



# Registrar Forms Guidance – Offshore Electricity Infrastructure

## Overview

This guidance has been prepared to assist applicants and licence holders in making valid applications and notifications to the Offshore Infrastructure Registrar (**the Registrar**) under the [Offshore Electricity Infrastructure Act 2021](#) (**the OEI Act**) and the [Offshore Electricity Infrastructure Regulations 2022](#) (**the Regulations**).

For an application to be considered validly made, and processing to begin, the Registrar requires:

- the application to be accompanied by any information or documents required by the OEI Act, the Regulations, and Invitation to Apply where relevant
- be submitted within any prescribed timeframes
- a correctly executed approved application form to be lodged
- the fee to be paid.

Further information about requirements and each application or notification type is in the sections below.

This document has been developed as a general guide only. It is subject to, and does not replace or amend, the requirements of the OEI Act and the Regulations, which should be read in conjunction with this guidance and the [Guideline: Offshore Electricity Infrastructure Licence Administration \(the Guideline\)](#).

Before relying on this material, users should carefully evaluate the accuracy, currency, completeness and relevance of the information, and obtain independent legal or other professional advice relevant to their particular circumstances. This document will be reviewed and updated as required.

Table of revisions

Effective Date	Version	Purpose	Jurisdiction
28 November 2022	1	Create the Registrar Forms Guidance.	Cth
20 January 2023	2	Update to website links and minor typographical corrections.	Cth
8 August 2023	3	Updated guidance material for applications submitted from 8 August 2023	Cth
5 March 2024	4	Updated guidance material for applications submitted from 5 March 2024	Cth



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# General Application Guidance

## Submission details

For details on how to submit your application, please refer to [www.offshoreregistrar.gov.au](http://www.offshoreregistrar.gov.au).

Applicants will receive written confirmation of receipt from the Registrar informing them of the date that all the application requirements were met, which will be the date that the application is validly made.

For any application or submission queries please email [offshoreelectricity@nopta.gov.au](mailto:offshoreelectricity@nopta.gov.au).

## Approved manner and form

The OEI Act and the Regulations require applications to be made in the manner and form that is approved by the Registrar and published on the [Registrar's website](#).

Please refer to the [Registrar's website](#) for the approved manner and form to be used when making applications.

## Body Corporate and Natural Person Suitability Disclosure Forms

### Overview

Subsection 26(3) of the Regulations provides that, for the purposes of being satisfied that an eligible person is suitable to hold a licence, the Minister may consider:

- (a) the person's past performance in offshore infrastructure projects, or other large infrastructure projects, in Australia or internationally; and
- (d) any other matter the Minister considers relevant.

Applicants or other persons (as relevant) are required to provide disclosures relating to past performance relevant to the applicant or entity who will hold the licence, be a transferee or begin to control the registered holder of a licence.

Both the body corporate and its officers are required to provide a disclosure. For the purposes of disclosures, the Registrar considers the following key officers (or their equivalent positions) are required to complete a disclosure: Company Director, Company Secretary, Chief Executive Officer, Managing Director, Chief Operating Officer, Chief Financial Officer, and holder of a Power of Attorney relevant to the OEI Act.

Disclosures must also be provided for any of the entities in the applicant's corporate structure that it is relying on.

If there are newly appointed body corporate officers, new disclosures should be made as soon as the information changes.

### Previously submitted disclosures

If all of the information (including any attachment to the disclosure) in the previously submitted disclosure remains true and correct, this previously submitted disclosure can be referenced in future interactions with the Registrar.

If any information in the original disclosure is no longer accurate, new disclosures should be made as soon as the information changes. If a key officer is no longer a key person of a body corporate, please notify the Registrar.

Disclosures remain in place unless the person is no longer associated with the company, or the person provides a new disclosure for the reasons set out above.



## Submission details

For Body Corporate and Natural Person Suitability Disclosure forms to be considered validly made, the correctly completed form should be submitted to the Registrar at [offshoreelectricity@nopta.gov.au](mailto:offshoreelectricity@nopta.gov.au).

## Signatures – execution of Registrar forms by companies

The signature block on Registrar forms and instruments of transfer should not be amended unless allowed for on the form.

Please contact the Registrar at [offshoreelectricity@nopta.gov.au](mailto:offshoreelectricity@nopta.gov.au) if this causes any issues.

### What is needed?

To avoid any doubt that the person signing Registrar forms is authorised to bind a company, the Registrar will require its forms and prescribed instruments of transfer to be executed:

#### *For a registered Australian company:*

- in accordance with [section 127](#) of the *Corporations Act 2001* (the Corporations Act); or
- by a person holding a legal power of attorney executed by the company in accordance with section 127 of the Corporations Act.

