

South Australia

Hydrogen and Renewable Energy Regulations 2024

under the *Hydrogen and Renewable Energy Act 2023*

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Part 1—Preliminary**1—Short title**

These regulations may be cited as the *Hydrogen and Renewable Energy Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which the *Hydrogen and Renewable Energy Act 2023* comes into operation.

3—Interpretation

- (1) In these regulations—

Act means the *Hydrogen and Renewable Energy Act 2023*;

designated Act means—

- (a) the *Aboriginal Heritage Act 1988*; or
- (b) the *Aboriginal Lands Trust Act 2013*; or
- (c) the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; or
- (d) the *Environment Protection Act 1993*; or
- (e) the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth; or

- (f) the *Landscape South Australia Act 2019*; or
 - (g) the *Maralinga Tjarutja Land Rights Act 1984*; or
 - (h) the *Mining Act 1971*; or
 - (i) the *National Parks and Wildlife Act 1972*; or
 - (j) the *Native Title Act 1993* of the Commonwealth; or
 - (k) the *Native Vegetation Act 1991*; or
 - (l) the *Offshore Minerals Act 2000*; or
 - (m) the *Opal Mining Act 1995*; or
 - (n) the *Petroleum (Submerged Lands) Act 1982*; or
 - (o) the *Petroleum and Geothermal Energy Act 2000*; or
 - (p) the *Planning, Development and Infrastructure Act 2016*; or
 - (q) the *Radiation Protection and Control Act 2021*; or
 - (r) the *Work Health and Safety Act 2012*; or
 - (s) an Act of another State or a Territory or of the Commonwealth that contains provisions that substantially correspond with an Act set out in paragraphs (a) to (r) (inclusive); or
 - (t) any other Act (including an Act of another State or a Territory or of the Commonwealth) determined by the Minister by notice in the Gazette for the purposes of this definition.
- (2) For the purposes of paragraph (d) of the definition of ***associated infrastructure activity*** in section 4(1) of the Act, a direct air capture facility used for the purposes of capturing carbon dioxide associated with generating hydrogen is prescribed.
- (3) For the purposes of the definition of ***exploit*** in section 4(1) of the Act, a nameplate capacity of 5 MW is prescribed.
- (4) In accordance with paragraph (b) of the definition of ***immediately reportable incident*** in section 47(3) of the Act, the following are immediately reportable incidents:
- (a) an incident in which a person is seriously injured or killed;
 - (b) an incident during which an imminent risk to public health or safety arises;
 - (c) an incident that results in significant environmental damage or in which an imminent risk of serious environmental damage arises;
 - (d) prejudice to the continuity of hydrogen or renewable energy supply or an imminent risk of prejudice to the continuity of hydrogen or renewable energy supply;
 - (e) some other event or circumstance that results in the incident falling within a classification of immediately reportable incidents under the relevant statement of environmental objectives.

- (5) In accordance with paragraph (b) of the definition of *reportable incident* in section 47(3) of the Act, the following are reportable incidents:
- (a) an escape of a processed substance, a chemical or a fuel that affects an area that has not been specifically designed to contain such an escape;
 - (b) an incident identified as a reportable incident under the relevant statement of environmental objectives.

4—Exploration of renewable energy resources by Minister—prescribed activities

For the purposes of section 7(1)(f) of the Act, the following activities are prescribed:

- (a) geotechnical surveys required for the purposes of constructing renewable energy infrastructure;
- (b) fauna and flora surveys;
- (c) heritage assessments, which may include a consideration of Aboriginal heritage, natural heritage, built heritage, archaeological heritage and underwater cultural heritage;
- (d) assessments of underlying and adjacent land uses (including established public and private infrastructure).

Part 2—Renewable energy feasibility permit

5—Application for permit—prescribed information

For the purposes of section 8(3)(c) of the Act, an application for a renewable energy feasibility permit must be accompanied by the following additional information:

- (a) the full name, business address and telephone number of the applicant;
- (b) the name and telephone number of a person who can be contacted about the application;
- (c) if the application is being made by more than 1 person—information regarding the interest that each person will have in the permit (which may be expressed as a percentage);
- (d) a description of the activities proposed to be undertaken under the permit including a map showing the location at which each activity is proposed to be undertaken;
- (e) a statement outlining the technical, operational and financial capabilities available to the applicant for the purposes of undertaking activities under the permit;
- (f) a statement by the applicant outlining any contravention of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—
 - (i) the revocation or suspension of an authority to undertake a feasibility activity; or
 - (ii) a prosecution for an offence; or
 - (iii) the imposition of a penalty by a court; or

- (iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any feasibility activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment;
- (g) such other information as required by the Minister and notified to the applicant.

6—Issue of permit—prescribed criteria

For the purposes of section 8(5) of the Act, in addition to the matters specified in that subsection, the Minister must, before issuing a renewable energy feasibility permit, be satisfied that—

- (a) the applicant has—
 - (i) the necessary technical qualifications and experience; and
 - (ii) the necessary operational capabilities and resources,to undertake a feasibility activity to be authorised under the permit; and
- (b) the expected financial position of the applicant over the proposed term of the permit will be sufficient to undertake the feasibility activity to be authorised under the permit.

7—Renewal of permit—prescribed criteria

For the purposes of section 9(4) of the Act—

- (a) an applicant for the renewal of a renewable energy feasibility permit must provide to the Minister a statement outlining the following matters:
 - (i) the permit holder's performance for the previous term of the permit, including such information as required by the Minister and notified to the applicant;
 - (ii) the reasons for requiring a renewal of the permit, including an outline of the feasibility activity that the applicant intends to undertake under the permit during—
 - (A) the term of the renewed permit; or
 - (B) such other period determined by the Minister;
 - (iii) the amount of expenditure that is estimated to occur in undertaking the feasibility activity;
 - (iv) the expected financial position of the applicant over the proposed term of the permit;
 - (v) any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—
 - (A) the revocation or suspension of an authority to undertake a feasibility activity; or
 - (B) a prosecution for an offence; or
 - (C) the imposition of a penalty by a court; or

