Proposed cost recovery arrangements will be published on the CER website prior to GO scheme commencement.

Registration and REGO certificate timeframes

Registration submission

Registration of a renewable electricity facility is required to enable REGO certificates to be created. This will be able to occur when the facility's generation or storage details and its electricity network connection have been confirmed, likely in the later end of the construction phase of a project.

As **REGO certificates** are created after a renewable electricity facility is generating electricity, the REGO certificates creation process will form part of the operational stage of a project.

Processing timeframes

There is no statutory timeframe for processing an application for **registration** as a renewable electricity facility, or for registration of a **REGO certificate**.

Ongoing requirements

The eligible registered person for a registered renewable electricity facility must report specified events to the CER, including:

- if a component is added to, or removed from, the facility
- if the facility ceases to comply with a requirement prescribed by a measurement standard
- if the facility starts to generate electricity from another eligible renewable energy source
- if the facility becomes subject to, or ceases to be subject to a related scheme (including the Renewable Energy Target scheme and any scheme listed in the GO scheme Rules)
- any contravention of Commonwealth, State, Territory or local government planning and approval requirements in relation to the facility.

Further information

The GO scheme is expected to commence in late 2025. Further information is available on the CER website.

National Greenhouse and Energy Reporting scheme registration and reporting

Controlling corporations with a facility that emits 25 kilotonnes or more of carbon dioxide or consumes or produces 100 terajoules or more of energy in a financial year, or multiple facilities that together emit 50 kilotonnes or more of carbon dioxide or consume or produce 200 terajoules or more of energy in a financial year, must **register for and report** under the National Greenhouse and Energy Reporting (NGER) scheme, under the *National Greenhouse and Energy Reporting Act 2007* (NGER Act).

A controlling corporation is a constitutional corporation (foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth) that does not have a holding company incorporated in Australia.

The Clean Energy Regulator (CER) is responsible for processing registration applications and reports under the NGER scheme.

Applying for registration

Applications to be **registered** under the NGER Scheme are submitted to the CER in the CER's online services portal. Controlling corporations are not required to re-register for each reporting year and will remain registered until the CER has approved an application for deregistration or the corporation has ceased to exist.

As part of the registration process, applicants must submit information on the following:

- corporation name and identifying details including ABN, corporation type and address
- whether the corporation is a foreign corporation
- details of a contact person and details of the organisation's executive officer who will sign the declaration for the registration application
- the financial year in relation to which the application is being made
- details for each affected group entity of the controlling corporation's group.

Application fees

There is no application fee associated with **registering** for the NGER scheme.

Registration timeframes

Registration submission

A corporation should apply for registration under the NGER Act where it has met, or is likely to meet, the threshold for carbon dioxide emission or energy consumption or production. Registrations must be completed by 31 August following the financial year a threshold was first met.

As NGER registration is required by 31 August following the financial year a project first met the threshold for energy consumption or production, it will need to be considered during the operation stage of a project. Yearly **reporting** obligations will then continue over the course of project operations.

Processing timeframes

There is no statutory timeframe for processing an application for **registration** under the NGER Act.

Ongoing Requirements

Once **registered**, corporations will be granted access to the CER's Emissions and Energy Reporting System (EERS) through online services. Registered reporters under the NGER scheme must use EERS to submit **reports** on greenhouse gas emissions, energy production and energy consumption every financial year until deregistered. Reports must be submitted by 31 October each year.

Further information

Further guidance on registration and reporting obligations under the NGER scheme is available on the CER website: National Greenhouse and Energy Reporting Scheme.

Working and/or maritime crew visas and sponsorship approval

An **appropriate visa** is required for workers who are not Australian citizens to enter and work in the country, and employers wishing to sponsor overseas workers require **approval as a sponsor** under the *Migration Act 1958* (Migration Act).

Approval is required for projects experiencing skilled labour shortages and seeking to sponsor skilled overseas workers to come to Australia to fill specific roles. Additionally, **maritime crew visas** are required for each overseas maritime crew member for projects that involve overseas maritime crew arriving in Australia by sea. Maritime crew visas may be used by shipping companies engaged for importation of cargo necessary for the project.

The Minister responsible for the Immigration portfolio, or their delegate, decides whether to grant visas and whether to approve work sponsors, considering advice from the Department of Home Affairs.

Applying for an approval

Applications for **working visas, maritime crew visas and sponsorship approvals** are submitted to the Department of Home Affairs using the ImmiAccount online services portal.

The specific process and information required to apply to **sponsor a skilled worker** will depend on the chosen visa option associated with the sponsorship.

Generally, as part of the application process to sponsor a skilled worker, employers will need to provide the following:

- evidence of labour market testing to demonstrate that a person in Australia could not be found to fill the vacancy
- confirmation that the occupation for which you wish to sponsor a worker is on the list of eligible skilled occupations
- documents that prove your business is legally established and currently operating
- details of the worker chosen to fill the skilled position
- a skills assessment of the skilled worker, if required.

As part of the application for a **maritime crew visa**, applicants must provide the following:

- personal details and evidence of identity including passport details
- employment details
- character declaration.

Application fees

There are application fees for most **visas**. Details of the fees for each visa are available on the Department of Home Affairs website.

A fee is payable when applying to become an **approved sponsor** under the skills in demand visa program and when nominating a visa applicant for the skills in demand visa. The Skilling Australians Fund levy must also be paid when lodging a sponsorship application. Details of specific fees are available on the Department of Home Affairs website.

Payment can be made online using the ImmiAccount online services portal.

Approval timeframes

Approval submission

The project stage at which **sponsorship approval and/or maritime visa crews** are required will depend on the project stage at which overseas workers begin work, if required for the project. This could occur at any stage of a project.

A sponsorship approval generally lasts for a five year period which may be a consideration in terms of optimising submission timing.

Some skilled sponsored worker visas have limited lengths, which may be a consideration in terms of optimising submission timing.

Pre-requisite approvals

A **sponsorship approval** application requires evidence that the applicant's business is legally established and currently operating. Therefore, if you require foreign investment approval for a business investment, this must be obtained, and the business must be legally established and operating prior to applying for approval as a skilled worker sponsor.

Processing timeframes

There is no statutory timeframe for processing an application for a **sponsorship approval** under the Migration Act.

Application processing timeframes vary depending on the type of visa, and the type of **visa associated with sponsorship**. Applications are assessed on a case-by-case basis. Visa processing times are updated regularly on the Department of Home Affairs website.

There is no statutory timeframe for the processing of applications for temporary skilled visas and their associated visa nomination application, however the median processing time for processing applications as at October 2025 was 47 days.

For skills in demand visas, there is a 7-business-day median processing time for the specialist skills stream and a 21-business-day median processing time for the core skills stream.

For skilled employer sponsored regional (provisional) visas, 90% of applications are processed within 9 months.

There is no statutory timeframe for the processing of applications for **maritime crew visas**, however 90% of applications are processed within 1 day.

Ongoing requirements

Ongoing requirements apply to **standard business and accredited sponsors**. Each type of sponsor must report specified events and changes relevant to their business and the person they are sponsoring to the Department of Home Affairs, as well as maintaining records to show compliance with sponsorship obligations. Additional information is available from the Department of Home Affairs on sponsorship obligations for standard business sponsors, with the same obligations applying to accredited sponsors.

A sponsorship approval is valid for 5 years from the date of approval. If overseas workers will be working on the project beyond this period, a new application for sponsorship approval will be required.

Further information

Further guidance on different types of working visas and sponsorships is available from the Department of Home Affairs website: Employing overseas workers.

Seafarer, maritime labour, maritime safety, pollution and tonnage certificates

Australian ships must obtain the relevant seafarer, maritime labour, maritime safety, pollution and tonnage certificates that apply to the vessel and its intended operations under the *Navigation Act 2012* (Navigation Act), prior to taking the ship to sea.

The performance of seafarer duties or functions on a regulated Australian vessel (RAV) requires the corresponding type of **seafarer certificate**. A vessel will generally be considered an RAV if it is an Australian ship intending to travel in waters outside the limits of Australia's exclusive economic zone.

Seafarer certificates are as follows:

- certificate of competency as master or deck officer
- certificate of competency as master or deck officer for a yacht
- certificate of competency as engineer officer
- certificate of proficiency as rating
- GMDSS radio operator certificate
- certificate of proficiency as marine cook
- certificate of safety training.

The Australian Maritime Safety Authority (AMSA) is responsible for issuing seafarer certificates under the Navigation Act.

A **maritime labour certificate (MLC)** and accompanying **declaration of maritime labour compliance** is required to take an RAV to sea if the RAV is over 500 gross tonnage, to demonstrate that the vessel complies with the Maritime Labour Convention.

An RAV or foreign vessel must hold the **safety certificates** that apply to the vessel prior to taking the vessel to sea.

Safety certificates are as follows:

- passenger ship safety certificate
- cargo ship safety construction certificate
- cargo ship safety equipment certificate
- cargo ship safety radio certificate
- cargo ship safety certificate
- nuclear passenger ship safety certificate
- nuclear cargo ship safety certificate.

All Australian ships must hold the **pollution certificates** that apply to the ship prior to taking it to sea.

Pollution certificates are as follows:

- international oil pollution prevention certificate
- international pollution prevention certificate relating to carriage of noxious liquid substances
- international sewage pollution prevention certificate
- engine international air pollution prevention certificate
- international air pollution prevention certificate.

An **international tonnage certificate** is required to take an RAV to sea to demonstrate that the vessel complies with the International Convention on Tonnage Measurement of Ships.

Specified recognised organisations appointed by AMSA, known as classification societies, are responsible for issuing **maritime labour, maritime safety, pollution and tonnage certificates** under the Navigation Act.

Applying for an approval

Applications for applicable **seafarer certificates** under the Navigation Act are submitted to AMSA using the approved form accessed on the AMSA website. If applying from within Australia, AMSA advises to lodge the application in person at a participating Australia Post retail outlet. If applying from overseas, AMSA advises to submit the completed application form by email.

The application must include information on:

- personal details, including seafarer ID, name, nationality, date of birth, gender, address and contact details (proof of identity is also required)
- certificate/s currently held including type of certificate, capacity, certificate number, country of issue and issue date
- type of certificate/s applied for and the capacity in which they are being applied for.

Once an application is filled in, the AMSA system will generate a checklist of supporting documents required for submission alongside the application. The documents required will be specific to the individual certificate/s being applied for.

Applications for **other applicable certificates under the Navigation Act** can be accessed and submitted by contacting a classification society chosen for the ship. A list of AMSA-appointed classification societies and a link to their websites is available on the AMSA website.

The specific application process and information required as part of the application will depend on the type of certificate being applied for and the individual classification society to which an application is being made.

Application fees

Details on fees associated **with seafarer certificate** applications can be found on the AMSA website. The preferred payment method is online via the AMSA payment portal.

Any fees associated with applying for **maritime labour, maritime safety, pollution and tonnage certificates** under the Navigation Act are at the discretion of the responsible classification society.

Approval timeframes

Approval submission

The project stage at which applicable seafarer, maritime labour, maritime safety, pollution and tonnage certificates are required will depend on the project stage at which an Australian ship is required to operate. This could be at any stage of a project and may occur as early as the site selection stage.

Unless renewed, an **MLC** lasts for a period of no more than 5 years.

Likewise, depending on the type of certificate, **safety certificates** may be issued for a maximum period of 1 or 5 years.

As such, proponents should consider scheduling their applications to optimise the period for which the duration of MLCs and safety certificates are valid to align with when respective approvals are required for the project.

Processing timeframes

The statutory timeframe for processing an application for a **seafarer certificate** under the Navigation Act is within 28 days of receipt of application or receipt of any additional information or documents requested upon receipt of application.

There is no statutory timeframe for processing an application for an **MLC**, **safety certificate**, **pollution certificate** or **tonnage certificate** under the Navigation Act.

Ongoing requirements

An **MLC** must be carried onboard the vessel and made available for inspection on request. MLCs may be issued for a period of no more than 5 years. An intermediate inspection of the vessel is required within 2 to 3 years of the issue of the MLC to report on the vessel's compliance with the certificate. Prior to the expiry date of the vessel's MLC, a renewal inspection is required in order for the vessel to be issued with a new MLC.

Depending on the type of certificate, **safety certificates** may be issued for a maximum period of 1 or 5 years. Some certificates are subject to annual, intermediate and period vessel surveys. Prior to the expiry date of the certificate, a renewal survey is required in order for a new certificate to be issued. Any alterations, major renewals or major repairs to an RAV that relate to a vessel's safety certificate must be reported to AMSA within 7 days.

Any alterations to a vessel that relate to a vessel's **pollution certificate** must be reported to AMSA and the body that issued the certificate within 7 days.

If the gross or net tonnage of a vessel increases due to alteration of its arrangement, construction, capacity, use of spaces, total number of passengers permitted to carry, assigned load line or permitted draught, the tonnage of the vessel must be re-determined in order for the vessel to be issued with a new **tonnage certificate**.

Further information

Further information on requirements for regulated Australian vessels under the Navigation Act is available on the AMSA website: Flag State administration.

Domestic commercial vessel requirements

Domestic commercial vessels (DCVs) must obtain a unique vessel identifier and maritime safety certificates under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law) to operate unless an exemption applies.

A vessel will generally be classed as a DCV if it is used in connection with a commercial, government or research activity and operates within Australia's Exclusive Economic Zone.

The Australian Maritime Safety Authority (AMSA) is responsible for issuing unique vessel identifiers and granting maritime safety certificates under the National Law.

A **unique vessel identifier** must be obtained and displayed clearly and prominently on a DCV within 21 days of being issued if the vessel is already constructed, or prior to vessel launch for a vessel not yet constructed, unless an exemption applies.

A **certificate of survey** is required to certify that a DCV has been surveyed and been found to meet design, construction, stability and equipment standards. Some DCVs that are equal to or greater than 24 m in length may also require a **load line certificate.**

A **certificate of operation** is required to demonstrate the applicant has appropriate competence and capacity in relation to the safe operation of a DCV. A certificate of operation is subject to the condition that there is a **safety management system (SMS)** in place for the DCV.

An **SMS** must identify the risks to the safety of the vessel, the environment and persons on or near the vessel and outline procedures to eliminate or minimise these risks. It must also address the operation requirements that apply for the vessel and be documented and readily accessible for use. Templates and instructions for creating an SMS can be accessed from the AMSA website.

The performance of duties or functions on a DCV requires the corresponding type of **certificate of competency** to demonstrate the master or crew member is appropriately qualified for the work at hand.

Applying for an approval

Applications for **unique vessel identifiers and maritime safety certificates** under the National Law are submitted to AMSA. Forms can be accessed by filling out applicant details for the relevant online form on the AMSA forms portal, after which AMSA will provide you with access to the form. Applications can also be submitted by post.

The information required for submission as part of the application process will depend on what is being applied for.

More information on each application process is available on the AMSA website below:

- unique vessel identifier
- certificate of survey
- load line certificate
- certificate of operation
- certificate of competency

Application fees

Fees apply to applications for **unique vessel identifiers, certificates and exemptions** under the National Law. Information on individual fees is available on the AMSA website.

Approval timeframes

Approval submission

Unique vessel identifiers and DCV certificates will need to be in place when DCVs are required for the project. This could be at any stage of a project.

Processing timeframes

Under the National Law, the statutory timeframes for considering applications for **unique vessel identifiers, certificates of survey, certificates of operation or certificates of competency** is 90 days from the date the application is received, provided no further information or documentation is requested.

Ongoing requirements

The National Law sets out **general safety duties** for DCV owners, masters and crew that must be complied with. More information on these duties is available on the AMSA website.

Owners of a DCV with a **unique vessel identifier** must notify AMSA within 14 days if there is a transfer of vessel ownership, the vessel sinks or is scrapped, or if the vessel ceases to be a DCV.

Each **certificate of survey** will specify its date of expiry. If the vessel to which the certificate is attached intends to operate beyond this date, renewal of the certificate will be required through a renewal survey. Holders of a certificate of survey must continue to meet the conditions on the certificate. This includes reporting vessel modifications, transfers of ownership or if the vessel sinks or is scrapped to AMSA within 14 days of occurrence.

Each **certificate of operation** will specify its date of expiry. If the vessel to which the certificate is attached intends to operate beyond this date, renewal of the certificate will be required. Holders of a certificate of operation must continue to meet the conditions on the certificate. This includes notifying AMSA of vessel modifications or if a matter recorded on the certificate is no longer accurate within 14 days of occurrence. The vessel's **SMS** must also remain current and compliant.