#### *For a foreign company:*

- by the foreign company, in accordance with the law of the country of incorporation of the foreign company; or
- by a person holding a legal power of attorney for the foreign company, executed by the company in accordance with the law of the country of incorporation of the foreign company.

#### *Foreign companies—additional requirements*

For a foreign registered company, executed Registrar forms should also be accompanied by a formal legal opinion from:

- an Australian law firm;
- a reputable law firm based in the company's place of incorporation; or
- an in-house lawyer in the foreign registered corporation – stating that the company is a foreign registered company and that it has executed the forms in a way that is binding on the foreign company under the law of the place of incorporation of the foreign company.

If a signatory for a foreign company uses an electronic signature, the formal legal opinion accompanying that execution should also include a statement that the form of electronic execution used by the signatory (and if applicable, any required witness to that signature) is permitted under and is in accordance with the law of the place of incorporation of the foreign entity.

### *Power of attorney*

#### General requirements

If forms or prescribed instruments of transfer are signed by a person holding a legal power of attorney for either a registered Australian company or a foreign company, the power of attorney document is to be prepared in accordance with the law of the jurisdiction in which the Registrar forms will be executed, and:

- the attorney should clearly state that they are signing as attorney for **[full name of company]**
- the name of the attorney is to be written in full;



- the attorney must declare that:
  - a. they hold the power to execute the form on behalf of the company, and;
  - b. at the time of signing this has not been revoked; and
- the signature of the attorney on the form must be witnessed, with the signature and full name and address of the witness provided on the form.

### Copy of power of attorney

Unless already provided, a copy of the power of attorney document must also be provided to the Registrar for our records. This will not be published.

### Foreign company power of attorney—additional requirements

If the power of attorney is provided by a foreign company, there are additional requirements, being that the Registrar be provided with:

- a notarial certificate of due execution by the foreign company of the power of attorney; and
- a legal opinion from an Australian law firm or Australian in-house lawyer that the form and content of the instrument meet the formal requirements of a power of attorney in the Australian jurisdiction in which it will be used.

### Why is this needed?

Using the methods outlined above allows the Registrar to be confident that the person(s) signing the form have the ability to bind the company, without the need for further enquiries/investigation.

If documents have not been signed in accordance with the above requirements, the Registrar will consider the application incomplete and request that the applicant re-sign these documents.

This may have implications for statutory time limits on the lodgement of certain forms.

### Using counterparts

Documents executed by company officers may be executed in counterpart. If a counterpart is signed, the signed counterpart must include the entire contents of the document.

If documents are executed in counterpart, one director/attorney may physically sign a paper version of the Registrar form while the second director/attorney could sign the same document electronically.

### Electronic signatures

For a registered Australian company:

Australian registered company officeholders may execute documents electronically if the method used:

- identifies the person and indicates their intention in respect of the information recorded in the document; and
- is as reliable as appropriate for the purpose for which the information was recorded or proven in fact to have indicated the person's identity and intention to sign.

The electronic signatures that will meet the requirements above for Registrar forms executed by either:

- (a) Australian company officeholders under s 127(1) of the *Corporations Act*; or
- (b) attorneys signing Registrar forms for Australian registered companies.



## Electronic signing platforms with verification of identity and secure encryption

The Registrar will accept electronic signatures created with the use of electronic signature platforms that have system processes to verify the identity of the signee by multiple authentication methods, secure the signature by encryption, and prevent alterations to the document after signing, such as DocuSign and Adobe Sign.

The entire document which is to be electronically signed (not just the signature pages) needs to be uploaded onto the signing platform, as clear and unambiguous evidence of the signatory's intention to be bound by the entire contents of the document.

If you would like to use an alternative signing platform, please contact the Registrar before execution, with details and evidence of the authentication and encryption methods used by the signing platform, so that we may consider whether it meets the Registrar's identification and reliability requirements.

## Electronic signatures using a Stylus Tool

The Registrar will also accept electronic signatures made using a stylus tool to sign a PDF document which is then emailed back to the company/Registrar.

Examples of electronic signatures that the Registrar **will not accept** include:

- signing platform products that do not have both sufficient system processes in place to verify the identity of the signee by multiple authentication methods; and include secure encryption of the entire document after signing.
- documents signed with the fill and sign feature in Adobe; and
- copy and pastes of signatures.

These are not considered to be sufficiently reliable for electronic signatures on Registrar forms and will be returned.

Company officeholders and attorneys also continue to have the option of providing handwritten or 'wet ink' signatures on Registrar forms. There is no requirement for multiple signatories to use the same method to sign the document.

## Witnessing electronic signatures

For attorneys, electronic signatures using Registrar accepted signature platforms will not require the attorney's signature to be witnessed, as the Registrar will rely on the evidentiary weight of the electronic signature platform processes to verify the identity of the signee. Electronic signatures using a stylus tool and 'wet ink' signatures by attorneys on Registrar forms will need to be witnessed.