- (D) the issuing of a notice, direction or order that required the suspension or discontinuance of any feasibility activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment; and
- (b) the Minister must, on the basis of the statement provided under paragraph (a), be satisfied that—
 - (i) the applicant for the renewal of a renewable energy feasibility permit has the necessary technical qualifications and experience to undertake the feasibility activity to be authorised under the permit; and
 - (ii) the applicant for the renewal has the necessary operational capabilities and resources that will enable the applicant to undertake the feasibility activity to be authorised under the permit; and
 - (iii) the expected financial position of the applicant over the proposed term of the permit will be sufficient to undertake the feasibility activity to be authorised under the permit; and
 - (iv) the applicant has not contravened a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—
 - (A) the revocation or suspension of an authority to undertake a feasibility activity; or
 - (B) a prosecution for an offence; or
 - (C) the imposition of a penalty by a court; or
 - (D) the issuing of a notice, direction or order that required the suspension or discontinuance of any feasibility activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

8—Application of provisions of Act to renewable energy feasibility permit

Pursuant to section 115(2)(c) of the Act—

- (a) the provisions of the Act set out in Schedule 1 apply in relation to a renewable energy feasibility permit; and
- (b) a reference to a licence in a provision set out in that Schedule will be taken to include a renewable energy feasibility permit; and
- (c) a reference to a licensee in a provision set out in that Schedule will be taken to include a permit holder; and
- (d) a reference to authorised operations or operations in a provision set out in that Schedule will be taken to include a feasibility activity; and
- (e) a reference to a licence area in a provision set out in that Schedule will be taken to include a permit area.

Part 3—Release area

9—Notice of declaration of release area

Pursuant to section 10(6)(a) of the Act, the notice in writing given by the Minister of the proposed declaration of a release area (the *proposed release area notice*) must—

- (a) describe the area of land in the proposed release area; and
- (b) invite submissions on the proposed release area to be made to the Minister in a manner and form set out in the notice; and
- (c) specify a period of—
 - (i) in the case of a notice given before the day falling 1 month after the day on which this regulation commences—at least 10 business days; or
 - (ii) in any other case—at least 30 business days,from the day on which the notice is published for submissions to be received; and
- (d) be published in a newspaper circulating generally in the proposed release area and on a website determined by the Minister.

10—Consultation

- (1) For the purposes of section 10(6)(b) of the Act, the Minister must, in such manner as the Minister thinks fit—
 - (a) give the proposed release area notice to each relevant person in relation to the proposed release area; and
 - (b) consult with each relevant person to whom notice is given under paragraph (a) by inviting them to make submissions on the proposed release area, allowing a period of—
 - (i) in the case of a notice given before the day falling 1 month after the day on which this regulation commences—at least 10 business days; or
 - (ii) in any other case—at least 30 business days,within which the person may make a submission.
- (2) Consultation undertaken by a Minister before the commencement of these regulations in relation to a proposed release area the subject of a proposed release area notice given before the day falling 1 month after the day on which this regulation commences may be taken into consideration in satisfaction of the general requirements of section 10(6)(b) of the Act.
- (3) In this regulation—

relevant person means—

 - (a) each owner of land within the proposed release area; and
 - (b) a recognised Aboriginal Representative Body under the *Aboriginal Heritage Act 1988* in respect of the land within the proposed release area; and

- (c) —
 - (i) each council within the proposed release area; or
 - (ii) if any part of the proposed release area falls outside of council areas—the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*.

11—Register

For the purposes of section 10(8) of the Act, the following particulars of a release area must be entered on the register:

- (a) a description of the boundaries of the release area;
- (b) a description of the location of the release area;
- (c) the size of the release area expressed in square kilometres.

12—Call for tenders—criteria for assessing applications

For the purposes of section 11(2)(e) of the Act, the following criteria are prescribed:

- (a) a plan outlining the manner in which the applicant will negotiate agreements with native title holders and other owners of land, including (if possible) information about the applicant's proven ability to successfully undertake such negotiations;
- (b) a proposed work program detailing operations that will be undertaken under the proposed licence, including—
 - (i) the manner in which the applicant intends to effectively understand the renewable energy resource potential of the relevant release area within a specified time; and
 - (ii) how the proposed work program will support the applicant's commercial and business models; and
 - (iii) how the applicant intends to deliver a commercial project within a specified time;
- (c) the net economic, social and environmental benefit to the State expected as a result of the proposed exploitation of the renewable energy resource (the *project*), including—
 - (i) the initiatives proposed to support the short and long term security and stability of the State's energy system; and
 - (ii) the extent to which the project will create and maintain jobs and provide skills and training opportunities, including jobs for young people, apprentices, Aboriginal and Torres Strait Islander people and people with a disability;
- (d) the applicant's experience and ability to deliver renewable energy projects and the technical, operational and financial credentials necessary for delivering the project;
- (e) any rental offer made by the applicant under regulation 22;
- (f) any other criteria the Minister considers relevant and specific to a particular release area.

13—Minister may invite further applications after tender process

- (1) Pursuant to section 11(5) of the Act, the Minister may, at any time, by notice in the Gazette, invite further applications for a renewable energy feasibility licence in respect of a release area—
 - (a) if a successful applicant notifies the Minister that they do not intend to apply for a renewable energy feasibility licence; or
 - (b) if a successful applicant is not eligible for the grant of a renewable energy feasibility licence; or
 - (c) if the Minister cancels a successful applicant's renewable energy feasibility licence; or
 - (d) if a successful applicant surrenders their renewable energy feasibility licence; or
 - (e) in any other circumstances as the Minister thinks fit.
- (2) A notice under subregulation (1) must comply with the requirements of section 11(2) of the Act.
- (3) The Minister must deal with an application received in circumstances outlined in this regulation in accordance with the requirements of section 11 of the Act.

Part 4—Licensing**14—Associated infrastructure licence—prescribed requirement**

For the purposes of section 23(5) of the Act, it is a requirement that the Minister must be satisfied—

- (a) if the licence will authorise the construction, installation, operation, maintaining, management and decommissioning of a port, wharf or jetty associated with the import or export of hydrogen or renewable energy—that the applicant holds, or will hold at the time the licence is granted, a port operating agreement pursuant to section 28B of the *Harbours and Navigation Act 1993* in respect of the proposed licence area; or
- (b) in any other case—that the applicant for the licence has, or will acquire, a right or interest in respect of the land comprising the proposed licence area.

