



# **Consultation on the Offshore Electricity and Infrastructure Amendment Regulations 2024 to support the Offshore Electricity Infrastructure Act 2021**

## **Submission from the Hunter Jobs Alliance**

**10 May 2024**

Thank you for the opportunity to make a submission.

The Hunter Jobs Alliance is a collaboration of unions and environment organisations in the Hunter region, working together to create a future for our region with full employment, good union jobs, a thriving and healthy living environment, an equitable society, a stable climate, and renewable prosperity. The members and supporters of our organisations are workers, conservationists, local businesses people with deep ties to the Hunter region and a shared commitment to its fair and sustainable future.

We support growth and investment in renewable energy in the Hunter including offshore wind. Offshore Wind will generate significant investment and bring further investment in renewables to our region. With the right Government Policy and Framework settings we have the opportunity to maximise local content, mitigate environmental impacts & provide community benefits to the Hunter region.

## **Management Plans**

### **Content Requirements**

We support clear content requirements for Management Plans. We are concerned about how the Regulator will be assessing the content of management plans. Specifically, the absence of a formal consultation, representation and participation governance framework as demonstrated by best practice model laws.

The consultation requirements embedded in management plans lack a clear requirement to consult with key stakeholder institutions, specifically trade unions, environmental organisations, community organisations & first nations people. It is critical that these voices form part of the consultation process to ensure these projects' success.

Listing these key stakeholders & ensuring their input will give us the best opportunities to maximise local content, mitigate environmental impacts & provide community benefits. They provide a wealth of knowledge & expertise in areas such as-





# HUNTER JOBS ALLIANCE

## SECURING OUR FUTURE

### Worker Inputs

- Creating local, permanent, secure, quality union jobs.
- Local Apprenticeships & Traineeships
- Training & transition opportunities for energy workers.
- Maximising Australian manufacturing for offshore wind, including wind turbine components, floating structures, cables, and vessels.
- Maximising local supply chains.
- Providing benefits & opportunities for First Nations people.
- Use of regulated Australian Vessels and Australian crew.

### Environment Inputs

- Rigorous environmental impact assessments informed by best-practice guidelines for sensitive marine and avian species.
- Harm prevention strategies and technologies which prioritise avoidance and mitigation of impacts.
- Offshore wind proponents must take a proactive approach to environmental and threatened species impact avoidance technologies from the outset.
- Where planning frameworks lack or are lagging, proponents must fill the gap to assure the public and the Hunter and Central Coast community that marine, estuarine and avian species populations will continue to thrive alongside an offshore wind industry.
- Ongoing environmental condition monitoring and species tracking programs.

Australia's environmental laws are not preventing extinction of wildlife and degradation of the environment. Renewable energy developments will be able to proceed more smoothly and community opposition be reduced when clear protection for wildlife and habitat is assured under law.

### Community Benefits

- Partner with our local Energy & Manufacturing Centres of Excellence, (TAFE & Universities).
- Provide Community Investment options- to harness private capital effectively to achieve important social & environmental goals for communities.
- Improve and increase access to public services to boost community resilience through economic change, including health care, education and sustainable public transport infrastructure to increase access for rural and regional areas.
- Provide financial or in-kind support to community organisations carrying out a project or activity benefiting the community.
- Contribute to the development of local students and sportspeople.



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## HUNTER JOBS ALLIANCE SECURING OUR FUTURE

Further definition of the term “communities that the licence holder reasonably considers may be affected by the activities” is required to avoid misinterpretation or leaving sections of the community out. The first round of community Government lead consultation on Offshore Wind Zones was horribly inadequate & has led to widespread criticism so it's imperative the consultation is improved & clearly defined in these regulations.

The regulations also provide a role for the regulator in assessing the quality and veracity of consultation but again falls short on ensuring this function is appropriately informed by relevant stakeholders and that industry has co-designed the expected standards that will be required to be met.

**Recommendation 1:** The Amendment Regulations be modified to establish a formal consultation, representation and participation governance framework to ensure the regulator is informed and guided by the views of stakeholders, specifically industry participants, unions, environmental organisations, community organisations & first nations people.

**Recommendation 2:** Further definition of the term “communities that the licence holder reasonably considers may be affected by the activities” is required to avoid misinterpretation or lack of representation.

### Financial Security

We support financial securities being sufficient to cover certain costs, expenses, liabilities and debts, including those that might arise in relation to decommissioning of infrastructure, removal of property and remediation of the licence area.

It appears that there are significant equity and consistency issues around how financial security is being applied to this sector compared to others. Requiring upfront financial security in a sector that can reasonably be characterised as having a much lower risk of environmental and social harm resulting from un-remediated end of life infrastructure sits in stark contrast to obligations placed on other sectors.

There needs to be a balance between ensuring the financial securities meet the obligations to cover required costs at the appropriate stages of the project but not too burdensome that it jeopardises investment, make the projects too expensive and result in increased costs of energy for consumers. Unnecessarily high financial security hurdles that exceed global practice will add cost & could jeopardise Offshore Wind development at scale in Australia.

**Recommendation 1:** Ensure financial security measures are co-designed with industry and subject to adequate protections to ensure the Australian Government can reliably call upon them if necessary.



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## Safety Zones and Protection Zones

Safety Zones & Protection Zones having a maximum quantum and no minimum is generally supported. We support avoiding unnecessary exclusion of adjacent vessels and industry as it will be critical to maintaining social licence of these projects. Therefore, a transparent and evidence informed approach to determining these zones will be a critical element to their success.

It appears that the current process means that consultation will be carried out by individual licence holders, which means it will be fragmented and confusing for the public. This would mean other users like the commercial fisheries, game fishers, recreational fishers, tourism operators etc. would need to be consulted by multiple licence holders, multiple times with potentially different outcomes within the same zone. We believe it makes sense that the Regulator coordinates the consultation process for Safety Zones & Protection Zones for the entire Declared Offshore Wind Zone.

## WORK HEALTH AND SAFETY

The Regulator plays the role of examining and approving all infrastructure and work in licence areas, through the Design Notification System and the Management Plan.

This is a new industry in Australia and there are currently no workers. The Regulations on the Design Notification System and the Management Plan require licence holders to provide very extensive documentation and decision making, before any workforce will be in place. Yet the Regulations require licence holders to consult 'workers' on aspects of the management plan so far as it might affect the health and safety of workers.' (s.11).

Despite this requirement, unions are not acknowledged or incorporated into any processes in the OEI Regulations or Act. The result will be Management Plans between the Regulator and licence holders, where workers or unions have not been represented or consulted.

**Recommendation 1:** The role of unions must be explicitly included in the Regulations, as representatives of the workforce that will not yet exist so as to have input into WH&S decisions being made.