## Privacy statement

The Registrar is bound by the Australian Privacy Principles under the *Privacy Act 1988*. This regulates how we collect, use and disclose your personal information.

For information about how the Registrar collects, uses and discloses personal information, please visit <https://www.nopta.gov.au/privacy.html>.

## Foreign Investment Review Board

The Australian Government welcomes foreign investment for the significant benefits it provides, while recognising the need to ensure investments are not contrary to the national interest. Foreign investment has helped build Australia's economy, and it will continue to enhance the wellbeing of Australians by supporting economic growth and innovation into the future. Without foreign investment, production, employment and income would all be lower.



The foreign investment review framework is set by the *Foreign Acquisitions and Takeovers Act 1975 (FATA)* and requires foreign investors to notify the Treasurer of proposed foreign investments that meet certain criteria. Foreign investors should familiarise themselves with Australia's foreign investment framework and ensure they comply with the law. Failure to do so may result in the imposition of penalties.

The OEI Act operates independently to the FATA. In providing advice to the relevant decision maker under the OEI Act, the Registrar does not assess whether foreign investment approvals are required under the FATA.

The decision as to whether an application is required is ultimately up to the foreign investor, after considering the guidance on the Australian Foreign Investment Review Board (**FIRB**) website and making an assessment of their own particular circumstances. Proposals for foreign investment in Australia should be submitted to the FIRB.

If a foreign investor submits an application yet considers its proposed transaction may not be subject to Australia's foreign investment review framework, they may provide reasons for this contention in their application. If FIRB then considers that the foreign investor did not need to make an application, the foreign investor will receive a refund of the fee.

If a foreign investor does not submit an application for a planned transaction that does require notification to the Treasurer, penalties may apply. In this instance, the foreign investor will bear the risk of a prohibition or disposal order.

If the Registrar is made aware of a pending application under the FATA, for administrative efficiency the Registrar will advise the relevant decision maker to wait for the FIRB decision prior to making a decision under the OEI Act.

Evidence of a decision should be provided to the Registrar with the submission of an applicable OEI Act application. If it is not available at the time of submission, it will need to be provided separately before a decision is made on a relevant OEI Act application.

Further information on Australia's foreign investment policy including guidance on the foreign investment review framework can be found on the FIRB site at [www.firb.gov.au](http://www.firb.gov.au) (link is external)

General enquiries [firbenquiries@treasury.gov.au](mailto:firbenquiries@treasury.gov.au).





# Application Content Requirements

## Feasibility Licence

In making an application under section 10 of the Regulations, please refer to the following guidance.

### Overview:

Legislation	<a href="#">Chapter 3</a> of OEI Act
Regulations	<a href="#">Part 2 of the Regulations</a>
Guidelines	<a href="#">Guideline: Offshore Electricity Infrastructure Licence Administration (the Guideline)</a>
Factsheets	N/A
FAQs	<a href="#">Feasibility Licence Process</a>
Application form	<a href="#">Feasibility Licence</a>
Application fee	<a href="#">Yes</a> (section 189 of OEI Act and section 46 of the Regulations)
Other	<p>Please also refer to the:</p> <ol style="list-style-type: none"> <li>1 Relevant Invitation to Apply instrument published on the <a href="#">Federal Register of Legislation</a></li> <li>2 Relevant Declaration instrument on the <a href="#">Federal Register of Legislation</a></li> <li>3 <a href="#">Natural Person Suitability Disclosure</a></li> <li>4 <a href="#">Body Corporate Suitability Disclosure</a></li> </ol> <p>As the feasibility licence application process is competitive, the Registrar will provide guidance on the application process but will not provide specific comment on or review individual applications.</p> <p>Information contained in an applicable document is “documentary information” as defined in section 8 of the OEI Act. Please also refer to sections 283-289 of the OEI Act.</p>

### Required information:

Checklist	Description	Provided
1	<p>A correctly completed application form executed in accordance with the <a href="#">Registrar Forms Guidance</a>, including the following:</p> <p><u>Part A</u></p> <ul style="list-style-type: none"> <li>• Applicant details: <ul style="list-style-type: none"> <li>○ Evidence of being an eligible person – please ensure that applicant name on application form exactly matches the eligible person ACN/ARBN certificate</li> <li>○ Confirmation if foreign investment approval is required.</li> </ul> </li> </ul> <p><u>Part B</u></p> <ul style="list-style-type: none"> <li>• Invitation and area information: <ul style="list-style-type: none"> <li>○ Declared Area reference</li> <li>○ Invitation to Apply reference</li> <li>○ Proposed licence area in km<sup>2</sup></li> </ul> </li> </ul> <p><b>Note:</b> The maximum area for a feasibility licence is 700 km<sup>2</sup>. The method of calculation used by the Registrar is geodetic area calculation.</p> <ul style="list-style-type: none"> <li>○ Proposed licence area details (should include detailed map, coordinates and shapefiles).</li> </ul> <p><b>Note:</b> Licence area should be provided in GDA94 geodesic latitude-longitude (EPSG: 4283).</p> <ul style="list-style-type: none"> <li>• Application fee payment (should include proof of payment)</li> </ul>	<input type="checkbox"/>