15—Special enterprise licence

For the purposes of section 27(2)(b) of the Act, the following information is prescribed:

- (a) information demonstrating that the enterprise is of major significance to the economy of the State;
- (b) a statement outlining the regulated activity or activities proposed to be undertaken as part of the enterprise;
- (c) maps and plans relating to the place where the enterprise is proposed to be undertaken;
- (d) an outline of the environmental impacts of the proposed enterprise and of steps proposed to be undertaken to address or manage those impacts;

- (e) a statement of any efforts by the applicant to obtain permissions, authorisations, consents or other approvals from any owner of land or any registered native title claimant within the proposed licence area to enable the applicant to undertake the enterprise, including (if relevant) any attempts at mediation or other dispute resolution;
- (f) if so determined by the Minister in a particular case—a description of the impacts on people and communities that may reasonably be expected to occur as a result of the enterprise and the measures that are to be used to manage, limit or remedy those impacts (in the case of negative impacts), or to facilitate or ensure those impacts (in the case of positive impacts);
- (g) a statement of the technical, operational and financial capabilities and resources available to the proponent for the purpose of undertaking the enterprise;
- (h) a statement by the applicant outlining any contravention of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—
 - (i) the revocation or suspension of an authority to undertake a regulated activity; or
 - (ii) a prosecution for an offence; or
 - (iii) the imposition of a penalty by a court; or
 - (iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any regulated activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment;
- (i) a statement identifying any exemptions or modifications with respect to the provisions of the Act that the proponent has under consideration in connection with the operation of section 29 of the Act;
- (j) such other information as may be determined by the Minister and notified to the proponent.

16—Application for licence—prescribed information

- (1) For the purposes of section 31(1)(d) of the Act, an application for a licence must, in addition to the material required under section 31 of the Act, be accompanied by the following information:
 - (a) the full name and address of the applicant;
 - (b) if the application is being made by more than 1 person—information regarding the interest each person will have in the licence (which may be expressed as a percentage);
 - (c) the name and address and telephone number of a person who can be contacted about the application;
 - (d) a description of the area to which the application relates, using coordinates in a form determined or approved by the Minister and, if available, cadastral boundaries;

- (e) a map indicating the area of land to which the application relates that identifies any significant topographical, environmental and cultural features of the land;
 - (f) the size of the area to which the application relates expressed in kilometres or square kilometres (as appropriate);
 - (g) if the applicant is a body corporate—a copy of the body corporate's most recent audited financial statements;
 - (h) information that demonstrates the expected financial position of the applicant over the proposed term of the licence (or a shorter term determined by the Minister);
 - (i) the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations;
 - (j) the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations;
 - (k) if the proposed licence will authorise exploiting a renewable energy resource through an electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the electricity generation complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system;
 - (l) a statement outlining any contravention of a provision of a designated Act in connection with activities undertaken by the applicant within the preceding period of 5 years that resulted in—
 - (i) the revocation or suspension of an authority to undertake a regulated activity; or
 - (ii) a prosecution for an offence; or
 - (iii) the imposition of a penalty by a court; or
 - (iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any regulated activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.
- (2) For the purposes of this regulation, a reference to ***electricity generating plant*** is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of ***electricity infrastructure*** in section 4(1) of the *Electricity Act 1996*.
- (3) In this regulation—
power system and ***Technical Regulator*** have the same respective meanings as in the *Electricity Act 1996*.

17—Notice of certain applications

For the purposes of section 32(4) of the Act, as soon as practicable after determining to grant or refuse an application to which section 32 of the Act applies, the Minister must publish, by notice in the Gazette, a statement of the decision of the Minister in relation to the application.

18—Negotiating access agreement—prescribed period

For the purposes of section 42(3) of the Act, the prescribed period is 2 months from the day on which the initiation notice is given to the negotiating parties.

19—Renewal of licence

- (1) This regulation applies to—
 - (a) a hydrogen generation licence; and
 - (b) a renewable energy feasibility licence; and
 - (c) a renewable energy infrastructure licence; and
 - (d) a renewable energy research licence; and
 - (e) an associated infrastructure licence.
- (2) For the purposes of sections 15(4), 18(4)(a), 20(4)(a), 22(4)(a) and 24(4)(a) of the Act, the Minister must, before renewing a licence to which this regulation applies, be satisfied that an applicant for the renewal of a licence has—
 - (a) provided to the Minister a statement of performance for the previous term of the licence which includes such information in respect of authorised operations required by the Minister and notified to the applicant; and
 - (b) provided to the Minister—
 - (i) a written statement of reasons for the renewal of the relevant licence outlining the operations that the applicant intends to undertake under the licence during—
 - (A) the term of the renewed licence; or
 - (B) a period determined by the Minister; and
 - (ii) an estimate of the amount of expenditure expected as a result of undertaking those operations; and
 - (c) the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations; and
 - (d) the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations; and
 - (e) provided information to the Minister of the expected financial position of the applicant over the proposed term of the licence to be renewed (or a shorter term determined by the Minister); and
 - (f) a statement outlining any contravention of a provision of a designated Act in connection with activities undertaken by the applicant within the preceding period of 5 years that resulted in—
 - (i) the revocation or suspension of an authority to undertake a regulated activity; or
 - (ii) a prosecution for an offence; or
 - (iii) the imposition of a penalty by a court; or

- (iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any regulated activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

20—Work program

- (1) For the purposes of paragraph (b) of the definition of **work program** in section 4(1) of the Act, the following criteria are prescribed in respect of the work program of a renewable energy feasibility licence:
 - (a) how data obtained during exploratory operations (including from the use of equipment used for exploring renewable energy resources) will be captured, stored, analysed, progressed, actioned and reported;
 - (b) the manner in which the licensee will undertake construction and placement of equipment intended to be used for exploring renewable energy resources.
- (2) Pursuant to paragraph (c)(ii) of the definition of **work program** in section 4(1) of the Act, an assessment of the benefits to the State derived, or expected to be derived from operations proposed to be undertaken under the licence should address the net economic, social and environmental benefit to the State expected as a result of the proposed authorised operations, including—
 - (a) the initiatives proposed to support the short and long term security and stability of the State’s energy system; and
 - (b) the extent to which the proposed authorised operations will create and maintain jobs and provide skills and training opportunities, including jobs for young people, apprentices, Aboriginal and Torres Strait Islander people and people with a disability.