Each **certificate of competency** will specify its date of expiry. The certificate must be reissued or renewed prior to expiry if the holder of the certificate intends to perform crew duties or functions beyond the expiry date.

Further information

Guidance notices and fact sheets on compliance with the National Law are available on the AMSA website: Guidance notices and fact sheets for domestic commercial vessel owners and operators.

Ballast water management plan and certificate

Australian vessels require **an approved ballast water management plan** and **ballast water management certificate**, or **exemption**, under the *Biosecurity Act 2015* (Biosecurity Act) to travel within and beyond Australia's exclusive economic zone.

Ballast water management plan approvals and ballast water management certificates are granted by an authorised ballast water survey authority. The Secretary of the Department of Agriculture, Fisheries and Forestry (DAFF) (the Director of Biosecurity) decides whether to grant exemptions.

Applying for an approval

Applications for ballast water management plan approvals and ballast water management certificates are submitted to an authorised ballast water survey authority and exemptions are submitted to DAFF. Details of authorised ballast water survey authorities can be found on the DAFF website.

Ballast water management plans must be consistent with the Guidelines for Ballast Water Management and Development of Ballast Water Management Plans, contained within the Ballast Water Convention. The Ballast Water Convention and Guidelines can be found on the International Maritime Organisation website. The format for a ballast water management plan is included in Appendix 1 to these guidelines.

Ballast water management plans must include information on the following:

- safety procedures for the ship and the crew associated with ballast water management
- actions to be taken to implement the ballast water management practices required by the Ballast Water Convention
- procedures for the disposal of sediments at sea and to shore
- procedures for coordinating the discharge of ballast in waters of a coastal State
- designation of the officer on board in charge of ensuring implementation of the plan
- plans, drawings and descriptions of the ballast system
- reporting requirements for the vessel.

Plans must be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages is required.

To be valid, a **ballast water management certificate** must be issued or endorsed through completion of a survey undertaken by an authorised ballast water survey authority that determines the ballast water management on the ship complies with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Ballast Water Convention).

A ballast water management certificate must be in the form of the International Ballast Water Management Certificate found in Appendix 1 to the Ballast Water Convention.

The following details must be included on a ballast water management certificate:

- name of ship
- distinctive number or letters
- port of registry
- gross tonnage
- IMO number
- date of construction
- ballast water capacity, in cubic metres

- details of ballast water management method(s) used, including date installed and name of manufacturer (if applicable).

Applications for an **exemption from the requirement to obtain an approved ballast water management plan and/or certificate** must be made using the approved form available for download on the DAFF website and submitted to DAFF by email or post.

Applications must include information on the following:

- applicant details including business name, ABN, ACN and address
- vessel details, including name, IMO, call sign, country of registration, vessel email, master's name, vessel type, year built, gross tonnage, length in metres, ballast capacity in m^3, method of ballast management and details of where the vessel will operate
- explanation of why a ballast water management plan is not applicable or cannot be obtained and/or the vessel cannot obtain a ballast water management certificate.

A vessel may be eligible for an exemption from the requirement for a ballast water management plan because the vessel uses potable water and only discharges for scheduled maintenance, dry-docking or emergency or is a dumb barge that has no power source to pump water.

A vessel may be eligible for an exemption from the requirement to have a ballast water management certificate because it is a domestic commercial vessel that weighs less than 400 gross tonnes.

Application fees

Any fees associated with applying for approval of a **ballast water management plan and certificate** are at the discretion of the responsible ballast water survey authority.

Exemption application fees may apply. Further details are available on the DAFF website.

Approval timeframes

Approval submission

The project stage at which an approved **ballast water management plan and ballast water management certificate or exemption** is required will depend on the project stage at which an Australian vessel is required to travel. This could be at any stage of a project and may occur as early as the site selection stage.

Unless renewed, a **ballast water management certificate** lasts for a period of no more than 5 years, which may be a consideration in terms of optimising submission timing.

Processing timeframes

There is no statutory timeframe for the processing of applications for a **ballast water management plan approval** or **ballast water management certificate**.

However, the statutory timeframe for processing an application for an **exemption from the requirement to have a ballast water management plan and/or certificate** is 28 days.

Ongoing requirements

All vessels must carry a **valid ballast water management plan and a valid international ballast water management certificate**, and must maintain a complete and accurate record of all ballast water movements.

Details of intended ballast water discharges must be reported to the Director of Biosecurity at least 12 hours before the discharge occurs. Accidental discharges, or discharges aimed at ensuring safety or minimising pollution, must also be reported to the Director of Biosecurity within 24 hours.

An annual survey is required to endorse a **ballast water management certificate** for the duration of the certificate. A ballast water management certificate cannot be issued for a period of longer than 5 years. If extension of this period is required, a renewal survey must be completed within 3 months prior to the expiry of the certificate.

Further information

Further guidance on ballast water management is available from DAFF: Australian Ballast Water Management Requirements. (PDF)

Defence export permit

Unless an exception or exemption applies, a **permit** is required under the *Defence Trade Controls Act 2012* (DTC Act) and *Customs Act 1901* (Customs Act) to authorise the supply, publication or provision of goods, technology or services of items listed within the Defence and Strategic Goods List (DSGL).

The DSGL includes different categories of military and dual-use goods and technology. The latter refers to goods or technology designed for commercial purposes with potential military applications. This is relevant for projects using goods or technology that may be considered dual-use.

The Minister for Defence, or their delegate, decides whether to grant permits under the DTC Act and Customs Act, considering advice from the Department of Defence.

Applying for an approval

Applications for **defence export permits** are submitted to the Department of Defence online in the My Australian Defence Exports (MADE) portal.

As part of the application process for a permit to export DSGL goods or technology, applicants must submit information on the following:

- details of the exporter of the goods, including their ABN/CCID and name, contact details and physical address
- export reasons and details, including method and date of export, number of shipments and period of time over which export will occur
- description of the goods and/or technology, including manufacturer, model name and/or number, Northern Atlantic Treaty Organisation (NATO) stock number if applicable, quantity, unit of measure and total value of item on a per unit basis
- evidence of supporting documentation if available, such as a specification sheet, technical documentation or website uniform resource locator (URL)
- consignee and end user details, including name and physical address
- evidence of third party/foreign government approvals if goods are subject to end use or end-user restrictions or re-export controls by a foreign government.

Application fees

There is no application fee associated with a **defence export permit**.

Approval timeframes

Approval submission

A **defence export permit** will need to be obtained prior to the export of DSGL goods or technology, which is likely to occur during the construction phase of a project. Therefore, permit applications should be considered in the feasibility stage of a project.

Applicants must obtain a **permit to export items on the DSGL list prior to** lodging **an export declaration** to the Australian Border Force to clear the goods through customs control under the Customs Act.

Applicants will therefore need to consider the timing required to clear goods through customs when considering timing to submit a DSGL application.

Processing timeframes

There is no statutory timeframe for the processing of applications for **defence export permits**.

Ongoing requirements

Holders of a **permit** under the DTC Act and Customs Act must keep records of DSGL supplies or arrangements made, or DSGL services provided, under the permit. Records must be retained for 5 years and, if requested, need to be provided to the Secretary of the Department of Defence in a manner and within a period specified within that request.

Records must include information on the following:

- a description of the DSGL goods or DSGL technology supplied, or the DSGL services provided, under the permit
- the unique identifier given to the permit under which the permit holder supplied DSGL goods or DSGL technology or provided DSGL services
- the name of any person to whom the permit holder supplied DSGL goods or DSGL technology, or provided DSGL services, under the permit
- if the permit covers one or more activities (being supplies of DSGL goods or DSGL technology, or provision of DSGL services) – the date or dates of each activity; or
- if the permit covers activities for a period of time or for one or more projects (being supplies of DSGL goods or DSGL technology or provision of DSGL services) – the period, or periods, of time during which the permit holder conducted the activities.

Further information

Further guidance on exporting DSGL goods from Australia is available from the Department of Defence website: Exporting.

Biosecurity import permits and biosecurity obligations

An **import permit** is required under the *Biosecurity Act 2015* (Biosecurity Act) to authorise the import of conditionally non-prohibited goods into Australia. Conditionally non-prohibited goods are goods that must not be brought or imported into Australian territory unless specified conditions are complied with. If a permit is not required for the goods subject to import, the goods must still meet any applicable **conditions** designed to mitigate biosecurity risks prior to and upon arrival in Australia.

Conveyances (aircraft and vessels) entering Australia from overseas are also subject to biosecurity controls and must arrive in Australia at a First Point of Entry location.

Permission from the Department of Agriculture, Fisheries and Forestry (DAFF) is required **to arrive at a landing place or port that has not been determined a first point of entry** under the Biosecurity Act. Aircraft may also require **approval from the National Passenger Processing Committee (NPPC)** within the Department of Home Affairs. This depends on the airport intended for landing and the number of travellers on board, in line with the NPPC's Airport Guide (PDF) .

The Secretary of DAFF – the Director of Biosecurity under the Biosecurity Act – decides whether to grant import permits, considering advice from DAFF.

Applying for an approval

Applications for **import permits** are submitted to DAFF online through the Biosecurity Import Conditions system (BICON).

The information required for submission as part of the import permit application process will depend on the type of goods to which the application relates.

Applications to **land aircraft at a non-first point of entry** are submitted to DAFF by email using the application form available for download on the DAFF website. Applications must specify timeframes for landing and/or unloading goods at the non-first point of entry and include details of the aircraft and its reason for arrival. Details of goods will also need to be provided if goods are to be unloaded upon arrival.

Applications for **NPPC approval**, if applicable, are submitted in the Department of Home Affairs' Air and Sea Approvals Portal. An application quick reference guide (PDF) is available to assist with this process.

Applications **to moor a vessel at a non-first point of entry** are submitted in DAFF's Maritime and Aircraft Reporting System (MARS). DAFF has multiple reference guides to assist with the process of accessing MARS and applying for permission to moor a vessel at a non-first point of entry.

Application fees

There are fees and charges associated with applying for **import permits**, and assessing requests for **landing aircraft at a non-first point of entry and mooring a vessel at a non-first point of entry**. DAFF will not assess an application until the payment for the application and the initial assessment is made in full. The preferred payment method is online using DAFF's secure payment system.

Approval timeframes

Approval submission

Import permits and biosecurity obligations should be considered prior to import, likely later during the feasibility stage of a project or during the construction stage.

An **import permit** must be obtained before the relevant goods arrive in Australia and should be applied for sufficiently in advance to allow the application to be processed prior to the goods' arrival. Goods that

require an import permit but arrive in Australia without one, including while a permit application is under consideration, will be exported from Australia or destroyed.

Timing to apply for an import permit should consider subsequent timing required to clear the goods through customs control under the *Customs Act 1901*.

Applications to **land aircraft at a non-first point of entry**, if applicable to the project, must be made no less than 10 working days prior to arrival in Australian territory.

Likewise, applications for **NPPC approval** must be submitted a minimum of 10 business days prior to the arrival or departure date of the intended flight.

Pre-arrival reporting for aircraft must be reported to DAFF as close to the top of descent as is operationally practicable before the aircraft is estimated to arrive in Australian territory; and 30 minutes before the aircraft is estimated to come to a standstill.

Applications to **moor a vessel at a non-first point of entry** must also be submitted at least 10 working days prior to arrival.

Pre-arrival reporting for vessels must be reported to DAFF in MARS at least 12 hours, but no earlier than 96 hours, prior to arrival in Australia.

Processing timeframes

The statutory timeframe for processing **import permit applications** under the Biosecurity Act is 123 business days. However, DAFF advises that applications are generally processed within 20 working days of receipt if they have been paid for in full. Applications may take longer to process if technical assessment is required or additional information is needed.

There is no statutory timeframe for processing applications for permission to **land aircraft at a non-first point of entry** or **moor a vessel at a non-first point of entry**, or **NPPC approval**, under the Biosecurity Act.

Ongoing requirements

Events considered reportable biosecurity incidents must be reported to DAFF as soon as practicable after the event occurs using the form available for download on the DAFF website. Reportable incidents include circumstances where goods have been affected, changed or exposed to contamination, infestation or infection.

Further information

Further guidance on biosecurity requirements for imported goods is available from the DAFF website: Before you import goods to Australia.

In addition, guidance on biosecurity requirements for aircraft is available from DAFF: Guidelines for airline and aircraft operators arriving in Australian territory (PDF).

Customs clearance and reporting requirements

Proponents must comply with reporting requirements under the *Customs Act 1901* (Customs Act) prior to importing goods into or exporting goods out of Australia.

Specified goods are prohibited from import to and export from Australia, but most goods can be imported or exported with written permission.

The Australian Border Force (ABF) within the Department of Home Affairs administers customs clearance and reporting requirements, including import declarations and export declarations, for imported and exported goods.

All aircraft and vessels entering Australia are subject to reporting requirements under the Customs Act. Requirements include impending and actual arrival reports, passenger and crew reporting, and cargo reporting.

Applying for an approval

All goods imported into or exported from Australia are subject to customs control until the importer or exporter has satisfied applicable customs clearance and reporting requirements.

Importers and exporters of goods are required to lodge an **import or export declaration** as applicable. Import and export declarations are submitted to the ABF either online through the Integrated Cargo System or at an ABF counter using the appropriate import declaration or export declaration form available on the ABF website.

It is recommended that proponents use the services of a customs broker to complete clearance formalities. Brokers specialise in the clearance of imported goods and are licensed by the ABF. The ABF maintains a list of customs brokerages on its website.

Application fees

There are fees and charges associated with lodging an **import declaration**. The payment methods available are dependent on the invoice type issued by the ABF. Further information can be found on the ABF website.

All goods imported into Australia are liable for duties and taxes unless an exemption or concession applies. Certain goods may be temporarily imported into Australia for a period of up to 12 months without having to pay duty or taxes if specified conditions are met.

Approval timeframes

Approval submission

Both **import and export declarations** should be considered to align with the time of import or export. A permit for a prohibited import or export must be held at the time of import or export. Timing will depend on the circumstances of the project but is likely to occur later during the feasibility, construction, operation or decommissioning stages of a project.

Import declarations should be lodged prior to the goods' importation into Australia, and may be a prerequisite for the goods' release from customs control.

Export declarations must be lodged within 3 hours after the time goods are brought to the place of export (for example, a wharf or airport) and can be lodged up to 6 months before the date of export.

Pre-requisite approvals

Applicants must obtain a **biosecurity import permit prior to** lodging **an import declaration** to the ABF to clear the goods through customs control under the Customs Act.

Any other import or export permits applicable to the project must be obtained before import or export.

For example, if relevant to the project, applicants must obtain a **defence export permit** to export items on the Defence and Strategic Goods List (DSGL) list **prior to** lodging **an export declaration** to clear the goods through customs control. Likewise, if relevant to the project, applicants must obtain a **permit to export hazardous waste prior to** lodging **an export declaration**.

Processing timeframes

There is no statutory timeframe for the processing of **import or export declarations** under the Customs Act. However, goods are cleared from customs control in an expeditious manner (including, in some cases, prior to the arrival of the goods into Australia), unless further examination or inspection of the goods is required.

There are statutory timeframes applicable to impending and actual arrival reports, passenger and crew reporting, and cargo reporting requirements under the Customs Act.

Further information

Further guidance on customs clearance and reporting requirements is available from the ABF website: entering and leaving by sea; aircraft entering and departing Australia; how to import; how to export; prohibited goods.

Hazardous waste permit

An appropriate **hazardous waste permit** is required under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (Hazardous Waste Act) to authorise the export, import or transit of hazardous and other controlled wastes. Consent must also be obtained from all other countries involved in the collection or transport of waste.

This is relevant for projects that export waste materials that meet any of the characteristics listed in Annex III of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), and any non-hazardous plastics or electrical equipment, likely for final disposal at the project's end-of-life. This includes, but is not limited to, materials that are any of the following:

- explosive
- flammable
- poisonous
- toxic
- ecotoxic
- infectious.

The Minister for the Environment and Water or their delegate decides whether to grant hazardous waste permits, considering advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Applying for an approval

Applications for **hazardous waste permits** are submitted to DCCEEW through the Online Services portal.