Checklist	Description	Provided
	<ul style="list-style-type: none"> <li>• Applicant’s contact details: – please ensure this person is readily contactable in the event of any lodgement issues               <ul style="list-style-type: none"> <li>○ Confirmation the applicant consents to information being given by way of electronic communication</li> <li>○ Acknowledgement that contact information may be provided to other applicants in an overlapping application group</li> <li>○ Confirmation of contact details to be used for this purpose</li> </ul> </li> </ul>	
2	<p>The application must include a description of the proposed commercial offshore infrastructure project for the licence (section 32 of the OEI Act and section 10 of the Regulations), including:</p> <ul style="list-style-type: none"> <li>• Proposed project name or reference</li> <li>• Proposed generation capacity within the licence area (in GW)</li> <li>• Renewable energy resource (section 13 of the OEI Act)</li> <li>• Technology to be investigated</li> </ul>	<input type="checkbox"/>
3	Any other information or documents specified in the invitation	<input type="checkbox"/>

*Additional information to be included with the application:*

Checklist	Description	Provided
1	If the area includes any part of the licence area of another licence, provide details that demonstrate that the proposed licence would not unduly interfere with the activities of the other licence holder, including evidence of consultation.	<input type="checkbox"/>
2	<p>Applicants should provide details that demonstrate:</p> <ul style="list-style-type: none"> <li>• the proposed licence is consistent with any conditions that apply to the declared area; and</li> <li>• the proposed licence area is continuous and entirely within the declared area in the Commonwealth offshore area; and</li> <li>• the proposed licence area does not include any part of the licence area of any other feasibility licence or commercial licence; and</li> <li>• the proposed licence area does not exceed the maximum area prescribed by the licensing scheme (700 km<sup>2</sup>)</li> </ul> <p>Figures, pictures and diagrams in the application should be legible.</p>	<input type="checkbox"/>
3	<p>Relevant Body Corporate and Natural Person Suitability Disclosure forms relating to past conduct and suitability of the applicant and its key officers from the applicant and any entities in its corporate structure it is relying on to meet the merit criteria. Please also provide a list of the persons to provide disclosures.</p> <p>If a disclosure has been previously made, the previous disclosure can be referenced.</p>	<input type="checkbox"/>
	<p>Section 4.4 of the <a href="#">Guideline</a> details the assessment of feasibility licence applications by the Registrar. Please refer to the below for guidance on application content that should be provided in demonstrating the merit criteria have been met:</p>	<input type="checkbox"/>
4	<p>A project development plan (<b>PDP</b>) for the proposed project. The PDP should address all of the merit criteria aspects (as set out in Items 5 - 8 below).</p> <ul style="list-style-type: none"> <li>• PDP should be a maximum of 500 pages and have page numbers.</li> <li>• Supporting attachments such as technical and specialist reports/studies, CVs, letters of support/contracts/agreements, financial statements, figures/diagrams, etc. should be appropriately named (Appendix A, Appendix B, etc.) and have page numbers.</li> </ul> <p>A Risk Register for the proposed project, preferably in Excel format.</p>	<input type="checkbox"/>  <input type="checkbox"/>