21—Notice of commencement of operations

- (1) For the purposes of section 44 of the Act—
 - (a) a licensee must specify the day on which authorised operations will commence in the operational management plan approved in relation to the licence; and
 - (b) when a licensee knows the day on which authorised operations will be completed—a licensee must specify this day in each annual report provided to the Minister under regulation 24.
- (2) If authorised operations commence or are completed on a day other than that notified to the Minister under subregulation (1), the licensee must notify the Minister by written notice of the day on which authorised operations commenced or were completed within 10 business days after the operations commenced or were completed (as the case requires).

22—Rent

- (1) Pursuant to section 45(2)(a) of the Act, the amount of annual rent for a licence to which section 45 of the Act applies in respect of a particular year is—
 - (a) in the case of a renewable energy research licence or a special enterprise licence—an amount calculated in accordance with a rental determination; or

- (b) in the case of a renewable energy feasibility licence or a renewable energy infrastructure licence—
 - (i) an amount calculated in accordance with a rental determination; or
 - (ii) the amount of the successful rental offer (if any),whichever is greater.
- (2) The Minister—
 - (a) must make a rental determination in respect of land within a proposed release area before inviting applications for renewable energy feasibility licences in respect of that area under section 11 of the Act; and
 - (b) may make a rental determination at any other time,but, in any event, must make a rental determination at least every 5 years.
- (3) The Minister must, in respect of each licence year, provide to each holder of a licence to which section 45 of the Act applies a written notice of the annual rent payable by the licensee.
- (4) In this regulation—

rental determination means a determination made by the Minister by notice in the Gazette that sets out the manner in which the amount of rent is to be determined in a specified year or for a specified period, expressed as a rate per km² of the area of land to which the rent applies;

rental offer means an offer specified in an application for a renewable energy feasibility licence made in response to a call for tenders under section 11 of the Act of an amount that the applicant intends to pay by way of rental—

- (a) in respect of a specified year or period during the term of a renewable energy feasibility licence (if granted); or
- (b) in respect of a specified year or period during the term of the subsequent renewable energy infrastructure licence (if granted);

successful rental offer means the rental offer made by the successful applicant for a renewable energy feasibility licence determined by the Minister under section 11 of the Act—

- (a) in respect of a specified year or period during the term of a renewable energy feasibility licence; or
- (b) in respect of a specified year or period during the term of a renewable energy infrastructure licence.

23—Surrender on application

For the purposes of section 55(2)(b) of the Act, the following information is prescribed:

- (a) a statement, accompanied by supporting evidence—

- (i) that outcomes or objectives required under a statement of environmental objectives have been achieved (or if an outcome or objective has not been achieved, the reason for this situation and information about what the licensee has done, or proposes to do, in the circumstances); and
 - (ii) that all rehabilitation required to be undertaken has been completed or is in place;
- (b) in the case of a surrender of a part of the area of the licence—a map and description of the relevant areas, showing the area to be surrendered and the area to remain, that comply with the requirements specified by the Minister;
- (c) the final annual report required under regulation 24;
- (d) the final half yearly report required under regulation 25;
- (e) the following declarations, in the form of a statutory declaration:
 - (i) a declaration that authorised operations have ceased;
 - (ii) a declaration that there are no outstanding liabilities under the Act;
 - (iii) a declaration that all fees, rents or penalties under the Act have been paid;
 - (iv) a declaration that outlines any legal proceedings in respect of authorised operations that involve the licensee as a party to those proceedings;
 - (v) if relevant, a declaration that the licensee has a management plan in place for the management or transfer of any outstanding matters or liabilities;
- (f) an outline of the consultation undertaken by the licensee with an owner of the land within the licence area about surrendering the licence and any rehabilitation or other work or activities to be carried out in connection with the surrender, including the issues raised by the owner and how those issues have been, or will be, addressed.

Part 5—Reporting requirements

24—Annual licence report

- (1) Pursuant to section 46(1) of the Act, the licensee must, within 2 months after the end of each licence year, provide to the Minister, in a manner and form determined by the Minister, a report for the relevant licence year on authorised operations (an ***annual licence report***).
- (2) An annual licence report must include the following:
 - (a) a summary of the authorised operations undertaken during the relevant licence year;
 - (b) a report for the relevant licence year on compliance with the Act, the licence and any relevant statement of environmental objectives;
 - (c) a report for the relevant licence year on the licensee's performance under the work program applying in relation to the licence;

- (d) a statement concerning any action to rectify non-compliance with obligations imposed by the Act or the licence, and to minimise the likelihood of the recurrence of any such non-compliance;
- (e) a summary of any management system audits undertaken during the relevant licence year, including information on any failure or deficiency identified by the audit and any corrective action that has been, or will be, taken;
- (f) a summary of the work undertaken to monitor the effectiveness of the management system during the relevant licence year, including details of auditing, monitoring and review of the effectiveness of controls necessary for compliance with a statement of environmental objectives;
- (g) a report on any reasonably foreseeable threats (other than threats previously reported on) that reasonably present, or may present, a hazard to facilities or authorised operations, and a report on any corrective action that has been, or will be, taken;
- (h) a report on any reasonable concerns reported to the licensee by members of the public during the relevant licence year relating to authorised operations, including details of any action that has been, or will be, taken to address these concerns;
- (i) a list of all reports and data relevant to the operation of the Act generated by the licensee during the relevant licence year;
- (j) in relation to any incidents reported to the Minister under the Act during the relevant licence year—
 - (i) an overall assessment and analysis of the incidents, including the identification and analysis of any trends that have emerged; and
 - (ii) an overall assessment of the effectiveness of any action taken to rectify non-compliance with obligations imposed by the Act, these regulations or the licence, or to minimise the risk of recurrence of any such non-compliance;
- (k) unless the relevant licence year is the last year in which the licence is to remain in force—a statement outlining authorised operations proposed for the ensuing year;
- (l) the day on which authorised operations are due to be completed (when known);
- (m) in the case of a hydrogen generation licence—an estimate of the volume of hydrogen to be produced and sold in the ensuing year (or such other period as determined by the Minister).