If you are new to the hazardous waste permit application process, DCCEEW recommends contacting its Hazardous Waste team by email to discuss requirements before starting the application process or paying the fee.

As part of the application process, applicants must submit details of:

- applicant contact details
- waste description, including designation and composition, quantity, physical characteristics, packaging, handling and storage, waste risk, and identification according to the Basel Convention
- waste movement, including intended period of time for shipments, and countries of export/import/transit
- waste treatment, including exporter and importer, waste generator, and details of the final disposal/recovery facility and process
- waste transport, including intended number of shipments and intended carriers
- applicant environmental record and history
- evidence of financial viability, insurance, and contractual arrangements for waste management
- details of an environmental referral under the *Environment Protection and Biodiversity Conservation Act 1999* for the proposed export/import, if applicable.

Application fees

A fee is payable in the Online Services portal when applying for any type of **hazardous waste permit**. Details of fees are available on the DCCEEW website.

Approval timeframes

Approval submission

An application for a hazardous waste permit must be obtained prior to the export of hazardous waste for recovery or final disposal, which may be expected during the construction, operations or decommissioning stage of a project.

The permit will specify the period during which the hazardous waste is to be exported. This period may be limited, therefore submission of an application for a hazardous waste permit should consider optimising timing based on the likely duration of the permit and the period for which the export of waste will be required, likely during construction, operation and/or decommissioning.

Timing for submitting an application for a permit to export hazardous waste should consider the subsequent time required for lodging an export declaration to the Australian Border Force to clear the goods through customs control under the *Customs Act 1901*.

Pre-requisite approvals

A **biosecurity permit** under the *Biosecurity Act 2015* is required **prior to** applying for a **hazardous waste permit** if the imported waste presents a biosecurity risk.

Processing timeframes

The statutory timeframe for processing an application for a **hazardous waste permit** is 60 days. However, if the Minister for the Environment and Water believes it will take more than 60 days to grant the permit, they may extend the decision period by up to a further 60 days.

Prior to granting a hazardous waste permit, the Minister for the Environment and Water must obtain **consent from each relevant authority of each other country involved in the movement of the hazardous waste**. The timeframes for this will vary greatly depending on the country and relevant authority involved, which can extend the time taken to process an application for a hazardous waste permit.

Ongoing requirements

Hazardous waste permits are subject to record-keeping requirements as a condition. Specific requirements will be specified within the conditions of the permit.

Further information

Further guidance on exporting and importing hazardous waste is available from the DCCEEW website: Exporting, importing or transiting hazardous waste.

Radio-communications licencing

An appropriate radiocommunications licence is required under the *Radiocommunications Act 1992* (Radiocommunications Act) to authorise the use of spectrum for radiocommunications services. There are three types of radiocommunication licences – spectrum, apparatus and class. The type of licence needed will depend on a variety of factors.

Radiocommunications equipment designed to be used on maritime or land frequencies is most commonly authorised by an apparatus or class licence.

An **apparatus licence** authorises the use of a radiocommunications transmitter or receiver, at the place or in the area specified on the licence.

There are 16 different types of apparatus licences for the use of transmitters and 5 types of licences for receivers. More information about the types of apparatus licences available can be found on the Australian Communications and Media Authority (ACMA) website.

A **class licence** collectively permits the operation of certain types of common radio equipment on shared frequencies. The ACMA has made 17 class licences covering a range of equipment and devices. More information on class licences can be found on the ACMA website.

The ACMA decides whether to issue apparatus licences and whether to issue class licences.

Applying for an approval

Apparatus licences are either assigned, whereby the ACMA allocates a frequency, or non-assigned, whereby frequencies are shared with other users.

Applications for non-assigned licences are submitted to the ACMA by email using the relevant form for the type of apparatus licence, which can be downloaded from the ACMA website.

Applications for assigned licences can be accessed and submitted by contacting an accredited person. A list of accredited persons and associated contact details is available on the ACMA website.

The information required for submission as part of the application process will depend on the type of apparatus licence being applied for and whether it is assigned or non-assigned.

There is no approval process for the use of radiocommunications devices under a **class licence**, as class licences are standing authorisations. Provided that a device conforms with the requirements of a class licence, and the conditions of the class licence are met, its use is authorised by the licence on an ongoing or periodic basis.

Application fees

There are fees and charges associated with applying for an **apparatus licence**. Further details can be found on the ACMA website. The preferred payment method is Visa or Mastercard using the payment system on the ACMA website.

Approval timeframes

Approval submission

The project stage at which radiocommunications licencing may be required will depend on the project stage at which the use of spectrum for radiocommunications services is needed. This could occur at any stage of a project and may occur as early as the site selection stage.

An **apparatus licence** is generally issued for a 1-year period, generally with the option to renew, which may be a consideration in terms of optimising submission timing.

Class licences are standing authorisations that permit ongoing usage of certain radio equipment, so long as the device conforms with the requirements of the class licence and the conditions of the class licence are met.

Processing timeframes

The ACMA generally has 90 days to consider an application for an **apparatus licence** under the Radiocommunications Act. If the ACMA has to request further information from the applicant, the ACMA has 90 days to make a decision on the application from when it receives the further information.

Ongoing requirements

An **apparatus licence** may be issued for a period of up to 20 years, however is generally issued for a 1-year timeframe. The licence itself will specify the duration of the licence. It is open to the licensee to apply to renew the licence prior to the end of the licence period.

Further information

Application forms and further guidance for each type of apparatus licence can be accessed from the ACMA website: Apparatus licences.

Anti-fouling certificate or declaration

Australian ships must carry onboard a valid anti-fouling certificate or declaration under the *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006* (Anti-fouling Act) when travelling to or from an Australian port, shipyard or offshore terminal, to demonstrate compliance with the International Convention on the Control of Harmful Anti-fouling Systems on Ships (Anti-fouling Convention).

An **anti-fouling certificate** is required for Australian ships of 400 gross tonnage or more on international voyages.

Anti-fouling certificates are issued or endorsed by either the Australian Maritime Safety Authority (AMSA) or an organisation approved by AMSA as a survey authority after a survey is completed and the ship is found to be compliant with the Anti-fouling Convention.

An **anti-fouling declaration** is required for Australian ships of 24 metres or more in length but less than 400 gross tonnage on international voyages.

Anti-fouling declarations are completed by the ship owner or the owner's authorised agent and submitted to AMSA for endorsement.

Applying for an approval

Applications for **anti-fouling certificates** are submitted to AMSA.

To be valid, this certificate must be issued or endorsed through completion of a survey of the ship by either AMSA, or an organisation approved by AMSA as a survey authority, that determines the ship complies with the Anti-fouling Convention. An anti-fouling certificate must be in the form of the International Anti-Fouling System Certificate found in Appendix 1 to Annex 4 of the Anti-fouling Convention.

An **anti-fouling declaration** must be in the form of the Declaration on Anti-Fouling System found in Appendix 2 to Annex 4 of the Convention. A copy of this form can be downloaded for free from the AMSA website and printed – this webpage also contains details for how to submit this form to AMSA.

Anti-fouling declarations must either be accompanied by appropriate documentation to demonstrate the ship complies with the Anti-fouling Convention, such as a paint receipt or contractor invoice, or contain appropriate endorsement.

The following details must be included on **both an anti-fouling certificate and declaration**:

- name of ship
- distinctive number or letters
- port of registry
- gross tonnage
- IMO number (if applicable)
- details of anti-fouling system(s) applied
- length (for declarations only)

Application fees

There are fees associated with applying for an **anti-fouling certificate** or for endorsement of an **anti-fouling declaration**. Further details can be found in the Australian Maritime Safety Authority Fees Determination 2015. The preferred payment method is online via the AMSA payment portal.

Approval timeframes

Approval submission

The project stage at which an **anti-fouling certificate or declaration** is required will depend on the project stage at which an Australian ship is required to operate. This could be at any stage of a project and may occur as early as the site selection stage.

Processing timeframes

There is no statutory timeframe for the processing of applications for **an anti-fouling certificate** or endorsement of an **anti-fouling declaration** under the Anti-fouling Act.

Ongoing requirements

An **anti-fouling certificate or declaration** must be readily available for AMSA inspection at any time during the course of ship operations.

If the anti-fouling system on a ship is changed or replaced, the ship requires a new survey that must be endorsed on the ship's existing **anti-fouling certificate**.

Ships with a current anti-fouling certificate are required to report any event that affects or might affect its compliance with anti-fouling requirements to AMSA within 7 days of the event occurring. Events must be reported using the approved form available on the AMSA website and can be submitted to AMSA by email or post.

Further information

Further information on anti-fouling requirements for Australian ships is available on the AMSA website: Marine order 98—Marine pollution—anti-fouling systems.

Ship-based sea pollution record books, management plans and emergency plans

Australian ships must carry onboard the applicable ship-based **sea pollution record books**, **management plans** and **emergency plans** that apply to the ship and its operations to comply with the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Prevention of Pollution Act), when travelling within or beyond Australia's exclusive economic zone.

The Prevention of Pollution Act implements Australia's international obligations under the operational aspects of the International Convention for the Prevention of Pollution from Ships (MARPOL).

State or Northern Territory regulators with equivalent functions to the Australian Maritime Safety Authority (AMSA) may be responsible for implementing MARPOL and conducting compliance inspections in their coastal waters (generally within 3 nautical miles of the baseline of the territorial sea and adjacent to the State or Territory). Please refer to guidance from AMSA to determine the responsible regulator for MARPOL requirements relevant to your project.

Depending on ship size and type, the following may be required to be kept and maintained onboard the ship:

- oil record book
- cargo record book
- garbage record book
- ozone depleting substances record book
- garbage management plan
- ship energy efficiency management plan
- shipboard oil pollution emergency plan
- shipboard marine pollution emergency plan for noxious liquid substance.

Preparing ship-based sea pollution record books, management plans and emergency plans

Blank **sea pollution MARPOL record books** can be downloaded for free from the AMSA website and printed or purchased from the Corrective Services Industries (CSI) online ordering system. MARPOL record books can now also be maintained electronically. Information on how to order MARPOL record books from CSI can be found on the AMSA website.

Management plans and emergency plans are to be developed in accordance with guidance from the International Maritime Organization (IMO). IMO guidance is available for **garbage management plans**, **ship energy efficiency management plans**, and **shipboard marine pollution emergency plans for oil and/or noxious liquid substances**.

The **shipboard oil pollution emergency plan** must be submitted to AMSA for approval.

Timeframes for the development of ship-based sea pollution management plans, emergency plans and pollution record books

Record books, **management plans** and a number of **emergency plans** do not need to be submitted for approval, but they must be maintained onboard and readily available for AMSA inspection at any time during the course of ship operations. As such, they may be applicable to any stage of a project.

Ongoing requirements

All **pollution record books** must be maintained over the course of ship operations and retained onboard the ship until 1 year after the day on which the last entry was made in the book.

Garbage record books are to be retained in the ship or at the registered office of the ship owner for an additional 1 year after this.

All other pollution record books must be retained in the ship or at the registered office of the ship owner for an additional 2 years after the initial 1-year onboard retention period.

MARPOL pollution incidents must be reported to AMSA within 24 hours. MARPOL pollution incidents include discharges or probable discharges of oil or noxious liquid substances in excess of permitted MARPOL discharge levels for any reason, including safety reasons. Reports must be made using the forms available on the AMSA website.

Further information

Further guidance on requirements for preventing pollution from ships can be found on the AMSA website: Marine pollution.

Ship security plan and international ship security certificate

An approved **ship security plan** and **international ship security certificate (ISSC)**, or **exemption**, is required under the *Maritime Transport and Offshore Facilities Security Act 2003* (MTOFS Act) to operate a regulated Australian ship.

An Australian ship will generally be considered a regulated Australian ship if it is used for overseas voyages and is either a passenger ship or a cargo ship of 500 gross tonnage or more. An overseas voyage involves travelling beyond the continental shelf of Australia.

The Secretary of the Department of Home Affairs, or their delegate, decides whether to approve ship security plans, whether to grant ISSCs, and whether to exempt the operator of a regulated Australian ship from the requirement to have a ship security plan and ISSC, considering advice from the Critical Infrastructure Security Centre (CISC) within the Department.

The Secretary of the Department of Home Affairs, or their delegate, may grant an interim ISSC for a ship for up to 6 months prior to ship inspection, provided that the Secretary reasonably believes the ship would be ISSC verified if inspected.

Regulated Australian Ships may be granted an exemption from the requirement to have a ship security plan and/or ISSC if the Secretary determines, among other prescribed matters, that the circumstances that give rise to the need for the exemption are exceptional.

Applying for an approval

Applications for approved ship security plans, ISSCs and exemptions are emailed to CISC for consideration after first emailing CISC for advice on the application process.

Ship security plans must include the following:

- a security assessment for the ship
- the security activities or measures to be undertaken or implemented for each maritime security level
- a designation of all security officers responsible for implementing and maintaining the plan
- provision for the use of declarations of security
- a demonstration that the implementation of the plan will make an appropriate contribution towards the achievement of the maritime security outcomes
- measures to manage risks identified in a security assessment
- measures to prevent unauthorised carriage or possession of weapons or prohibited items onboard the ship
- identification of onboard security zones and measures to prevent unauthorised access
- procedures for responding to security threats or breaches
- procedures for acknowledging and responding to directions from and notifications of the security level in force from the Secretary
- procedures for security incident reporting
- procedures for evacuation of the ship in case of security threats or breaches of security
- procedures for drills and exercises associated with the plan
- procedures for interfacing with port, port facility and offshore facility security activities
- procedures for modifying the plan as necessary
- procedures for security incident reporting
- measures to ensure the plan's security.

Ship security plans must describe in detail the process and schedule for regular review and audit, allowing for necessary amendments in response to changing circumstances.

A ship security plan must also be accompanied by a document to identify the ship outlining the following:

- ship name
- ship official number
- ship IMO ship identification number (if the plan is for a regulated Australian ship used for overseas voyage)
- any other distinctive numbers or letters that identify the ship
- type of ship
- radio call sign
- date and port of registry
- year built
- deadweight tonnage
- gross tonnage
- length and breadth of ship
- summer draft
- number of crew
- number of passenger berths
- whether the ship is engaged in overseas or interstate voyages.

An application for an **ISSC** must be in writing and must include the following:

- a statement that a ship security plan is in force for the ship
- ship name
- ship official number
- ship IMO ship identification number (if the ship is used for overseas voyages)
- any other distinctive numbers or letters that identify the ship
- details of when the ship may be inspected for the purpose of determining whether the ship meets requirements necessary for ISSC verification.

Applications for an **exemption** must include information on the following:

- a copy of the ship's ISSC (if one is in force)
- whether a ship security plan is in force for the ship
- the ship's name, type, operating company, gross tonnage and official number
- the ship's IMO ship identification number (if one has been assigned)
- any other number that uniquely identifies the ship, composed of letters, numbers, or a combination of letters and numbers
- the name of the ship's master, ship security officer (SSO), company security officer (CSO), port of registry
- whether a ship security plan is in force for the ship
- the commencement date and expiry date of the period in which the exemption will have effect, if granted
- the ship's last 10 ports of call
- the ship's last port of call before the exemption will commence, if granted
- the ship's first port of call after the exemption will commence, if granted
- the reasons an exemption is required

- details of all voyages that the ship operator intends the ship to undertake without a ship security plan and/or ISSC, including details of the intended route and any intended ports of call along the route
- whether the ship will carry passengers during all or part of the period in which the exemption will have effect, if granted
- whether the ship will carry cargo during all or part of the period in which the exemption will have effect, if granted
- any other information that the ship operator would like the Secretary to consider in deciding whether or not to grant the exemption.

Application fees

There is no fee associated with applying for a **ship security plan approval**, **ISSC or exemption**.

Approval timeframes

Approval submission

A **ship security plan** or **exemption** is required for any project stage during which a regulated Australian ship or ships are required. This could be at any stage of a project and may occur as early as the site selection stage.

CISC recommends lodging applications 'well in advance' of the planned start date for services or activities.

An application for an **ISSC** cannot be submitted until a ship security plan is in place for the ship. Timing is dependent on the stage at which a regulated Australian ship or ships are required for the project, which could be at any project stage.

Pre-requisite approvals

To obtain an **ISSC**, a ship operator must have a valid ship security plan and be ISSC verified.

For a ship to be ISSC verified, a maritime security inspector needs to inspect the ship and verify that the ship meets the requirements determined in writing by the Secretary of the Department of Home Affairs.