	<p>Project details and financials in Excel format (Please use <b>Attachment A: Feasibility Licence Application Accompanying Information Template</b>).</p> <p>Project Schedules should be in GANTT format or similar (saved as a PDF).</p> <p>Please include an Index of files.</p> <p>Preferred file types include .csv, .docx, jpeg, jpg, pdf, png, xlsx, zip.</p>	<input type="checkbox"/>    <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>5</p>	<p><b>Merit Criterion 1: Technical and Financial Capability</b></p> <p><u>Technical Capability</u></p> <p>Overview of the project team for the feasibility licence term including:</p> <ul style="list-style-type: none"> <li>• Job titles and roles/responsibilities for the project team if granted a feasibility licence, including any named personnel for roles where available.</li> <li>• Organisational chart or diagram for the project team showing workstreams.</li> <li>• For any named personnel, relevant experience (supported by a CV).</li> <li>• CVs should identify the entity the personnel is employed with and, if not the applicant, how they are being made available to the applicant.</li> <li>• CVs should include an outline of the experience of the personnel in delivering the preferred technology for the proposed project and their experience in managing similar project development activities in order to take a positive FID on large scale infrastructure projects in a timely manner.</li> <li>• If a role is yet to be filled, identify how it will be arranged e.g. whether by internal transfer/secondment, new hire, contractor, or external consultancy service, etc.</li> <li>• Where the applicant intends to fill project team responsibilities through use of external consultancy services or third parties, provide evidence of a business relationship with the consultant/third party and identify which workstreams the consultant/third party will be responsible for delivering.</li> </ul> <p>Identify the key leadership personnel that would be directly involved with oversight of the project team and management of the operations/works to be conducted under the feasibility licence including names, job titles, and relevant experience (supported by CVs).</p> <p><u>Financial Capability</u></p> <p>Evidence that the person has funds in place (cash or equivalents or committed drawn debt facilities) sufficient to meet at least 150% of the estimated cost of the proposed work for the first 12 months of the feasibility licence term.</p> <ul style="list-style-type: none"> <li>• The funds must not be allocated to any other use and must not be put forward in support of any other licence or application under the OEI Act.</li> <li>• The funds must be available to the applicant to draw upon without the need for negotiation or authorisation by any third party.</li> <li>• A conditional deed of guarantee confirming that, if the feasibility licence is granted, funds will be made available to meet 150% of the estimated cost of the proposed work for the next 12 months of the feasibility licence term, may be considered. The applicant must confirm the identity and corporate structure of the guarantor.</li> </ul> <p><b>Note:</b> The assessment of financial capability will also apply to the guarantor and evidence of the past performance of the guarantor must be provided.</p> <p>A detailed funding plan of how the person proposes to finance the remainder of the feasibility licence activities.</p>	<input type="checkbox"/>



	<ul style="list-style-type: none"> <li>The funds referred to in the feasibility licence plan must not be put forward in support of any other licence or application under the OEI Act.</li> <li>This detailed financing plan should include a description of how, from where, and when future funds will be made available to the applicant, and any milestones that need to be met to release future funds, key terms of agreements and contractual arrangements.</li> <li>Where an applicant intends to rely on another entity(s) for future funds, identify any entities with which the applicant has a commercial agreement in place to provide financial resources to the applicant, that are not considered under the Corporate Structure.</li> <li>Provide the most recent audited financial statements for such entities and evidence of the commercial agreement(s).</li> <li>If agreements are not already in place, provide details on how the applicant intends to secure the finance.</li> </ul> <p><b>Note:</b> When submitting annual reports during a feasibility licence term, licence holders are expected to provide evidence that they have cash or debt facilities of at least 150% of the upcoming 12 months of work and provide an updated plan for the remainder of the feasibility licence term, to continue to meet the merit criteria. Updated plans for financing of the commercial project should be provided when appropriate (as these plans are refined).</p> <p><u>Ability to carry out the operations and works that will be authorised by the licence</u></p> <p>Discuss relevant current and proposed offshore wind, onshore wind, electricity and/or large-scale infrastructure projects in the portfolio internationally and in Australia with basic details such as project name, jurisdiction, size, permit/licence status, and FID/COD dates.</p> <ul style="list-style-type: none"> <li>Note any other projects that the identified project team members may be working on.</li> <li>Discuss how technical and financial capabilities would be balanced across multiple projects including examples of prior experience and/or a plan or strategy that would be applied.</li> </ul> <p><u>Ability to discharge the obligations in relation to the licence</u></p> <p>Evidence that the person is aware of the importance of licence obligations under the OEI Act and has a dedicated and experienced project team member with responsibility for regulatory compliance under the OEI Act. Provide a CV for the person if named.</p>	
6	<p><b>Merit Criterion 2: Proposed Project Is Likely to Be Viable</b></p> <p><u>Proposed Project</u></p> <p>Details of all aspects of the proposed project as understood at the time of application, noting this is a preliminary concept and the feasibility licence term is intended to allow the project to be sufficiently defined for a FID to be made. A range of values or options may be provided for key areas of uncertainty or risk that are to be resolved during the feasibility licence term. Where this approach is taken, a detailed discussion of the rationale for the range of values or options should be included.</p> <ul style="list-style-type: none"> <li>The type of offshore electricity infrastructure project proposed (e.g. fixed offshore wind, floating offshore wind, offshore solar, offshore tidal, offshore biomass, etc).</li> <li>Proposed total electricity generation and/or transmission capacity in MW or GW.</li> <li>Where the project is to be delivered in phases, identify the capacity of each phase and indicative FID and COD dates for each phase.</li> <li>Proposed connection pathway for the electricity generated (route-to-market), including the required grid capacity.</li> </ul> <p>Details of the project design, including all infrastructure that may be installed in the licence area. For an offshore wind farm, this might include details of:</p> <ul style="list-style-type: none"> <li>The potential number range, height, and power capacity of turbines under consideration</li> <li>Potential product options for foundations, turbines, interconnectors, substations, etc.</li> </ul>	<input type="checkbox"/>



- Potential methods of installation
- Proposed layout
- General cable and export routes.