25—Half yearly reports

- (1) Pursuant to section 46(1) of the Act, the holder of—
 - (a) a renewable energy feasibility permit; or
 - (b) a renewable energy feasibility licence; or
 - (c) a renewable energy infrastructure licence; or
 - (d) a renewable energy research licence; or

- (e) a special enterprise licence,
must, in respect of each period of 6 months after the day on which the permit or licence is granted, provide a report to the Minister quantifying the daily measured output within that 6 month period of the renewable energy resource to which the licence relates (to be expressed in a manner and form determined by the Minister).
- (2) Pursuant to section 46(1) of the Act, the holder of a hydrogen generation licence must, in respect of each period of 6 months after the day on which the licence is granted, provide a report to the Minister of the daily quantity (to be expressed in a manner and form determined by the Minister) of hydrogen generated as a result of authorised operations within that 6 month period.
- (3) A report required under this regulation must be provided to the Minister within 2 months after the end of each 6 month period to which the report relates.

26—Requirement to provide report, information or material requested by Minister

A report, information or material required to be provided on the written request of the Minister under section 46(1)(b) of the Act must be provided by the licensee within 2 months of the licensee receiving the request.

27—Requirements regarding retention, use or release of report, information or material by Minister

- (1) Subject to subregulation (2), for the purposes of section 46(3) of the Act, any report, information or material provided to the Minister in accordance with section 46 of the Act must not, during the designated period, be released publicly.
- (2) The Minister may, with the consent of the holder of the licence in respect of the authorised operations to which the report, information or material relates, make information or material provided in accordance with section 46 of the Act publicly available in an aggregate form.
- (3) In this regulation—
designated period, in relation to a report, information or material, means any continuous period (under 1 or more licences) during which the land on which authorised operations to which the report, information or material relates is subject to a licence or permit.

28—Incident reports

- (1) Pursuant to section 47(1)(a) of the Act, the initial report of an immediately reportable incident must include the following information:
 - (a) the name and business address of the licensee;
 - (b) the name and telephone number of a person who can be contacted about the incident;
 - (c) the time and date of the occurrence of the incident;
 - (d) the place where the incident occurred (using appropriate coordinates or distances from significant topographical features);
 - (e) in a case involving a spillage—the approximate quantity of the spillage;

- (f) the approximate size of any area affected by the incident (if relevant);
 - (g) the nature and extent of any injury to a person and, if death has occurred, the cause and place of death;
 - (h) the steps that have been taken to control, minimise or address any damage to any area affected by the incident.
- (2) Pursuant to section 47(1)(b) of the Act, a comprehensive report of an immediately reportable incident must be made in a manner and form determined by the Minister and include the following information:
 - (a) the results of any assessment or investigation of the conditions or circumstances that caused or contributed to the occurrence of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;
 - (b) the nature and extent of any damage to the environment that occurred as a result of the incident;
 - (c) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;
 - (d) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.
- (3) Pursuant to section 47(2) of the Act, a report on a reportable incident—
 - (a) must be provided on a quarterly basis within 1 month after the end of each quarter; and
 - (b) must be made in a manner and form determined by the Minister and include the following information in relation to each incident to which the report relates:
 - (i) the time and date of the occurrence of the incident and the time and date of its detection;
 - (ii) the place where the incident occurred (using appropriate coordinates or distances from significant topographical features);
 - (iii) in the case of a spillage—the approximate quantity of the spillage;
 - (iv) the approximate size of any area affected by the incident (if relevant);
 - (v) the cause of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;
 - (vi) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;
 - (vii) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.
- (4) A report under subregulation (2) or (3) must be signed by a person (being either the licensee or a person authorised by the licensee) who has taken reasonable steps to review the report to ensure the accuracy of the information contained in the report.

- (5) Subject to subregulation (6), a copy of the report under subregulation (2) or (3) may be made available to members of the public with the approval of the Minister (and the Minister must consult with the relevant licensee before giving an approval under this regulation).
- (6) The Minister may, before giving an approval under subregulation (5), take steps to ensure that commercially sensitive information is not publicly disclosed.
- (7) An appropriate note relating to the availability of a report under subregulation (5) must be included in the register.

Part 6—Environmental impact

29—Environmental impact assessment criteria

- (1) Pursuant to section 60(2) of the Act, the Minister should aim to review the environmental impact assessment criteria at least once every 5 years.
- (2) For the purposes of section 60(3) of the Act, the following agencies are prescribed:
 - (a) the Minister to whom the administration of a prescribed Act is committed;
 - (b) the Environment Protection Authority.
- (3) In this regulation—

prescribed Act means the following:

- (a) the *Aboriginal Heritage Act 1988*;
- (b) the *Aquaculture Act 2001*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Landscape South Australia Act 2019*;
- (e) the *Mining Act 1971*;
- (f) the *Petroleum and Geothermal Energy Act 2000*;
- (g) the *Planning, Development and Infrastructure Act 2016*.

30—Environmental impact report

- (1) For the purposes of section 61(2)(e) of the Act, an environmental impact report must be prepared in accordance with the requirements set out in this regulation.
- (2) An environmental impact report must contain the following information:
 - (a) a description of the authorised operations to be undertaken and the location at which the operations are to be undertaken;
 - (b) a description of the specific features of the environment that can reasonably be expected to be affected by the activities, with particular reference to the physical and biological aspects of the environment and existing land uses;
 - (c) an assessment of the cultural values of Aboriginal and Torres Strait Islander persons and other persons within the area of land to which the report relates which could reasonably be foreseen to be affected by authorised operations, and the public health and safety risks inherent in undertaking those operations (insofar as these matters are relevant in the particular circumstances);

- (d) if relevant and required by the Minister—an assessment of the continuity of supply with respect to hydrogen or renewable energy;
 - (e) in accordance with environmental impact assessment criteria, a description of the reasonably foreseeable events associated with the activities that could pose a threat to the relevant environment, including—
 - (i) information on the following:
 - (A) events during the construction stage (if any), the operational stage and the decommissioning stage;
 - (B) events due to atypical circumstances (including human error, equipment failure or emissions, or uncontrolled releases of substances above normal operating levels); and
 - (ii) information on the estimated frequency of these events; and
 - (iii) an explanation of the basis on which these events and frequencies have been predicted; and
 - (iv) an assessment of the potential consequences of these events on the environment, including—
 - (A) the extent to which these consequences can be managed or addressed; and
 - (B) the actions, strategies or controls proposed to be implemented to manage or address these consequences; and
 - (C) the anticipated duration of these consequences; and
 - (D) the size and scope of these consequences; and
 - (E) the cumulative effects (if any) of these consequences when considered in conjunction with the consequences of other events that may occur on the relevant land (insofar as this is reasonably practicable); and
 - (F) an explanation of the basis on which these consequences have been predicted;
 - (f) information on consultation that has occurred in accordance with the approved consultation plan, including specific details about relevant issues that have been raised and any response to those issues (but not including confidential information).
- (3) The Minister may require that a person provide further information or materials (verified, if the Minister so requires, in a manner determined by the Minister) to assist in assessing potential events and consequences that may arise from particular authorised operations.
- (4) Information or material provided under this regulation must—
- (a) be balanced, objective and concise; and
 - (b) state any limitations that apply, or should apply, to the use of the information and material; and
 - (c) identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty; and