Processing timeframes

The statutory timeframe for processing a **ship security plan** under the MTOFS Act is within 60 days of receipt of the plan. However, CISC aims to process applications within 30 business days.

There is no statutory timeframe for processing an application for an **ISSC** or an **exemption** from the requirement to have a ship security plan or ISSC.

Ongoing requirements

Maritime transport incidents in relation to security regulated ships must be reported to the Secretary or their delegate.

Further information

Further guidance on preparing security plans is available from CISC: Principles based guidance on preparing security plans and programs. (PDF)

Project specific approvals

The following approvals may be required for some projects depending on project location or scope.

Aboriginal and Torres Strait Islander Heritage protection

If a declaration is in place to protect an important area (called a specified area) or object of particular significance in accordance with Aboriginal and/or Torres Strait Islander tradition under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), and the area or object is under threat of injury or desecration from a proposed project, the project may need to be amended to comply with the declaration.

Aboriginal and Torres Strait Islander peoples can request the Minister for the Environment and Water make a declaration under the ATSIHP Act to protect specified areas and objects of particular significance to Aboriginal and Torres Strait Islander people from threats of injury or desecration if it appears that state or territory laws have not provided effective protection.

The potential for a declaration to be made is dependent on location. Any Aboriginal or Torres Strait Islander person may apply for a declaration to be made under the ATSIHP Act if the area or object is of cultural significance and is under threat of injury or desecration from a project.

Protection of cultural heritage is best achieved by **early and genuine engagement**. It fosters consent and builds trust and transparency between project proponents and First Nations communities.

The Minister for the Environment and Water is responsible for making declarations under the ATSIHP Act, considering advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Impact of a declaration on a project

An application under the ATSIHP Act does not automatically impact project approvals. However, if a declaration is made, the proponent may be required to amend specific activities within the specified area.

In some circumstances, once an application has been made and if both parties are agreeable, the Minister for the Environment and Water may nominate a mediator to consult with both the applicant and proponent with a view to resolving the matter to the satisfaction of the applicant and the Minister.

If an application is made during the course of project operations, DCCEEW will notify the proponent and may request that operations are paused while it evaluates the application.

Fees

There are no fees associated with mediation in relation to the impact of a project on significant areas or objects under the ATSIHP Act.

Timeframes

Consideration of project impacts on First Nations heritage

The potential impact of a project on areas or objects significant to First Nations heritage should be identified and assessed early in project planning (site selection and/or early in the feasibility phase of a project). Proponents should **undertake early, comprehensive, ongoing and genuine consultation** with First Nations peoples whose heritage may be affected by the project. Engagement should reflect the principles of Free, Prior and Informed Consent (FPIC). The project should be amended where possible in response to identified concerns. This approach would minimise the likelihood of an application to be made under the ATSIHP Act and avoid delays and additional costs for projects.

Processing timeframes

There are no statutory timeframes for the processing of applications for protection declarations under the ATSIHP Act.

If an application is made during the course of your project, DCCEEW may request that project operations are paused while the application is processed.

Ongoing requirements

If the Minister for the Environment and Water makes a declaration to protect an area or object relevant to a project, project proponents will need to adhere to the declaration, which may mean amending or ceasing the project.

Further information

Further guidance on the impact of declarations and applications for declarations under the ATSIHP Act is available from the DCCEEW website: First Nations heritage.

Diving safety management system and diving project plan

An accepted **diving safety management system (DSMS)** and approved **diving project plan (DPP)** must be in place before any diving work is undertaken in relation to a licence held under the *Offshore Electricity Infrastructure Act 2021* (OEI Act). Diving contractors engaged for the project will require a DSMS and DPP.

The Offshore Infrastructure Regulator decides whether to accept a **DSMS.**

The relevant licence holder under the OEI Act who is directing or allowing diving work to take place in connection with the licence must approve the **DPP** for that diving work.

Applying for an approval

DSMS applications must be submitted to the Offshore Infrastructure Regulator using its online application portal.

An accepted **DSMS** is required to undertake diving as part of an offshore infrastructure project and must include information on the following:

- all activities connected with a diving project
- the continual and systematic identification of hazards related to a diving project and the likelihood of the occurrence and of injury or damage
- the elimination or reduction of risks to workers involved with a diving project and associated work, including risks arising during evacuation, escape and rescue in case of emergency, and risks to workers arising from plant for diving
- the inspection and maintenance of, and testing programs for, equipment and hardware that is integral to the control of those risks
- communications between persons involved with a diving project
- the performance standards that apply to the DSMS
- a program of continuous improvement
- any standard or code of practice that is to be used in a diving project
- a system for the management of change.

A **DPP** is also required to undertake diving and must include information on the following:

- the work to be done
- a description of the plant for diving to be used in the project and the procedures to be followed in operating the plant to minimise the risks to the health and safety of workers
- a list of the legislation that is reasonably likely to apply to the project
- standards and codes of practice that will be applied in carrying out the project
- a hazard identification
- a risk assessment
- a safety management plan
- job hazard analyses for the diving operations included in the project
- an emergency response plan
- the relevant provisions of the accepted DSMS that covers the project and the management plan for the OEI licence connected with the project
- consultation with divers and other workers working on the project
- each diving operation included in the diving project

- details of communications between those involved with the diving project and other offshore infrastructure activities.

Application fees

Fees apply to assessment of a **DSMS** under the applied WHS provisions of the OEI Act. The preferred payment method is bank transfer. Details of fees and method of payment are available on the Offshore Infrastructure Regulator website.

Approval timeframes

Approval submission

The project stage at which an **accepted DSMS** and **approved DPP** is required will depend on the project stage at which diving begins, if required for the project. This could occur at any stage of a project after an OEI licence is granted. The acceptance of a **DSMS** lasts for a 5-year period, which may be a consideration in terms of optimising submission timing.

Processing timeframes

The statutory timeframe for processing a **DSMS** for acceptance is within 60 days of receipt of the DSMS.

There is no statutory timeframe within which an OEI licence holder must approve a **DPP** under the applied WHS provisions of the OEI Act.

Ongoing requirements

After a **DSMS** has been accepted by the Offshore Infrastructure Regulator, it must be revised and submitted again for acceptance in the event that any significant changes occur to matters addressed within the DSMS. The acceptance of a DSMS lasts for 5 years.

An approved **DPP** for a diving project must be revised and approved again if there has been a change to the diving project that significantly alters the risk involved.

Further information

Further guidance on diving requirements in relation to offshore infrastructure activities is available on the Offshore Infrastructure Regulator's website: Regulatory guidance.

Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided

Consent is required under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) for a vessel to enter or remain in a **petroleum or greenhouse gas safety zone**, and for a **relevant vessel** to enter or remain in the **area to be avoided**.

Notices that provide the location of approved petroleum or greenhouse gas safety zones are available on the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) website.

The definition of relevant vessel is provided under section 614 of the OPGGS Act. The coordinates of the area to be avoided are provided in Schedule 2 of the OPGGS Act.

NOPSEMA can authorise entry into a petroleum or greenhouse gas safety zone or the area to be avoided.

Applying for an approval

Applications for **consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided** are made via the relevant titleholder or operator of the facility being protected by the safety zone and are submitted to NOPSEMA by email using the form available for download on the NOPSEMA website. Proponents requiring entry to a petroleum or greenhouse gas safety zone or the area to be avoided for their project will need to contact the relevant titleholder or operator to arrange this application.

As part of the application process, applicants must submit information on the following:

- contact details of the person making the application
- start and end date for which access to the safety zone is sought
- details of specific vessels requiring entry into the zone including name, number and port of registry
- declaration that systems are in place to manage risks the safety zone entry will pose to the well(s), structure(s) and/or equipment in the zone.

Application fees

There are no fees associated with applications for **consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided** under the OPGGS Act.

Approval timeframes

Approval submission

Consent will be required at any stage a vessel is required to enter or remain in a petroleum or greenhouse gas safety zone or if a relevant vessel is required to enter or remain in the area to be avoided. This could be at any stage of a project.

Processing timeframes

There is no statutory timeframe for the processing of applications for **consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided** under the OPGGS Act. However, on an indicative basis, NOPSEMA's policy is to process these consent applications within 14 days.

Further information

Further guidance on the requirement for consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided, including a flowchart to help determine whether a relevant vessel is subject to consent requirements for the area to be avoided, is available from NOPSEMA: Safety zones and the Area to Be Avoided (PDF).

Cross-border electricity trade regulatory approvals

Great Barrier Reef Marine Park permit

A **permit** is required under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) to authorise some activities and operations in the Great Barrier Reef Marine Parks (Marine Parks) comprising the Great Barrier Reef Marine Park and the Great Barrier Reef Coast Marine Park.

The Great Barrier Reef Marine Park Authority (Reef Authority) and the Queensland Department of the Environment, Tourism, Science and Innovation, administrated by Queensland Parks and Wildlife Service (the managing agencies) decide whether to grant permits for activities in the Marine Parks through a joint permission system.

All activities that require permission are detailed in the Great Barrier Reef Marine Park Zoning Plan 2003. Some common activities requiring permission include:

- research, except for limited impact research
- placing and operating moorings
- installing, operating or repairing structures
- anchoring or mooring for an extended period
- dredging and dumping of dredge material
- waste discharge from a fixed structure.

Applying for an approval

Applications for **Marine Parks permits** are submitted to the Reef Authority in the Permits Online portal.

The Reef Authority recommends that applicants contact it by email before applying for a permit to carry out works in the Marine Parks.

As part of the application process for a permit for any activity that requires permission, applicants must submit information on the following, among other requirements:

- primary contact details for the application
- justification for marine park usage and details of alternatives considered
- brief explanation of proposed project works
- maps/images or spatial data of the project works location
- design drawings for the project works
- high-resolution map showing the proposed footprint of the works, overlaid on a satellite image
- location coordinates for project works.

The Reef Authority's application guidelines provide a comprehensive guide to applying for a Marine Parks permit.

The managing agencies strongly encourage all existing and new permit holders to contact Traditional Owners for the areas in which they propose to operate, and where appropriate, work with Traditional Owners to help ensure the best outcomes for the management of the Marine Parks.

Applications for permission must provide enough information about the proposed activity to enable managing agencies to assess potential impacts and determine whether to grant a permission. Further details on how permit applications are assessed are available on the Reef Authority website.

An application will be considered as properly made when all relevant information for a decision to be made is provided to the Reef Authority. The Reef Authority's application checklists provide details on the information needed.

Application fees

A fee is payable when applying for a **Marine Parks permit**. Details of fees are available on the Reef Authority website.

Cross-border electricity trade regulatory approvals

Approval timeframes

Approval submission

Large projects that trigger **referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)** will be considered a deemed application under the GBRMP Act. A permit is required under the GBRMP Act however any information prepared for the EPBC Act referral process can be used for the assessment under the GBRMP Act.

Under the GBRMP Act framework, the Authority cannot make a decision in relation to an EPBC referral deemed application involving an action unless the action has been determined by the Minister administering the EPBC Act not to be a controlled action, or, if the action has been determined to be a controlled action – the action has been approved by the Minister administering the EPBC Act. Timeframes for decision apply.

If an EPBC referral decision is not a controlled action, the activity may still require a permission under the GBRMP Act, and proponents should contact the Reef Authority to discuss.

Compliance measures for authorisations issued by the Reef Authority should be included in the ***Offshore Electricity Infrastructure Act 2021* (OEI Act) management plan**, therefore a Great Barrier Marine Park permit must be obtained prior to submitting an OEI Act management plan to the Offshore Infrastructure Regulator.

Therefore, timing to submit an application for a Marine Parks permit should consider timing required for an EPBC Act approval if required, and timing required for the subsequent approval of the OEI Act management plan required in the feasibility stage of a project.

If a project involves dredging and/or soil disposal at sea, a **permit under the *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act)** will be required in addition to a Marine Parks permit. The Reef Authority is responsible for granting sea dumping permits for activities occurring within Marine Parks, noting that capital dredge spoil disposal is prohibited within the Marine Parks. Consideration of end-of-life use of any infrastructure should be considered at application as Fish Attracting Devices and Artificial Reefs not for intervention will not be considered.

Pre-requisite approvals

If relevant to the project, **approval under the EPBC Act** is required before the Reef Authority can make a decision on a **Marine Parks permit**, if the activity is a controlled action.

Processing timeframes

There is no statutory timeframe to make a decision under the GBRMP Act, unless an action is also an EPBC Act controlled action. However, the Reef Authority has a Service Charter that applies for routine and tailored assessment approaches.

Ongoing requirements

Approved projects under the GBRMP Act are subject to conditions, which must be upheld over the course of the **permit** term. A permit deed, including financial assurance, may be required by the permit conditions, and this agreement may extend beyond the permit term.

Where authorisations are issued by the Reef Authority, compliance measures should be included in the OEI Act management plan.

Further information

Further guidance on Marine Parks permits is available from the Reef Authority website: Permits.

Feasibility licence

A **feasibility licence** is required under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) to authorise the licence holder to assess the feasibility of an offshore renewable energy infrastructure project the licence holder proposes to carry out in the licence area.

The Minister for Climate Change and Energy decides whether to grant feasibility licences, considering advice from the Offshore Infrastructure Registrar.

Applying for an approval

A **feasibility licence** can only be granted in an area the Minister for Climate Change and Energy has declared as suitable for offshore renewable energy infrastructure.

Applications for a feasibility licence can only be made in response to an invitation by the Minister for Climate Change and Energy published on the Federal Register of Legislation. The invitation to apply for a feasibility licence will specify a closing date for licence application submissions.

Licence applications are assessed through a competitive process based on merit criteria outlined in the OEI Act and its supporting regulations.

The Offshore Infrastructure Registrar recommends submitting feasibility licence applications online via the National Electronic Approvals Tracking System (NEATS) Secure Portal. However, additional approved submission methods can be found in the Approved Manner (PDF) on the Offshore Infrastructure Registrar's website.

As part of the application process, applicants must submit information on the following:

- applicant details including name, ASIC ACN/ARBN and contact details
- evidence that the applicant is an eligible person under the OEI Act
- evidence that foreign investment approval has been provided, if applicable to the project
- references for the declared area and invitation to apply
- details of the proposed licence area in km^2 and a detailed map of the area with coordinates and shapefiles
- a description of the proposed commercial offshore infrastructure project
- evidence of application fee payment
- any other information or documents required by the approved form or the invitation to submit a feasibility licence application.

The Offshore Infrastructure Registrar's website provides further details regarding information to be provided with an application within the Registrar's Forms Guidance.

Application fees

A non-refundable application fee must be paid in full prior to submitting a **feasibility licence** application. If an application is withdrawn by the applicant, or the application is refused by the Offshore Infrastructure Registrar, the application fee will not be refunded. The Offshore Infrastructure Registrar's website has information on application fees (PDF) and payment methods.

Approval timeframes

Approval submission

Applications for a **feasibility licence** must be submitted before the submission closing date specified in the Minister for Climate Change and Energy's invitation to apply.

The Offshore Infrastructure Registrar recommends applicants intending to transmit electricity or a renewable energy product generated from an offshore infrastructure project under an associated commercial licence wait until after a feasibility licence has been granted to apply for a **transmission and infrastructure licence** under the OEI Act.

The Offshore Infrastructure Regulator recommends that applicants wait until after a feasibility licence has been granted to submit the project as a proposed action for assessment **under the** *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and seek environmental approval if required.

Pre-requisite approvals

If **foreign investment approval** is required for the project, the Offshore Infrastructure Registrar advises that it should be **obtained prior to** applying for a feasibility licence. Confirmation of foreign investment approval should be submitted alongside the feasibility licence application, as the Minister for Climate Change and Energy will not make a decision on the licence while a foreign investment decision is pending.

Processing timeframes

There is no statutory timeframe for processing an application for a **feasibility licence** under the OEI Act. However, the indicative timeframe for assessing a feasibility licence application is 6 to 8 months.

Ongoing requirements

A **feasibility licence** holder must have a **management plan** approved by the Offshore Infrastructure Regulator for offshore electricity infrastructure activities to be carried out under the licence. The licence holder must also provide the required **financial security** to the Commonwealth.

Other conditions of the licence include but are not limited to payment of levies and conditions specific to the declared area.

Feasibility licence holders must submit **annual reports** to the Offshore Infrastructure Registrar over the course of the term of the licence, providing details on ongoing compliance with the merit criteria.