The PDP and risk register should demonstrate how the findings of any attached reports or studies are incorporated into the plans for the proposed project.

*Conditions on the Declared Area*

Identify how the project will address any conditions on the declared area that may apply to the proposed project.

*Current Understanding of Technical Complexities*

Discussion of current understanding of proposed licence area and proposed project and identification of areas of risk or uncertainty, including details of each risk, the impact of each risk, and potential mitigation strategies. These should include:

- Site and resource considerations: Seabed sediment and geology, water depth and bathymetry, wind resource, existing assets and infrastructure, metocean, and UXO, etc.
- Technology and infrastructure considerations: Foundations, turbines, electrical infrastructure, site selection, and field layout, etc.
- Supply chain assumptions, ports, logistics, operations and maintenance, etc.

*Current Understanding of Commercial Complexities*

Planned commercial development activities and details of funding agreements/investor milestones etc. that need to be in place to progress to FID.

*Route-to-market*

Potential route-to-market options for supply or transmission of the electricity/renewable energy that would be generated from the proposed project. Outline the key uncertainties for each option and detail the plans and schedules to investigate its viability in a timely manner.

- Identify possible offtake agreements and other commercial agreements that will be considered.
- Identify key commercial arrangements that need to be in place for a positive FID to be made and outline any uncertainties.

*Activities to be Undertaken During the Feasibility Licence Term*

Planned activities to be undertaken during the feasibility licence term to address the identified risks or uncertainties in current understanding. These should include:

- Site and resource activities; and
- Technology and infrastructure activities; and
- Supply chain activities; and
- Route-to-market activities.

**Note:** The activities to be undertaken during the feasibility licence term should address the identified complexities and be sufficient to support a positive FID in a timely manner. Please refer to example table format at Attachment A.

Project Schedules

An estimated schedule for all activities proposed during the feasibility licence term. Where a project is proposed to be phased (with separate FIDs), provide a master schedule and schedules for each phase.

- Licence holders will not be held to the schedule, but the schedule should indicate efficient delivery of the proposed activities during the feasibility licence term.
- Provide justification for the timeframes proposed, highlighting any areas of risk/uncertainty or that may cause significant delay to progress.



An estimated schedule for tendering, construction, commissioning and operation of the proposed project, and estimated project life span under a future commercial licence.

- Include base, low and high cases if appropriate.
- If the project is proposed to be developed in phases, provide a detailed description of the phasing including the proposed electricity generation and/or transmission capacity to be developed in the initial phase and the associated infrastructure, and similar detail for any subsequent phases.
- Indicate any milestones or hurdles or uncertainties that must be met/resolved in order to undertake subsequent phases of development.

**Note:** Activities under a feasibility licence must be reported on an annual basis and progress against various activities will be assessed to ensure ongoing compliance with the merit criteria. It is expected that as new information becomes available these activities may change and will require updating in annual reports as appropriate.

#### Estimated Commercial Return

The economic outcomes of the proposed project for a base, low, and high case and supporting evidence, including but not limited to:

- A table showing current estimates of capital costs (real) for all components of project construction, installation and commissioning. Indicate a cost class (uncertainty range) and the components of greatest uncertainty. Owner's costs/contingency should be listed as a separate item. Indicate the currency used.
- Estimated operating costs per annum (real).
- Annual production forecasts and supporting analysis of demand/supply showing the potential market for the electricity/renewable energy generated by the proposed project.
- Detailed forecast cash flows in nominal currency units (provided in an Excel workbook).
- Provide economic and commercial assumptions (price, inflation, depreciation method, financing assumptions, exchange rate etc.)
- Provide sensitivities/ranges for key parameters and associated range of economic outcomes for the project on both a pre-tax and post-tax basis.
- Where appropriate, provide additional cash flows for alternative methods of financing the project at a commercial licence stage including terms and structure of finance.

**Note:** Please refer to example table format at Attachment A.

A discussion of the factors and commercial conditions required for the licence holder to make a positive FID on the project at a commercial licence stage (as distinct from resolution of technical and logistical/ permitting aspects). For example, financing structure, return on investment hurdle, payback period, key commercial agreements etc.

- There are no standard conditions or rates that should be provided as commercial conditions are specific to each applicant and may differ between entities in the applicant's corporate structure that have decision-making powers. A representative set of conditions can be provided that have a range of values or hurdles.
- Identify key activities that are proposed to address these commercial conditions during the licence term.