- (d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
 - (e) so far as is reasonably practicable, be presented in a way that allows a person assessing the information or material to understand how conclusions have been reached and allows the information or material to be used to make an informed decision on the level of environmental impact of particular operations without the need to obtain additional technical advice; and
 - (f) be in a form determined by the Minister, be supported by such evidence as the Minister may determine and comply with any requirements of the Minister relating to the amount or detail of information that must be provided; and
 - (g) be accompanied by a declaration signed or executed by a person who has taken reasonable steps to review the information and material to ensure its accuracy; and
 - (h) be made publicly available in a manner determined by the Minister.
- (5) For the purposes of section 61(4) of the Act, consultation on an environmental impact report must be undertaken in accordance with a consultation plan approved by the Minister that—
- (a) includes a list of—
 - (i) all identified owners of the land to which the report relates; and
 - (ii) all identified traditional owners within the meaning of the *Aboriginal Heritage Act 1988* in relation to land to which the report relates; and
 - (iii) any affected agency or instrumentality of the Crown; and
 - (b) describes the method of engagement to be used in consultation, including how the licensee intends to respond to relevant issues raised as a result of consultation; and
 - (c) focuses the engagement on the environmental objectives and assessment criteria necessary to be achieved to demonstrate that any potential consequences of the proposed authorised operations will be adequately managed and controlled; and
 - (d) identifies all relevant parts in the environmental impact report that are to be consulted on; and
 - (e) if required by the Minister—provides for public submissions to be made in relation to the report.

31—Statement of environmental objectives

- (1) For the purposes of section 63(1) of the Act, an application for approval of a statement of environmental objectives must set out a draft of the proposed statement of environmental objectives which must include an identification of the events which could arise from the proposed authorised operations and (if not properly managed or avoided) cause an immediately reportable incident or a reportable incident.

- (2) A statement of environmental objectives must include objectives that relate to the following matters:
- (a) construction activities;
 - (b) operational activities;
 - (c) dealing with the consequences of events associated with the above activities on the various aspects of the environment.
- (3) A statement of environmental objectives must include the following criteria to be applied in determining whether the stated environmental objective has been achieved in a particular case:
- (a) a description of what is to be measured and the form of the measurements that are to be used;
 - (b) the locations at which the relevant measurements are to be taken, or the manner in which such locations are to be determined;
 - (c) the frequency of any measurement or monitoring;
 - (d) any background or control data that is to be used, or the manner in which such data is to be acquired;
 - (e) what is proposed to be taken to constitute the achievement of a relevant environmental outcome (with consideration being given to any inherent errors of measurement);
 - (f) if required by the Minister—provisions with respect to assessing the ongoing fitness for purpose of facilities, plant, equipment, machinery or other infrastructure and management systems;
 - (g) if relevant—
 - (i) the gathering of information and the conduct and timing of studies; and
 - (ii) the conduct and timing of management system audits.
- (4) Any information or material provided for the purpose of a statement of environmental objectives must—
- (a) be balanced, objective and concise; and
 - (b) state any limitations that apply, or should apply, to the use of information; and
 - (c) identify any matter in relation to which there is a significant lack of information or a significant degree of uncertainty; and
 - (d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
 - (e) be in a form determined by the Minister, be supported by such evidence as the Minister may determine and comply with any requirements of the Minister relating to the amount or detail of information that must be provided.

- (5) Without limiting subregulation (4), any criteria referred to in subregulation (3) must, insofar as is reasonably practicable and appropriate, be expressed in quantitative terms (rather than qualitative terms).

32—Consultation on proposed statement of environmental objectives

- (1) For the purposes of section 63(3) of the Act, the licensee must prepare a *consultation plan* that—
- (a) states the day on which consultation is due to commence; and
 - (b) includes a list of—
 - (i) all identified owners of the land to which the report relates; and
 - (ii) all identified traditional owners within the meaning of the *Aboriginal Heritage Act 1988* in relation to land to which the report relates; and
 - (iii) any affected agency or instrumentality of the Crown; and
 - (c) describes the method of engagement to be used in consultation, including how the licensee intends to respond to relevant issues raised as a result of consultation; and
 - (d) focuses the engagement on the environmental objectives and assessment criteria necessary to be achieved to demonstrate that any potential consequences of the proposed authorised operations will be adequately managed and controlled; and
 - (e) identifies all relevant parts in the environmental impact report or statement of environmental objectives that are to be consulted on; and
 - (f) complies with any other requirement specified by the Minister to the licensee.
- (2) At the conclusion of consultation, the licensee must prepare a report on the results of consultation, setting out—
- (a) the persons consulted; and
 - (b) any issues of concern raised by persons consulted; and
 - (c) the steps (if any) taken or proposed to be taken by the licensee to address those concerns.

33—Review of statement of environmental objectives

- (1) Pursuant to section 64(1)(b) of the Act, a statement of environmental objectives must be reviewed at least once every 5 years.
- (2) For the purposes of section 64(2)(a) of the Act, a review must address the following:
- (a) changes in information or knowledge in relevant licence area since the statement of environmental objectives was approved or last reviewed;
 - (b) community expectations in relation to relevant environmental issues since the statement of environmental objectives was approved or last reviewed;
 - (c) changes in the use of land since the statement of environmental objectives was approved or last reviewed;
 - (d) changes in operational practices since the statement of environmental objectives was approved or last reviewed;

- (e) other matters determined to be relevant by the Minister.
- (3) If, as a result of a review, the Minister considers that a statement of environmental objectives should be revised, the Minister must notify the licensee of the revisions before the statement is approved under the Act.