Licence holders must also provide an **Australian supply chain and workforce analysis report** to the Offshore Infrastructure Registrar before the end of 2 years after the day the licence came into force (or a later period as allowed by the Registrar). The report must describe the proposed supply chain and workforce needs of the project and the opportunities for Australian businesses and workers that may arise from the project.

Further information

Further guidance on feasibility licences is available from the Offshore Infrastructure Registrar: Guideline: Offshore Electricity Infrastructure Licence Administration – Feasibility Licences and Transmission & Infrastructure Licences (PDF).

Prescribed airspace intrusion approval

Approval is required under the *Airports Act 1996* for activities at or around a leased federal airport that intrude into the airport's prescribed airspace, called 'controlled activities'.

Controlled activities require approval in order to protect the safety, efficiency or regularity of existing or future air transport operations into or out of leased federal airports.

Examples of activities that would be controlled activities if they intrude into prescribed airspace and may need approval include:

- construction or alteration of permanent structures including buildings, towers, poles and antennas
- the use of construction equipment such as cranes and cherry pickers
- activities producing artificial light or reflected sunlight
- activities causing air turbulence
- activities producing smoke, dust, steam or other gases or particles.

A list of leased federal airports is available on the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCSA) website.

Prescribed airspace can extend to the airspace above areas that are approximately 20 kilometres from the leased federal airport site. This depends on the surrounding topography and built environment for each individual leased federal airport.

Individual airport operator companies usually make decisions on whether to approve short-term controlled activities, considering advice from both the Civil Aviation Safety Authority (CASA) and Airservices Australia. Activities of 3 months or less are considered short-term.

The Secretary of DITRDCSA makes approval decisions for complex short-term controlled activities and for long-term controlled activities, considering advice from the relevant leased federal airport, CASA, Airservices Australia, the State or Territory government or local council authority responsible for building approvals, and the Department of Defence (if a joint-user airport is involved).

Applying for an approval

Applications for approval for controlled activities are submitted directly to the operator company of the relevant airport. If there is no airport-operator company for the airport, applications are submitted to the DITRDCSA Secretary by email. Generally, application forms can be accessed from the website of the relevant airport, along with the email to submit the completed application. Each individual airport will have a dedicated point of contact for this process.

As part of the application process for approval, applicants must include the following information:

- a description of the proposed controlled activity
- the activity's precise location, which could include street directory grid references
- the proposed maximum height of the structure above the Australian Height Datum (including any antennae or towers, air conditioning units, rooftop gardens etc.), if applicable
- the proposed maximum height of any temporary structure or equipment, such as cranes, intended to be used in the erection of the structure, if applicable
- the purpose of the controlled activity.

Application fees

There is no application fee associated with approval for a controlled activity.

Approval timeframes

Approval submission

An application for approval to undertake a controlled activity must be submitted at least 28 days before the activity is intended to take place.

Approval for a controlled activity will need to be obtained prior to the activity occurring, likely to be relevant during the feasibility, construction, operational, or decommissioning phase of a project.

Processing timeframes

The statutory timeframe within which an airport operator must make an approval decision on a **short-term controlled activity** is within 21 days of receipt of application, unless the application is referred to DITRDCSA for a decision. If additional information is required from the applicant, a decision is to be made within 21 days of receipt of that information. However, decisions cannot be made until all advice is received from the safety authorities.

The statutory timeframe within which the Secretary of DITRDCSA or their delegate must make an approval decision on a **long-term controlled activity** is within 28 days of receipt of application. If additional information is required from the applicant, a decision is to be made within 28 days of receipt of that information.

The Secretary may ask the proponent of the controlled activity concerned, in writing, to give them any other information necessary to consider the application, and need not make a decision about the application until the proponent does so. Decisions cannot be made until all advice is received from the safety authorities.

Ongoing requirements

Proponents will need to comply with any conditions specified within their approval. These conditions may concern how the controlled activity is undertaken (for example, timing of operation) or may require the building or structure to be marked or lit in a certain way.

Further information

Further guidance on approval for controlled activities is available from DITRDCSA: Protection of airspace at leased federal airports.

Approval for proposed constructions or objects in a Defence Aviation Area

Approval is required under the *Defence Act 1903* (Defence Act) to construct buildings, structures and objects that are above specified height restrictions or generate plumes or air turbulence above specified height restrictions, or bring an object hazardous to aircraft or aviation-related communications, navigation or surveillance, within a declared Defence Aviation Area (DAA) in land, sea or airspace.

There are currently 14 DAAs across Queensland, Western Australia, Victoria, South Australia, New South Wales and the Northern Territory. The location of each DAA is available on the Department of Defence website.

The delegate for the Minister for Defence makes decisions on whether to approve proposed constructions or objects within a DAA, considering advice from the Department of Defence.

Applying for an approval

Applications for approval for relevant proposed constructions of buildings, structures and objects in a DAA are submitted to the Department of Defence by email.

Applications must include information on the following:

- the height of the proposed construction
- the purpose for the proposed construction
- whether any object hazardous to aircraft or aviation-related communications, navigation or surveillance is proposed or is likely to be brought into the DAA in connection with the proposed construction
- the height of any other objects that may reasonably be expected to be within the DAA in connection with the proposed construction
- plans, including elevation views, that show the shape, size, position, geographic coordinates and material of the proposed construction and the contours of the land on which the proposed construction is to take place
- measures to prevent or reduce any hazards to aircraft or aviation related communications, navigation or surveillance that may reasonably be expected to be caused by the proposed construction
- a detailed description of any likely plumes or air turbulence and measures to prevent or reduce any hazards to aircraft or aviation related communications, navigation or surveillance caused by the plumes or air turbulence, if relevant.

Application fees

There is no fee associated with applying for approval to conduct to construct buildings, structures and objects that are above specified height restrictions or generate plumes or air turbulence above specified height restrictions within a DAA.

Approval timeframes

Approval submission

Approval for proposed constructions or objects in a DAA, if relevant to the project, will need to be obtained prior to construction, during the feasibility stage of the project.

Processing timeframes

There is no statutory timeframe for processing an application for approval for a proposed structure in a DAA under the Defence Act. However, on an indicative basis, applications are generally assessed within 2 months.

Ongoing requirements

Proponents will need to comply with any conditions specified within their approval.

Further information

Further guidance on DAA approvals is available on the Department of Defence website: Defence aviation areas regulation.

Submarine cable installation permit and/or protection zone compliance

A permit is required under Schedule 3A to the *Telecommunications Act 1997* (Telecommunications Schedule) to install specified submarine cables in Australian waters. The protection of submarine communications cables in Australian waters is also subject to the regulatory framework under the Telecommunications Schedule.

The submarine cables that may require a permit can include a line used in connection with carrying communications (for example, optical fibre) laid on or beneath the seabed beneath Australian waters, connecting to a place in Australia.

A **permit** is required to install:

- an international submarine cable used in connection with carrying communications inside and/or outside a protection zone
- a domestic submarine cable used in connection with carrying communications in a protection zone.

The Australian Communications and Media Authority (ACMA) makes decisions on permit applications based on consultation with the Secretaries of the Attorney-General's Department and the Department of Home, as well as any other persons or organisations it considers relevant.

The ACMA does not regulate the installation of submarine cables in State or Northern Territory coastal waters outside of a protection zone. Project proponents should engage with the relevant State or Northern Territory authorities to understand which approvals may be required.

The ACMA makes decisions on whether to declare a protection zone around submarine cables to prohibit or restrict certain activities that pose a risk of damaging these cables.

Currently, protection zones exist in two areas adjacent to the Sydney coast and one area adjacent to the Perth coast. A map of each of the protection zones, as well as further details on prohibited and restricted activities, is available on the ACMA website. Conditions for restricted activities are outlined within each protection zone declaration: Northern Sydney; Southern Sydney; and Perth.

Activities such as the installation, maintenance or removal of an electricity cable (or associated equipment) are restricted within each of the protection zones. Proponents seeking to undertake restricted activities within a protection zone must **comply with the conditions** set out in the relevant protection zone Declaration.

Applying for an approval and protection zone compliance

Submarine cable installation permit applications

An applicant for a permit to install a submarine cable must be a licensed telecommunications carrier under the *Telecommunications Act 1997*.

Cross-border electricity trade project proponents requiring a permit to install telecommunications submarine cables will need to either engage a third-party telecommunications carrier or become a telecommunications carrier themselves.

Applications for **permits to install submarine cables** are submitted to the ACMA by email using the approved form accessible on the ACMA website and accompanied by the relevant fees.

Applications must be made in accordance with the ACMA's guide for applicants on submarine cable installation permits.

The ACMA recommends that proponents contact its Submarine Cables team to discuss questions about the permitting requirements or permit application process.

Submarine cable protection zone compliance

Before a responsible entity may undertake a restricted activity within a protection zone, they must comply with the applicable conditions set out in the relevant Declaration for the protection zone.

To install an electricity cable and any associated equipment within a protection zone, proponents must:

- provide each telecommunications carrier responsible for a submarine cable within the protection zone at least 21 days' notice about the planned activities
- comply with any reasonable written request from a carrier for information about the planned activities within 7 days of receipt
- consider and respond to any reasonable representations a carrier makes in relation to submarine cable protection
- Install the cable and associated equipment in a manner that follows the shortest practicable route across the protection zone
- install the electricity cable and associated equipment in a manner that does not damage or impede the efficient operation, maintenance or repair of a submarine cable in the protection zone
- install the electricity cable and associated equipment so that it remains at least 500 metres away from the submerged plant items of an existing submarine cable in the protection zone.

To maintain or remove an electricity cable or any associated equipment within a protection zone, proponents must:

- provide each carrier responsible for a submarine cable within the protection zone at least 21 days' notice about the planned activities
- comply with any reasonable written request from a carrier for information about the planned activities within 7 days of receipt
- consider and respond to any reasonable representations a carrier makes in relation to submarine cable protection
- conduct the maintenance or removal in a manner that is not likely to damage or impede the efficient operation, maintenance or repair of a submarine cable in the protection zone.

Project proponents should be aware that there may be other activities associated with a cross-border electricity trade project that are prohibited or restricted within a protection zone.

The ACMA recommends that proponents contact its Submarine Cables team to discuss questions about **complying with the conditions for operating in a protection zone**.

Application fees

Application fees apply for **submarine cable installation permits**. Further information is available on the ACMA website.

There is no fee associated with complying with the **conditions for operating in a protection zone**.

Approval timeframes

Approval submission

A **submarine cable installation permit** will need to be obtained prior to the commencement of construction, most likely during the feasibility stage of a project. The installation of a submarine cable under a permit must not take place until all other Australian Government regulatory approvals have been obtained for the installation.

Compliance with applicable **conditions for operating in a protection zone** will be required prior to undertaking a restricted activity within that protection zone. This is likely to occur during the construction stage of a project; therefore, compliance should be considered prior to the commencement of the activity, most likely during the feasibility or construction stage of a project.

Proponents must provide each telecommunications carrier responsible for a submarine cable within the protection zone activities at least 21 days' notice about the planned activities.

Processing timeframes

There are statutory decision-making timeframes for the ACMA when considering an application for an **installation permit**. These timeframes range from 25 business days to 60 business days, depending on the permit applied for.

Ongoing requirements

Submarine cable installation permits issued by the ACMA are subject to a range of conditions that must be upheld. The installation of a submarine cable under a permit issued by the ACMA must not take place until all other Australian Government regulatory approvals have been obtained for the installation.

When **operating in a protection zone**, proponents must provide each carrier responsible for a submarine cable within the protection zone at least 21 days' notice prior to maintaining or removing an electricity cable or associated equipment in the protection zone.

Further information

Further guidance on submarine cables is available on the ACMA website.

Coastal trading licence

Unless an exemption applies, an appropriate coastal trading licence is required under the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (Coastal Trading Act) to authorise the movement of cargo on a vessel between interstate Australian ports in connection with a commercial activity.

The Minister responsible for Transport, or their delegate, decides whether to grant coastal trading licences or make exemptions for specific vessels or persons, considering advice from the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCSA).

A **general licence** provides an Australian vessel with unrestricted access to engage in coastal trading in Australia for up to 5 years.

A **temporary licence** provides a foreign-flagged vessel with limited access to engage in coastal trading for 12 months.

An **emergency licence** provides access to engage in coastal trading for up to 30 days in specified emergency situations. The emergency must involve severe weather conditions, or a natural disaster, that endangers, or threatens to endanger, life, property or the environment and requires a significant and coordinated response.

Applying for an approval

Applications for coastal trading licences are submitted to DITRDCSA through the online Coastal Trading Licensing System.

An application for a **general licence** must include the following:

- evidence that the vessel is registered in the Australian General Shipping Register
- a statement that each seafarer working on the vessel, when the vessel is used to engage in coastal trading:
  - is or will be an Australian citizen; or
  - is or will hold a permanent visa; or
  - is or will hold a temporary visa that does not prohibit the seafarer from performing the work he or she performs on the vessel.

An application for a **temporary licence** must include information on the following:

- the number of voyages, which must be 5 or more, to be authorised by the licence
- the expected loading dates
- the kinds and volume of cargo expected to be carried (if any)
- the type and size, or type and capacity, of the vessel to be used to carry the cargo (if known)
- the name of the vessel (if known)
- the ports at which the cargo is expected to be taken on board
- the ports at which the cargo is expected to be unloaded
- whether the cargo will contain dangerous goods
- how the cargo is expected to be transported.

An application for an **emergency licence** must include information on the following:

- details of the emergency
- the number of voyages for which the applicant is seeking the licence (if known)
- the kinds and volume of cargo expected to be carried (if any) and the shipper of the cargo
- the ports at which the cargo is expected be taken on board (if known)
- the ports at which the cargo is expected to be unloaded (if known)

- the reasons why the voyages cannot be undertaken by a vessel authorised to be used to engage in coastal trading under a general licence
- evidence that the vessel is registered in the Australian General Shipping Register, the Australian International Shipping Register or under a law of a foreign country.

Application fees

There is a cost associated with each type of licence application. Details of specific costs are available on the DITRDCSA website.

Approval timeframes

Approval submission

A coastal trading licence or licences will need to be considered prior to the commencement of coastal transport of cargo between interstate ports. The transport of cargo is likely to occur in the construction, operational or decommissioning phase of a project. Timing of applications should consider processing timeframes for the specific type of licence.

Pre-requisite approvals

If workers without Australian citizenship will be working on the vessel used in coastal trading, an appropriate visa under the *Migration Act 1958* will be required prior to applying for a **general licence** under the Coastal Trading Act. A statement that each worker holds or will hold the appropriate visa is required as part of the application for a general licence.

Processing timeframes

As part of the application process, applicants must first register their organisation on the Coastal Trading Licensing System. DITRDCSA will need to assess this registration before the applicant can then apply for a licence, which may take up to 2 business days.

The statutory timeframe for making a decision on an application for a **general coastal trading licence** is within 10 business days after the day the application is made.

For a **temporary coastal trading licence**, the statutory timeframe is 15 business days.

For an **emergency coastal trading licence**, the statutory timeframe is 3 business days.

These timeframes commence only once a complete application and payment is received. If additional information about an application is requested from DITRDCSA, the above timeframes will not commence until this information is received.

Ongoing requirements

Each financial year, **general licence** holders are required to provide DITRDCSA with a report summarising voyages undertaken under the licence that year.

Holders of a **temporary licence** or **emergency licence** must notify the Minster responsible for Transport of the details of each upcoming voyage at least 2 days before the loading date. They must also provide DITRDCSA with a report on the details of each voyage undertaken under the licence within 10 business days of the voyage.

Further information

Further guidance on coastal trading licences is available from DITRDCSA: Coastal Trading Frequently Asked Questions (PDF).

Heavy Vehicle National Law access permit

An access permit is required under the Heavy Vehicle National Law (HVNL) to enable specified heavy vehicles, known as Restricted Access Vehicles, to access parts of the road network across each jurisdiction in Australia, except for Western Australia and the Northern Territory. The HVNL is contained within the schedule to the *Heavy Vehicle National Law Act 2012* (Queensland).

A Restricted Access Vehicle is a heavy vehicle that, together with its load, is

- higher than 4.3 m; or
- wider than 2.5 m; or
- longer than
  - 12.5 m (if a single vehicle other than an articulated bus); or
  - 18 m (if an articulated bus); or
  - 19 m (if a combination of both).