**Note:** Economic outcomes should be updated in the annual report as appropriate.

#### Feasibility Licence Expenditure

- The estimated total costs of feasibility activities proposed during the feasibility licence term and annual costs corresponding to the schedule of activities.





	<ul style="list-style-type: none"> <li>The estimated annual levies payable if the feasibility licence is granted over the proposed licence application area.</li> </ul> <p><b>Note:</b> These should be provided in nominal Australian dollars. The applicant’s funding plan for the feasibility licence activities (Item 5 above) should be able to be reconciled with the amounts in this section on a rolling 12-month basis.</p> <p><u>Consenting</u></p> <p>A discussion of the current understanding of consenting requirements for the proposed project and plans/strategies to address these if awarded a feasibility licence, including:</p> <ul style="list-style-type: none"> <li>Consents and approvals that must be obtained and an approximate schedule for obtaining them e.g. <i>Environment Protection and Biodiversity Conservation Act 1999</i>, State and Territory Government, energy regulators, design notification, Management Plan, additional licence/s under the OEI Act, where relevant.</li> </ul> <p><u>Stakeholder Engagement</u></p> <p>A discussion of the stakeholder consultation framework to be used and current understanding of relevant stakeholders for the proposed project and plans to investigate, manage and resolve any risks or concerns if awarded a feasibility licence, including:</p> <ul style="list-style-type: none"> <li>Stakeholder identification - Provide a discussion of the key stakeholders identified so far and current understanding of the potential risks or concerns that may be relevant for each stakeholder.</li> <li>Stakeholder mapping and engagement/consultation plans.</li> <li>Approach to stakeholder engagement including impact identification.</li> <li>Stakeholder negotiation strategy and potential risks.</li> <li>Proposed schedule for stakeholder consultation and addressing concerns raised during consultation.</li> </ul>	
<p><b>7</b></p>	<p><b>Merit Criterion 3: Eligible Person is Suitable to Hold the Licence</b></p> <p><u>Applicant Details and Structure</u></p> <ul style="list-style-type: none"> <li>Applicant name, Australian Company Number (<b>ACN</b>) or Australian Registered Business Number (<b>ARBN</b>), and Australian Securities and Investments Commission (<b>ASIC</b>) Certificate.</li> <li>Description of the applicant including its principal activities, size, countries of operation, etc. If the applicant is a new entity, discuss its background/origin.</li> <li>Diagram showing the Corporate Structure of the applicant. Corporate Structure should be taken to mean all persons, or intermediate and ultimate entities, with a direct or indirect interest in the applicant. Intermediate entities should include all entities which are interposed between the applicant and the ultimate entity.</li> <li>Documentary evidence of the corporate relationship between the applicant and all entities in the Corporate Structure (e.g., for Australian registered entities this should include ASIC “Current and Historical” company extracts), including countries of operation. For foreign companies, please provide an ASIC Current and Historical extract equivalent which includes officeholders and shareholders.</li> </ul> <p>A description of the Corporate Structure envisaged on application for a commercial licence (if different to the structure at feasibility licence stage), including how such a structure will be created and the timeline the applicant expects to follow to create the structure. Specific entities involved may not be known at this stage, an approximate structure and plan should be provided.</p> <p>The proposed Project Governance Framework including key roles and responsibilities, stakeholder identification and engagement plan, risk identification and management, key assurance metrics, and project monitoring processes. If this is to be completed during the feasibility licence term, identify key activities to be undertaken and timeframes.</p>	<p><input type="checkbox"/></p>



Governance Framework of the applicant and any entities in the Corporate Structure that the applicant is relying on to meet the merit criteria.

- Identify if a recognised corporate governance code is observed and provide a copy of the code that the entity is measuring itself against.
- Provide any relevant documentation, for example:
  - Company Constitution
  - Corporate Governance Statement (e.g., Annual Report against the principles of the adopted Corporate Governance Code)
  - Documentation outlining the company process for managing risks and audits of company reports, list of committees and their charter statement and policies (whistle-blower, values, code of conduct) and project governance framework.
  - Level of implementation statement, future plans and timeframes to meet all principles. Where an entity does not implement or does not intend to implement principles of a national code or has yet to implement a project governance framework, provide a rationale for this.
  - Provide biographies for Directors and key officers of the applicant body corporate including the level of knowledge of the entity and experience in the large-scale electricity or infrastructure industry. An officer of a corporation is defined under section 9 of the *Corporations Act*.

**Note:** The Registrar considers the following position as (or their equivalent positions) are key officers: Company Directors, Company Secretaries, Chief Executive Officer, Managing Director, Chief Operating Officer, Chief Financial Officer, and holders of a Power of Attorney relevant to the OEI Act.