34—Operational management plan

- (1) For the purposes of section 66(2)(d) of the Act, an operational management plan must set out the following:
 - (a) corporate policies of the licensee that address the achievement of regulatory requirements and objectives;
 - (b) resources that will be applied to effectively implement the plan;
 - (c) recognised industry practices and procedures that will be applied in—
 - (i) undertaking authorised operations; and
 - (ii) achieving compliance with regulatory requirements;
 - (d) processes for managing physical, operational, procedural or organisational changes in respect of authorised operations;
 - (e) systems that will manage risks allowing achievement of the regulatory objectives arising from undertaking authorised operations including—
 - (i) the controls that will be implemented to eliminate or reduce risks associated with authorised operations; and
 - (ii) the systems that will ensure the implemented controls will be clearly defined and achieved;
 - (f) practices and procedures to ensure employees, contractors and visitors to the licence area have the appropriate competency, training (including ongoing training), induction and supervision;
 - (g) mechanisms for consulting and communicating with external parties in relation to authorised operations;
 - (h) systems to identify, investigate and report incidents arising from authorised operations;
 - (i) practices and procedures to be followed in the event of an emergency relating to authorised operations;
 - (j) systems that monitor, evaluate, audit and review the effectiveness of all aspects of the management system, including the performance of controls;
 - (k) the day on which authorised operations will commence;
 - (l) any other relevant matter as determined by the Minister.
- (2) If a licensee has an approved safety, reliability, maintenance and technical management plan under the *Electricity Act 1996* in respect of authorised operations, that plan is deemed to form part of an operational management plan to the extent that the plan complies with the requirements of the Act and this regulation.

- (3) In this regulation—

regulatory objectives means the objectives that must be achieved under the Act, these regulations, the relevant statement of environmental objectives or the conditions of the relevant licence;

regulatory requirements means the requirements imposed under the Act, these regulations and the conditions of the licence.

35—Scoping report

- (1) For the purposes of the definition of **prescribed licence** in section 69 of the Act, the following classes of licence are prescribed:
- (a) hydrogen generation licence;
 - (b) renewable energy infrastructure licence;
 - (c) associated infrastructure licence;
 - (d) special enterprise licence.
- (2) For the purposes of section 71(7) of the Act, a prescribed person must prepare a **consultation plan** that—
- (a) states the day on which consultation is due to commence; and
 - (b) includes a list of—
 - (i) all identified owners of land to which the report relates; and
 - (ii) all identified traditional owners within the meaning of the *Aboriginal Heritage Act 1988* in relation to land to which the report relates; and
 - (iii) any affected agency or instrumentality of the Crown; and
 - (c) describes the method of engagement to be used in consultation, including how the licensee intends to respond to relevant issues raised as a result of consultation; and
 - (d) focuses the engagement on the environmental objectives and assessment criteria necessary to be achieved to demonstrate that any potential consequences of the proposed activities will be adequately managed and controlled; and
 - (e) identifies all relevant parts in the environmental impact report or statement of environmental objectives that are to be consulted on; and
 - (f) complies with any other requirement specified by the Minister to the licensee.
- (3) At the conclusion of consultation, the licensee must prepare a report on the results of consultation, setting out—
- (a) the persons consulted; and
 - (b) any issues of concern raised by persons consulted; and
 - (c) the steps (if any) taken or proposed to be taken by the licensee to address those concerns.

36—Consultation by Minister

- (1) For the purposes of section 72 of the Act, the Minister must, in such manner as the Minister thinks fit, as soon as practicable after receiving—
- (a) an environmental impact report; or
 - (b) an application for approval of a statement (or revised statement) of environmental objectives; or
 - (c) a scoping report,
- give notice of the statement or report to—
- (d) each owner of land comprised in the licence area to which the report or statement relates; and
 - (e) —
 - (i) each council in the licence area to which the report or statement relates; or
 - (ii) if any part of the licence area to which the report or statement relates area falls outside of council areas—the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*,
- and specify a place where the report or statement may be inspected.
- (2) In addition, before the Minister makes a decision on an application for approval of a statement (or revised statement) of environmental objectives, the Minister must publish, in such manner as the Minister thinks fit, a notice—
- (a) describing the land comprised in the licence area to which the statement relates; and
 - (b) inviting written submissions in relation to the application to the Minister within a time specified in the notice.
- (3) The Minister—
- (a) must give to the applicant a copy of any submission received by the Minister under subregulation (2) within the relevant period specified by the Minister; and
 - (b) may require the applicant to respond to any matter raised in any such submission within a period specified by the Minister.
- (4) A submission under subregulation (2) cannot be made on the basis that the submission (or part of the submission) will be kept confidential and a response under subregulation (3) cannot be made on the basis that the response (or part of the response) will be kept confidential.
- (5) The requirement to publish a notice under subregulation (2), and the requirements of subregulations (3) and (4), do not apply if the Minister decides to reject the proposed statement (or revised statement) without inviting submissions on the application.

37—Referral of matter to prescribed body

- (1) For the purposes of section 73(4) of the Act, the prescribed period is 30 business days from the day on which the referral is made or such longer time as may be determined by the Minister and specified in the referral.
- (2) For the purposes of the definition of ***prescribed body*** in section 73(10) of the Act, the following are prescribed:
 - (a) the Minister to whom the administration of a prescribed Act is committed;
 - (b) the Coast Protection Board under the *Coast Protection Act 1972*;
 - (c) the Technical Regulator under the *Electricity Act 1996*;
 - (d) the Environment Protection Authority under the *Environment Protection Act 1993*;
 - (e) the South Australian Country Fire Service under the *Fire and Emergency Services Act 2005*;
 - (f) the Commissioner of Highways under the *Highways Act 1926*;
 - (g) the regional landscape board under the *Landscape South Australia Act 2019* responsible for the area to which the relevant report or statement relates;
 - (h) the Native Vegetation Council under the *Native Vegetation Act 1991*;
 - (i) the Pastoral Board under the *Pastoral Land Management and Conservation Act 1989*.
- (3) In this regulation—
prescribed Act means the following:
 - (a) the *Aboriginal Heritage Act 1988*;
 - (b) the *Environment Protection Act 1993*;
 - (c) the *Harbors and Navigation Act 1993*;
 - (d) the *Heritage Places Act 1993*;
 - (e) the *Historic Shipwrecks Act 1981*;
 - (f) the *Landscape South Australia Act 2019*;
 - (g) the *Mining Act 1971*;
 - (h) the *Offshore Minerals Act 2000*;
 - (i) the *Opal Mining Act 1995*;
 - (j) the *Petroleum (Submerged Lands) Act 1982*;
 - (k) the *Petroleum and Geothermal Energy Act 2000*;
 - (l) the *Planning, Development and Infrastructure Act 2016*;
 - (m) the *South Australian Public Health Act 2011*;
 - (n) the *River Murray Act 2003*;
 - (o) the *Work Health and Safety Act 2012*.