This is relevant for projects that involve the use of heavy vehicles travelling on roads across Australia outside of Western Australia and the Northern Territory – these jurisdictions have their own heavy vehicle systems and separate regulatory arrangements.

The National Heavy Vehicle Regulator (NHVR) assesses permit applications under the HVNL and requests consent from impacted road managers to grant road access to applicants.

Applying for an approval

Applications for access permits are submitted to the NHVR online using the NHVR Go portal. Guidance is available on the NHVR website to determine whether your vehicle is considered a Restricted Access Vehicle and requires a permit.

Prior to applying for an access permit, applicants are required to **plan their route**. This includes first scoping the route, which may require consultation with road managers if there are multiple ways to enter a site or the route may require smaller or specific vehicle types.

The NHVR Route Planner mapping tool can then be used to plan your heavy vehicle journey routes and find out which road networks have approved routes and which ones may require a permit for access. Information on heavy vehicle routes and descriptions is also available on state road transport authority mapping sites.

To reduce application processing times and ensure the completeness of an application, the NHVR recommends that applicants include the following vehicle information in their application for an access permit:

- axle spacing, to determine the impact the vehicle may have on structure such as bridges and culverts
- an accurate total mass and axle group mass breakdown
- gross combination mass
- ground contact width
- tyre size measurements.

Application fees

There are fees associated with permit applications under the HVNL. A fee schedule is available on the NHVR website.

Approval timeframes

Approval submission

An application for a HVNL access permit will need to be obtained prior to the vehicle commencing travel, which is likely to occur during the construction phase, operational phase or decommissioning phase of a project.

A HVNL access permit may be issued for a period of no more than 3 years, which may be a consideration in terms of optimising submission timing.

Pre-requisite approvals

Additional permission may be required from a third party such as an electricity or utility company, rail authority, tunnel operator, roadwork controller, road infrastructure manager or police if a vehicle exceeds mass or dimension limits.

One of the most common triggers for the requirement of third party approval is where the vehicle and load exceed a specified height. Third party approval may also be required if the vehicle exceeds mass, length or width limits. If a vehicle is over 5.2 metres in height and due to travel in Victoria, and over 5 metres in height and due to travel anywhere else under the HVNL, third party approval must be obtained prior to submitting an access permit application. Vehicles less than this but greater than 4.3 metres in height require third party approval prior to commencing travel, but evidence of the approval is not required prior to obtaining an access permit from the NHVR.

Processing timeframes

The statutory timeframe within which a road manager of a road must decide whether to consent to the grant of a mass or dimension authority is within 28 days of receipt of application. However, the NHVR may choose to grant an extension of up to 6 months upon request from the road manager.

Ongoing requirements

The driver operating under a HVNL access permit must keep a copy of the permit in their possession while driving the vehicle. They must also keep a copy of either the Commonwealth Gazette notice for the permit, or an information sheet about the permit published on the NHVR's website. HVNL access permits may be issued for a period of no more than 3 years. If the heavy vehicle requires access to relevant parts of the road network beyond this period, a new permit will be required.

Further information

Further guidance on the access permit application process under the HVNL is available on the NHVR website.

National Electricity Market registration

Registration as a participant in the National Electricity Market (NEM) is required for projects generating electricity and wishing to connect to the wholesale electricity market in Australia in accordance with the National Electricity Rules (NER), established under the National Electricity Law (NEL). The NEL is contained within the Schedule to the *National Electricity (South Australia) Act 1996*.

This is relevant for projects that involve an Australian-based electricity connection element in New South Wales, the Australian Capital Territory, Queensland, South Australia, Victoria or Tasmania. The NEM is not connected to Western Australia or the Northern Territory – these jurisdictions have their own electricity systems and separate regulatory arrangements.

The Australian Energy Market Operator (AEMO) decides whether to register participants in the NEM.

Applying for an approval

Applications to register as a participant in the NEM are submitted to AEMO by email using the application form available for download on the AEMO website.

Applicants registering as a generator or integrated resource provider participant in the NEM must fulfil many different requirements for information as part of the application process. In general, details of the following are required:

- applicant details including entity name and ABN/ACN
- expected date of activity commencement
- contact details for the organisation's registration contact, head office, operational contact, and key personnel
- a copy of the applicant's partnership agreement, if applying on behalf of a partnership
- a copy of the trust deed and an executed trustee deed in favour of AEMO, if applying on behalf of a trust
- details on organisational capability, including an organisation chart and other documents (such as resumes of key managers) detailing the necessary expertise to comply with the NER, a corporate structure chart
- details on financial viability, including copies of recently audited financial statements
- a copy of a jurisdictional electricity authorisation or evidence of exemption
- a completed recipient created tax invoice agreement
- details on market participant criteria, credit support and Austraclear code
- details on the generating system
- details on classification as a market generating unit
- details on compliance with technical requirements, including performance standards for the generating system
- details on local black system procedures
- details on connection point, metering and network connection
- details on information technology (IT) systems.

Application fees

An application fee is required for registration as a participant in the NEM. Details of fees are outlined on the AEMO website. On receipt of an application, AEMO will send an invoice for payment of the registration fees by electronic funds transfer.

Approval timeframes

Approval submission

If applicable to the project, registration as a participant in the NEM will be required prior to the commencement of operations (late in the construction phase of the project).

If an eligible project proponent is seeking to generate tradable large-scale generation certificates under the Renewable Energy Target (RET) scheme under the *Renewable Energy (Electricity) Act 2000* and also wishes to participate in the NEM, registration in the NEM will be required prior to applying to participate in the RET scheme.

Pre-requisite approvals

AEMO uses an external electronic funds transfer system provided by Austraclear. Projects should apply directly to Austraclear for membership via the Austraclear website. Membership approvals can take up to five weeks to process.

Processing timeframes

The statutory timeframe for AEMO to process complete applications for registration as a registered participant in the NEM is 15 business days.

Within 5 business days of receiving an application, AEMO must provide feedback to the applicant on whether any further information or clarification of the application is required. After this, the applicant has 15 business days to respond. Once AEMO receives the last piece of information, it has an additional 15 business days to determine the application.

Ongoing requirements

Registered participants under the NEM are subject to general ongoing responsibilities. This includes a requirement to comply with any dispatch instruction provided by AEMO and relevant dispatch bids.

Further information

Fact sheets and guidance on registering for the NEM is available on the AEMO website: Registration Fact Sheets and Guides.

Large-scale renewable energy generation certificates

The Renewable Energy Target (RET) is a national scheme providing incentives for the generation of renewable electricity in Australia.

Project proponents must register and accredit power stations under the *Renewable Energy (Electricity) Act 2000* (REE Act) to participate in the RET scheme.

Registration and accreditation is required to create large-scale generation certificates (LGCs). Electricity generators using any of nineteen eligible renewable energy sources may apply for power station accreditation.

Each LGC represents one megawatt-hour of renewable electricity generated. LGCs are tradable within Australia. A market has been created through mandatory surrender by liable entities under the RET and by others making voluntary surrenders to substantiate their use of renewable electricity.

The Clean Energy Regulator (CER) has regulatory oversight of the RET. The CER makes decisions on applications for participant registration, power station accreditation, and the registration and surrender of LGCs under the RET.

Applying for an approval

Applications for registration and accreditation under the RET scheme are submitted to the CER online in the Renewable Energy Certificate (REC) Registry.

You must apply to be a **registered person** before applying to accredit your power station. To register, applicants must submit information on the following:

- account details, such as account name, ACN and ABN if applicable
- account administrator details for the first user of the account, including full address details and proof of identity
- reason(s) for participating in the scheme
- evidence that the applicant is a fit and proper to be registered under the REE Act.

Once registered, you can then apply to upgrade your account to a power station account and apply for power station **accreditation** under the RET scheme. Once accredited, you will be able to create LGCs for renewable electricity generated.

The exact type of information needed for the application will depend on the type of power station for which you are seeking accreditation. Generally, applicants must submit information on the following:

- stakeholder details, including details of the owner and operator of the power station
- power station details, including address and geocoordinates, latitude and longitude, details of any battery storage system and/or small generation unit (if applicable)
- eligible renewable energy source details, including list of eligible energy sources from which power is to be generated, capacity of the power station in megawatts (MW), list of non-eligible energy sources of power generation (if applicable) and details and photos of components integral to the power station (large-scale generation metering installation/s and completed installation)
- metering details, including details of large-scale generation meters used to support measurement of electricity generation, details of the electricity network, details of the electricity generation process, and an electrical single line diagram for the system
- details of large-scale generation certificate methodology
- details of relevant approvals under Australian Government and state or territory legislation.

Application fees

A fee is payable when applying to be a **registered person**, when applying for **power station accreditation** and to **register LGCs**. Details of fees can be viewed when logged into the REC Registry. Further information on fees is available on the CER website.

Approval timeframes

Approval submission

For new power stations, the CER advises starting to draft your application for accreditation under the RET scheme 10 to 12 weeks before the power station starts generating electricity. This would take place toward the later end of the construction stage of the project, prior to electricity generation during project operation. If the power station is already generating electricity, applications should be submitted as soon as possible.

LGCs can only be claimed for eligible generation from the accreditation start date onward.

Due to the RET scheme ending, no LGCs can be created for renewable electricity generated on or after 1 January 2031.

Pre-requisite approvals

When applying for power station accreditation under the RET, details of the regulatory approvals that have been obtained, applied for or exempted are required.

This includes documentation demonstrating compliance with or exemption from planning and development requirements and documents demonstrating that building approvals or permits are in place, unless an exemption applies.

Applications must include documents demonstrating compliance with applicable Australian Government, state or territory environmental requirements including approval under the *Environment Protection and Biodiversity Conservation Act 1999*.

Applications must also include a copy of the signed connection agreement and a copy of Australian Energy Market Operator National Electricity Market registration under the National Electricity Law, if applicable, and electrical safety certification.

Processing timeframes

The CER has a statutory timeframe for deciding on accreditation applications. Applications must be approved or refused within 6 weeks of the date that applications are considered 'properly made'. Where a request for information is issued in relation to the application, the decision clock is paused.

Ongoing requirements

To maintain accreditation under the RET, the nominated person for an accredited power station is required to submit an annual electricity generation return (EGR) to the CER in the REC Registry by 14 February each year. An EGR must include details of the amount of electricity generated by the power station during the year and the amount of that electricity that was generated using eligible energy sources. The EGR must also detail the number of certificates created during the year in respect of the electricity generated by the power station during the year and in the previous year. A step-by-step guide is available to assist with the process of submitting an EGR.

Any changes to the owner, operator, nominated person, capacity or components of an accredited power station must be reported to the CER using the appropriate form available on the CER website. Records must be maintained in relation to metering, LGC methods and component lists.

RET liability

Energy storage systems in Australia may be subject to RET liability depending on how they are configured and used.

RET liability generally applies when a storage system is involved in the acquisition or supply of electricity to end users, particularly in grid-connected or commercial-scale setups. For example, if a battery system purchases electricity from a grid or generates and supplies electricity over distances greater than one kilometre without dedicated infrastructure, it may be considered a liable entity under the RET.

The CER assesses liability on a case-by-case basis, considering factors such as commercial arrangements, connection type and electricity usage patterns.

Further information

Further guidance on applying for registration and accreditation under the RET and registering and surrendering LGCs is available on the CER website.

Critical infrastructure registration, risk management program and reporting

The responsible entity for a critical electricity asset under the *Security of Critical Infrastructure Act 2018* (SOCI Act) must provide operational and ownership information to the **Register of Critical Infrastructure Assets**, develop, maintain and comply with a **Critical Infrastructure Risk Management Program (CIRMP)**, **notify** the Department of Home Affairs of **cyber security incidents** and notify data service providers who are managing business critical data. Some assets may also be classified as systems of national significance where they are subject to enhanced cyber security obligations.

Cross-border electricity trade projects will include a critical electricity asset if the project includes a network, system, or interconnector that transmits or distributes electricity to more than 100,000 customers in Australia, or if the project includes an electricity generator that has an installed capacity of more than 30 megawatts and is connected to a wholesale electricity market in Australia.

The responsible entity for a critical electricity asset is the entity authorised to operate the asset to provide the service to be delivered by the asset.

The Secretary of the Department of Home Affairs, or their delegate, is responsible for maintaining the Register of Critical Infrastructure Assets, with assistance from the Critical Infrastructure Security Centre (CISC) within the Department of Home Affairs.

A CIRMP does not need to be submitted for approval, however the responsible entity's board or council must sign off a CIRMP Annual Report.

Cyber security incidents for critical electricity assets are reported to the Australian Cyber Security Centre (ACSC) of the Australian Signals Directorate.

Meeting the obligations

Information for **the Register of Critical Infrastructure Assets** is submitted to CISC using the online form available on the CISC website. Responsible entities must submit information on the following:

- asset details, including name, location, description and a licence number for electricity assets
- description of the area serviced by the asset and the key goods and services provided by the asset
- list of suppliers, contractors and service providers critical to the operation of the asset
- details of data arrangements for the asset
- details of operator arrangements for the asset, if applicable
- details of the responsible entity for the asset, including legal name, entity type, country of incorporation or creation, ABN or CAN, street and mailing address, and description of ownership structure
- responsible entity Chief Executive Officer details including name and country of citizenship
- relevant attachments including entity charts or diagrams and licencing documentation if applicable.

Responsible entities must adopt and maintain a **CIRMP** for their critical electricity asset that identifies all-hazards and manages material risks that could impact the asset's availability, integrity, reliability or data confidentiality. While CIRMPs do not need to be submitted for approval, a meeting can be arranged with CISC to discuss fulfilling CIRMP obligations.

A CIRMP must:

- identify each hazard where there is a material risk that the hazard could have a relevant impact on the asset
- as far as it is reasonably practicable, minimise or eliminate any material risk of a hazard occurring
- as far as it is reasonably practicable, mitigate the relevant impact of a hazard on the asset.

Hazards can relate to cyber and information security, personnel, physical security and nature, or supply chains.

A risk will be a material risk if it results in:

- a stoppage or major slowdown of the asset's function for an unmanageable period
- a substantive loss of access to, or deliberate or accidental manipulation of, a critical component of the asset
- an interference with an asset's operational technology or information communication technology essential to the functioning of the asset
- the storage, transmission or processing of sensitive operational information outside Australia.
- remote access to operational control or operational monitoring systems of the asset.

Fees

There are no fees associated with providing information to the Register of Critical Infrastructure Assets, adopting and maintaining a CIRMP, or reporting critical cyber security incidents for a critical electricity asset.

Timeframes for registering critical infrastructure assets and adopting a CIRMP

Registration submission

Responsible entities must provide the asset's ownership information to the Register of Critical Infrastructure Assets by whichever is later of the end of the grace period for the asset or the end of 30 days after the day the entity becomes a reporting entity for the asset. For direct interest holders of the asset, this same timeframe applies for the provision of interest and control information in relation to the entity and the asset.

The grace period for an asset that is, or will be, a critical infrastructure asset is within 6 months of the day the asset becomes a critical infrastructure asset, generally within the operating stage of a project.

CIRMP creation

Responsible entities must adopt a CIRMP for their asset within 6 months of the day the asset becomes a critical infrastructure asset.

Processing timeframes

There is no statutory timeframe for processing the registration of critical infrastructure assets.

Ongoing requirements

Updated information must be provided to the **Register of Critical Infrastructure Assets** wherever operational or interest and control information changes.

The responsible entity must comply with its CIRMP. A **CIRMP** must be reviewed and updated on a regular basis. The responsible entity for the critical electricity asset must also submit an annual report relating to its CIRMP within 90 days of the end of each financial year.

Critical cyber security incidents must be reported to the ACSC through its online cyber incident reporting portal. A responsible entity must report a **critical cyber security incident** within 12 hours of becoming aware of the incident where the incident has had or is having a significant impact on the availability of the critical electricity asset, whether direct or indirect. Incidents with a relevant impact must be reported within 72 hours.

Further information

Further guidance on regulatory obligations for critical infrastructure assets is available from the CISC website.