Describe the relevant board's size and collective skills (e.g., a skills matrix), and how long they have been on the board. Provide biographies for the relevant board members covering the level of knowledge of the entity and experience in the large-scale electricity or infrastructure industry.

**Note:** The relevant board is the board of directors or equivalent which the applicant is relying on to meet the merit criteria.

#### Past Project Performance

Past project experience of the applicant and of any entities in its Corporate Structure that it is relying on to meet the merit criteria.

- Evidence of past experience in delivering offshore wind, onshore wind, electricity and/or large-scale infrastructure projects of a similar size to that proposed in the feasibility licence application in a timely manner. For project example/s, identify when the interest in the prior project was acquired (i.e. from bid, prior to FID, after COD, etc.).
- Evidence of past experience in delivering the preferred technology for the proposed project.
- Evidence of past experience in delivering feasibility works in offshore wind, onshore wind, electricity and/or large-scale infrastructure projects of a similar size in a timely manner including how the feasibility works successfully addressed risks and uncertainties to progress the prior project/s to a positive FID.

#### Past Financial Performance

Past financial experience based on the past three years annual financial statements for the applicant and entities in its Corporate Structure that it is relying on.

- Provide audited Consolidated Financial Statements for the last three years where available including: profit and loss, balance sheet and statement of cash flows, and accompanying notes. The statements must be audited by an independent auditor.
- Where an entity providing financial statements is a corporate trustee, provide a copy of the trust deed specifying how funds are made available to the trustee, and evidence of the funds available in the trust. Note that the assessment will also apply to the trust and evidence of the past performance of the trust must be provided.





	<p>If an applicant is a newly established entity without historical financial statements, it will need to provide audited consolidated financial statements for an entity in its corporate structure which it is relying on in order to meet the merit criteria.</p> <ul style="list-style-type: none"><li>Evidence of past financial performance in funding prior and current offshore infrastructure or large-scale infrastructure projects of a similar size to that proposed in the feasibility licence application. Please refer to example table format at Attachment A.</li></ul>	
8	<p><b>Merit Criterion 4: Any Criteria Prescribed by The Licensing Scheme – Proposed Project for The Licence is in The National Interest</b></p> <p><u>Impact on, and Contribution to, the Australian Economy and Local Communities</u></p> <p>Discuss in as much detail as available the impacts and contributions of the proposed project to the Australian economy and local communities. Include forecasts and assumptions, including any targets or commitments, including but not limited to:</p> <ul style="list-style-type: none"><li>Regional development</li><li>Job creation</li><li>Australian industries and the use of Australian goods and services.</li></ul> <p>Forecasts and assumptions should also be provided in relation to:</p> <ul style="list-style-type: none"><li>Benefits to the broader economy, potential jobs creation, workforce training, regional development, local content, , Gross Value Add, a breakdown of investment across local and foreign content, potential contribution to electricity grid supply, energy security, emissions reduction assumptions and/or benefits to international relations, where relevant.</li></ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>Assumptions and forecasts are expected to be preliminary and should be updated during the feasibility licence term through annual licence reports.</li><li>Assumptions and forecasts provided in the feasibility licence application will be reviewed during the assessment of any future commercial licence application to ascertain the realised impact and contribution of the project to the economy and the community.</li><li>Local communities means the communities that are located adjacent to or in close proximity to the proposed licence area.</li><li>Local content means Australian and New Zealand suppliers producing materials and components or providing services for offshore electricity infrastructure projects, including both construction and operations and maintenance.</li><li>Please refer to example format at Attachment A for job creation and investment table.</li></ul> <p><u>National Security</u></p> <p>Any matters the applicant considers relevant.</p> <p><u>Delivered Within a Reasonable Time</u></p> <p>A discussion of how the proposed project will be delivered within a reasonable time.</p> <ul style="list-style-type: none"><li>This may be a simplified discussion based on the Project Schedules noted above.</li></ul> <p><u>Efficient Use of Licence Area</u></p> <p>A discussion of how the proposed project would be the most efficient use of the licence area.</p> <ul style="list-style-type: none"><li>This should include justification for the proposed project as described, including the area selected, operational requirements, project type and size, route to market, timeframes for delivery, phasing if appropriate, etc.</li><li>Where potential risks or conflicts may arise with other uses or users of the licence area that could impact infrastructure layout and/or use of the proposed licence area, these should be identified and a justification provided demonstrating efficient use of the proposed licence area.</li></ul>	<input type="checkbox"/>



Conflicts With Other Uses or Users

Identify if there are any existing uses or users of the proposed licence area and provide a discussion on how the applicant intends to investigate, manage, and mitigate/resolve any potential conflicts that might arise if awarded a feasibility licence.