Part 7—Miscellaneous

38—Notice of entry

For the purposes of section 76(2) of the Act, a notice of entry must—

- (a) state the full name and business address of the licensee; and
- (b) provide the name and telephone number of a person who can be contacted about the notice; and
- (c) provide a reasonable description of the operations proposed to be undertaken on the land; and
- (d) identify the place or places where the operations are to be undertaken and indicate the proposed duration of the operations; and
- (e) insofar as is relevant to the particular land—provide reasonable information on the anticipated events and consequences associated with the operations, and on the action that is proposed to be taken to manage and address those events and consequences, in order to enable any occupier of land to make an informed decision about the impact or potential impact of the operations on the land; and
- (f) if relevant—contain a statement of the owner of land's rights of objection and compensation under the Act; and
- (g) inform the owner of land that the operations to which the notice relates are conducted under the Act and that any concerns or issues associated with the conduct of the operations may be raised with the Minister (or a person or body determined by the Minister and notified to the owner for the purposes of this regulation).

39—Objections

For the purposes of section 78(5)(b) of the Act, the period of 2 months is fixed.

40—Applications for warrants

The following procedures in relation to an application for the issue of a warrant are prescribed for the purposes of section 87(6)(b) of the Act:

- (a) if an application for the issue of a warrant is made personally—the grounds of the application must be verified by affidavit;
- (b) if an application for the issue of a warrant is made by telephone—
 - (i) the applicant must inform the magistrate, warden or justice of the applicant's name and identify the position that they hold for the purposes of the Act, and the magistrate, warden or justice, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
 - (ii) the applicant must inform the magistrate, warden or justice of the purpose for which the warrant is required and the grounds on which it is sought; and

- (iii) if it appears to the magistrate, warden or justice from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate, warden or justice must inform the applicant of the facts that justify, in their opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
- (iv) if the applicant gives such an undertaking, the magistrate, warden or justice may then make out and sign a warrant, noting on the warrant the facts that justify, in their opinion, the issue of the warrant; and
- (v) the warrant is taken to have been issued, and comes into force, when signed by the magistrate, warden or justice; and
- (vi) the magistrate, warden or justice must inform the applicant of the terms of the warrant; and
- (vii) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate, warden or justice an affidavit verifying the facts referred to in subparagraph (iii).

41—Confirmation of emergency direction

For the purposes of section 91(4) of the Act, confirmation of a direction will be given by a notice of confirmation, in a form determined by the Minister, given to the person to whom the emergency direction has been issued.

42—Administrative penalties

The amount of an administrative penalty fixed by Schedule 2 applies in relation to an alleged contravention of a provision of the Act specified in that Schedule.

43—Hydrogen and renewable energy register

- (1) This regulation applies to—
 - (a) a renewable energy feasibility permit; and
 - (b) a hydrogen generation licence (including a licence granted pursuant to Schedule 1 clause 17 of the Act); and
 - (c) a renewable energy feasibility licence; and
 - (d) a renewable energy infrastructure licence (including a licence granted pursuant to Schedule 1 clause 17 of the Act); and
 - (e) a renewable energy research licence; and
 - (f) an associated infrastructure licence (including a licence granted pursuant to Schedule 1 clause 17 of the Act) (including a licence granted pursuant to Schedule 1 clause 17 of the Act).
- (2) Pursuant to section 108(2)(d) of the Act, the register must contain the following information in relation to a permit or licence to which this regulation applies:
 - (a) the name of the licensee or permit holder;
 - (b) the term of the licence or permit;
 - (c) the conditions applying to the licence or permit;

- (d) a description of the licence area or permit area;
- (e) if the licence is transferred, assigned, held subject to a trust or otherwise dealt with—the details of the dealings with the licence notified to the Minister under section 50 of the Act;
- (f) any other information in relation to the licence that the Minister considers appropriate to include on the register.

44—Modification of Schedule 1 Part 5—transitional provisions

- (1) Pursuant to section 115(3)(b) of the Act—
 - (a) Schedule 1 clause 17(2) of the Act is modified in its application such that the subclause does not apply to a new operator who holds a development authorisation in respect of a prescribed development unless the new operator has, immediately before the prescribed day, a right or interest in respect of the land sufficient to complete the prescribed development; and
 - (b) Schedule 1 clause 17(3) of the Act is modified in its application such that the subclause does not apply to a person who has applied for a development authorisation in respect of a prescribed development unless the person has, immediately before the prescribed day, a right or interest in respect of the land sufficient to complete the prescribed development; and
 - (c) Schedule 1 clause 17(4) of the Act is modified in its application such that a reference to a new operator in that subclause will be taken not to include a new operator who holds or has applied for a development authorisation in respect of a prescribed development unless the operator has, immediately before the prescribed day, a right or interest in respect of the land sufficient to complete the prescribed development.
- (2) To avoid doubt, for the purposes of this regulation, a person will be taken not to have a right or interest in respect of land sufficient to complete a prescribed development if the person—
 - (a) requires the approval of a person or body in order to use the land for the purposes of the prescribed development; and
 - (b) that approval has not, on or before the prescribed day, been given.
- (3) In this regulation—

prescribed day means the day prescribed by the Minister by notice in the Gazette for the purposes of Schedule 1, clause 17(3) of the Act;

prescribed development means the establishment and operation of renewable energy infrastructure on designated land that has the primary purpose of generating or obtaining energy from a renewable energy resource.

Schedule 1—Provisions of Act applying to renewable energy feasibility permit

Section 43

Sections 46 to 48 (inclusive)

Section 49(1)

- Sections 50
- Section 54
- Section 55
- Section 83
- Section 89
- Section 90 to 92 (inclusive)
- Section 108(2)(a)

Schedule 2—Administrative penalties

Provision of Act	Amount of administrative penalty
Section 42(9)	
Section 44	\$5 000
Section 46(2)	\$5 000
Section 47(1)	\$10 000
Section 47(2)	\$10 000
Section 83(2)	\$10 000

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on
No of 2024