Cross-border electricity trade regulatory approvals

Appendix – summary of regulatory approvals

Common approvals

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
Foreign investment approval	*Foreign Acquisitions and Takeovers Act 1975*	• The Treasury • Australian Taxation Office	Foreign investments in Australia, including business investments, generally require **approval** before acquiring a substantial interest (generally at least 20%) in an Australian entity that is valued above the relevant monetary threshold.	• Site selection to early feasibility stage for initial approval • Any project stage for subsequent approvals	N/A
Australian Marine Park authorisation	*Environment Protection and Biodiversity Conservation Act 1999*	Parks Australia	An **Australian Marine Park authorisation** is required to authorise installation of structures and to undertake works in an Australian Marine Park, including maintenance and works, dredging and disposal of dredge material, excavation and associated activities.	(Early) feasibility	Environmental Protection and Biodiversity Conservation approval (*Environment Protection and Biodiversity Conservation Act 1999*)
Sea dumping permit	*Environment Protection (Sea Dumping) Act 1981*	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	A **sea dumping permit** is required to authorise the loading and deliberate disposal (i.e. 'dumping') of wastes or other matter into the sea, including sediment that has been dredged or excavated to support the installation of a subsea cable system and/or the dumping or abandonment of infrastructure at the end of the project life unless an exemption applies.	• Feasibility • Late operations to early decommissioning	N/A
Environmental Protection and Biodiversity Conservation approval	*Environment Protection and Biodiversity Conservation Act 1999*	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	An **Environmental Protection and Biodiversity Conservation approval** is required for any project that may have a significant impact on any matters of national environmental significance.	(Early) feasibility	Consultation with First Nations peoples and communities
Transmission and infrastructure licence	*Offshore Electricity Infrastructure Act 2021*	Offshore Infrastructure Registrar	A **Transmission and infrastructure licence (TIL)** is required to authorise the licence holder to assess the feasibility of, construct, install, commission, operate, maintain and decommission offshore renewable energy infrastructure or offshore electricity transmission infrastructure in or through the licence area so long as: • there is a **management plan** for the licence, • activities are carried out in accordance with the management plan and the conditions of the licence, and • the licence holder provides the required **financial security**.	Feasibility	• Environmental Protection and Biodiversity Conservation approval (*Environment Protection and Biodiversity Conservation Act 1999*) • Australian Marine Park authorisation (*Environment Protection and Biodiversity Conservation Act 1999*) • Identification and consideration of existing rights of relevant existing uses or users of the proposed licence area, including: – Local communities – Fisheries stakeholders (*Fisheries Management Act 1991*) – Native title holders or claimants (*Native Title Act 1993*) – If applicable, shipping stakeholders – If applicable, stakeholders for Defence Aviation Areas (*Defence Act 1903*) – If applicable, stakeholders for prescribed airspace (*Airports Act 1996*)

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
					– If applicable, telecommunications carriers for existing submarine cables within submarine cable protection zones (*Telecommunications Act 1997* – Schedule 3A) – If applicable, tourism stakeholders – If applicable, stakeholders for petroleum or greenhouse gas safety zones or the area to be avoided (*Offshore Petroleum and Greenhouse Gas Storage Act 2006*) – If applicable, other holders of licences under the *Offshore Electricity Infrastructure Act 2021* • If applicable, foreign investment approval (*Foreign Acquisitions and Takeovers Act 1975*) • If applicable, feasibility licence (*Offshore Electricity Infrastructure Act 2021*)
Offshore electricity infrastructure management plan and associated requirements	*Offshore Electricity Infrastructure Act 2021*	Offshore Infrastructure Regulator	• An approved **offshore electricity infrastructure management plan** is required to authorise the holder of a transmission and infrastructure licence or any other licence issued under the *Offshore Electricity Infrastructure Act 2021* to carry out activities under the licence. • The licence holder must provide a **design notification** to the Offshore Infrastructure Regulator in relation to the design of licence infrastructure and must not apply for management plan approval until the Offshore Infrastructure Regulator has provided feedback on this design notification in the form of a regulatory advice statement.	Feasibility	• Environmental Protection and Biodiversity Conservation approval (*Environment Protection and Biodiversity Conservation Act 1999*) • Australian Marine Park authorisation (*Environment Protection and Biodiversity Conservation Act 1999*) • Transmission and infrastructure licence (*Offshore Electricity Infrastructure Act 2021*) • Consultation with each Commonwealth, State or Territory Department, agency or authority that has functions that relate to the activities under the licence • Identification, consideration of existing rights and consultation with other marine users and uses of the environment relevant to the licence, including: – Local communities – Fisheries stakeholders (*Fisheries Management Act 1991*) – Native title holders or claimants (*Native Title Act 1993*) – Aboriginal or Torres Strait Islander organisations that are established under a law of the Commonwealth, a State or a Territory with functions relating to managing land or water in or adjacent to the licence area for the benefit of Aboriginal or Torres Strait Islander people, – If applicable, other licence holders under the *Offshore Electricity Infrastructure Act 2021*, where relevant to the licence area – As applicable, people or organisations undertaking activities for a commercial purpose under a Commonwealth, State or Territory licence or permit in or near the licence area of the relevant licence

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
					– If applicable, telecommunications carriers for existing submarine cables within submarine cable protection zones (*Telecommunications Act 1997* – Schedule 3A) – If applicable, stakeholders for petroleum or greenhouse gas safety zones or the area to be avoided (*Offshore Petroleum and Greenhouse Gas Storage Act 2006*) – If applicable, stakeholders for prescribed airspace (*Airports Act 1996*) – If applicable, stakeholders for Defence Aviation Areas (*Defence Act 1903*) • If applicable, foreign investment approval (*Foreign Acquisitions and Takeovers Act 1975*) • If applicable, feasibility licence (*Offshore Electricity Infrastructure Act 2021*)
Work health and safety authorisations	*Offshore Electricity Infrastructure Act 2021*	Offshore Infrastructure Regulator	Work health and safety authorisations are required as applicable before conducting offshore infrastructure activities in a Commonwealth offshore area and may include an **emergency plan** and **WHS management plan**, relevant **high risk work licences**, and **plant and plant design registrations**.	Feasibility, construction, operations, decommissioning	Licence under the *Offshore Electricity Infrastructure Act 2021*
Fisheries stakeholders consultation	*Fisheries Management Act 1991*	Australian Fisheries Management Authority (AFMA)	Licence holders under the *Offshore Electricity Infrastructure Act 2021* **must consult with fisheries stakeholders** in and around the project area to consider the impact of a project on commercial fishing in waters within the jurisdiction of the Commonwealth and fulfil obligations for an offshore electricity infrastructure management plan.	Site selection through to (early) feasibility	N/A
Native title compliance and agreement	*Native Title Act 1993*	National Native Title Tribunal	• Negotiation and agreement making with native title parties may be required to authorise proposals to deal with land and waters in a way that affects native title rights and interests, known as future acts. • The *Native Title Act 1993* sets out the **procedures that must be followed** before a future act can be validly done. These procedures depend on the nature of the act. • One possible pathway for agreement making is an **Indigenous Land Use Agreement (ILUA)**.	(Early) feasibility	N/A
Underwater cultural heritage permit	*Underwater Cultural Heritage Act 2018*	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	• An **underwater cultural heritage (UCH) permit** is required for any project that has potential to have an adverse impact on Australia's protected UCH or requires entry in an UCH protected zone. • An **UCH Impact Assessment** may be required if potential impacts to UCH are identified. • An **UCH management plan** outlining measures to manage impacts may be required if impacts to UCH cannot be avoided and must be prepared alongside permit documentation. • **Unexpected Finds Protocols** outline processes to follow to mitigate potential impacts when encountering	(Early) feasibility	N/A

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
			unexpected UCH may be required as either a stand-alone document or incorporated into site or project-specific management plans.		
Australian Industry Participation plan	*Australian Jobs Act 2013*	Australian Industry Participation Authority	An approved **Australian Industry Participation (AIP) plan** is required for projects establishing or upgrading eligible facilities with a capital expenditure of $500 million or more.	Feasibility	N/A
• Renewable Electricity Guarantee of Origin certificates • Renewable electricity eligible person registration Renewable electricity facility registration	*Future Made in Australia (Guarantee of Origin) Act 2024*	Clean Energy Regulator (CER)	• The Guarantee of Origin (GO) scheme will provide a voluntary framework for emissions accounting of products and the certification of renewable electricity. The scheme is expected to commence in late 2025. • Under the scheme, a **renewable electricity guarantee of origin (REGO) certificate** is the mechanism by which electricity is certified as renewable. • Renewable electricity providers that wish to participate in the REGO part of the GO scheme must **register themselves and their facilities** with the CER to gain eligibility to create REGO certificates for eligible generation of renewable electricity produced by the registered facility.	(Late) construction Operation	• Details of the regulatory approvals that have been obtained, applied for or exempted, including compliance documentation for planning and development requirements and approval under the *Environment Protection and Biodiversity Conservation Act 1999*. • If applicable, National Electricity Market registration (National Electricity Law). • A person must register as an eligible registered person before a renewable electricity facility can be registered. Registration of a renewable electricity facility is required to enable renewable electricity guarantee of origin certificates to be generated by the eligible registered person.
National Greenhouse and Energy Reporting scheme registration and reporting	*National Greenhouse and Energy Reporting Act 2007*	Clean Energy Regulator (CER)	• The following controlling corporations must **register for and report** under the National Greenhouse and Energy Reporting (NGER) Scheme: – controlling corporations with a facility that emits 25 kilotonnes or more of carbon dioxide or consumes or produces 100 terajoules or more of energy in a financial year, or • multiple facilities that together emit 50 kilotonnes or more of carbon dioxide or consume or produce 200 terajoules or more of energy in a financial year.	Operation	N/A
• Visa sponsorship approval • Working visas • Maritime crew visas	*Migration Act 1958*	Department of Home Affairs	• Employers will require an **approval as a sponsor** for projects facing skilled labour shortages where an employer wishes to sponsor a skilled overseas worker to come to Australia to fill a specific role. • Workers who are not Australian citizens require an appropriate **working visa** to enter and work in the country. • **Maritime crew visas (MCVs)** are required for each overseas maritime crew member arriving in Australia by sea. MCVs may be used by shipping companies engaged for importation of cargo necessary for a project.	Any stage, as early as site selection	If applicable, foreign investment approval for a business investment (*Foreign Acquisitions and Takeovers Act 1975*) so the business is legally established and operating
• Seafarer certificates • Maritime labour certificate • Maritime safety certificate • Pollution certificates	*Navigation Act 2012*	Australian Maritime Safety Authority (AMSA)	• Relevant certificates that apply to an Australian ship and its intended operations must be obtained prior to taking the ship to sea. • the performance of seafarer duties or functions on a regulated Australian vessel (RAV) requires the corresponding types of **seafarer certificates**.	Any stage, as early as site selection	N/A

Cross-border electricity trade regulatory approvals

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
• Tonnage certificate			• A **Maritime labour certificate (MLC)** and accompanying **declaration of maritime labour compliance** must be carried onboard a regulated Australian vessel (RAV) if the RAV is over 500 gross tonnage to demonstrate the vessel complies with the Maritime Labour Convention. • RAVs and foreign vessels must hold the **maritime safety certificates** that apply to the vessel. • All Australian ships must hold the **pollution certificates** that apply to the ship. • An **international tonnage certificate** is required to take an RAV to sea to demonstrate the vessel complies with the International Convention on Tonnage Measurement of Ships. • Vessels operating as domestic commercial vessels (DCVs) are subject to separate certification requirements, however general **obligations for tonnage, collision prevention and pollution prevention** under the Navigation Act still apply.		
• Domestic commercial vessel requirements: • Unique domestic vessel identifier • Certificate of survey • Load line certificate • Certificate of operation • Safety management system • Certificate of competency	*Marine Safety (Domestic Commercial Vessel) National Law Act 2012*	Australian Maritime Safety Authority (AMSA)	• A **unique domestic vessel identifier** and **maritime safety certificates** are required for domestic commercial vessels (DCVs) to operate within Australia's Exclusive Economic Zone unless an exemption applies. • A **certificate of survey** is required to certify a DCV has been surveyed and been found to meet design, construction, stability and equipment standards, alongside a **load line certificate** if the DCV is greater than or equal to 24 m in length. • A **certificate of operation** is required to demonstrate the applicant has appropriate competence and capacity in relation to the safe operation of a DCV, subject to the condition there is a safety management system in place for the DCV. • An **SMS** must identify the risks to the safety of the vessel, the environment and persons on or near the vessel, and outline procedures to eliminate or minimise these risks. It must also address the operation requirements that apply for the vessel and be documented and readily accessible for use. • The performance of duties or functions on a DCV requires the corresponding type of **certificate of competency** to demonstrate the master or crew member is appropriately qualified for the work at hand.	Any stage, as early as site selection	N/A
• Ballast water management plan • Ballast water management certificate	*Biosecurity Act 2015*	Department of Agriculture, Fisheries and Forestry (DAFF)	• An approved **ballast water management plan** and **ballast water management certificate** or **exemption** is required for Australian vessels to travel within and beyond Australia's exclusive economic zone.	Any stage, as early as site selection	N/A
• Defence export permit	• *Customs Act 1901*	Department of Defence	• A **permit** is required to authorise the supply, publication or provision of goods, technology or services of items	Feasibility	N/A

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
	• *Defence Trade Controls Act 2012*		listed within the Defence and Strategic Goods List unless an exception or exemption applies.		
• Biosecurity import permits • Biosecurity obligations	*Biosecurity Act 2015*	Department of Agriculture, Fisheries and Forestry (DAFF)	• A **biosecurity import permit** may be required for the importation of conditionally non-prohibited goods (such as movable property, animals, plants, samples or specimen of a disease agent, pests, mail or the arrival of aircraft or vessels) into Australia. • In addition, all aircraft and vessels must be met prior to and upon arrival in Australia at a First Point of Entry (FPOE) location unless granted **permission** from DAFF to land elsewhere. Aircraft may also require **approval from the National Passenger Processing Committee (NPPC)** within the Department of Home Affairs.	Late feasibility or early construction	N/A
Customs clearance and reporting requirements	*Customs Act 1901*	Australian Border Force (ABF)	• Prior to importing goods into or exporting goods from Australia, proponents must comply with applicable customs clearance and reporting requirements under the *Customs Act 1901*. • Certain goods are prohibited from import and export to and from Australia. Most goods can be imported or exported with written permission. Prohibited import or export permits are required prior to importing or exporting prohibited goods. • Import and export permissions include **permits, licences, or written permission.** Information required to apply for a permission to import prohibited goods will depend on the type of good. • Individual **labelling requirements** may also apply to imported goods. **Reporting requirements** apply to all vessels and aircraft travelling to and from Australia, including impending and actual arrival reports, passenger and crew reporting, and cargo reporting requirements.	Late feasibility or early construction	• Applicants must obtain a biosecurity import permit (*Biosecurity Act 2015*) prior to lodging an import declaration to the ABF • If applicable, applicants must obtain a Defence and Strategic Goods List permit (*Defence Trade Controls Act 2012*) prior to lodging an export declaration to clear goods through customs control If applicable, applicants must obtain a hazardous waste permit (*Hazardous Waste (Regulation of Exports and Imports) Act 1989*) prior to lodging an export declaration
Hazardous waste permit	*Hazardous Waste (Regulation of Exports and Imports) Act 1989*	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	• An appropriate **permit** is required to export, import or transit any material considered to be hazardous and other controlled wastes. This includes, but is not limited to, waste that is explosive, flammable, poisonous, toxic, ecotoxic, and/or infectious, and any non-hazardous plastics or electrical equipment. • **Consent from all countries involved in moving the waste** is also required. Consent will be sought by the regulator when processing the application.	Construction, operation and/or decommissioning	If applicable, a biosecurity export permit (*Biosecurity Act 2015*) is required prior to applying for a hazardous waste permit if the imported waste presents a biosecurity risk
Radiocommunications licencing	*Radiocommunications Act 1992*	Australian Communications and Media Authority (ACMA)	• A **radiocommunications licence** is required to authorise the use of spectrum for radiocommunications services. • Radiocommunications equipment designed to be used on maritime or land frequencies is most commonly authorised by an **apparatus** or **class licence**.	Any stage, as early as site selection	N/A

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
• Anti-fouling certificate • Anti-fouling declaration	*Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*	Australian Maritime Safety Authority (AMSA)	• Australian ships with a gross tonnage of 400 or more on international voyages must carry an **anti-fouling certificate** to demonstrate the ship complies with the International Convention on the Control of Harmful Anti-fouling Systems on Ships (Anti-fouling Convention). • Australian ships of at least 24 metres in length with a gross tonnage of less than 400 on international voyages must carry an **anti-fouling declaration** to demonstrate compliance with the Anti-fouling Convention.	Any stage, as early as site selection	N/A
Ship-based sea pollution record books, management plans and emergency plans	*Protection of the Sea (Prevention of Pollution from Ships) Act 1983*	Australian Maritime Safety Authority (AMSA)	Australian ships must carry onboard the applicable **ship-based sea pollution record books, management plans** and **emergency plans** when travelling within or beyond Australia's exclusive economic zone to demonstrate compliance with the International Convention for the Prevention of Pollution from Ships.	Any stage, as early as site selection	N/A
• Ship security plan • International ship security certificate	*Maritime Transport and Offshore Facilities Security Act 2003*	Critical Infrastructure Security Centre (CISC)	An **approved ship security plan** and an **international ship security certificate (ISSC)** or **exemption** is required to operate a regulated Australian ship.	Any stage, as early as site selection	To obtain an international ship security certificate (ISSC), a ship operator must have a valid ship security plan and be ISSC verified

Project specific approvals

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
Aboriginal and Torres Strait Islander Heritage protection	*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	• Protection of cultural heritage is best achieved by early and genuine engagement. Proponents should **undertake early, comprehensive, ongoing and genuine consultation** with First Nations peoples whose heritage may be affected by the project. Engagement should reflect the principles of Free, Prior and Informed Consent (FPIC). • The government can make special orders, called **declarations**, under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSHIP Act) to protect areas and objects of particular significance to Aboriginal and Torres Strait Islander people from threats of injury or desecration. • If a declaration is in place, the project may need to be amended to comply with the declaration. • Projects should be amended where possible in response to identified concerns, which will minimise the likelihood of an application for a declaration to be made under the *ATSHIP Act*.	Site selection to early feasibility	N/A
Diving safety management system and diving project plan	*Offshore Electricity Infrastructure Act 2021*	Offshore Infrastructure Regulator	An accepted **diving safety management system** and approved **diving project plan** must be in place before any diving work is undertaken in relation to a licence held under the *Offshore Electricity Infrastructure Act 2021*.	Feasibility, construction, operations, decommissioning	Licence under the *Offshore Electricity Infrastructure Act 2021*

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided	*Offshore Petroleum and Greenhouse Gas Storage Act 2006*	National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)	**Consent** is required for a vessel to enter or remain in a petroleum or **greenhouse gas safety zone** in an offshore area, and for a relevant vessel to enter or remain in the **area to be avoided**.	Any stage, as early as site selection	N/A
Great Barrier Reef Marine Park permit	*Great Barrier Reef Marine Park Act 1975*	• Great Barrier Reef Marine Park Authority (Reef Authority) • Queensland Department of the Environment, Tourism, Science and Innovation	• A **Great Barrier Reef Marine Park permit** is required to authorise some activities and operations in the Great Barrier Reef Marine Park, including but not limited to: – research, except for limited impact research – placing and operating moorings – installing, operating or repairing structures – anchoring or mooring for an extended period – dredging and dumping of dredge material – waste discharge from a fixed structure	Any stage, as early as site selection	If an action relevant to the Great Barrier Reef Marine Park permit has been referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EBPC Act), the Reef Authority will not make a decision on the permit application until the action has been approved or deemed not to need an approval under the EPBC Act.
Offshore Electricity Feasibility licence	*Offshore Electricity Infrastructure Act 2021*	Offshore Infrastructure Regulator	• A **feasibility licence** is required for cross-border electricity to authorise the licence holder to assess the feasibility of a proposed offshore renewable energy infrastructure project the licence holder proposes to carry out in the licence area. • A feasibility licence can only be granted in an area the Minister for Climate Change and Energy has declared as suitable for offshore renewable energy infrastructure.	Feasibility	If applicable, foreign investment approval (*Foreign Acquisitions and Takeovers Act 1975*)
Prescribed airspace intrusion approval	*Airports Act 1996*	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCSA)	**Approval** is required to undertake controlled activities at or around a leased federal airport that intrude into the airport's prescribed airspace. Examples of controlled activities include: • construction or alteration of permanent structures including buildings, towers, poles and antennas • the use of construction equipment such as cranes and cherry pickers • activities producing artificial light or reflected sunlight • activities causing air turbulence • activities producing smoke, dust, steam or other gases or particles.	Feasibility, construction, operation, or decommissioning	N/A
Approval for proposed constructions or objects in a Defence Aviation Area	*Defence Act 1903*	Department of Defence	**Approval** is required to construct buildings, structures and objects that exceed specified height restrictions or generate gas plumes or air turbulence above specified height restrictions, or bring an object hazardous to aircraft or aviation-related operations within a Defence Aviation Area in land, sea or airspace.	Feasibility	N/A
• Submarine cable installation permit • Submarine cable protection zone compliance	*Telecommunications Act 1997* (Schedule 3A)	Australian Communications and Media Authority (ACMA)	• A **permit** is required to install certain submarine communications cables in Australian waters, including: – an international submarine cable inside and/or outside a protection zone, or – a domestic submarine cable inside a protection zone.	Feasibility	N/A

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
			• **Compliance** with the conditions in a declaration for a protection zone around submarine cables is required when undertaking restricted activities in a protection zone such as the installation, maintenance, or removal of an electricity cable (or associated equipment).		
Coastal trading licence	*Coastal Trading (Revitalising Australian Shipping) Act 2012*	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCSA)	• Unless an exemption applies, an appropriate **coastal trading licence** is required to authorise the movement of cargo or passengers on a vessel between interstate Australian ports for, or in connection with, a commercial activity. • A **general licence** provides an Australian vessel with unrestricted access to engage in coastal trading in Australia for up to 5 years. • A **temporary licence** provides a foreign-flagged vessel with limited access to engage in coastal trading for 12 months. • An **emergency licence** provides access to engage in coastal trading for up to 30 days in specified emergency situations.	Any stage, as early as site selection	If applicable, workers without Australian citizenship will require an appropriate visa under the *Migration Act 1958* prior to applying for a general coastal trading licence
Heavy Vehicle National Law access permit	Heavy Vehicle National Law	National Heavy Vehicle Regulator (NHVR)	An **access permit** is required to enable Restricted Access Vehicles (heavy vehicles exceeding mass or dimension requirements for the vehicle or combination) to access parts of the road network across Australia, except for the Northern Territory and Western Australia (different legislation applies in these jurisdictions).	Construction, operation, or decommissioning	Additional permission may be required from a third party such as an electricity or utility company, rail authority, tunnel operator, roadwork controller, road infrastructure manager or police if a vehicle exceeds mass or dimension limits
National Electricity Market registration	National Electricity Law	Australian Energy Market Operator (AEMO)	• Projects generating electricity and wishing to connect to the wholesale electricity market in Australia must **register** as a registered participant in the National Electricity Market (NEM). • NEM registration is relevant for projects that involve an Australian-based electricity connection element in New South Wales, the Australian Capital Territory, Queensland, South Australia, Victoria or Tasmania. The NEM is not connected to Western Australia or the Northern Territory – these jurisdictions have their own electricity systems and separate regulatory arrangements.	(Late) construction	Austraclear membership
• Large-scale renewable energy generation certificates • Renewable energy target person registration • Renewable energy target power station accreditation	*Renewable Energy (Electricity) Act 2000*	Clean Energy Regulator (CER)	• The Renewable Energy Target (RET) scheme is a national scheme providing incentives for the generation of renewable electricity in Australia. • Registration as a **registered person** and **accreditation** of a power station generating electricity from an eligible renewable energy source is required to gain eligibility to create **large-scale generation certificates** (LGCs) under the RET scheme. • Each LGC represents one megawatt-hour of renewable electricity generated and can only be traded within Australia and its territories.	(Late) construction Operation	To apply to accredit your power station, you must: • apply to be a registered person before applying to accredit your power station. • include details of the regulatory approvals that have been obtained, applied for or exempted, including compliance documentation for planning and development requirements, documents demonstrating building approvals or permits are in place unless exempt, and approval under the *Environment Protection and Biodiversity Conservation Act 1999*

Regulatory approval/obligation	Legislation	Regulator	Details	Project stage(s)	Pre-requisite approval(s)
					• if applicable, obtain National Electricity Market registration (National Electricity Law). Accreditation as a renewable energy power station is required before large-scale renewable energy generation certificates can be generated.
Critical infrastructure registration, risk management program and reporting	*Security of Critical Infrastructure Act 2018*	Critical Infrastructure Security Centre	• Cross-border electricity trade projects will include a critical electricity asset if the project includes a network, system, or interconnector that transmits or distributes electricity to more than 100,000 customers in Australia, or if the project includes an electricity generator that has an installed capacity of more than 30 megawatts and is connected to a wholesale electricity market in Australia. • The responsible entity for a critical infrastructure asset, including a critical electricity asset must: – provide operational and ownership information to the **Register of Critical Infrastructure Assets**, – provide updated information wherever operational or interest and control information changes, – develop, maintain and comply with a **Critical Infrastructure Risk Management Program (CIRMP)**, and – notify Home Affairs of cyber security incidents and notify data service providers who are managing business critical data. Critical cyber security incidents must be reported to the Australian Cyber Security Centre (ACSC). • Some assets may also be classified as systems of national significance where they are subject to enhanced cyber security obligations.	(Late) construction or operation	N/A

Glossary of terms

Term	Definition
ABF	Australian Border Force
ABN	Australian Business Number
AC	alternating current
ACMA	Australian Communications and Media Authority
ACN	Australian Company Number
ACSC	Australian Cyber Security Centre
AEMO	Australian Energy Market Operator
AFMA	Australian Fisheries Management Authority
AIP	Australian Industry Participation
AMSA	Australian Maritime Safety Authority
Anti-fouling Convention	International Convention on the Control of Harmful Anti-fouling Systems on Ships
ANZSIC	Australian and New Zealand Standard Industrial Classification
APRA	Australian Prudential Regulation Authority
ARBN	Australian Registered Body Number
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
ATSIHP Act	*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
Ballast Water Convention	International Convention for the Control and Management of Ships' Ballast Water and Sediments
Basel Convention	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
BICON	Biosecurity Import Conditions system
CAC	client activity centre
CASA	Civil Aviation Safety Authority
CBET	cross-border electricity trade

Term	Definition
CCID	customs client identifier
CER	Clean Energy Regulator
CIRMP	Critical Infrastructure Risk Management Program
CISC	Cyber and Security Infrastructure Centre
CSI	Corrective Services Industries
CSO	Company Security Officer
CV	curriculum vitae
DAA	Defence Aviation Area
DAFF	Department of Agriculture, Fisheries and Forestry
DC	direct current
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DCV	domestic commercial vessels
DITRDCSA	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
DNP	Director of National Parks
DPP	Diving Project Plan
DSGL	Defence and Strategic Goods List
DSMS	diving safety management system
DTC Act	*Defence Trade Controls Act 2012*
EERS	Emissions and Energy Reporting System
EGR	electricity generation return
EMP	environmental management plan
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
FIRB	Foreign Investment Review Board
FPIC	Free, Prior and Informed Consent
GBRMP	Great Barrier Reef Marine Park
GBRMP Act	*Great Barrier Reef Marine Park Act 1975*

Term	Definition
GO	Guarantee of Origin
GO Act	*Future Made in Australia (Guarantee of Origin) Act 2024*
HVNL	Heavy Vehicle National Law
ID	identity document
ILUA	Indigenous Land Use Agreement
IMO	International Maritime Organization
ISSC	international ship security certificate
IT	information technology
kW	kilowatt
LGC	large-scale generation certificate
LTMMP	Long Term Monitoring and Management Plan
m	metre(s)
MADE	My Australian Defence Exports
MARPOL	International Convention for the Prevention of Pollution from Ships
MARS	Maritime and Aircraft Reporting System
MCV	Maritime Crew Visas
MLC	maritime labour certificate
MMSI	Maritime Mobile Service Identity
MTOFS Act	*Maritime Transport and Offshore Facilities Security Act 2003*
MW	megawatt
NATO	North Atlantic Treaty Organization
NEATS	National Electronic Approvals Tracking System
NEL	National Electricity Law
NEM	National Electricity Market
NER	National Electricity Rules
NGER	National Greenhouse and Energy Reporting
NGER Act	*National Greenhouse and Energy Reporting Act 2007*

Term	Definition
NHVR	National Heavy Vehicle Regulator
NNTT	National Native Title Tribunal
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority
NPPC	National Passenger Processing Committee
NTRB	Native Title Representative Body
OEI Act	*Offshore Electricity Infrastructure Act 2021*
OPGGS Act	*Offshore Petroleum and Greenhouse Gas Storage Act 2006*
PCBU	person conducting a business or undertaking
PDP	project development plan
PMST	Protected Matters Search Tool
RAV	regulated Australian vessel
RE Act	*Renewable Energy (Electricity) Act 2000*
REC	renewable energy certificate
Reef Authority	Great Barrier Reef Marine Park Authority
REGO certificate	renewable electricity guarantee of origin certificate
RET	Renewable Energy Target
RNTBC	Registered Native Title Bodies Corporate
SAP	sampling and analysis plan
SMS	safety management system
SSO	Ship Security Officer
TIL	transmission and infrastructure licence
UCH Act	*Underwater Cultural Heritage Act 2018*
UCH	underwater cultural heritage
UFP	Unexpected Finds Protocol
URL	uniform resource locator
WHS	work health safety
WHS Act	*Work Health and Safety Act 2011*

Contact details

Topic	Contact
Foreign investment approval	foreigninvestmentenquiries@treasury.gov.au
Working and/or maritime crew visas and sponsorship approval	Department of Home Affairs Contact us webpage
Australian Industry Participation plans	aip@industry.gov.au
Environmental Protection and Biodiversity Conservation approval	epbc.referrals@dcceew.gov.au
Australian Marine Park authorisations	marineparksauthorisations@dcceew.gov.au
Transmission and infrastructure licences and feasibility licences	offshoreelectricity@nopta.gov.au
Offshore electricity infrastructure management plans and associated requirements Work health and safety authorisations Diving safety management systems and diving project plans	offshorerenewables@oir.gov.au
Fisheries stakeholders' consultation	info@afma.gov.au
National Greenhouse and Energy Reporting scheme registration and reporting	enquiries@cer.gov.au
Renewable electricity guarantee of origin certificates	enquiries@cer.gov.au
Native title engagement, compliance and agreement	enquiries@nntt.gov.au
Underwater cultural heritage permits	underwaterheritage@dcceew.gov.au
Sea dumping permits	seadumping@dcceew.gov.au
Biosecurity import permits and biosecurity obligations	importassessment@aff.gov.au
Defence export permits	exportcontrols@defence.gov.au
Hazardous waste permits	hazardous.waste@dcceew.gov.au
Customs clearance and import and export permissions	Australian Border Force Contact us webpage
Radiocommunications licencing	info@acma.gov.au
Cross-border electricity trade regulatory approvals	

Topic	Contact
Ballast water management plans and certificates	marinepests@aff.gov.au
Seafarer, maritime labour, maritime safety, pollution and tonnage certificates	amsaconnect@amsa.gov.au
Domestic commercial vessel requirements	amsaconnect@amsa.gov.au
Anti-fouling certificate or declarations	amsaconnect@amsa.gov.au
Ship-based sea pollution record books, management plans and emergency plans	amsaconnect@amsa.gov.au
Ship security plans and international ship security certificates	national.coordinator@homeaffairs.gov.au
Aboriginal and Torres Strait Islander Heritage protection	atsihpa@dcceew.gov.au
Consent to enter a petroleum or greenhouse gas safety zone or the area to be avoided	environment@nopsema.gov.au
Great Barrier Reef Marine Park permits	assessments@gbrmpa.gov.au
Prescribed airspace intrusion approval	flysafe@infrastructure.gov.au
Approval for proposed constructions or objects in a Defence Aviation Area	land.planning@defence.gov.au
Submarine cable installation permit and/or protection zone compliance	subcablesenquiries@acma.gov.au
Coastal trading licences	sbu@infrastructure.gov.au
Heavy Vehicle National Law access permits	info@nhvr.gov.au
National Electricity Market registration	support.hub@aemo.com.au
Large-scale renewable energy generation certificates	enquiries@cer.gov.au
Critical infrastructure registration, risk management program and reporting	enquiries@CISC.gov.au